

RESOLUTION PC NO. 2021-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING TENTATIVE TRACT MAP NO. 18973 (TTM No. 20-003) AND DESIGN REVIEW PERMIT NO. 20-021 FOR THE ESTABLISHMENT AND SITE AND ARCHITECTURAL REVIEW OF 10 CONDOMINIUMS ON A 0.88 ACRE PROJECT SITE LOCATED AT 9154 DATE STREET (APN: 0193-061-03).

WHEREAS, the City of Fontana received an application on June 1, 2020, for a tentative tract map for condominium purposes and the architecture and design review of 10 condominiums on a 0.88 acre project site (APNs 0237-191-15 and 33).

Project Applicant: Caesar Navarro
475 E. Badillo Street
Covina, CA 91723

Project Location: 9154 Date Street APN: (0193-061-03)

Site Area: 0.88 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 condo map and the architecture and design review of 10 condominiums; 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 attached hereto as **Exhibit “A”** for Tentative Tract Map No. 18973 (20-003) and **Exhibit “B”** for Design Review Permit No. (DRP No. 20-021); and

WHEREAS, the project qualifies for a Categorical Exemption pursuant to Section No. 15332, Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act; and

WHEREAS, the subject site includes one (1) parcel totaling, approximately 0.88 adjusted gross acres, that was part of the City’s original incorporation in 1952; and

WHEREAS, pursuant to the Fontana Zoning and Development Code, the approval of more than five (5) residential units requires the approval of a Design Review Permit 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 October 8, 2021, posted at City Hall, and onsite at the project site; and

WHEREAS, on October 19, 2021, a duly noticed public hearing on Tentative Tract Map No. 18973 (TTM No. 20-003) and Design Review Permit No. 20-021 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 19, 2021; and

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

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

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

Section 2. The City of Fontana Planning Commission hereby makes the following findings for Tentative Tract Map No. 18973 (TTM No. 20-003) in accordance with Section 26-55 (e) "Findings for approval" of the Fontana Zoning and Development 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 Tract Map No. 18973 (TTM No. 20-003) is a request for a condominium subdivision of one (1) lot that is approximately 0.88 adjusted gross acres. The proposed condominium project is located in the Medium Density Residential (R-M) General Plan Map land use designation and is located in the Medium-Density Residential (R-2) zoning designation which allows the establishment of condominiums.

The tentative tract map will comply with the City of Fontana's Municipal Code, the Subdivision Sections of the Code (Chapter 26) General Plan, and Zoning and Development Code (Chapter 30). The tentative tract map is compatible with the surrounding residential land uses. The Medium Density Residential (R-M) General Plan designation permits multi-family uses from 5.1 to 12 dwelling units per acre (du/acre). The proposed project is 11.3 du/acre; therefore, the proposed Tentative Tract Map No. 18973 is consistent with the City's General Plan. The proposed project is not located in a specific plan.

Finding No. 2: **That the design or improvements of the proposed subdivision are consistent with the general plan and any applicable specific plan.**

Findings of Fact: The design of the proposed subdivision, as mentioned in Finding No. 1, above is consistent with the General Plan. Street improvements including curb, gutter, and sidewalks conform to the requirements of the General Plan, Subdivisions (Chapter 26), and the Zoning and Development Code (Chapter 30). This project is required to connect to the City's sewer system. Additionally, the project has been reviewed by the Engineering Department and San Bernardino County Fire Department for safety and access.

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

Findings of Fact: The proposed development complies with the City of Fontana Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, will provide a safe and well-designed neighborhood as mentioned in Finding 2 above. The project site, shape, and topography is suitable for the proposed subdivision. The project site is a relatively flat approximately 0.88 gross acre parcel that is currently vacant. The project site will accommodate the proposed 10 condominiums along with recreational amenities and parking facilities for the residents. A point of access will be provided to the project from Date Street which is designated as a collector street. The proposed project at 11.4 du/ac is well within the General Plan land use designation of Medium Density Residential (R-M) that permits multi-family uses from 5.1 to 12 dwelling units per acre (du/acre).

