

RESOLUTION NO. PC 2022-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 22-004 AND ADMINISTRATIVE SITE PLAN NO. 21-051, A REQUEST FOR SITE AND ARCHITECTURAL REVIEW TO CONSTRUCT A 871 SQUARE FOOT DRIVE-THROUGH COFFEE SHOP WITHIN A COMMERCIAL CENTER AT THE NORTHEAST CORNER OF SIERRA AVENUE AND SOUTH HIGHLAND AVENUE.

WHEREAS, the City of Fontana received an application on October 25, 2021, for an Administrative Site Plan and Conditional Use Permit, to approve the site and architectural review to construct a 871 square foot restaurant with a drive-through within a commercial center.

Project Applicant: Kimberly Raden
 Armet Davis Newlove & Associates
 38 Executive Park, Suite 310
 Irvine, CA 92614

Project Location: The project site is located in a commercial center at the northeast corner of Sierra Avenue and South Highland Avenue
 (APN: 0240-121-37)

Site Area: 19,609 square feet (0.45 Ac)

WHEREAS, the subject site was annexed from San Bernardino County into the City of Fontana on October 8, 1981 (ANN0102); and

WHEREAS, the site was made a part of the Walnut Village Specific Plan and given the land use designation of “The Corner” in January of 1983 and the establishment of the Auto Center Overlay District on October, 4, 2005; and

WHEREAS, the proposal is to establish a 871 square foot drive-through coffee shop with a dual drive through lane at the Highland Village shopping center; and

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as Exhibit “A” and “B” for the Conditional Use Permit No. 22-004 and Administrative Site Plan No. 21-051; and

WHEREAS, Staff has determined the previously adopted Initial Study/Mitigated Negative Declaration for Master Case No 15-018 approved by the Planning Commission October 6, 2015, has adequately identified the impacts associated with the project. No further review is required pursuant to Section No. 15162 of the California Environmental Quality Act and Section No. 6.22 of the 2019 Local Guidelines for Implementing CEQA; and

WHEREAS, the owners of property within 660 feet of the boundaries 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 May 6, 2022, posted at City Hall and at the project site; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on May 17, 2022; and

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

NOW, THEREFORE, the Commission RESOLVES as follows:

Section 1. The City of Fontana's, Planning Commission hereby makes the following findings for Conditional Use Permit No. 22-004 in accordance with Section 30-150 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: This project, as proposed, is a request for the Planning Commission to review and approve the site and architectural design for the construction of an 871 square foot fast food restaurant with a drive-thru on an approximately 19,609 square foot parcel in a multi-tenant commercial center (Highland Village). The General Plan designation for the project site is C-C (Community Commercial) with the Auto Center Overlay and Walnut Village Specific Plan. The land designations encourage a variety of retail, restaurant and drive-through uses to service the surrounding housing communities. The proposed use is an allowable use with all applicable zoning districts, and it complies with all applicable provisions of the Zoning and Development Code, Municipal Code, General Plan, Walnut Village Specific Plan, and the Auto Overlay.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, is physically suited for the site. There is proper access and

availability to utilities. The necessary improvements to create a safe and functional project are being implemented. The developer is providing a two-lane drive-through to meet and exceed performance criteria and development standards. In addition there will be a bypass/exit lane to allow customers who receive their order early to exit the drive-through lane. The proposed building has been reviewed by Planning, Engineering, Building and Safety, Police Department, and County Fire Prevention for site circulation, access, and safety. The project meets or exceeds the standards of the Walnut Village Specific Plan and Auto Center Overlay.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, would not be detrimental to the public interested, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity. The site is currently vacant, and the development of this project would complete the final improvements needed to complete the Highland Village shopping center. Specific improvements such as providing a dual drive-through lane and a bypass/exit lane will maintain a safe and convenient traffic flow. The developer provided a traffic operation plan prior to approval detailing where cars would stack in the event that there is an overflow of traffic in the driveway lanes. Staff has determined that the proposed traffic operations plan will be effective.

