

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Resolution PC No. 2023-034

Tuesday, October 3, 2023

6:00 PM

Grover W. Taylor Council Chambers

Planning Commission

Cathline Fort, Chair
Idilio Sanchez, Vice Chair
Ralph Thrasher, Secretary
Raj Sangha, Commissioner
Ricardo Quintana, Commissioner

Welcome to a meeting of the Fontana Planning Commission.

Welcome to a meeting of the Fontana Planning Commission. A complete agenda packet is located in the binder on the table in the lobby of the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the Planning Commission, please fill out a card located at the entrance to the right indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act of 1990 (42 USC § 12132), the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335 is wheelchair accessible, and a portable microphone is available. Upon request, this agenda will be made available in appropriate alternative forms to persons with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such a request to the City Clerk's Office at (909) 350-7602 at least 48 hours before the meeting, if possible. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335.

Traduccion en Español disponible a peticion. Favor de notificar al Departamento "City Clerk". Para mayor informacion, favor de marcar el numero (909) 350-7602.

CALL TO ORDER/ROLL CALL:**A. Call To Order/Roll Call:****INVOCATION/PLEDGE OF ALLEGIANCE:****A. Invocation/Pledge of Allegiance:****PUBLIC COMMUNICATIONS:**

This is an opportunity for citizens to speak to the Planning Commission for up to three minutes on items not on the Agenda, but within the Planning Commission's jurisdiction. The Planning Commission is prohibited by law from discussing or taking immediate action on non-agendized items.

A. Public Communications:**CONSENT CALENDAR:**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time Planning Commission votes on them, unless a member of the Planning Commission requests a specific item be removed from the Consent Calendar for discussion.

A. Approval of Minutes

Approve the Regular Planning Commission Meeting Minutes of September 19, 2023.

CC-A Approval of Minutes of September 19, 2023.**[21-2522](#)****Attachments:** [Draft Planning Commission Minutes of September 19, 2023](#)

Approve Consent Calendar Item as recommended by staff.

PUBLIC HEARINGS:

To comment on Public Hearing Items, you may submit comments via e-mail at planning@fontanaca.gov. In the subject of your e-mail please indicate whether you are in favor or opposition of the item. Comments must be received no later than 5:00 p.m. on the day of the meeting. You may also fill out a card at the meeting and give it to the City Clerk. Public Comments should be no longer than three (3) minutes. If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.

All Public Hearings will be conducted following this format:

- (a) hearing opened
- (b) written communication
- (c) council/staff comments
- (d) applicant comments
- (e) oral - favor
- (f) oral - opposition
- (g) hearing closed

PH-A Master Case No. (MCN) No. 23-042: Conditional Use Permit (CUP) No. 23-006, A request for approval of a Type 41 (On Sale, Beer and Wine) Alcoholic Beverage Control (ABC) license for Round Table Pizza, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15301.

[21-2479](#)**RECOMMENDATION:**

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution No. PC 2023____; and,

1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities), and Section No. 3.22 (Categorical Exemption) of the Local 2019 Guidelines for Implementing the CEQA, and direct staff to file a notice of Exemption; and,

2. Approve Conditional Use Permit No. 23-006

APPLICANT:

Baljit Singh
4320 Briganti Lane
Riverside, CA 92505

LOCATION:

10515 Sierra Avenue, Suite 400 (APN: 0194-371-24)

PROJECT PLANNER:

Alexia De La Torre, Assistant Planner

Attachments: [Attachment No. 1 Vicinity Map](#)

[Attachment No. 2 Project Plans](#)

[Attachment No. 3 Census Tract Map 33.01](#)

[Attachment No. 4 Matrix of On-Sale Establishments](#)

[Attachment No. 5 Planning Commission Resolution and
Conditions of Approval](#)

[Attachment No. 6 Notice of Exemption](#)

[Attachment No. 7 - Public Hearing Notice](#)

PH-B Master Case No. 23-090 and Municipal Code Amendment No. 23-003 - Fontana Municipal Code amendments to Chapter 30 (Zoning and Development Code), pursuant to a categorical exemption in accordance with CEQA Guidelines section 15301.

[21-2524](#)

RECOMMENDATION:

Based on the information in the staff report staff recommends that the Planning Commission adopt Resolution No. PC 2023-____; and,

1. Determine that this Ordinance is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and,

2. Approve a resolution recommending that the City Council adopt an Ordinance for Municipal Code Amendment (MCA) No. 23-003 to amend Chapter 30 of the Municipal Code.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

PROJECT PLANNER:

Salvador Quintanilla, Senior Planner

Attachments: [Attachment No. 1 - Planning Commission Resolution/Exhibit A](#)
[Attachment No. 2 - Notice of Exemption](#)
[Attachment No. 3 - Notice of Public Hearing](#)

UNFINISHED BUSINESS:

- A. None

NEW BUSINESS:

- A. None

DIRECTOR COMMUNICATIONS:

- A. Director Communications:

DC-A Upcoming cases scheduled for City Council and Planning Commission. [21-2523](#)

An update of future City Council agenda items for October 10, 2023 and October 24, 2023 for the Planning Commission's information.

An update of future Planning Commission agenda items for October 17, 2023 and November 7, 2023 for the Planning Commission's information.

Attachments: [Upcoming City Council Items Memo](#)
[Upcoming Planning Commission Items Memo](#)

COMMISSION COMMENTS:

- A. Planning Commission Remarks:

WORKSHOP:

A. None**ADJOURNMENT:****A. Adjournment**

Adjourn to the next Regular Planning Commission Meeting on Tuesday, October 17, 2023 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-2522
Agenda #: CC-A

Agenda Date: 10/3/2023
Category: Consent Calendar

FROM:
Planning

TITLE:
Approval of Minutes

RECOMMENDATION:
Approve the minutes of the Planning Commission Meeting of September 19, 2023.

DISCUSSION:
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of September 19, 2023. The draft minutes are attached to this report for the Planning Commission to review and approval.

MOTION:
Approve staff recommendation.



City of Fontana Planning Commission Minutes

Cathline Fort, Chair
Idilio Sanchez, Vice Chair
Ralph Thrasher, Secretary
Raj Sangha, Commissioner
Ricardo Quintana, Commissioner

Tuesday, September 19, 2023 6:00 P.M. Grover W. Taylor Council Chambers

CALL TO ORDER/ROLL CALL:

A. Call to Order/Roll Call:

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, September 19, 2023. Vice Chair Sanchez called the meeting to order at 6:01 p.m.

Present: Chair Fort, Vice Chair Sanchez, Commissioners Sangha and Quintana

Absent: Secretary Thrasher

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Ellen Miller, the Pledge of Allegiance was led by Vice Chair Sanchez.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:**A. Approval of Minutes:**

Approve the Regular Planning Commission Meeting Minutes of September 5, 2023.