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

Findings of Fact: The design of the subdivision and the proposed improvements as described in Finding No. 1 through Finding No. 3 above complies with the City of Fontana's Municipal Code requirements, conditions of approval (referenced herein), and will not have any impact on the environment or substantially and avoidably injury to fish, wildlife, or their habitat. Moreover, the site is completely surrounded by development and is highly disturbed. The project site is not listed as a potential site for habitat for any endangered or threatened species per the City's General Plan. The project has been reviewed by traffic

engineering and will not cause any impacts to the adjacent streets or transportation network.

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

Findings of Fact: The design of the subdivision as described in Finding No. 1 through Finding No. 4 above complies with the City of Fontana's Municipal Code requirements and the improvements associated with the subdivision such as street, curb, gutter, sidewalk are required to be constructed and have been designed as part of this project pursuant to the Zoning and Development Code and the Engineering Department requirements. Additional improvements such as water and sewer connection will be built pursuant to applicable building, zoning, and fire code standards; therefore, the design of the subdivision and the public improvements shall promote the public health, safety, and welfare of the surrounding community and will not cause public health problems.

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

Findings of Fact: The design of the subdivision and improvements will not conflict with any access easements acquired by the public. The proposed subdivision will have adequate access from Date Street. Currently, there are no other existing public access easements through or within the proposed subdivision boundaries.

Section 3. The City of Fontana's, Planning Commission hereby makes the following findings for Design Review Permit No. 20-021 in accordance with Section No. 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: The proposal for the development of 10 condominiums is consistent with the General Plan designation for the project site which is Medium Density Residential (R-M). The Medium Density Residential land use designation category is intended to accommodate single-family detached housing up to 7.6 du per acre and single family attached or multi-family housing up to 12 du per acre (the proposal is for 11.4 du

per acre). The General Plan, which sets the framework for the City of Fontana is a document that provides the overall policies for development within the community and does not specifically regulate development standards.

The proposal meets the following goals of the General Plan:

Land Use Element Goal 2, of the 2018 City of Fontana General Plan (FGP) states that “Fontana development patterns support a high quality of life and economic prosperity” (page 16.65 FGP) through actions D and E which seek to promote higher density development that will create more walkable neighborhoods. The proposed project seeks to add an additional medium density development 10 additional residential units with a sidewalk that connect the site to other streets making this project consistent with the aforementioned Goal and Actions.

Land Use Element Goal 7, which states that “public and private development meets high design standards” (page 16.72 FGP) 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 7 mentioned above.

The proposed project is located in the Medium-Density Residential (R-2) zoning designation. The R-2 zoning district is an area intended as a “medium intensity, multiple-family zoning district that permits the development of attached and detached single-family, duplex and multiple-family dwellings, as well as condominiums”. The proposed 10 condominiums will meet all zoning and development standards set forth in the Fontana Municipal Code as noted in the Staff Report and the findings herein and, therefore, is consistent with the General Plan.

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

Findings of Fact: The proposed development as referenced in Finding No. 1 complies with the City of Fontana Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, will provide a safe and well-designed neighborhood. Additionally, the proposed development meets all setback, height, landscaping, design, architecture, parking, access and safety requirements as mentioned in findings 1 to 4 and in the attached Staff Report.

The site improvements have been reviewed by the Fire, Building and Safety, Engineering, and Police Departments. 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.

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 proposal as referenced in Finding No. 1 has been designed to enhance and compliment the surrounding neighborhood. The architectural theme for the project is described as Contemporary. The proposed project incorporates elements of the contemporary style including straight lines, clean finishes, and sharp edges to create a modern aesthetic. The result is a high-quality architectural design appropriate and desirable for the surrounding neighborhood. The proposed development will enhance the character of the surrounding neighborhood through appropriate attention to aesthetics and design.

Architectural relief utilized for the proposed project consists of stone veneer, decorative window treatments, decorative lighting, varied roof lines, architectural “pop-outs,” and other features appropriate to the theme. The use of a variety of colors and decorative elements of a contrasting color will further add architectural diversity to the neighborhood. The proposed project enhances the surrounding neighborhood by developing a vacant lot and incorporating architectural styles that complement the surrounding homes. Additionally, all garage doors will incorporate windows and varied door colors and patterns appropriate for each plan.

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

Findings of Fact: The proposed project complies with the City of Fontana Zoning and Development Code.