Section 2. The City of Fontana's, Planning Commission hereby makes the following findings for Administrative Site Plan No. 21-051 in accordance with Section 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.**

Findings of Fact: This project, as proposed, is a request for the Planning Commission to review and approve the site and architectural design for the construction of an 871 square foot fast food restaurant with a drive-through on an approximately 19,609 square foot parcel in a multi-tenant commercial center (Highland Village Shopping Plaza). The General Plan designation for the project site is C-C (Community Commercial) with the Auto Center Overlay and Walnut Village Specific Plan. The proposed project, is consistent with the goals and policies of the General Plan and applicable provisions of the Auto Center Overlay land use area by providing supporting commercial uses that support the Auto Center. The project meets or exceeds the

standards of the Walnut Village Specific Plan and the Auto Center Overlay.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1 will make the remaining improvements on site to the complete the Highland Village shopping center. The commercial center has three (3) access points along South Highland Avenue, sidewalks, drainage, and grading to provide a safe and well-designed project. The proposed project will bring a well-known use to the shopping center that will stimulate economic growth within the shopping center. In efforts to promote a safe and desirable development, the developer will provide a dual drive-through lane. In addition, the applicant has provided a traffic operational plan in the event that additional stacking is needed for high demand times. The Dutch Bros company is known for dedicating staff to take orders, payments, and deliver orders outside to increase movement of the drive-through. The design of the drive-through includes a bypass/exit lane for customers who receive their orders advance—allowing the line to move forward.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, has been determined to be aesthetically and architecturally pleasing and compatible with the surrounding area and commercial center, while also providing a development that has been designed with features (appropriate architectural, landscaping, and exterior lighting) consistent with the Community Commercial and Auto Center Overlay districts. The primary exterior finish is stucco with stone veneer, modern metal awnings, and cornices at the top of the parapet walls. The building will complement the pad buildings in the Highland Village commercial center.

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

Findings of Fact: The proposed development and improvements complies with the Fontana City Code. The commercial center has three (3) access

points along South Highland Avenue, sidewalks, drainage, and grading to provide a safe and well-designed project. The developer is preparing the site with a dual drive-through lane, as well as a bypass/exit lane to reduce traffic concerns with the drive-through. In addition, the developer has provided a traffic operational plan detailing where cars will stack in the event that there is an overflow of vehicles. The site is currently vacant, and the project will make the remaining improvements on site to complete the shopping center. The proposed building has been reviewed by Planning, Engineering, Building and Safety, Police Department, and County Fire Prevention for site circulation, access, and safety. The project meets or exceeds the standards of the Walnut Village Specific Plan and the Auto Center Overlay.

Section 3. Based on the foregoing, the City of Fontana's Planning Commission hereby approves Conditional Use Permit No. 22-004 and Administrative Site Plan No. 21-051.

Section 4. Based on the foregoing, the City of Fontana Planning Commission hereby finds that the previously adopted Initial Study/Mitigated Negative Declaration has adequately identified the impacts associated with the project pursuant to Section 15162 of the California Environmental Quality Act and Section 6.22 of the 2019 Local Guidelines for Implementing CEQA, and directs staff to file a Notice of Determination, approve Conditional Use Permit (CUP) No. 22-004 and approve Administrative Site Plan 21-051 subject to the conditions of approval as shown in the attached **Exhibits "A" through "B"** for the construction of a 871 square foot drive-through coffee shop.

Section No. 5. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department– Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

Section No. 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 17th day of May 2022.

City of Fontana

Cathline Fort, Chair

Resolution No. PC 2022-_____

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 17th day of May 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Conditional Use Permit No. 22-004
Master Case No. 21-104

DATE: May 17, 2022

LOCATION: The project site is located within the commercial center located at the northeast corner of Sierra Avenue and South Highland Avenue.

PLANNING DEPARTMENT:

1. This approval is for Conditional Use Permit No. 22-004, to allow the proposed 871 square foot coffee shop to operate a drive-thru, as approved by the Planning Commission on May 17, 2022.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - a. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy (C of O) or other document evidencing the City's final inspection and acceptance of the work.
 - b. All requirements of the Fontana Municipal Code shall be complied with.
 - c. All other Conditions of Approval imposed by this project have been fulfilled.
3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety, or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section No. 30-31 of the Municipal Code.
4. 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. This Conditional Use Permit shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
6. 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.
7. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of the Planning Department or his/her designee.
8. All signs shall be reviewed under a separate Design Review Sign application.
9. There shall be a maximum of two (2) menu boards on site.
10. Operation of the drive-thru shall not result in stacking of vehicles on the public streets at any time.
11. Operation of the drive-thru shall not result in stacking of vehicles in such a manner that would result in obstruction to any access aisle of parking spaces for other tenants in the retail center, or the main drive aisles for the retail center.
12. The landlord shall stipulate in the lease for the tenant using the drive-thru land that should conflicts occur between vehicles parking and/or circulating in the parking areas and vehicles queuing for the drive-thru, staff of the drive-thru operation shall provide traffic control, take orders ahead of the menu boards, and/or utilize all require methods to eliminate those conflicts.

