

**RESOLUTION NO. PC 2022-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING VARIANCE NO. 21-002, TENTATIVE TRACT MAP 20307 (TTM NO. 21-001), AND DESIGN REVIEW NO. 21-005 TO SUBDIVIDE AN EXISTING PARCEL COMPRISED OF APPROXIMATELY 2.03 ACRES INTO NINE INDIVIDUAL LOTS FOR RESIDENTIAL DEVELOPMENT, REDUCE THE REQUIRED LOT DEPTH FOR LOT NOS. 1, 2, 3, 7, 8, AND 9, AND DEVELOP THE SITE WITH SINGLE FAMILY HOMES AND ASSOCIATED IMPROVEMENTS.**

**WHEREAS**, the City of Fontana received an application on February 22, 2021, for a request to subdivide an existing parcel comprised of approximately 2.03 acres into nine individual lots for single family development, reduce the required lot depth for specified lots, and develop the lots with single family homes; and

Project Applicant: Omar Marroquin  
1188 W Marshall Blvd.  
San Bernardino CA 92405

Project Location: The project site is located on the southwest corner of Oleander Avenue and Randall Avenue (APN: 0193-172-13).

Site Area: Approximately 2.03 adjusted gross acres

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

**WHEREAS**, the project is Categorical Exempt pursuant to Section No. 15332, (Class No. 32, In-Fill Development Project) of the California Environmental Quality Act (CEQA) and Section No. 3-18 (Certain Infill Projects) of the 2019 Local Guidelines for implementing CEQA; and

**WHEREAS**, the subject site includes one (1) parcel (APNs: 0193-172-13) that was previously developed with a single family dwelling and was incorporated into the City of Fontana in 1952. This request includes approving Tentative Tract Map No. 20307 to establish nine lots for the purpose of single-family homes; and

**WHEREAS**, on September 6, 2022, the Planning Commission received public testimony on Variance No. 21-002, Tentative Tract Map No. 20307 (TTM No. 21-001), and Design Review No. 21-005, and

**WHEREAS**, pursuant to Article II, Division 21 of the Zoning and Development Code, a subdivision of five (5) or more parcels requires approval of a Tentative Tract Map application; and

**WHEREAS**, pursuant to Article II, Division 14 of the Zoning and Development Code, deviation from the standards of the Zoning and Development Code requires approval of a Variance; and

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

**WHEREAS**, Conditions of Approval have been prepared and are attached hereto as Exhibit "A" for the Tentative Parcel Map 20307 (TTM No. 21-001 and Exhibit "B" for the Design Review Project No. 21-031; 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 August 26, 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 the information, evidence, and testimony presented at its public hearing on September 6, 2022; and

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

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

**SECTION NO 1.** The City of Fontana's Planning Commission hereby makes the following findings for Variance No. 21-002 in accordance with Section No. 30-208 "Findings for Approval" for Administrative Variance of the Zoning and Development Code:

**Finding No. 1:**      **That because of circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of this chapter will deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.**

**Findings of Fact:**      The proposed variance is for a reduction of the required lot depth for Lot Nos. 1, 2, 3, 7, 8, and 9 of TTM No. 20307. The minimum lot depth for single-family residential lots is 100 feet and the applicant has requested to reduce it to a 94-foot minimum lot depth for the project. The subject property is located in an area that is comprised of both rectangular shaped lots as well as irregular end of cul-de-sac lots (knuckles). Some of these existing irregular end of cul-de-sac lots (knuckles) in the project vicinity are less than 100 feet and are consistent with the depth reduction to 94 feet as requested by the proposed variance. Therefore, this variance would not be

considered a special circumstance that other property owners will not enjoy.

**Finding No. 2:**      **That the granting of such an administrative variance will be subject to conditions assuring that the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located.**

Findings of Fact:      This administrative variance request is proposed in conjunction with Tentative Tract Map and Design Review applications. Conditions of approval are proposed for the Design Review and Tentative Tract Map. As stated in Finding No. 2, the subject property is located in an area developed with lots located along through streets and cul-de-sacs. The lot configuration of the project area is comprised of both rectangular shaped lots as well as irregular end of cul-de-sac lots (knuckles). Some of these irregular end of cul-de-sac lots (knuckles) lots in the project vicinity are less than 100 feet and are consistent with the depth reduction to 94 feet as requested by the proposed variance; therefore it would not constitute a granting of a special privileges that is inconsistent with other properties in the vicinity.

