

**RESOLUTION NO. PC 2026-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 25-0018 FOR A NEW TYPE 41 (ON-SALE, BEER AND WINE, EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR AN EXISTING RESTURANT WITHIN A PREVIOUSLY APPROVED COMMERCIAL CENTER LOCATED AT 16110 CERES AVENUE (APN: 0191-181-08) PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.**

**WHEREAS**, 16110 Ceres Avenue, also identified as Assessor Parcel Number (“APN”) 0191-181-08, (“Project Site”), was annexed from San Bernardino County into the City of Fontana on June 25, 1952; and

**WHEREAS**, on October 1, 2025, the City of Fontana (“City”) received an application from ABL Consulting (“Applicant”) for a Conditional Use Permit (“CUP”) No. 25-0018, a request to establish a State of California Alcoholic Beverage Control (ABC) Type 41 (On-Sale, Beer and Wine) License for an established restaurant within an existing commercial shopping center located at the Project Site (the “Project”); and

**WHEREAS**, the Project Site has a General Plan land use designation of Light Industrial (I-L) and is located within the Light Manufacturing (M-1)/Emergency Shelter Overlay district which allows for such projects with approval conditional use permit; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section No. 15301 (Class 1, Existing Facilities) and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the California Environmental Quality Act as the project would not expand the existing use, and none of the exceptions in CEQA Guidelines Section 15300.2 apply to the project; and

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

**WHEREAS**, the Conditions of Approval for Conditional Use Permit No. 25-0018 are attached hereto as “**Exhibit A**” and incorporated herein by reference; and

**WHEREAS**, all of the notices required by statute and the Fontana Municipal Code (“FMC”) have been given as required; and

**WHEREAS**, the owners of property within 660 feet of the Project Site were notified via public hearing notice mailer prior to the public hearing; and

**WHEREAS**, February 20, 2026, a notice of the public hearing was published in the Fontana Herald newspaper and simultaneously displayed at City Hall and at the Project Site;

and

**WHEREAS**, on March 3, 2026, a duly noticed public hearing on CUP No. 25-0018, was held by the Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City staff and other interested parties; and

**WHEREAS**, on March 3, 2026, the Planning Commission carefully considered all information, evidence and testimony presented at its public hearing on CUP No. 25-0018; 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 true, correct and incorporated herein by reference.

**Section 2.** CEQA. The Planning Commission hereby determines that the project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the California Environmental Quality Act (CEQA). This project site is exempt as the proposal is to establish an ABC License Type 41 (On-Sale, Beer and Wine, Eating Place) within an existing building, with no changes or expansions to the building as part of the application. Furthermore, none of the exemptions in CEQA Guidelines Section 15300.2 apply to the Project. The Planning Commission further directs Staff to file a Notice of Exemption pursuant to this finding.

**Section 3.** Conditional Use Permit Findings. The Planning Commission hereby makes the following findings for CUP No. 25-0018 in accordance with Section 30-150 “Findings for approval” for conditional use permits of the Fontana Zoning and Development Code:

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

Findings of Fact: The Project Site is located at 16610 Ceres Avenue (APN: 0191-181-08). The General Plan Land use designation for the site is Light Industrial (I-L) and is located within the Light Manufacturing (M-1)/Emergency Shelter Overlay zoning district. The Zoning and Development Code permits an ABC Type 41 License for sit down restaurant subject to approval of a Conditional Use Permit. The Conditions of Approval will aid in regulating the sale of alcohol at the restaurant including conditions related to security and hours of operation.

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

Findings of Fact: The Project Site is located within a 1,470 square foot restaurant within a larger commercial center. The previously approved development project was reviewed and approved by Directors Action, and it was determined that the site met the requirements, and applicable Zoning and Development Code. On-site circulation is adequate with two driveway access points on Ceres Avenue, and another access point off Citrus Avenue. The addition of the ABC Type 41 license will not negatively impact access or utilities nor create any physical constraints.

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

Findings of Fact: There will be no adverse effect to the neighboring sites or their permitted uses from this ABC Type 41 license request. The Fontana Police Department has no concerns about the Project. The Project has been reviewed by the Planning Department, Engineering Department, Building and Safety Department, and County Fire Prevention for site circulation, access, and safety and found to meet or exceed the requirements for all applicable code, zoning, and fire code standards.

**Section 4. Approvals.** Based on the foregoing, the Planning Commission hereby approves Conditional Use Permit No. 25-0018, subject to the Conditions of Approval attached hereto as "**Exhibit A**" 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 21081.6.

**Section 6. Certification.** The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**Section 8. Severability.** If any provision of this Resolution 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 Resolution that can be given effect without the invalid provision or application.

Resolution No. PC 2026-\_\_\_\_\_

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 3rd day of March 2026.

**City of Fontana**

\_\_\_\_\_  
Joseph Armendarez, Chairperson

**ATTEST:**

I, Torrie Lozano, 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 this 3rd day of March, 2026, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Torrie Lozano, Secretary

**EXHIBIT "A"**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 25-0069  
Conditional Use Permit (CUP) No. 25-0018

March 3, 2026

**LOCATION:** The project site is located at 16110 Ceres Avenue (APN:0191-181-08)

**PLANNING DEPARTMENT:**

1. This conditional use permit is conditional upon the permittee proceeding with good faith intent to commence upon the proposed use within two (2) years after the effective date of the approval, or such other permit specified as a condition of approval.
2. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

such forth.