ACTION: A Motion was made by Commissioner Sangha and seconded by Vice Chair Sanchez and passed by a vote of 4-0 to approve the Consent Calendar.

The motion carried by the following vote:

Aye: Chair Fort, Vice Chair Sanchez, Commissioners Sangha, and Quintana.

Abstain: None

Absent: Secretary Thrasher

PUBLIC HEARINGS:

PH-A Master Case No. 21-086 and Design Review No. 21-031 - A request for approval to develop seven (7) new single-family dwellings located on seven (7) existing lots totaling approximate 2.1 adjusted gross acres pursuant to a categorical exemption in accordance with CEQA Guidelines section 15332.

Chair Fort opened Public Hearing.

Jon Dille, Associate Planner presented the staff report and answered questions of the commission.

The Commission and staff discussed the possibility of future Accessory Dwelling Units.

The applicant, Florie Smith, on behalf of Andresen Architecture, stated that she read and agreed to the Conditions of Approval.

No one spoke in favor or opposition of this item.

The Public Hearing was closed.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2023-031; and,

- 1. Determine that the project is categorically exempt pursuant to Section No. 15332 (Class No. 32, Infill Development), and Section No. 3.22 (Categorical**

Exemptions) of the 2019 Local Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,

2. Approve Design Review No. 21-031.

ACTION: Motion was made by Commissioner Quintana and seconded by Commissioner Sangha and passed by a vote of 4-0 to adopt Resolution PC No. 2023-031; and, approve Master Case No. 21-086; and Design Review No. 21-031 - A request for approval to develop seven (7) new single-family dwellings located on seven (7) existing lots totaling approximate 2.1 adjusted gross acres pursuant to a categorical exemption in accordance with CEQA Guidelines section 15332.

The motion carried by the following vote:

Aye: Chair Fort, Vice Chair Sanchez, Commissioners Sangha and Quintana.

Absent: Secretary Thrasher

PH-B Master Case No. 21-106, Tentative Tract Map 21-005 (Tract No. 20498) and Design Review No. 21-042; A request for the site and architectural review of forty-six (46) attached row houses with a tot lot and paseos, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15332.

Chair Fort opened Public Hearing.

Alejandro Rico, Associate Planner presented the staff report and answered questions of the commission.

The commission questioned whether the project was gated and inquired about the project's overflow parking. Another discussion took place regarding the row house design and breakup between structures.

The commission and staff also discussed the tot lot area and surrounding paseo, including lighting along the project's playground and added a condition of approval requiring preparation of a tot lot lighting plan.

The applicant, Mohammad Ali Ghiassi, on behalf Calabash Fontana Holding LLC, stated that he read and agreed to the modifications on the conditions of approval.

No one spoke in favor or opposition of this item.

The Public Hearing was closed.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached findings and conditions of approval, staff recommends that the Planning Commission adopt Resolution PC No. 2023-032; and,

- 1. Determine that the project is categorically exempt pursuant to Section No. 15332 (Class No. 32, Infill Development), and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,**
- 2. Approve Tentative Tract Map No. 21-005 (Tract No. 20498) and Design Review No. 21-042.**

ACTION: Motion was made Vice Chair Sanchez and seconded by Commissioner Quintana and passed by a vote of 4-0 to adopt Resolution PC No. 2023-032; and, approve Master Case No. 21-106, Tentative Tract Map 21-005 (Tract No. 20498) and Design Review No. 21-042; A request for the site and architectural review of forty-six (46) attached row houses with a tot lot and paseos, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15332; project approved with an addition noted to the Conditions of Approval related to lighting of the tot lot.

The motion carried by the following vote:

Aye: Chair Fort, Vice Chair Sanchez, Commissioners Sangha and Quintana.

Absent: Commissioner Thrasher

PH-C Master Case No. (MCN) 22-040, General Plan Amendment (GPA) 22-001, and Zoning District Map Amendment (ZCA) No. 22-001 to, pursuant to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, amend the General Plan land use designation from Single-Family Residential (R-SF) to Multi-Family Medium/High Density Residential (R-MFMH) and change the zoning from Single-Family Residential (R-1) to Multi-Family Medium/High Density Residential (R-4) on a site of approximately 6.4 acres. No development is proposed as part of this project.

Chair Fort opened Public Hearing.

Alexia De La Torre, Assistant Planner presented the staff report and answered questions of the commission.

Assistant Planner De La Torre stated that city staff received various phone calls in opposition of the project and 4 (four) written communications and 2 (two) emails in opposition.

Staff noted that currently there is no physical development proposed for this project.

The commission and staff discussed the mitigated negative declaration and noted that once a project was submitted for approval the study would be amended to evaluate all new project factors.

Another discussion took place regarding sewer lines and how existing residents would be impacted by a potential project.

Lastly, the commission requested clarification on how a new development would affect existing residents' privacy.

The applicant, Jason Korengold, on behalf SP Acquisition LLC., stated that there were no conditions of approval to agree to.

The following individuals spoke in opposition:

- Diane Ohiosumua
- Manuel Jimenez
- Leticia De La Parra
- Duvangmaly Saithavy

Chair Fort closed the Public Hearing.

Chair Fort directed staff to provide clarification on noticing requirements.

RECOMMENDATION:

Based on the information contained in this staff report, staff recommends that the Planning Commission adopt Resolution No. PC 2023-033, and forward a recommendation to the City Council to:

- 1. Adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and direct staff to file a Notice of Determination; and,**
- 2. Adopt a resolution approving General Plan Amendment (GPA) No. 22-001; and,**
- 3. Adopt an ordinance approving Zoning District Map Amendment (ZCA) No. 22-001.**

ACTION: Motion was made Vice Chair Sanchez and seconded by Commissioner Sangha and passed by a vote of 4-0 to approve Master Case No. (MCN) 22-040, General Plan Amendment (GPA) 22-001, and Zoning District Map Amendment (ZCA) No. 22-001 to, pursuant to a Mitigated Negative Declaration and Mitigation

Monitoring and Reporting Program, amend the General Plan land use designation from Single-Family Residential (R-SF) to Multi-Family Medium/High Density Residential (R-MFMH) and change the zoning from Single-Family Residential (R-1) to Multi-Family Medium/High Density Residential (R-4) on a site of approximately 6.4 acres. No development is proposed as part of this project.

The motion carried by the following vote:

Aye: Chair Fort, Vice Chair Sanchez, Commissioners Sangha and Quintana.

Absent: Commissioner Thrasher

DIRECTOR COMMUNICATIONS:

A. Director Communications:

None.