**Finding No. 3:**      **That the administrative variance does not authorize a use or activity which is not a specifically allowed use in the zoning district in which the property is located.**

Findings of Fact:      The project site is located in the Single-Family (R-1) zoning district, which allows for detached residences on individual lots within defined neighborhoods. Single-family dwellings are permitted within this zone with the approval of a Design Review. Therefore, the granting of this variance will not authorize a use that is not specifically allowed in the zone where to property is located.

**SECTION NO 2.** The City of Fontana's Planning Commission hereby makes the following findings for Tentative Tract Map No. 20307 (TPM No. 21-001) in accordance with Section No. 26-55 Hearing; criteria for approval for Tentative Tract Maps of the Fontana Municipal Code:

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

Findings of Fact:      Tentative Parcel Map No. 20307 (TPM No. 21-001), is a request to subdivide one (1) parcel of approximately 2.03 acres into nine (9) parcels to allow for the development of nine (9) single family homes and (9) accessory dwelling units. Tentative Tract Map No. 20307 is consistent with the General Plan Land Use Designation for the

project site, which is Single Family Residential (R-SF). The R-SF designation includes detached single-family housing with density ranging from 2.1 to 5 dwelling units per acre. The Tentative Tract Map establishes right-of-way dedications and other improvements associates with the development on the subject site.

**Finding No. 2: The design and improvements of the proposed Tentative Tract Map are consistent with the General Plan.**

Findings of Fact: The design of Tentative Tract Map No. 20307 establishes right-of-way dedications and other improvements associated with the nine single family dwellings project. The lot size and street configuration conform to the requirements of the Land Use, Zoning, and Urban Design Element, Community Mobility and Circulation Element, Subdivisions (Chapter No. 26) and the Zoning and Development Code (Chapter No. 30). The project includes 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: With the approval of the proposed variance, the project site of approximately 2.03 acres is an adequate size to accommodate the proposed single-family dwellings, off-site improvements, and landscaping. The site will be consistent with surrounding neighborhoods and conform to the requirements in the Zoning and Development Code.

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

Findings of Fact: The design of the Tentative Tract Map No. 20307 is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. The site is neither located in an area identified as sensitive habitat nor is it an area that would support sensitive wildlife. The project could not have a significant effect on the environment as a result of project implementation.

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

Findings of Fact: Tentative Parcel Map No. 20307 will not cause health problems. The proposed development complies with the Subdivisions (Chapter No. 26), the Zoning and Development Code (Chapter No. 30), and the General Plan. The improvements include public sewer, public storm drain, streets, sidewalks, drainage, and grading to provide a safe and well-designed project for the area. Therefore, the project shall promote the public health, safety, and welfare of the surrounding community.

**Finding No. 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.**

Findings of Fact: The design of Tentative Tract Map No. 20307 and the associated improvements will not conflict with any access easements acquired by the public. Currently, there are no public access easements through or within the proposed project site. The proposed lots will be accessed from a public maintained street off of Oleander Avenue.

**SECTION NO 3.** The City of Fontana's Planning Commission hereby makes the following findings for Design Review No. 21-005 in accordance with Section No. 30-120 "Findings for Approval" for Design Review of the Zoning and Development Code:

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

Findings of Fact: . The project is located on the southwest corner of Oleander Avenue and Randall Avenue with a frontage of approximately 266 feet and a depth of 333 feet. The project site has a General Plan land use designation of Single-Family Residential (R-SF). The R-SF designation includes detached single-family housing with density ranging from 2.1 to 5 dwelling units per acre.

The General Plan is the document that sets the framework for the City of Fontana and provides the overall policies for development within the community. Furthermore, the General Plan encourages a variety of development including single-family housing pursuant to the City of Fontana's, General Plan Land Use, Zoning, and Urban Design Element, Chapter No. 15, Goal No. 3 (page 15.37-15.38) and Chapter No. 15, Goal No. 7 (page 15.40-15.41).

