

## ORDINANCE NO. 1969

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING, PURSUANT TO THE CERTIFIED GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE (SCH) NO. 2016021099) AND PUBLIC RESOURCES CODE SECTION 21083.3, AN AMENDMENT TO MULTIPLE SECTIONS OF CHAPTER 30 OF THE FONTANA MUNICIPAL CODE TO ESTABLISH AN ENTERTAINMENT CENTER OVERLAY DISTRICT WITH SPECIFIC LAND USES AND REQUIREMENTS AT THE INTERSECTIONS OF VALLEY BOULEVARD AND SIERRA AVENUE, FOOTHILL BOULEVARD AND SIERRA AVENUE, AND FOOTHILL BOULEVARD AND CHERRY AVENUE, OTHER AMENDMENTS INCLUDE LAND USES CHANGES AND REVISIONS TO THE REQUIREMENTS IN THE FORM BASED CODE (FBC) AND COMMERCIAL ZONING DISTRICTS FOR PARCELS THAT HAVE FRONTAGE ALONG FOOTHILL BOULEVARD BETWEEN IIEX STREET TO MAPLE AVENUE AND ALONG SIERRA AVENUE FROM I-10 TO RANDALL AVENUE TO: TO ALLOW CERTAIN ENTERTAINMENT, RECREATIONAL, AND RETAIL USES; AMEND ALCOHOL BEVERAGE SALES REGULATIONS FOR RESTAURANTS TO OBTAIN ON SITE ALCOHOL BEVERAGE SALES LICENSES WITHOUT DISCRETIONARY APPROVAL; PROHIBIT CERTAIN LIGHT INDUSTRIAL USES; ADDITIONAL AMENDMENTS IN THE FORM BASED CODE (FBC) (SIERRA GATEWAY AND VALLEY GATEWAY DISTRICTS) THAT PROHIBITS AUTO AND LIGHT INDUSTRIAL RELATED USES; OTHER AMENDMENTS TO CHAPTER 30 INCLUDES REVISING THE PERMIT REQUIREMENTS FOR FARMERS MARKETS FROM MINOR USE PERMIT TO TEMPORARY USE PERMIT; REVISE THE NONCONFORMING PROVISIONS TO ALLOW FOR EXPANSIONS FOR UP TO 50 PERCENT ALONG WITH A PROVISION THAT ALLOWS FOR AN EXTENSION OF A DISCONTINUED NONCONFORMING USE UP TO TWENTY-FOUR MONTHS FOR REPAIRS, REMODELS, AND EXPANSIONS; AND INCLUDE A REQUIREMENT FOR THE INSTALLATION OF ROUTE 66 SIGNAGE ALONG CERTAIN PROPERTIES ON FOOTHILL BOULEVARD FOR PROJECTS THAT ARE SUBJECT TO A DESIGN REVIEW OR AN ADMINISTRATIVE SITE PLAN**

**WHEREAS**, in 2018, the City adopted the current General Plan aimed at fostering a high quality of life and revitalizing the Sierra Avenue Corridor into a vibrant center for entertainment, restaurant, arts, and culture; and

**WHEREAS**, in 2023, the City amended Chapter 30 of the Fontana Municipal Code ("Code") ("the Zoning and Development Code") to account for the Downtown Core Project under the SB2 Grant, with a focus on entertainment and restaurant uses along Sierra

Avenue between Foothill Avenue and Randall Avenue by incorporating a performance and event venue—Stage Red, a pedestrian plaza and several entertainment nighttime uses; and

**WHEREAS**, on July 25, 2023, the City Council of the City of Fontana (“City Council”) adopted Ordinance No. 1922, a 45-day urgency ordinance, in accordance with Government Code Section 65858, placing a moratorium on the approval of any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan review or other land use entitlements, permits or regulatory license or permit required to comply with the provisions of the Code or any specific plan for serviced based, non-entertainment use (“Moratorium”); and

**WHEREAS**, on September 5, 2023, through Ordinance No. 1924, the City Council extended the Moratorium for an additional 10 months and 15-days; and

**WHEREAS**, on July 23, 2024, through Ordinance No. 1957, the City Council extended the Moratorium a final time for an additional one year; and

**WHEREAS**, in 2024, the City retained the services of Kosmont Companies to perform an economic marketing analysis of the Foothill Boulevard and Sierra Avenue Corridors, which are primary arterials that connect the City’s downtown to surrounding communities and three major Interstate Highways; and

**WHEREAS**, accordingly on November 12, 2024, staff conducted a joint workshop with the City Council and the City of Fontana Planning Commission (“Planning Commission”) to present a proposal for an entertainment center overlay at key intersections along Valley Boulevard and Sierra Avenue, Sierra Avenue and Foothill Boulevard, and Foothill Boulevard and Cherry Avenue; along with other modifications to the Zoning and Development Code; and

**WHEREAS**, following the workshop, City Council directed staff to proceed with amending the Code to create regulations for an entertainment overlay district and other code changes; and

**WHEREAS**, Government Code Sections 50022.1 to 50022.10 authorizes a city to codify and recodify its ordinances; and

**WHEREAS**, staff desires to restate without substantive revision, amend and recodify certain ordinances codified in the Code through Municipal Code Amendment (“MCA”) No. 25-001 to amend:

- Section 30-87 of the Zoning and Development Code to require Administrative Site Plan review for the installation of public art.
- Sections 30-351, 30-353, and 30-357 of the Zoning and Development Code to revise the nonconforming provisions to allow for expansions for up to 50 percent

along with an extension of a discontinued nonconforming use up to twenty-four months for repairs, remodels, and expansions.

