

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW NO. 22-027, A REQUEST TO DEVELOP AND OPERATE A 24-UNIT APARTMENT PROJECT WITHIN A THREE-STORY BUILDING ON ONE (1) PARCEL TOTALING APPROXIMATELY 0.7 ADJUSTED GROSS ACRES LOCATED AT 8969 NEWPORT AVENUE (APN: 0194-012-02).**

**WHEREAS**, the City of Fontana received an application on April 20, 2022, for the site and architecture review to construct and operate a 24-unit apartment project within one three-story building totaling approximately 28,317 square feet located within the Multi-Family subdistrict of the Form-Base Code (FBC) Zoning District over one (1) parcel totaling approximately 0.7 adjusted gross acres,

**Project Applicant:** Andresen Architecture  
17087 Orange Way  
Fontana, CA 92335

**Project Location:** 8969 Newport Avenue  
APN: 0194-012-02

**Site Area:** Approximately 0.7 adjusted gross acres

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

**WHEREAS**, the proposal is for the establishment of a 24-unit apartment project within one three-story building totaling approximately 28,317 square feet; 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 Design Review No. 22-027; and

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

**WHEREAS**, the subject site includes one (1) parcel, totaling approximately 0.7 adjusted gross acres, that may have not been previously developed before 1984, and the parcel was part of the original incorporation of the City of Fontana from San Bernardino County on June 25, 1952; and

**WHEREAS**, pursuant to Article III of the Zoning and Development Code, a multi-family/apartment project up to 39 dwelling units per acre is a permitted use and

requires approval of a Design Review application for the review a by the Planning Commission; 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 September 23, 2022, posted at City Hall and at the project site; and

**WHEREAS**, on October 4, 2022, a duly noticed public hearing on Design Review No. 22-027 was held by the Planning Commission to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto, and,

**WHEREAS**, the 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 October 4, 2022; and

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

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

**Section 1.** Recitals. The above recitals are incorporated herein by reference.

**Section 2.** The City of Fontana's Planning Commission hereby makes the following findings for Design Review No. 22-027 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 site is located approximately 380-foot south of Merrill Avenue on the east side of Newport Avenue, (APN: 0194-012-02). The project site has a General Plan land use designation of, Walkable Mixed-Use Downtown and Corridors (WMXU-1). The WMXU-1 include a variety of medium density to high-density residential types, retail and services, office, entertainment, education, civic, and open space. WMXU-1 residential densities range from 3 to 39 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. The General Plan encourages variety of housing including multi-family housing pursuant to the City of Fontana's, General Plan Land Use Element, (Chapter No. 15), Goal No. 1, (Policy 2,). Land Use Element Goal No. 7, which states that "public and private development meets high design standards" (page 15.40 FGP), action A through action D which seeks to integrate

housing projects into existing city grids. The proposed project is an infill project that will add housing into the existing city grids promoting Goal No. 7 mentioned above.

The proposal for the development of 24-unit apartment project is consistent with the Zoning and Development Code for the project site, which is the Form-Based Code, Multi-Family subdistrict. The Multi-Family subdistrict is intended to accommodate multi-family development between 12 dwelling units per acre up to a maximum of 39 dwelling units per acre. Moreover, the proposed project at 24 units equates to 32 dwelling units per acre, complies with the required density and other standards set forth in the Fontana Municipal Code as noted in the staff report and the findings herein.

The project site is not located within any specific plan boundary or a Fire Hazard Overlay District.

**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 Form-Base Code (FBC) Multi-Family subdistrict and has been determined to be aesthetically and architecturally pleasing and compatible with the neighborhood. Improvements including drainage, grading, and sewer will provide a safe and well-designed project. Additionally, the proposed development meets all setback, height, landscaping, design, architecture, parking, access and safety requirements as mentioned in Findings No. 1 to 4 and in the attached Staff Report. The proposed development will enhance the character of the surrounding residential area through appropriate attention to aesthetics and design. The project provides both common amenities and private open areas in excess of what is required by the Zoning and Development Code. In addition, the project features many Crime Prevention in Environmental Design (CPTED) elements and incorporates them into the design.

The project includes street improvements: sidewalks, drainage, grading and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed complex has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. During the project review process, changes were made to the plans to ensure that the project is a well-designed project. Street lighting and on-site lighting has been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels. The proposed project meets or

exceeds the standards of the Zoning and Development Code and will provide a safe design for normal public access.