The proposed project is located within the Single-Family Residential (R-1) zoning district with no related Community/Specific Plan. The R-1 zoning district permits detached homes on individual lots within defined neighborhoods. As proposed, the applicant is requesting to construct nine single-family homes on each lot.

The development, as proposed, will conform to the provisions of the Zoning and Development Code. This Development meets the criteria contained in the Design Review section of the Municipal Code. The project is aesthetically enhanced with architectural detail. The buildings will not exceed maximum lot coverage of 45 percent. The project will be an appropriate and desirable development for the community. The development will comply with the required setbacks. The applicant has applied for a variance to reduce the required depth of the lot from 100 to 94 feet for the project; however, other applicable development standards specified in the Zoning and Development Code will be met.

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

**Findings of Fact:** The proposed project as identified and referenced in Finding No. 1, above, is located within the Single-Family Residential (R-1) zoning district and has been determined to be aesthetically and architecturally pleasing and compatible with the neighborhood. The proposed neighborhood is contemporary and true to style with the surrounding homes, resulting in high quality architectural design appropriate and desirable for the surrounding community. The proposed development will enhance the character of the surrounding residential area through appropriate attention to aesthetics and design.

The project includes street improvements: sidewalks, drainage, grading and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed neighborhood has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety.

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

**Findings of Fact:** The proposed project identified in Finding No. 1 and Finding No. 2, above, will result in much needed and appropriate improvements, not only for the project site, but the surrounding area as well. The project includes street improvements: sidewalks, drainage, grading and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed neighborhood has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. The proposed

project will provide a safe design for normal public access. These structures will be built pursuant to all applicable building, zoning, and fire codes and standards and, therefore, shall promote the public health, safety, and welfare of the surrounding community.

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

Findings of Fact:      The proposed project as identified and referenced in Finding No. 1, Finding No. 2, and Finding No. 3, above, has been determined to be appropriate and will result in a safe, well-designed development. The Tract has been designed and will be developed with appropriate pavement, curb, cutter, and sidewalk. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. The character of the surrounding neighborhood reflects residential uses consisting of both single-family and multi-family dwellings.

**SECTION NO. 4.** Based on the foregoing, the City of Fontana Planning Commission determines that this project is Categorically Exempt pursuant to Section 15332 Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the Local 2019 Guidelines for Implementing CEQA. based on the following: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services; and that further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

**SECTION NO. 5.** Based on the foregoing, the City of Fontana's Planning Commission hereby approves Variance No. 21-002, Tentative Tract Map 20307 (TTM No. 21-001), and Design Review No. 21-031, subject to the conditions of approval, which are attached hereto as **Exhibits "A and B"** to this Resolution and incorporated herein by this reference.

**SECTION NO. 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 Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code, Section No. 21081.6.

**SECTION NO. 7.**      The Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this **6<sup>th</sup> day of September 2022**.

**City of Fontana**

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Cathline Fort, Chairperson

**ATTEST:**

I, Idilio Sanchez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the **6<sup>th</sup> day of September 2022**, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Idilio Sanchez, Secretary



**Exhibit “A”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. 21-017  
Tentative Tract Map 20307 (TTM No. 21-001) **DATE:** September 6, 2022

**LOCATION:** The project site is located on the southwest corner of Oleander Avenue and Randall Avenue (APN: 0193-172-13).

**PLANNING DEPARTMENT:**

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

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

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

2. This Tentative Tract Map shall become null and void two (2) years from the date of approval unless the Final map is recorded or the applicant applies for an extension of time in accordance with the provisions in the Subdivision Map Act and the provisions in the City's Municipal Code.
3. 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 and grading plans prior to issuance of any building or grading permits.
4. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until all of the following have occurred:
  - A. All requirements of the City of Fontana's Municipal Code shall be complied with.
  - B. All Conditions of Approval imposed on this project have been fulfilled.
  - C. All of the improvements, construction, alteration, and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's final inspection and acceptance of the work.
5. The applicant shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of the Planning Department. A note to this effect shall be placed on the map prior to recordation of the final map.
6. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manger's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-30 and Sections No. 30-31 of the Municipal Code.
7. Upon discovery of any cultural tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural tribal 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 other parts of the project while evaluation takes place.

Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe.

Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall 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.

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

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:

- i. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
    - ii. Temporarily enclose localized and stationary noise sources.
9. Prior to issuance of building permits, the project proponent shall pay the City's development impact fees.

#### **Prior to Issuance of Building /Construction Permits**

10. The applicant/developer/property owner shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development. The location shall be convenient for the residents and not block the line-of-sight for pedestrians or vehicle traffic.
11. The mailboxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office. The Post Office currently approves freestanding mailboxes that are F-series and wall-mounted boxes that are 4C series. The developer is responsible for contacting the Post Office for the type and location of the mailboxes within their development. Any replacements of the mailboxes subsequent to the original installation shall be the responsibility of the developer, each individual homeowner and/or the homeowners association, and the Post Office.

**BUILDING AND SAFETY DIVISION:**

12. The applicant/developer/property owner 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
13. The applicant/developer/property owner 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.
14. The applicant/developer/property owner shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.
15. The applicant/developer/property owner shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
16. The applicant/developer/property owner shall have the tract map recorded prior to the issuance of any building permits.

17. The applicant/developer/property owner shall comply with the following grading requirements:
- A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
  - B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
  - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
  - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
  - E. No water course or natural drainage shall be obstructed.
  - F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
  - G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
  - H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.  
  
The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.
  - I. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
    - i. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.);
    - ii. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.);
    - iii. All proposed drainage structures;
    - iv. Any proposed and/or required walls or fencing.
18. The applicant/developer/property owner shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

19. The applicant/developer/property owner shall provide video footage of all sewer lines after installation, prior to final.

**PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS**

20. 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

**ENGINEERING DEPARTMENT:**

21. 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.
22. 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.
23. 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.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

24. 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 MAP RECORDATION**

25. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
26. Applicant shall record Community Facility District (CFD) map as required for the development.

**PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS**

27. The Applicant shall record all map's, right-of-way dedications, easements, as required

for the development.

28. 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**

29. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
30. 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.
31. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
32. 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).
33. 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.
34. 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 Practices Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

#### **FIRE PROTECTION DISTRICT:**

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

36. 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
37. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; and all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns.
38. Water System Residential. Prior to map recordation, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet shall be provided. All fire hydrants shall be spaced no more than six hundred (600) feet as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1
39. The Fire Flow for this project shall be: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 2000 sq.ft. structure.  
  
The Fire Flow for this project shall be: 1,000 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 3600 sq. ft. structure Max.
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 job-site.
42. Fire Sprinkler-NFPA #13D. An automatic life safety fire sprinkler system complying with NFPA 13D and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. SBCFD Standard 903D.
43. Residential Addressing. The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (1/2) inch stroke. The address shall be visible from the street. During the hours of darkness,



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

44. 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
45. 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
46. Spark Arrestor. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with Fire Department requirements. California Building Code sec. 2082.

#### **MANAGEMENT SERVICES:**

47. To eliminate the negative fiscal impact on municipal services associated with this proposal, the project will be required to annex into an existing community facilities district (CFD) or form a new community facilities district (CFD) for the purpose of financing the costs of maintenance and operation of the street lighting, landscaping, parkways and the removal of or cover of graffiti within the boundaries of, or along the perimeter of the district. The district's annual levy will include an amount for the maintenance of city parks. The city will determine which is more appropriate for the project, establishing a new district or annexing into an existing district. The district formation or annexation must be completed prior to the issuance of building permits.

#### **END OF CONDITIONS OF APPROVAL**

**Exhibit “B”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. 21-017  
Design Review No. 21-005

**DATE:** September 6, 2022

**LOCATION:** The project site is located on the southwest corner of Oleander Avenue and Randall Avenue (APN: 0193-172-13).

**PLANNING DEPARTMENT:**

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

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

liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

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

2. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
3. 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 and grading plans prior to issuance of any building or grading permits.
4. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until all of the following have occurred:
  - A. All requirements of the City of Fontana's Municipal Code shall be complied with.
  - B. All Conditions of Approval imposed on this project have been fulfilled.
  - C. All of the improvements, construction, alteration, and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's final inspection and acceptance of work.
5. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of the Planning Department or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the residential structure until corrections are approved in writing by all appropriate staff.
6. The Director of the Planning Department, or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Design Review.
7. Upon discovery of any cultural tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be

assessed. All cultural tribal 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 other parts of the project while evaluation takes place.