COMMENTS:

A. Public Communication Commission Comments:

Commissioner Quintana thanked city staff for their staff reports and the public for attending tonight's meeting. Commissioner Quintana closed his comments by stating that it is an honor to serve on the Planning Commission.

Commissioner Sangha thanked staff for providing the necessary material for tonight's meeting; expressed his excitement on new housing developments coming to the city and thanked the public for the opportunity to serve.

Vice Chair Sanchez thanked the Planning Department for their assistance; briefly commented on the Housing crisis and thanked the public for attending tonight's meeting and sharing their opinions.

Chair Fort thanked the Planning staff for preparing information for their review which helps make good decisions. Chair Fort also thanked the public for attending tonight's meeting and for sharing their opinions.

ADJOURNMENT:

Chair Fort adjourned the meeting at 6:08 p.m. to the next Regular Planning Commission Meeting on Tuesday, October 3, 2023, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Susana Gallardo
Specialist to the Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 3rd DAY OF OCTOBER 2023.**

Cathline Fort
Chairperson



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-2479
Agenda #: PH-A

Agenda Date: 10/3/2023
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. (MCN) No. 23-042: Conditional Use Permit (CUP) No. 23-006, A request for approval of a Type 41 (On Sale, Beer and Wine) Alcoholic Beverage Control (ABC) license for Round Table Pizza, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15301.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2023____; and,

1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities), and Section No. 3.22 (Categorical Exemption) of the Local 2019 Guidelines for Implementing the CEQA, and direct staff to file a notice of Exemption; and,
2. Approve Conditional Use Permit No. 23-006

APPLICANT:

Baljit Singh
4320 Briganti Lane
Riverside, CA 92505

LOCATION:

10515 Sierra Avenue, Suite 400 (APN: 0194-371-24)

REQUEST:

Conditional Use Permit (CUP) No. 23-006 - A request to obtain an Alcoholic Beverage Control (ABC) Type 41 (On-Sale, Beer and Wine) License for a sit-down restaurant (Round Table Pizza).

PROJECT PLANNER:

Alexia De La Torre, Assistant Planner

BACKGROUND INFORMATION :

Land Use Table:

	General Plan	Zoning/Overlay	Existing Land Use
Site:	Walkable Mixed Use-1 (WMXU-1)	Form Based Code Transitional District	Multi-Tenant Building with restaurant uses
North:	General Commercial (C-G)	Empire Center Specific Plan, Promotional Center	Palm Court Shopping Center
South:	Walkable Mixed Use-1 (WMXU-1)	Form Based Code Transitional District	Hilton Garden Inn Hotel
East:	Walkable Mixed Use-1 (WMXU-1)	Form Based Code Transitional District	Hilton Garden Inn Hotel
West:	General Commercial (C-G)	General Commercial (C-2)	Chevron Gas Station

PROJECT DESCRIPTION:

Type of License

A Type 41 (On-sale, Beer and Wine) license authorizes the sale of beer and wine for on-site consumption for a bona-fine eating establishment.

Census Tract No.

The sit-down restaurant is located within Census Tract No. 26.08. A map identifying the census tract boundaries is attached (Attachment No. 3).

Concentration

According to the Department of Alcoholic Beverage Control (ABC), four (4) on-sale licenses are allowed within Census Tract 26.08 before being considered overconcentrated. Currently there are nine (9) licenses operating within Census Tract No. 26.08. Consequently, the California Department of Alcoholic Beverage Control (ABC) considers this tract over-concentrated for on-sale licenses. New licenses may be issued by the Department of ABC where is tract is over-concentrated provided that the Planning Commission can make a finding of Public Convenience or Necessity.

Building Analysis

The Round Table Pizza sit-down restaurant will be located in a suite that is approximately 2,700 square feet. The suite is part of an existing multi-tenant building which includes a Jersey Mikes, Jamba Juice, and Chipotle restaurant.

ANALYSIS:

The Applicant is requesting that the Planning Commission review and approve Conditional Use Permit No. 23-0006 for a Type 41 (On-sale, Beer & Wine) ABC License for a new Round Table Pizza sit-down restaurant.

The property is located on the southeast corner of Sierra Avenue and Slover Avenue. The project site is located in an existing 7,460 square foot multi-tenant building that has four (4) tenant suites. The suite for the sit-down restaurant is approximately 2,700 square feet. The other three (3) suites are being occupied by Jersey Mike's, Jamba Juice, and Chipotle.

The proposed hours of operation for the sit-down restaurant are from Monday-Sunday 10:00 am-11:00 pm. The proposed sale of alcoholic beverages would be during the business hours of the sit-down restaurant. According to the floor plan, beer and wine will be stored behind the front counter in the restricted staff area accessible by employees only.

All staff will be well-trained for food and alcohol safety and responsibility by obtaining a Food Handler's certification from the County of San Bernardino Public Health Department and completing a Responsible Beverage Service (RBS) training from an ABC approved RBS training provider.

The Police Department reported that between September 1, 2022, through September 5, 2023, there were a total of 34 calls for service. The majority of the calls were for unhappy customer disputes and one transient related call. The Police Department commented that they do not see a cause for concern with this current proposed ABC License due to the calls not being related to alcohol.

In addition to the City of Fontana's Zoning and Development Code requirements and standards, staff has reviewed the location with particular consideration to the physical relationship and proximity of the proposed use to that of similar uses on the same surrounding sites. Staff found that there are nine (9) on-sale establishments within the same tract (Census Tract 26.08) which is depicted on the table below.

Business Name	Address	License		CUP
Brandon's Diner	17132 Slover Avenue	On-Sale	47	Yes
Xolos Tacos	17122 Slover Avenue	On-Sale	41	Yes
Hilton Garden Inn	10543 Sierra Avenue	On-Sale	47	Yes
Shakey's Pizza Parlor	16940 Slover Avenue	On-Sale	41	Yes
El Chilitos Mexican Restaurant	11251 Sierra Avenue #C2	On-Sale	41	Yes
Chipotle Mexican Grill Store	10515 Sierra Avenue	On-Sale	41	Yes
Blazin Crab	17052 Slover Avenue #J105	On-Sale	41	Yes
Spice Jar	17052 Slover Avenue #J110-111	On-Sale	47	Yes
La Katrina Mexican Grill & Cantina	17122 Slover Avenue #K101	On-Sale	47	Yes

Finding of “Public Convenience or Necessity”

The Type 41 (On-sale, Beer and Wine) license authorizes the sale of beer and wine and consumption on the premises where sold. The Round Table Pizza sit-down restaurant is located within Census Tract 26.08. According to ABC, four (4) on-sale licenses are allowed within Census Tract 26.08 and as previously identified there are nine (9) active on-sale ABC licenses operating within the tract. Therefore, this tract is categorized by ABC as over-concentrated. New licenses may be issued by the Department of ABC where a tract is considered over-concentrated provided that a finding of Public Convenience or Necessity is made by the local jurisdiction.