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

3. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until all of the following have occurred:
  - a. All requirements of the Fontana Municipal Code shall be complied with.
  - b. All Conditions of Approval imposed on this project have been fulfilled.
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 30-30 and 30-31 of the Municipal Code.
5. At any time, the Director of Planning may bring a status report to the Planning Commission identifying impacts or failure to comply with conditions resulting from the Conditional Use Permit approval. Such status report may contain a police report regarding calls for service at the location. Nothing herein shall modify or limit the City's authority to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety, and welfare.
6. In addition to sign identifying the business, no sign shall be placed in or upon the window of any structure utilized for commercial purposes in the upper or lower one third of the total transparent area of any window. Window signage shall be limited to 25 percent of the total window and clear door area. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the adjacent sidewalk or entrance to the premises.
7. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and all conditions of the City of Fontana's Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.
8. The approved set of Conditions of Approval and the ABC license shall be posted at all times at a visible location behind the cashier or hostess counter in the facility and shall remain legible at all times.
9. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by

ABC. The restaurant shall maintain suitable kitchen facilities and must take actual substantial sales of meals for consumption on the premises.

10. At all times when the premises are open for business, the sale of alcoholic beverages shall be incidental to the sale of food.
11. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the restaurant's total sales, which includes all food and all alcoholic and non-alcoholic beverages.
12. The owner of the establishment shall, upon request provide the City of Fontana with an audited report of sales ratio of food to alcoholic and non-alcoholic beverages.
13. Except within City-approved outdoor eating places, which are adequately separated from direct public access, no alcoholic beverages shall be consumed outside of an enclosed building.
14. Employees engaged in the sale of service of alcoholic beverages for on-site consumption shall be at least 21 years old.
15. The hours of operation shall not exceed 6 a.m. to 12 a.m., seven days a week.
16. Beverage coolers containing alcoholic beverages shall be located behind the cashier's counter or in areas only accessible to employees.
17. Music is limited to overhead/background music, or as directed in a separate Conditional Use Permit for entertainment. Any music allowed shall not be audible from outside the premise so as to disturb the peace, pursuant Fontana Municipal Code 16-19, 18-62, and 18-63. Such a system may be a radio, juke box (coin or token operated customer paid mechanism) or similar non-hosted device or unit, but not including any system requiring an attendant or host such as a disc jockey or similar person.
18. There shall be no live entertainment, disc jockey, karaoke, dancing, dance floor, or dance area provided on the premises unless a separate conditional use permit for live entertainment is applied for and approved by the Planning Commission.
19. At all times, the premises shall remain open to persons of all ages, as allowed by the Type 41 Department of Alcoholic Beverage license.
20. At no time shall the premises operate as a nightclub, dance hall, or event forum.
21. At no time, shall an entrance fee be charged to patrons to enter the establishment, or to enter any area within the establishment, or to view any televised event.
22. There shall be no obstructions within the storefront windows and doors which would hinder visual surveillance. Obstructions would include signage, window tint, window coverings, advertisements, etc.

23. No electronic arcade, amusement games, pool tables, dart boards, or other similar devices are permitted on the licensed premises.
24. In the event security problems occur and at the request of the Police Department, 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 by the Police Department. All uniformed security guards shall comply with Fontana City 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.
25. On a regular and reasonable basis, litter shall be removed daily from the premises, including adjacent public sidewalks, and all parking areas under the control of the business owner/licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
26. Install a digital video surveillance camera system. The surveillance system shall be maintained in proper working order at all times. Surveillance camera locations shall include all entrances/exits, cashier areas, manager's office, and the dining areas. Video 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. The video surveillance system shall have the capability for a real time feed to the police department to be used when there is a public safety call for service at the location or is related to an in-progress crime or on-going criminal investigation.
27. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours (at 909-350-GONE) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's Graffiti Team.
28. The exterior of the premise, including all entrances, walkways, adjacent public sidewalks, alleyways, and parking lots under the control of the licensee, shall be illuminated at a minimum of one (1) foot candle of light during all hours of darkness, so that persons standing in those areas at night are identifiable by law enforcement personnel. All luminaries utilized are required to have vandal resistant light fixtures.
29. A prominent, permanent sign or signs stating, "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted on the building and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches length and 14 inches in width with the print of sufficient size to make them clearly readable.

30. A prominent, permanent sign or signs stating, "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THE PREMISES" shall be posted on the building and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches length and 14 inches in width with the print of sufficient size to make them clearly readable.
31. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and conditions of this Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of the Conditional Use Permit.
32. The applicant shall comply with the City False Alarm Ordinance. Excessive false alarms will require replacement of the alarm system prior to the extension of any conditional use permit.
33. The business owner/licensee or management shall prevent on-site loitering. The management shall regularly police the area under its control to prevent the loitering of persons about the premises.
34. The licensee shall attend a L.E.A.D. training (Licensee Education on Alcohol and Drugs provided by the Department of Alcoholic Beverage Control) or a responsible beverage service training (RBS) from a provider listed on the Department of Alcoholic Beverage Control's website, within six (6) months, and any employee engaged in the sale of alcohol shall attend the LEAD or RBS training within 90 days of employment.

**END OF CONDITIONS**