13. Staff of the drive-thru operation shall direct vehicles, take orders ahead of the menu boards, or utilize other methods to ensure there are no conflicts between cars parking and queuing for the drive-thru.
14. The applicant shall adhere to the approved traffic operations plan in the event that cars stack up outside of the designated drive-through lane.
15. In the event that the City decides that the approved traffic operations plan is not effective, the applicant shall cooperate with the City to make modifications to the back up traffic plan as necessary and implement operational changes on site should there be any impacts with stacking of vehicles within the shopping center and/or within the public right of way in South Highland Avenue.

EXHIBIT "B"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Administrative Site Plan No. 21-051
Master Case No. 21-104

DATE: May 17, 2022

LOCATION: The project site is located within the commercial center located at the northeast corner of Sierra Avenue and South Highland Avenue.

PLANNING DEPARTMENT:

1. This approval is for Administrative Site Plan No. 21-051 to construct an 871 square foot drive-through coffee shop as approved by the Planning Commission on May 17, 2022.
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 all of the following have occurred:
 - A. All requirements of the Fontana Municipal Code shall be complied with.
 - B. All Conditions of Approval imposed on this project have been fulfilled.
 - C. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's final inspection and acceptance of the work.
3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 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 on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
5. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of

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. Changes made without approval as stated herein, will prevent the occupancy of the residential structure until corrections are approved in writing by all appropriate staff.

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

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

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

7. All signs shall be reviewed under a separate Design Review Sign application.
8. There shall be a maximum of two (2) menu boards on site.
9. This project will comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
10. Color combinations and color schemes for commercial buildings approved with an Administrative Site Plan application by the Planning Commission shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Community Development. The Director of Community Development shall have the authority to refer minor hue color changes to the original approving body for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.

11. Bicycle parking racks or secured bicycle lockers shall be provided for this development. Bicycle racks or lockers shall be provided at a rate of one bicycle parking space per 20 automobile parking spaces with a minimum of a two-bike rack.
12. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the general plan.
13. All roof-mounted equipment shall be screened from view of adjacent properties and public rights-of-way by a parapet in height equal or greater to the installed unit with colors and materials that complement the building architecture, as approved by the Director of Community Development.
14. Prior to the issuance of a Certificate of Occupancy, the applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Community Development.
15. All Commercial buildings shall provide refuse collection areas (AB 1327). Design plans shall be submitted and approved prior to construction and shall meet the following design requirements:
 - A. The trash enclosure shall be of an adequate size to contain a refuse and recycling bin and provide convenient accessibility for the collection of these materials. Standard bin sizes for commercial establishments are 7'L x 4'W x 5'H.
 - B. Collection areas must adequately protect recyclable materials from the harmful effects of the weather (FMC 24-12, AB 1327 [1993])
 - C. Enclosures for both refuse and vacuum equipment shall conform to the city design requirements, including the trellis. The roof material shall aesthetically match the tile roofing used within the shopping center.
16. All Conditions of Approval from Design Review No. 15-002, Design Review No. 15-002R1, and Design Review No. 15-002R2 that are applicable to the current project shall remain in effect.
17. The construction contractor shall use the following source controls at all times:
 - a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
 - b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.

- d. Have only necessary equipment onsite.
 - e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 - f. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - g. Temporarily enclose localized and stationary noise sources.
 - h. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
18. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of the Planning Department or his/her designee.
19. Historic Archaeological Resources
- a. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
 - b. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
 - c. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American

archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

20. Operation of the drive-thru shall not result in stacking of vehicles on the public streets at any time.
21. Operation of the drive-thru shall not result in stacking of vehicles in such a manner that would result in obstruction to any access aisle of parking spaces for other tenants in the retail center, or the main drive aisles for the retail center.
22. The landlord shall stipulate in the lease for the tenant using the drive-thru land that should conflicts occur between vehicles parking and/or circulating in the parking areas and vehicles queuing for the drive-thru, staff of the drive-thru operation shall provide traffic control, take orders ahead of the menu boards, and/or utilize all require methods to eliminate those conflicts.
23. Staff of the drive-thru operation shall direct vehicles, take orders ahead of the menu boards, or utilize other methods to ensure there are no conflicts between cars parking and queuing for the drive-thru.
24. The applicant shall adhere to the approved traffic operations plan in the event that cars stack up outside of the designated drive-through lane.
25. In the event that the City decides that the approved traffic operations plan is not effective, the applicant shall cooperate with the City to make modifications to the back up traffic plan as necessary and implement operational changes on site should there be any impacts with stacking of vehicles within the shopping center and/or within the public right of way in South Highland Avenue.