The finding of the Public Convenience or Necessity can be met as Round Table Pizza is a sit-down restaurant; customers who are eating at the restaurant would likely find it a convenience to have alcoholic beverages with their meal within a controlled environment. The Planning Commission, in the past, has found that sit-down restaurants with a proposed ABC license are a “public benefit” and have made such a finding and approved conditional use permits for the sale of beer and wine for restaurants in over-concentrated areas.

The proposed project would promote the local economy. The sit-down restaurant will provide an additional on-site alcohol consumption location and an additional convenience for residents who live near the southern part of Fontana and the local workforce. The project site is in an established multi-tenant building that is directly adjacent to the Hilton Garden Inn Hotel. This restaurant will likely provide service to guests at the hotel, nearby employees, and residents. The ability to serve alcohol will enable the sit-down restaurant to better compete with other sit-down restaurants within the area that provide the same service.

Environmental:

This project as proposed qualifies for a categorical exemption pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act (CEQA), and Section No. 3.22 (Categorical Exemption) of the Local 2019 Guidelines for Implementing the California Environmental Quality Act. The project proposal is to obtain an ABC license to sell alcohol within a commercial tenant suite of an existing building. there are no changes or expansions to the building as part of this application.

MOTION:

Approve staff's recommendation

ATTACHMENTS:

Attachment No. 1 - Vicinity Map

Attachment No. 2 - Project Plans

Attachment No. 3 - Census Tract Map 26.08

Attachment No. 4 - Matrix of On-Sale Establishments

Attachment No. 5 - Planning Commission Resolution and Conditions of Approval

Attachment No. 7 - Public Hearing Notice

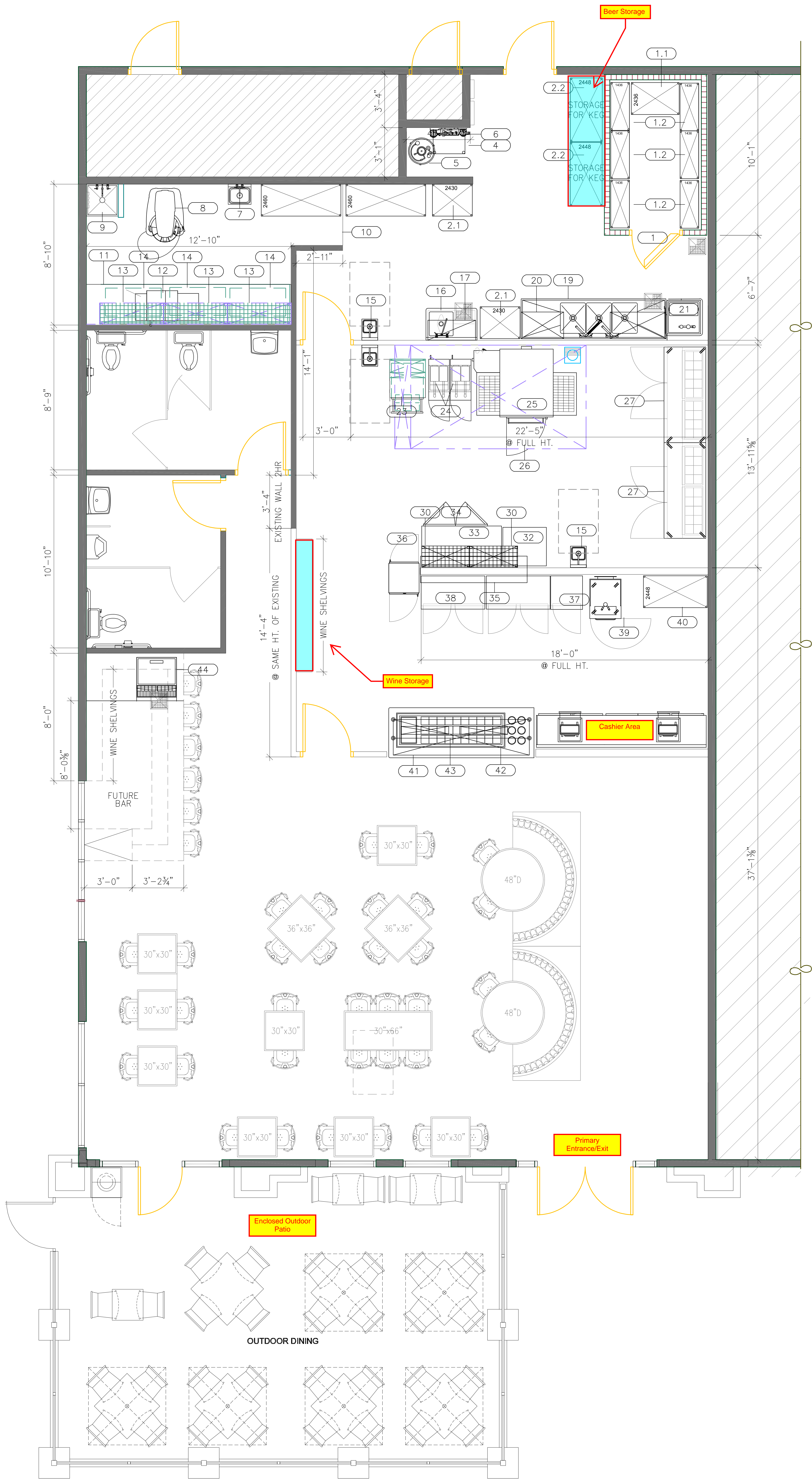


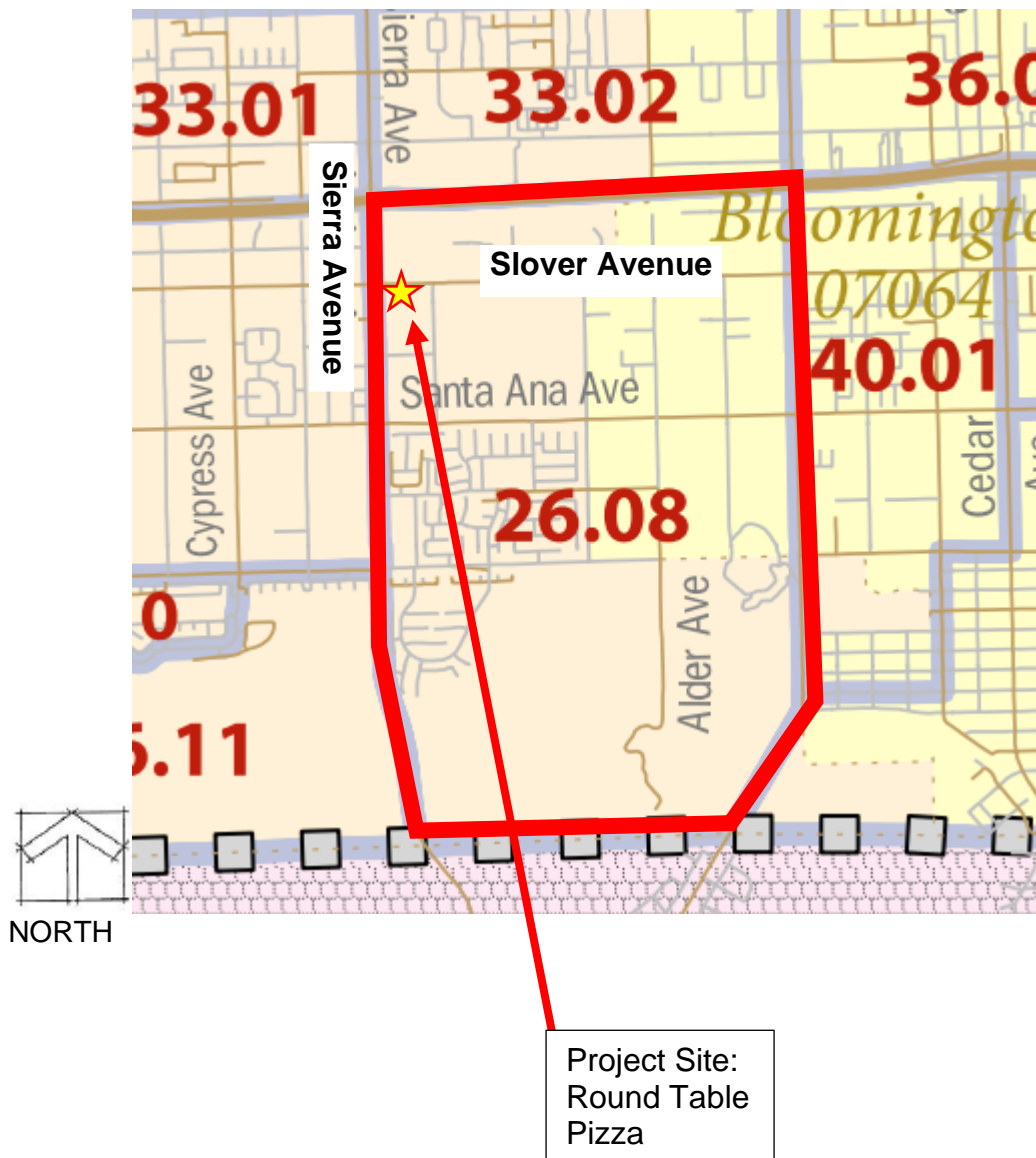
Project Site:
Round Table
Pizza

VICINITY MAP

DATE: October 3, 2023

CASE: Master Case No. 23-042
Conditional Use Permit No. 23-006





**CENSUS TRACT
26.08**

DATE: October 3, 2022

CASE: Master Case No. 23-042
Conditional Use Permit No. 23-006

ABC On-Sale Licensed Establishments

Business Name	Address	License		CUP
Brandon's Diner	17132 Slover Avenue	On-Sale	47	Yes
Xolos Tacos	17122 Slover Avenue	On-Sale	41	Yes
Hilton Garden Inn	10543 Sierra Avenue	On-Sale	47	Yes
Shakey's Pizza Parlor	16940 Slover Avenue	On-Sale	41	Yes
El Chilitos Mexican Restaurant	11251 Sierra Avenue #C2	On-Sale	41	Yes
Chipotle Mexican Grill Store	10515 Sierra Avenue	On-Sale	41	Yes
Blazin Crab	17052 Slover Avenue #J105	On-Sale	41	Yes
Spice Jar	17052 Slover Avenue #J110-111	On-Sale	47	Yes
La Katrina Mexican Grill & Cantina	17122 Slover Avenue #K101	On-Sale	47	Yes

Totals: **Current** **Allowed**
On-Sale: 9 Active 4

**CENSUS TRACT
26.08**

DATE: October 3, 2023

CASE: Master Case No. 23-043
Conditional Use Permit No. 23-006

RESOLUTION PC NO. 2023-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 23-006 TO APPROVE A TYPE 41 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE (ON-SALE BEER AND WINE – EATING PLACE) FOR A ROUNDTABLE PIZZA RESTAURANT LOCATED AT 10515 SIERRA AVENUE, SUITE 400 (APN: 0194-371-24) PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINESS SECTION 15301.

WHEREAS, the location of 10515 Sierra Avenue, Suite 400 (APN: 0194-371-24) was annexed from the San Bernardino County into the City of Fontana on August 1, 1963; and

WHEREAS, the site is located within the Form Based Code (FBC) Transitional District and has a General Plan Land Use designation of Walkable Mixed User Corridor (WMXU-1); and

WHEREAS, on June 20, 2022, City of Fontana received an application from Baljit Singh (“Applicant”), for a Conditional Use Permit (CUP) No. 23-006 for a new California Department of Alcoholic Beverage Control (ABC) Type 41 license (On-Sale Beer and Wine) for the Round Table Pizza restaurant at 10515 Sierra Avenue, Suite 400.

WHEREAS, pursuant to Section 30, Article II, Division 12 (Conditional Use Permits) of the Fontana Zoning and Development Code, an application for a conditional use permit requires approval by the Planning Commission; and

WHEREAS, Conditions of Approval for CUP No. 23-006 have been prepared and are attached hereto as **Exhibit “A”** and incorporated herein; and

WHEREAS, 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; and

WHEREAS, property owners within 660 feet of the project site were notified via a public hearing notice mailer prior to the Public Hearing; and

WHEREAS, a notice of the public hearing was published in the local *Fontana Herald* newspaper on September 22, 2023 and simultaneously displayed at City Hall and at the project site; and

WHEREAS, on October 3, 2023, a duly noticed public hearing on CUP No. 23-006 was held by the Planning Commission to consider testimony and evidence presented by the applicant, City staff, and other interested parties; and

WHEREAS, on October 3, 2023 the Planning Commission carefully considered all information, evidence and testimony presented the public hearing for CUP No. 23-006; 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).