- Section 30-256 of the Zoning and Development Code to revise the permit requirements for farmers markets from Minor Use Permit to Temporary Use Permit.
- Section 30-359 of the Zoning and Development Code of the Form Based Code to prohibit auto and light industrial uses, permit entertainment and recreational uses, and permit restaurants on-site alcohol beverage sales licenses.
- Section 30-360 of the Zoning and Development Code to remove subsection (d).
- Section 30-489 of the Zoning and Development Code to prohibit light industrial uses and allow specific entertainment and recreational uses for parcels with frontage along Foothill Boulevard between Ilex Street to Maple Avenue.
- Section 30-492 C of the Zoning and Development Code to modify Table No. 30-492.C, adjusting the regulations for Alcohol Beverage Sales to allow on-site alcohol beverage sales licenses for restaurants by right on parcels with frontage along Foothill Boulevard between Ilex Street and Maple Avenue.
- Sections 30-663.4 to 30-663.11 of the Zoning and Development Code to establish an entertainment center overlay district at the intersections of Valley Boulevard and Sierra Avenue, Foothill Boulevard and Sierra Avenue, and Foothill Boulevard and Cherry Avenue, including land uses and requirements.
- Section 30-727 (4) of the Zoning and Development Code to require Route 66 signage for new development projects.

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

**WHEREAS**, State law requires that zoning regulations are consistent with the general plan and therefore updating the Code would contribute to consistency with the General Plan; and

**WHEREAS**, the amendments in MCA No. 25-001 are consistent and compatible with the General Plan and are in line with goals, policies and objectives of the City; the Housing Element policies and the Zoning and Development Code; and

**WHEREAS**, the amendments in MCA No. 25-001 are in conformity with appropriate land use practices and will establish appropriate development standards for the land use designations; and

**WHEREAS**, the amendments in MCA No. 25-001 are attached here to as Exhibit “A” and incorporated herein by reference, will not be detrimental to the public health, safety and general welfare, nor will it adversely affect the orderly development of property; and

**WHEREAS**, the amendments in MCA No. 25-001 will better express the City’s policies and will generally promote good land use planning and regulation; and

**WHEREAS**, on April 15, 2025, the Planning Commission held a public meeting on MCA No. 25-001 where it received evidence and public testimony on the Code amendments, found that the amendments were consistent with the Fontana General Plan, recommended that the City Council adopt the amendments and recommended that the City Council determine that the proposed amendments in the Ordinance are consistent with the Fontana General Plan and certified General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2016021099) and so qualifies for an exemption from CEQA, specifically Public Resources Code 21083.3 and CEQA Guidelines Section 15183, as the proposed amendments will have no new or more severe significant environmental effects “peculiar to” the Ordinance than discussed in the certified EIR and will have no significant off-site and cumulative impacts not discussed in that EIR as long as all applicable mitigation measures in the certified EIR will be undertaken; and; and

**WHEREAS**, on May 13, 2025, the City Council held a public hearing on MCA No. 25-001 where it received evidence and public testimony pertaining to the Zoning and Development Code amendments and documentation from the Planning Commission’s public hearing on April 15, 2025; and

**WHEREAS**, the City Council carefully considered all information pertaining to MCA No. 25-001 that was presented at its public hearing on May 13, 2025; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1. Recitals.** The recitals are true, correct and incorporated herein by this reference.

**Section 2. CEQA.** The City Council hereby determines that these amendments in the Ordinance are consistent with the Fontana General Plan and certified General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2016021099) and so qualifies for an exemption from CEQA specifically Public Resources Code 20183.3 and CEQA Guidelines Section 15183, as the proposed amendments will have no new or more severe significant environmental effect “peculiar to” the Ordinance than discussed in the certified EIR and will have no significant off-site and cumulative impacts not discussed in that EIR as long as all applicable mitigation measures in the certified EIR will be undertaken.

**Section 3. Municipal Code Amendment Findings.** The City Council hereby makes the following findings for Municipal Code Amendment No. 25-001 in accordance with Section 30-40 “Purpose” of the Fontana Zoning and Development Code:

Finding:                    **A Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.**

Findings of Fact:        The Municipal Code Amendments will create an entertainment center overlay district that aligns with the General Plan goal of creating regional hubs for dining, shopping and entertainment purposes to attract local and regional visitors that would drive economic growth in Fontana.

**Section 4. Development Code Amendment Approval.** Based on the foregoing, the City Council hereby approves the amendments as set forth in MCA No. 25-001, which is attached hereto as **Exhibit “A”**.

**Section 5. Applications Deemed Complete prior to Ordinance Effective Date.** This Ordinance does not apply to development applications deemed complete by the City of Fontana Planning Department prior to this Ordinance’s effective date. Any such completed pre-adoption applications not conforming to these amendments after this Ordinance’s effective date, once approved by the appropriate approving body, shall be granted legal non-conforming status, with all applications deemed complete on or after this Ordinance’s adoption being subject to its provisions.

**Section 6. Effective Date/Publication.** This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in the Fontana Herald News, a local newspaper of the general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

**Section 7. Custodian of Records.** The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of records is the City Clerk.

**Section 8. Certification.** The City Clerk of the City Council shall certify to the adoption of this Ordinance.

**Section 9. Severability.** If any provision of this Ordinance or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

**APPROVED AND ADOPTED** this 13<sup>th</sup> day of May, 2025.

**READ AND APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_  
City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting on the 13<sup>th</sup> day of May, 2025, and was finally passed and adopted not less than five days thereafter on the 27<sup>th</sup> day of May 2025, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
City Clerk of the City of Fontana

\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**

\_\_\_\_\_  
City Clerk

**“EXHIBIT A”**

**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**

(\*Additions shown in underline; deletions shown in ~~strikeout~~)