

RESOLUTION PC NO. 2021 - ____

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

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

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

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

Site Area: 2.5 adjusted gross acres

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

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

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

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

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

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

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

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

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

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

WHEREAS, pursuant to the Fontana Zoning and Development Code, site improvements and construction of a new commercial building requires the approval of a Design Review (DR); and

WHEREAS, the owners of property within 660 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the local Fontana Herald newspaper on Monday, September 27, 2021, posted at City Hall and onsite at the project site; and

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

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

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

NOW, THEREFORE, the Commission RESOLVES as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding No. 6: That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The planning commission may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to easements previously acquired by the public.

Findings of Fact: The design of Tentative Parcel Map No. 21-008 (TPM No. 20466) and public improvements will not conflict with access easements acquired by the public. The proposed lot is accessed from Sierra Avenue, which is publicly maintained streets. Currently, there are no other public access easements through or within the proposed project site. The subject property is not located within the Fire Hazard Overlay Zone; thus, the project is not subject to the requirements of the Fire Hazard Overlay Zone.

Section 4. The Planning Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, any oral or written comments received, and the administrative record prior to making any decision on the proposed project. The Planning Commission finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program contain a complete and accurate reporting of all the environmental impacts associated with the Project. The Planning Commission further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been completed in compliance with CEQA and the State CEQA Guidelines.

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

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

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

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on the 19th day of October, 2021.

City of Fontana

Cathline Fort, Chairperson

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ATTEST:

I, Idilio Sanchez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 19th day of October 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

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

October 19, 2021

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

PLANNING DEPARTMENT:

1. Tentative Parcel Map No. 20466 (TPM No. 20-008) is a request to consolidate two (2) for the future development of approximately 2.5 adjusted gross acres as approved by the Planning Commission on October 19, 2021, and as shown in an attachment under separate cover in the accompanying staff report.
2. The rights and privileges granted by this project shall not become effective, nor shall the applicant commence the use for which this project is granted, until both of the following have occurred:
 - a. All requirements of the Fontana City's Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
3. The applicant shall defend, indemnify, and hold harmless the City of Fontana or its agents, officers, and employees from any claim, action or proceeding against the City of Fontana or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission and/or City Council concerning this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of

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

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

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

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

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

10. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.

ENGINEERING DEPARTMENT:

PRIOR TO MAP RECORDATION

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

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

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

EXHIBIT "B"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

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

DATE: October 19, 2021

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

PLANNING DEPARTMENT

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

officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

5. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
6. The conditions of approval shall be posted in a location on the property in which it is readily visible to employees and agents of the business.
7. The applicant shall keep the site well-maintained and operate the facility in a professional manner. The property owner shall abate any graffiti at the project site within 48 hours of appearance of such graffiti.
8. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
9. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited

to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.

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

POLICE DEPARTMENT

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

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

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

ENGINEERING DEPARTMENT

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

END OF CONDITIONS OF APPROVAL

EXHIBIT "C"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

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

DATE: October 19, 2021

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

PLANNING DEPARTMENT

1. Design Review No. 21-017, is a request to operate a charter high school (Real Journey Academies, Inc.) grades 9th through 12th with a maximum capacity of 800 students along with review of improvements that include constructing a 51,000 square foot building along with the development of an outdoor physical education (PE) area, fencing, drop off/pick up area, and parking area on approximately 2.5 adjusted gross acres as approved by the Planning Commission on October 19, 2021 and as shown in Attachment Nos. 1-4.
2. Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
3. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - A. All the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work.
 - B. All requirements of the Fontana Municipal Code shall be complied with.
 - C. All other Conditions of Approval imposed by this project have been fulfilled.
4. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Community Development or his/her designee. Major structural and aesthetic

changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval.

5. This project will comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
6. The occupants of this facility shall comply with applicable provisions of local, state and federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, including, but not limited to the City's adopted Hazardous Materials Management Plan and Industrial Wastewater/Discharge requirements.
7. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

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

have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.

10. The construction contractor shall use the following source controls at all times:
 - a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
 - b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - d. Have only necessary equipment onsite.
 - e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 - f. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
11. All new roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets to the satisfaction of the Director of Community Development.
12. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Community Development or his/her designee.
13. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Division.
14. The applicant shall keep the site, including landscaping, well maintained and operate the facility in a professional manner. The property owner shall abate any graffiti at the project site within 48 hours of appearance of such graffiti.
15. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
16. A Planning Division final inspection fee shall be paid prior to issuance of the Certificate of Occupancy.

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

BUILDING & SAFETY

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

21. The applicant shall install an automatic fire suppression system, which is required in all new construction per FMC Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.

22. The applicant shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.

23. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.

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

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

26. The applicant shall comply with the following grading requirements:
 - A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
 - B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
 - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
 - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
 - E. No water course or natural drainage shall be obstructed.

- F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
- G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
- H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.

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

- I. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
 - 1. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
 - 2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
 - 3. All proposed drainage structures; and
 - 4. Any proposed and/or required walls or fencing.
- 27. All exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
- 28. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
- 29. All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

- 30. The following items (as applicable) shall be completed by the applicant and submitted to Building & Safety prior to the issuance of building permits for this project:
 - A. Precise grading plans shall be approved

- B. Rough grading completed
 - C. Compaction certification
 - D. Pad elevation certification
 - E. Rough grade inspection signed off by a City Building Inspector
31. The applicant shall combine the existing parcels into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.
32. Provide (2) "Clean Air/EV" parking stalls.

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

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

FONTANA FIRE PROTECTION DISTRICT

34. **Jurisdiction.** The above referenced project is under the jurisdiction of the Fontana fire Protection District (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
35. **Fire Access Road Width.** Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code sec 503, SBCFD Standard 503.1
36. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns. California Fire Code sec 503, SBCFD Standard 503.1
37. **Street Signs.** Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code sec. 505, SBCFD Standard 505.1

38. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and “No Parking, Fire Lane” signs shall be installed on public and private roads in accordance with approved standards. SBCFD Standard 501.
39. **Water System Commercial.** Prior to map recordation, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1

The Fire Flow for this project shall be: 3,000 GPM for a 4- hour duration at 20 psi residual operating pressure. Fire Flow is based on a 51,000 sq.ft. structure.
40. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
41. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite.
42. **Combustible Protection.** Prior to combustibles being placed on the project site an approved paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed. California Fire Code sec 508, SBCFD Standard 508.1
43. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. SBCFD Standard 903.
44. **Fire Alarm, Manual or Automatic.** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code sec. 907, SBCFD Standard 907 FA-E.
45. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code sec. 906.
46. **Commercial Addressing.** Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (8) inches in height and with a one (1) inch stroke. The street

address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (800) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. SBCFD Standard 505.1

47. **Illuminated Site Diagram.** The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant. SBCFD Standard 505.1
48. **Key Box.** An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. SBCFD Standard 506
49. **Security Gates.** In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Where an automatic electric security gate is used, an approved Fire Department override switch is required. SBCFD Standard 503.1.2
50. **Secondary Access.** The development shall have a minimum of 2 points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCFD Standard 503.1

POLICE DEPARTMENT

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

ENGINEERING DEPARTMENT

52. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
53. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.
54. Applicant shall place the gate at the northerly exit-only driveway approach at the property line.

PRIOR TO ISSUANCE OF GRADING PERMIT

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

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

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

PRIOR TO FINAL ACCEPTANCE OF PROJECT

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

END OF CONDITIONS OF APPROVAL