SECTION 3. CUP. The City of Fontana Planning Commission hereby makes the following findings for CUP No. 23-006 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, any applicable Specific Plan or Area Plan, and City regulations/standards.**

Finding of Fact: The request is for a Conditional Use Permit (CUP) for Round Table Pizza, a casual sit-down restaurant, for an Alcoholic Beverage Control (ABC) license. The Zoning and Development Code allows for sit-down restaurants to operate with a California Department of Alcohol Beverage Control (ABC) Type 41 (On-Sale Beer and Wine – Eating Place) license subject to approval of a Conditional Use Permit. If approved, Conditions of Approval will aid in regulating the sale of alcohol at the project site such as consumption location, security and hours of operation.

The restaurant is located at 10515 Sierra Avenue, Suite 400 (APN: 0194-371-24) within an existing multi-tenant space. The General Plan land use designation for the site is Walkable Mixed-Use Corridor (WMXU-1). Specific development types allowed in WMXU-1 include: retailing, service activities, offices and businesses providing professional services, as well as restaurants.

The site is further located within the Transitional District of the Form Based Code (FBC). The Transitional subdistrict is intended to accommodate a variety of retail and office uses in addition to service

establishments such as restaurants. Therefore, the proposed use of a restaurant is consistent with the General Plan and Zoning regulations.

The Fontana Zoning and Development Code allows for a restaurant to operate with a California Department of Alcohol Beverage Control license subject to approval of a Conditional Use Permit by the Planning Commission. Therefore, the project is consistent with the General Plan, the City of Fontana's Zoning and Development Code.

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.

Finding of Fact: The restaurant occupies a suite of approximately 2,700 square feet within an existing multi-tenant building comprised of approximately 7,460 square feet. The physical characteristics of the site were reviewed, and it was determined that the site meets the requirements for yards, setbacks, walls, landscaping, requirements, and applicable Zoning and Development Code regulations at the time the physical building was approved. Furthermore, the use is for the sit-down restaurant to operate with a new California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine – Eating Place) license which will not result in any physical change to the site or building itself.

No adverse effects should be generated from this conditionally permitted use and an ABC license will not have any effect on the health, safety, and general welfare of the surrounding community. Any possible adverse effects shall be mitigated by the Conditions of Approval attached hereto as Exhibit "A".

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.

Finding of Fact: An ABC Type 41 (On-Sale Beer and Wine – Eating Place) license is consistent with the underlying General Plan land use designation and, Transitional District of the Form Based Code (FBC) and is compatible with surrounding properties. There will be no adverse effect to the neighboring sites or their permitted uses. Calls for service to the Round Table Pizza restaurant have been reviewed by the Fontana Police Department, and the Department had no

concerns with the project. The building has been constructed and the possible adverse effects from the restaurant have been mitigated by the Conditions of Approval for this project herein. The project has been reviewed by the Fontana Planning Department, Engineering Department, Building and Safety Division, and County Fire Prevention for site circulation, access, and safety.

Section 4: **Public Convenience and Necessity. The City of Fontana Planning Commission hereby finds that the proposed use will meet the finding of “Public Convenience or Necessity”.**

Finding of Fact: The Planning Commission may find that this application would be considered public benefit” and therefore would meet the definition of Public Convenience or Necessity. A large number of the general population chooses to enjoy the convenience of a local neighborhood restaurant including purchasing alcoholic beverages therein. The approval of this application will allow people the opportunity to enjoy an alcoholic beverage with their meal within a controlled environment.

Given the proximity of residents in nearby residential neighborhoods and workforce, the restaurant, Round Table Pizza, offers a casual sit-down dining experience to its patrons. The proposed project will be limited in hours of operations and shall comply with the conditions of approval.

The restaurant is located within Census Tract 26.08. According to ABC, four (4) on-sale licenses are allowed within Census Tract 33.01. Currently there are nine (9) active on-sale ABC licenses operating within the tract. Therefore, this tract would be categorized by ABC as over-concentrated. New licenses may be issued by ABC where a tract is over-concentrated provided that a finding of Public Convenience or Necessity is made by the local jurisdiction. The Planning Commission in the past, has made such a finding and approved conditional use permits for the sale of beer and wine for restaurants in over-concentrated areas. A census tract information matrix is attached (Attachment No. 4 of the Planning Commission’s staff report). The approval of this application will allow the consumptions of beer and wine with meals.

SECTION 4. Approval. Based on the foregoing, the City of Fontana Planning Commission hereby approves Conditional Use Permit No. 23-006 subject to the Conditions of Approval, which are attached hereto as “**Exhibits A**” and incorporated herein by this reference; and,

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 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.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this **3rd day of October 2023.**

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Ralph Thrasher, 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 October 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ralph Thrasher, Secretary

EXHIBIT "A"



CITY OF FONTANA

CONDITIONS OF APPROVAL

PROJECT: Conditional Use Permit No. 23-006

DATE: October 3, 2023

LOCATION: 10515 Sierra Avenue, Suite 400 (APN: 0194-371-24)

PLANNING:

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 period 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. The approved set of Conditions of Approval shall be posted at all times at a visible location behind the cashier's counter in the facility and shall remain legible at all times.
7. 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.
8. 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 make actual and substantial sales of meals for consumption on the premises.
9. At all times when premises are open for business, the sale of alcoholic beverages shall be incidental to the sale of food.

10. 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.
11. The business owner/licensee or management 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.
12. 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.
13. Employees engaged in the sale or distribution of alcoholic beverages shall be at least 18 years of age. If the business owner, licensee or management chooses to employ a salesperson between the ages of 18 to 20, that salesperson must be under the continuous supervision of at least one salesperson who is 21 years old or older. Bartenders and cocktail waitresses shall be 21 years old.
14. The hours of operation shall not exceed 10:00 am – 11:00 pm seven days a week.
15. Beverage coolers containing alcoholic beverages shall be located behind the cashier's counter or in areas only accessible to employees.
16. 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 disk jockey or similar person.
17. 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.
18. At all times, the premises shall remain open to persons of all ages, as allowed by the Type 41 Department of Alcoholic Beverage license.
19. At no time, shall the premises operate as a nightclub, dance hall or event forum.
20. 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.
21. 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.

22. No electronic arcade, amusement games, pool tables, dart boards, or other similar devices are permitted on the licensed premises.
23. 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.
24. 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.
25. A digital video surveillance system is required at the premise. 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.
26. 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.
27. 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.
28. A prominent, permanent sign or signs stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted on the exterior of the building, near both entrances, 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 in length and 14 inches in width with the print of sufficient size to make them clearly readable.