**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 referenced in Finding No. 1 and Finding No. 2, above, has been designed to enhance and compliment the surrounding neighborhood. The architectural theme for the project is described as Mediterranean. The building will reflect earth tone colors and a brown accent color. This architectural style includes a smooth stucco finish with stone veneer, barrel tile low pitched roofs, arched openings, and covered porches, patios, and balconies. There are added architectural feature like: wood shutters, window trim, and decorative iron work. The development will comply with the required setbacks and will not exceed the maximum height. All other applicable development standards specified in the Zoning and Development Code will be met. The structure 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 facility. There will be one vehicle access points to the site. The main point of access will be provided to the project from Newport Avenue which is designated as a local street. The proposed project at 24 units is well within the General Plan land use designation and the Multi-Family subdistrict of the Form-Based Code that permits multi-family uses from a minimum of 12 dwelling unit per acre to a maximum of 39 dwelling units per acre. The driveway is designed to accommodate passenger vehicle traffic and service vehicle as necessary. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety.

**Section 3.**     The Planning Commission hereby determines that this project is Categorically Exempt pursuant to Section No. 15332 Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.18 of the Local 2019 Guidelines for Implementing CEQA based on the following: (a) the project is consistent with the applicable General Plan land use 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.

**Section 4.** Based on the foregoing, the City of Fontana's Planning Commission hereby approves Design Review No. 22-027, subject to the conditions of approval, which are attached hereto as **Exhibit "A"** to this Resolution and incorporated herein by this reference.

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

**Section 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 4<sup>th</sup> day of October 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 4<sup>th</sup> day of October 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. 22-051  
Design Review No. 22-027

**DATE:** October 4, 2022

**LOCATION:** 8969 Newport Avenue (APN: 0194-012-02)

**PLANNING DEPARTMENT:**

1. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - A. All 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 or other document evidencing the City's final inspection and acceptance of the work; and
  - B. All other Conditions of Approval imposed by this project have been fulfilled.
2. 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.

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 No. 30-23 of the Municipal Code.
4. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning 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 structure until corrections are approved in writing by all appropriate staff.
5. The Director of Planning, or his/her designee, shall have the authority for minor architectural changes focusing on 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.
6. 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
7. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
8. Foam treatment used for architecture features and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a

minimum of ¼ inch thick, or as determined by the Director of Community Development.

9. 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.
10. The developer shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development in a convenient location and is well-lit. The mailbox shall not block the line of sight. 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 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.
11. No solid masonry wall shall be higher than nine (9) feet from top of ground when used in combination with a retaining wall unless otherwise stated in mitigations for this project.
12. All new block walls that can be seen by public view shall be constructed with a decorative block and capped with a prefabricated block cap. New block walls that cannot be seen by public view could be constructed of CMU block with a masonry cap.
13. Wall-mounted decorative lighting fixtures shall be provided at the front porch area of each main entrance and be a minimum of 18-inches in height.
14. The recreational amenities shall be constructed of a similar material and equipment located in public parks and/or to the satisfaction of the Director of Planning.
15. The applicant/developer/property owner shall employ a certified professional manager or management company to provide maintenance, security, and other services. The professional manager or management company shall be California Association of Community Managers (CACM) certified or equivalent.
16. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit. The request shall be submitted to the Planning Department.
17. 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 of the Municipal Code.

18. A locator map or directory should be posted at the site entrance. The directory should be located on the site so as to be easily and quickly identified and free from visual obstruction. The directory should be illuminated from dusk until dawn. The directory should have vandal resistant glazing to minimize criminal damage and the structure should be weather resistant.
19. Community address numbers and complex numbers should be visible. Building and unit numbers should be posted and visible. Address specifications are meant to ensure identification and location of buildings. Proper posting and maintenance minimizes confusion as to location and expedites public safety response.
20. Adhere to the Standard Building Security Specifications of the Fontana Police Department.
21. For the security of the residents, the property owner or property management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on-site during the hours the management company is not on-site (typically evening/nighttime hours). All uniformed security guards shall comply with Fontana City Code Section No. 22-62 and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.
22. At all times, the reception desk within the main lobby shall be manned with either site personnel or a security guard.
23. A digital video surveillance system is required at the premises; it is recommended to be an internet-based system and shall be maintained in proper working order at all times. The surveillance video/visual media shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours.
24. Adhere to the City standard of one-foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. Reflect all light fixtures on the site plan. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.