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

Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall 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.

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

9. Foam treatment used for architecture features and/or projections located on the first floor (under 14-foot) shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of the Planning Department.
10. If solar panel systems are installed on the roof of any residential structure, the installation shall be on top or above the approved roof tile. If a solar panel system is flush mounted to the roof, matching roof tiles shall be replaced immediately upon removal of the solar panels.
11. All garage doors shall be metal, sectional roll-up and have windows.
12. Wall-mounted decorative lighting fixtures shall be provided at the front porch area as well as on each side of the garage door.
13. Prior to the issuance of a Certificate of Occupancy, the applicant/developer/property owner 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 the Planning Department or his/her designee.
14. All new block walls shall be constructed with a decorative block and capped with a prefabricated block cap.
15. The following electrical outlets and garage door opener will be provided in all garages:
  - A. Install one automatic garage door opener for the double garage door.
  - B. Install at least one duplex receptacle within garage.
16. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manger's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-30 and Sections No. 30-31 of the Municipal Code.

**Prior to Issuance of Building /Construction Permits**

17. The applicant/developer/property owner shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development. The location shall be convenient for the residents and not block the line-of-sight for pedestrians or vehicle traffic.
18. The mailboxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office. The Post Office currently approves freestanding mailboxes that are F-series and wall-mounted boxes that are 4C series. The developer is responsible for contacting

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

**BUILDING AND SAFETY DIVISION:**

19. The applicant/developer/property owner 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
20. The applicant/developer/property owner 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.
21. The applicant/developer/property owner shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.
22. The applicant/developer/property owner shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
23. The applicant/developer/property owner shall have the tract map recorded prior to the issuance of any building permits.
24. The applicant/developer/property owner shall comply with the following grading requirements:
  - A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.

- B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
  - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
  - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
  - E. No water course or natural drainage shall be obstructed.
  - F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
  - G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
  - H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.  
The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.
  - I. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
    - i. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.);
    - ii. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.);
    - iii. All proposed drainage structures;
    - iv. Any proposed and/or required walls or fencing.
25. The applicant/developer/property owner shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
26. The applicant/developer/property owner shall provide video footage of all sewer lines after installation, prior to final.

**PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS**

27. 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

**ENGINEERING DEPARTMENT:**

28. All Conditions of Approval issued to Tentative Tract Map No. 20307 shall apply.
29. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.

**FIRE PROTECTION DISTRICT:**

30. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department (herein “Fire Department”). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
31. 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
32. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; and all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns.
33. Water System Residential. Prior to map recordation, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet shall be provided. All fire hydrants shall be spaced no more than six hundred



(600) feet as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1

34. The Fire Flow for this project shall be: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 2000 sq.ft. structure.

The Fire Flow for this project shall be: 1,000 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 3600 sq. ft. structure Max.

35. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
36. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.
37. Fire Sprinkler-NFPA #13D. An automatic life safety fire sprinkler system complying with NFPA 13D and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. SBCFD Standard 903D.
38. Residential Addressing. The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (½) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances. California Fire Code sec. 505, SBCFD Standard 505.1
39. 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
40. 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
41. Spark Arrestor. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with Fire Department requirements. California Building Code sec. 2082.

**MANAGEMENT SERVICES:**

42. To eliminate the negative fiscal impact on municipal services associated with this proposal, the project will be required to annex into an existing community facilities district (CFD) or form a new community facilities district (CFD) for the purpose of financing the costs of maintenance and operation of the street lighting, landscaping, parkways and the removal of or cover of graffiti within the boundaries of, or along the perimeter of the district. The district's annual levy will include an amount for the maintenance of city parks. The city will determine which is more appropriate for the project, establishing a new district or annexing into an existing district. The district formation or annexation must be completed prior to the issuance of building permits.

**END OF CONDITIONS OF APPROVAL**