29. A prominent, permanent sign or signs stating “NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED OFF THE PREMISES” shall be posted on the exterior of the building, near both entrances, 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 in length and 14 inches in width with the print of sufficient size to make them clearly readable.
30. 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.
31. The applicant shall comply with the City False Alarm Ordinance.
32. 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.
33. 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 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

NOTICE OF EXEMPTION

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

FROM: City of Fontana
Planning Department
8353 Sierra Avenue
Fontana, CA 92335

1. Project Title: **Master Case No. (MCN) 23-042 and Conditional Use Permit (CUP) No. 23-006**
2. Project Location - Specific: **10515 Sierra Avenue, Suite 400 (APN: 0194-371-24)**
3. (a) Project Location - City: **Fontana, CA 92335**
(b) Project Location - County: **San Bernardino**
4. Description of nature, purpose, and beneficiaries of Project: **Conditional Use Permit No. 23-006 is a request to establish a Type 41 (On-sale beer and wine for bona-fine eating place) Alcohol Beverage Control license for a restaurant to sell beer and wine to be consumed on-site.**
4. Name of Public Agency approving project: **City of Fontana**
5. Name of Person or Agency carrying out project: **Baljit Singh**
4320 Briganti Lane
Riverside, CA 92505
6. Exempt status: (Check one)
 - (a) _____ Ministerial project.
 - (b) _____ Not a project.
 - (c) _____ Emergency Project.
 - (d) ☒ **Categorical Exemption. State type and class number: Exempt under Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the local CEQA guidelines.**
 - (e) _____ Declared Emergency.
 - (f) _____ Statutory Exemption. State Code section number: _____
 - (g) _____ Other. Explanation: _____
7. Reason why project was exempt: **The project is for the approval of a conditional use permit for an existing restaurant to operate with a Type 41 ABC license to allow the sale of beer and wine to be consumed on-site.**
8. Contact Person: **Alexia De La Torre, Assistant Planner** Telephone: **(909) 350-6568**

Date Received for Filing:

Salvador Quintanilla
Senior Planner

(Clerk Stamp Here)



NOTICE PUBLIC HEARING

***Si desea información en Español referente a esta notificación o proyecto,
favor de comunicarse al (909) 350-6728.***

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

Master Case (MCN) No. 23-042 and Conditional Use Permit (CUP) No. 23-006

A request for approval to establish a California Department of Alcoholic Beverage Control (ABC) Type 41 (On-sale Beer and Wine – Eating Place) alcohol license to be served for on-site consumption at a Round Table Pizza restaurant.

Environmental Determination: This project qualifies for a categorical exemption 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 CEQA.

Location of Property: 10515 Sierra Avenue, Suite 400 (APN: 0194-371-24)

Date of Hearing: October 3, 2023

Place of Hearing: City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing: 6:00 pm



Should you have any questions concerning this project, please contact Alexia De La Torre, Assistant Planner, at (909) 350--6568 or by email at adelatorre@fontanaca.gov



ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION AT THE PLANNING DEPARTMENT, CITY HALL. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.

Publish: September 22, 2023



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-2524
Agenda #: PH-B

Agenda Date: 10/3/2023
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 23-090 and Municipal Code Amendment No. 23-003 - Fontana Municipal Code amendments to Chapter 30 (Zoning and Development Code), pursuant to a categorical exemption in accordance with CEQA Guidelines section 15301.

RECOMMENDATION:

Based on the information in the staff report staff recommends that the Planning Commission adopt Resolution PC No. 2023-___; and,

1. Determine that this Ordinance is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and,
2. Approve a resolution recommending that the City Council adopt an Ordinance for Municipal Code Amendment (MCA) No. 23-003 to amend Chapter 30 of the Municipal Code.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

REQUEST:

A Municipal Code Amendment (MCA) No. 23-003 for amendments to Chapter 30 that will modify multiple sections, including modification of appeal hearing timeframes, addition of language to provide for minor and major planned unit developments (PUDs), modification of language related to open space requirements, modification of garage door design requirements; inclusion of language to reduce landscape setback requirements to accommodate bus turn outs and deceleration lanes, addition of language to streamline development standards within Medium Density Residential (R-2) and Multiple Family (R-3) zoning districts, and additional recreational facilities options within the

Multi-Family Medium/High Density (R-4) and Multi-Family High Density Residential (R-5) zoning districts.

PROJECT PLANNER:

Salvador Quintanilla, Senior Planner

BACKGROUND INFORMATION:

The City of Fontana Zoning and Development Code regulates the development of commercial, industrial, and residential projects. Staff conducts ongoing reviews of the municipal code to determine where language within the code would benefit from updates, clarification, and/or redefinition to help streamline zoning and development processes.

PROJECT DESCRIPTION/ANALYSIS:

The City initiated Municipal Code Amendment No. 23-003 to update Chapter 30 (Zoning and Development Code) as summarized below; a detailed list of the proposed amendments is provided within Exhibit "A" of the Planning Commission Resolution (Attachment No. 1).

Section 30-30: Hearing date and notice: Amendments to provide additional time to schedule appeal hearings. Current language requires that appeal hearing dates be set for between 30 and 60 days, which does not always provide sufficient time to provide the necessary reports for Planning Commission and City Council. This amendment provides additional time.

Division 24: Planned Unit Development (PUD): Amendments to encourage the development of infill sites in the (Medium Density Residential (R-2) zoning district by providing flexibility and streamlining the existing development standards. The new language will provide flexibility and opportunities for development of in-fill sites in particular, and would be subject to enhanced architecture, landscaping and on-site improvements to contribute to the character of the existing neighborhood.

Section 30-417: Setback requirements: The Development Code does not currently provide a landscape setback that acknowledges requirements for projects adjacent to bus turn out or deceleration lanes; the proposed language will provide a development standard to accommodate conditions when a bus turn and/or deceleration lanes need to be constructed adjacent to a proposed development, thus providing for more orderly site planning.

Section 30-430: Uses Permitted: This amendment will provide for Planned Unit Developments distinguishing between a Major and Minor PUD within the permitted uses table for the residential zones.

Section 30-434: Residential development standards in R-E, R-1, R-2, R-3, and R-PC: This amendment will provide for development standards in the residential zones and add language to be consistent with the proposed language of the PUD.

Section 30-435: Plotting and design criteria: The amendment would clarify garage door design requirements.

Section 30-444: Additional development standards in R-2 and R-3 zoning districts: This section will be amended to allow developers to streamline certain developments for multi-family development

within the R-2 zoning district. The amendment will simplify the permitted uses table and the developments standards for the R-2 and R-3 zone, allow smaller housing products and allow more variety of housing types within the R-2 and R-3 zoning districts.

Section 30-451: (R-4 and R-5) Recreational Facilities: This amendment will provide the Planning Commission with the ability to consider additional options when reviewing proposed amenities.

In summary, the proposed amendments are proposed in order to provide flexibility in, and streamlining of, the City's Municipal Code.

MOTION:

Approve staff recommendation.