As mentioned in Finding No. 2 above the site improvements have been reviewed by the Fire, Building and Safety, Engineering, and Police Departments. 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.

Section 4. The Planning Commission hereby determines that the project is Categorically Exempt pursuant to Section No. 15332, Class No. 32 (in-Fill Development), and Section No. 3.22 of the Local 2019 Guidelines for Implementing the California Environmental Quality Act.

Section 5. Based on the foregoing, the City of Fontana Planning Commission hereby approves Tentative Parcel Map No. 18973 (TTM No. 20-003) and Design Review Permit (DRP) No. 20-021 and subject to the findings listed above and the conditions of approval which are attached hereto as **Exhibits “A” and “B”** respectively.

Section 6. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

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

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

City of Fontana

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 19th day of October 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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.

4. 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.
5. This tentative tract map shall comply with all applicable development standards of Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code) of the Municipal Codes of the City of Fontana and the Subdivision Map Act.
6. 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 Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
7. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
8. This Tentative Tract Map shall become null and void two (2) years from the date of approval as outlined by Section 26-58 of the Municipal Code, 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 Department inspection, has commenced within this period.
9. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.

10. 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.

ENGINEERING DEPARTMENT:

11. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards.
12. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.
13. The applicant will install streetlights where necessary in accordance with City of Fontana Standard Drawing 404.

PRIOR TO ISSUANCE OF GRADING PERMIT

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

PRIOR TO MAP RECORDATION

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

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

16. Record map required for the development.
17. Applicant shall provide Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

PRIOR TO FINAL ACCEPTANCE OF PROJECT

18. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
19. 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).
20. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive to

inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.

21. 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.

EXHIBIT "B"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. (MCN) 20-052
Design Review Permit (DRP) No. 20-021

DATE: October 19, 2021

LOCATION: 9154 Date Street APN (0193-061-03)

PLANNING DEPARTMENT:

1. This approval is for Design Review Permit No. 20-021 to approve the design and architecture review of 10 condominiums on a 0.88-acre project site, as approved by the Planning Commission on October 19, 2021 as shown on Attachment No. 2 (site plan) and Attachment No. 4 (elevations).
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy 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.
3. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third party action or proceeding, the City shall have the right to retain legal counsel. The applicant shall be responsible and reimburse the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which

may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

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

4. 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.
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 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.
6. All signs shall be reviewed under a separate Design Review Sign application. This includes, but is not limited to, building signs, monument signs, pylon signs, etc.
7. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
8. This Design Review Permit shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Department inspection, has commenced within this period.
9. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
10. Color combinations and color schemes for commercial buildings approved under an Design Review Permit application shall not be modified or changed without prior approval from the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning shall have the authority to refer minor hue color changes to the Planning

Commission for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.

11. Any foam treatment used for architecture treatments and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of ½ inch thick, or as determined by the Director of Planning.
12. The developer shall provide clustered and/or individual mail box(es) for the delivery of mail to future residents of the development in a convenient location and is well-lit. The mail box shall not block the line of sight. The mail boxes 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 mail boxes within their development. Any replacements of the mail boxes subsequent to the original installation shall be the responsibility of the developer, each individual homeowner and/or the homeowners association, and the Post Office.
13. The applicant shall install built in gas barbeques grills with a safety locks to the satisfaction of the Planning Director.
14. Applicant shall install trash containers within the grass and barbecue area.
15. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00am to 6:00pm on weekdays, 8:00am to 5:00pm on Saturdays, and no construction on Sundays and Holidays.
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. 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.
18. 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 18-63(7) of the Municipal Code.
 - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - D. Have only necessary equipment onsite.
 - E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 - 1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - 2. Temporarily enclose localized and stationary noise sources.
19. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical

PRIOR TO ISSUANCE OF GRADING PERMIT

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

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

21. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
22. 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 DEPARTMENT:

23. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards.
24. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.
25. The applicant will install streetlights where necessary in accordance with City of Fontana Standard Drawing 404.