### **During Construction**

25. The applicant/developer/property owner shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on

holidays. Construction shall be limited to 7:00am to 6:00pm on weekdays, 8:00am to 5:00pm on Saturdays, and no construction on Sundays and Holidays.

26. 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.

27. The construction contractor will 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 No. 18-63(7) of the Municipal Code.
- B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.

- C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
- D. Have only necessary equipment onsite.
- E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
  - 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.

**Prior To Issuance of Certificate of Occupancy**

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

**ENGINEERING LAND DEVELOPMENT:**

- 30. 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.
- 31. The applicant/developer/property owner 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 No. 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
- 32. The applicant/developer/property owner 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**

- 33. The applicant/developer/property owner 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/developer/property owner shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
35. The applicant/developer/property owner shall record right-of-way dedications, easements, reciprocal access agreement as required for the development.
36. The applicant/developer/property owner 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**

37. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
38. 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.
39. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
40. 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).
41. 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.
42. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

**BUILDING AND SAFETY DIVISION:**

43. 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

44. 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.
45. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
46. All perimeter/boundary walls shall be provided with decorative material and 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.
47. All lot lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
48. Grading Requirements:
  - A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
  - B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
  - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
  - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
  - E. No water course or natural drainage shall be obstructed.
  - F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
  - G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
  - H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.

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

structures (buildings) and all adjacent properties during a hundred (100) year storm.

- I. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
    1. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
    2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
    3. All proposed drainage structures; and
    4. Any proposed and/or required walls or fencing.
49. All Signs shall be Underwriters Laboratories approved, or equal.
50. Permits are required prior to the removal and/or demolition of structures.
51. 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 (as applicable) 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
53. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials, may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to Building & Safety. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

**POLICE DEPARTMENT:**

54. A full-time, on-site, professional property management company is required at all times.
55. The multi-family complex shall participate and maintain an active status in the Fontana Police Department's Crime-Free Multi-housing program within six months of occupancy. This will be a Condition of Approval.

56. The installation and maintenance of the Fontana Police Department's R.E.A.C.T. electronic gate system will be a condition of approval (in addition to the County's Knox Box system).

**FIRE PROTECTION DISTRICT:**

57. Jurisdiction. The above referenced project is under the jurisdiction of the Fontana fire Protection District (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
58. Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code Chapter 5 & SBCoFD Standard A-1.
59. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns. California Fire Code Chapter 5 & SBCoFD Standard A-1
60. Street Signs. Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code Chapter 5 & SBCoFD Standard A-2
61. Fire Lanes. The applicant/developer/property owner shall submit a site plan to the Fire Department for review and approval of all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs shall be installed on public and private roads in accordance with approved standards. SBCoFD Standard A-2
62. Water System Commercial. All water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix BB of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet (4"x2.5"x2.5") shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code Chapter 5 & SBCoFD Standard W-2

The Fire Flow for this project shall be: 2375 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 32164 square foot structure.

63. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2
64. Water System Certification. The applicant applicant/developer/property owner shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite. California Fire Code Chapter 5
65. Combustible Protection. Prior to combustibles being placed on the project site an approved paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed. California Fire Code Chapter 5
66. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9 & SBCoFD Standard F-1
67. Fire Alarm, Manual or Automatic. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9, SBCFD Standard F-5, & NFPA 72
68. Fire Alarm, Waterflow Monitoring. A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9, NFPA 72 & SBCoFD Standard F-5
69. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code Chapter 9
70. Commercial Addressing. Commercial, industrial, or multi-family developments shall have the street address installed on the building with numbers that are a minimum six (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch



numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 & SBCoFD Standard B-1

71. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. California Fire Code Chapter 5 & SBCoFD Standard A-4
72. In the event, the applicant installs security gates, they must meet the following requirements. In commercial, industrial, or multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Where an automatic electric security gate is used, an approved Fire Department override switch is required. California Fire Code Chapter 5 & SBCoFD Standard A-3

**END OF CONDITIONS OF APPROVAL**