PRIOR TO ISSUANCE OF GRADING PERMIT

26. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
27. 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.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

28. Development fees and Planning Division final inspection fee must be paid prior to Certificate of Occupancy.

ENGINEERING:

29. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
30. The Applicant shall obtain design and plan approval from all utility providers having jurisdiction over the on-site and off-site utilities. Completion of all undergrounding of on-site and off-site utilities is required by Section 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
31. The Applicant shall maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to issuance of final certificate of occupancy by the City.
32. The Applicant shall make modifications as necessary and implement operational changes in the field should there be any impacts with stacking of vehicles within the public right of way in South Highland Avenue.

PRIOR TO ISSUANCE OF GRADING PERMIT

33. The Applicant shall submit and gain approval of a complete Water Quality Management Plan report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

34. The Applicant shall provide a copy of the recorded Covenants, Conditions and Restrictions.
35. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

36. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
37. The Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.
38. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
39. The Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency

Landscape Ordinance (Ordinance 1743, FCC Section 28).

40. All sewers and storm drains shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Storm drain video shall include main lines and laterals. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. Videos to be inspected and approved by City Inspection. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
41. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water Best Management Practice transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

BUILDING & SAFETY:

42. Shall comply with the latest adopted edition of the following codes as applicable:
 - A. California Building Code
 - B. California Residential Code
 - C. California Electrical Code
 - D. California Mechanical Code
 - E. California Plumbing Code
 - F. California Energy Code
 - G. California Fire Code
 - H. California Green Building Standards Code
43. Automatic fire suppression systems shall be installed in all new construction per Article II, Chapter 11 of the Code of the City of Fontana. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
44. 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.
45. 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.
46. 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-off.
 - B. All drainage water shall drain via approved methods, to an approved location – public street, public drainage system, etc.
 - C. Drainage water shall not cross over a public sidewalk. Drainage water may however cross under a sidewalk if an approved drainage structure is used.
 - D. No water course or natural drainage shall be obstructed.
 - E. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
 - F. Drainage water shall not pass from an ‘improved’ type of drainage structure to an ‘unimproved’ type of drainage structure (e.g., concrete swale to slag or dirt swale) unless otherwise approved by the Building Official.
 - G. 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.
 - H. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
 - 47. 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
 - 48. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
 - 49. All proposed drainage structures; and
 - 50. Any proposed and/or required walls or fencing.
51. The applicant shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

52. The following items shall be completed and/or submitted to Building & Safety – as applicable – prior to the issuance of building permits for this project:
- A. Precise grading plans shall be approved
 - B. Rough grading completed
 - C. Compaction certification
 - D. Pad elevation certification
 - E. Rough grade inspection signed off by a City Building Inspector

ENVIRONMENTAL CONTROL:

Prior to Certificate of Occupancy or Permit Approval

- 53. All commercial facilities conducting activities listed below shall submit an Industrial Wastewater Discharge Permit application to the Public Works Department, Environmental Control (FMC 23-218).
- 54. All restaurants or other food processing facilities (FMC23-218).
- 55. All facilities maintained for processing, filtering, softening or conditioning of water (FMC 23-218).

Prior to the Issuance of Construction Permits

- 56. Any facility proposing the discharge of non-domestic wastewater to the sanitary sewer shall demonstrate in the plan check process, through the submittal of detailed plans showing pretreatment facilities and operating procedures, that the user will pretreat wastewater to a level required to comply with FMC 23-136 - Concentration Limitations and/or FMC 23-138 – Applicability of Federal Categorical Pretreatment Standards, and/or any other applicable standard as established (FMC 23-186).
- 57. All commercial or industrial facilities within the following categories must install a gravity separation interceptor to comply with the requirements of the Fontana Municipal Code (FMC Section 23-190) unless the requirement is modified by a variance issued by the Public Works Manager.
- 58. All restaurants or other food processing facilities (FMC 23-163). Conditional waivers for the grease interceptor requirement may be granted by the Public Works Manager in accordance with section 23-52 for those restaurants or food processing facilities determined not to have adverse effects on the Publicly Owned Treatment Works (POTW).