PRIOR TO ISSUANCE OF GRADING PERMIT

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

PRIOR TO MAP RECORDATION

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

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

28. Record map required for the development.
29. Applicant shall provide Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

PRIOR TO FINAL ACCEPTANCE OF PROJECT

30. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
31. 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).
32. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
33. 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 & SAFETY:

34. The applicant shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
 - A. California Building Code
 - B. California Residential Code
 - C. California Electrical Code
 - D. California Mechanical Code
 - E. California Plumbing Code
 - F. California Energy Code
 - G. California Fire Code
 - H. California Green Building Standards Code
35. The applicant shall install an automatic fire suppression system, which is required in all new construction per FMC Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
36. The applicant shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.
37. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to

construction by the Building Official on a case by case basis for extenuating circumstances.

38. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
39. The applicant shall comply with the following grading requirements:
 - A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
 - B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
 - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
 - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
 - E. No water course or natural drainage shall be obstructed.
 - F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
 - G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
 - H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.
 - I. 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.
 - J. 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.
40. The site, or a portion of the site, is located in a flood hazard area. The applicant shall provide justification that the proposed development does not adversely affect the location or carrying capacity of the floodway, nor does it adversely affect upstream or downstream sites shall be provided to Building & Safety. Additionally,

all development shall comply with Chapter 12 – FLOOD CONTROL of the Code of the City of Fontana and all requisite provisions must be taken by the applicant to protect the site from flood damage.

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

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

42. The following items (as applicable) shall be completed by the applicant and submitted to Building & Safety prior to the issuance of building permits for this project:
 - A. Precise grading plans shall be approved
 - B. Rough grading completed
 - C. Compaction certification
 - D. Pad elevation certification
 - E. Rough grade inspection signed off by a City Building Inspector
43. Please be aware that a Construction Waste Management Plan (CWMP) will be required at time of plan check submittal. For more information regarding waste diversion, please contact Burrtec Waste at (909) 889-0911.
44. For more information related to Building & Safety, please visit our web page at <https://www.fontana.org/136/Building-Safety>.

FONTANA FIRE PREVENTION DISTRICT:

45. **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.
46. **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
47. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns. California Fire Code sec 503, SBCFD Standard 503.1

48. **Street Signs.** Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code sec. 505, SBCFD Standard 505.1
49. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs shall be installed on public and private roads in accordance with approved standards. SBCFD Standard 501.
50. **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
51. 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 Type V Construction sq.ft. structure.
52. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
53. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite.
54. **Combustible Protection.** Prior to combustibles being placed on the project site an approved paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed. California Fire Code sec 508, SBCFD Standard 508.1
55. **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.
56. **Fire Sprinkler-NFPA #13R.** An automatic fire sprinkler system complying with NFPA 13R 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 903 R-MF

57. **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 sec. 907, SBCFD Standard 907 FA-M.
58. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code sec. 906.
59. **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
60. **Illuminated Site Diagram.** The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant. SBCFD Standard 505.1
61. **Key Box.** An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. SBCFD Standard 506
62. **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
63. **Secondary Access.** The development shall have a minimum of ____1____ points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCFD Standard 503.1
64. **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.

POLICE DEPARTMENT:

65. Adhere to the city light standard of one foot candle minimum of light for all entrances, exits, pedestrian walkways, parking lots and amenity areas. Reflect all light fixtures on the site plan. The type of illumination shall be either florescent,

metal halide or white L.E.D.'s., and the luminaries shall be vandal resistant. All luminaries shall remain lit from dusk until dawn. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.

66. The development shall maintain an active Homeowner's Association at all times. The City shall be a third party to the H.O.A. in the event the development cannot maintain said H.O.A. A property management company is strongly recommended to manage the site appropriately.
67. In the event security problems occur, the Police Department (Chief of Police) will issue a letter to the owner requesting a meeting to discuss said security problems. If security problems are not resolved by the owner in the timeframe mutually agreed upon in said meeting, at the discretion of the Chief of Police, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department. All uniformed security guards shall comply with Fontana City Code section 22-62 and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.
68. Full time participation in the Fontana Police Department's Crime-Free Multi-Housing program prior to 90 days of tenant occupancy. Participation shall be initiated by the property owner and/or the Homeowner's Association.
69. Adhere to the Standard Building Security Specifications of the Fontana Police Department.

END OF CONDITIONS