ATTACHMENTS:

1. Planning Commission Resolution/Exhibit A
2. Notice of Exemption
3. Notice of Public Hearing

RESOLUTION PC NO. 2023-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING CITY OF FONTANA CODE (“CODE”) AMENDMENT (MCA) NO. 23-003; SEC. 30-30 HEARING DATE AND NOTICE, RELATED TO TIMING OF APPEALS; DIVISION 24 PLANNED UNIT DEVELOPMENTS (PUD), TO PROVIDE FOR MAJOR AND MINOR PLANNED UNIT DEVELOPMENTS; SEC. 30-417 - SETBACK REQUIREMENTS, RELATED TO PROJECTIONS INTO LANDSCAPE SETBACKS ALONG PUBLIC RIGHTS OF WAY; SEC 30-430 - USES PERMITTED TO PROVIDE FOR MAJOR AND MINOR PLANNED UNIT DEVELOPMENTS IN THE R-1 AND R-2 ZONING DISTRICTS; SEC. 30-434, RESIDENTIAL DEVELOPMENT STANDARDS, RELATED TO R-2 ZONING STANDARDS; SEC. 30-435 PLOTTING AND DESIGN CRITERIA, RELATED TO GARAGE DOORS; SEC. 30-444 – ADDITIONAL DEVELOPMENT STANDARDS IN R-2 AND R-3 ZONING DISTRICTS RELATED TO DEVELOPMENT STANDARDS; AND SEC. 30-451 – RECREATIONAL FACILITIES, RELATED TO ALLOWABLE RECREATIONAL FACILITIES, PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15061(B)(3) .

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States; and

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify and recodify its ordinances; and

WHEREAS, the City of Fontana (“City”) desires to restate without substantive revision, amend, and recodify certain ordinances codified in the Code; and

WHEREAS, the General Plan includes policies and actions calling for numerous updates to the Municipal Code; and

WHEREAS, Chapter 30, Sec. 30-30 – Hearing date and notices, will be amended related to timing of appeals; and

WHEREAS, Chapter 30, Division 24 – Planned Unit Developments, will be amended to provide for major and minor planned unit developments, providing flexibility in order to encourage residential development of infill properties; and

WHEREAS, Chapter 30, Section 30-417 will amend and decrease landscaped setback requirements adjacent to the public right of way related to certain public facilities to allow for more orderly site planning; and

WHEREAS, Chapter 30, Section 30-430 will provide for Major and Minor Planning Unit Developments in the R-1 and R-2 zoning districts; and

WHEREAS, Chapter 30, Section 30-434 will be amended to encourage development of infill sites in the R-2 zoning district by streamlining and modifying the existing development standards and providing more flexibility; and

WHEREAS, Chapter 30, Section 30-435 will be amended related to garage doors to provide alternate design options; and

WHEREAS, Chapter 30, Section 30-444 will be amended related to development standards in the R-2 and R-3 zoning districts to provide for more flexibility; and

WHEREAS, Chapter 30, Section 30-451 will provide flexibility related to allowable recreational facilities; and

WHEREAS, State law requires Zoning regulations to be consistent with the General Plan, and therefore updating the Municipal Code would contribute to consistency with the General Plan; and

WHEREAS, a notice of the public hearing was published in the local newspaper on Saturday, September 23, 2023 and simultaneously displayed at City Hall; and

WHEREAS, on October 3, 2023, the Planning Commission received public testimony on City Code Amendment (MCA) No. 23-003 and determined that this Ordinance qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. This Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed City Code Amendment, including the staff report, and all the information, evidence, and testimony presented at its public hearing on October 3, 2023; and

WHEREAS, the proposed amendments are consistent and compatible with the General Plan and that the updates are in line with goals, policies and objectives of the City; the Housing Element policies and the Zoning and Development Code; and

WHEREAS, the proposed amendments will be in conformity with appropriate land use practices and will establish appropriate development standards for the land use designations; and

WHEREAS, the proposed amendment to the City Code (Exhibit "A") will not be detrimental to the public health, safety, and general welfare, and will not adversely affect the orderly development of property, and will better express the City's policies, and generally promote good land use planning and regulation; 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 true, correct and incorporated herein by reference.

Section 2. CEQA. The Planning Commission hereby recommends that the City Council determine that this ordinance qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; therefore, a Notice of Exemption has been prepared.

Section 3. Municipal Code Amendment. The Planning Commission hereby makes the following finding for Municipal Code Amendment No. 23-003 in accordance with Section 30-45(b) "Hearing-Planning Commission" development code amendments of the Fontana Zoning and Development Code:

Finding: The proposal substantially promotes the goals of the City's general plan.

Finding of Fact: The proposed Municipal Code Amendments will clarify and streamline the City's development requirements and processes. As such, they promote the General Plan goals of adequate housing to meet the needs of all residents in Fontana and promoting a diversified economy.

Section 4. Recommendation of Approval. Based on the foregoing, the City of Fontana Planning Commission hereby recommends that the City Council adopt an ordinance approving MCA No. 23-003 which amends the City Code as indicated in Exhibit "A" as referenced herein.

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 any other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 3rd day of October 2023.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Ralph Thrasher, 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 3rd day of October, 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ralph Thrasher, Secretary

EXHIBIT A

AMENDMENTS TO CODE CHAPTER 30

Sec. 30-30. - Hearing date and notice.

Upon receipt of the notice of appeal, the body hearing the appeal shall set a date for hearing of the matter and give notice of the date, time and place of the hearing to the appellant at least ten days prior to the date of the hearing. The appeal hearing shall be scheduled no sooner than 30 days nor no later than ~~60~~ 90 days from the date the application has been deemed complete. This time limit may be extended by mutual agreement of the City and the appellant.

DIVISION 24 – PLANNED UNIT DEVELOPMENT (PUD)

Sec. 30-323. Purpose.

This division establishes the regulations and procedures for the approval of a Planned Unit Development (PUD) project, Major and Minor.

(1) *Purpose*. The purpose of this division is as follows:

- a. To encourage within the density standards of the general plan and Zoning and Development Code the development of a more desirable living environment by application of modern site planning techniques and building groupings or arrangements that are not permitted through strict application of the present zoning and subdivision ordinances;
- b. To encourage the reservation of greater open space and amenities for visual enjoyment and recreational use;
- c. To encourage a more efficient, aesthetic and desirable use of land; and
- d. To encourage variety in the physical development patterns of the City.

(2) *Intent*. The intent of this division is to ensure that:

- a. Planned unit development permits will be issued only where the subject parcel is ~~large enough~~ suitable to make innovative and creative site planning possible;
- b. Applicants for planned unit development permits have the professional capability to produce a creative plan;
- c. The public's interest in achieving goals stated in the general plan will be served more fully through the planned unit development process than through application of conventional zoning regulations;
- d. The advantages to landowners afforded by the planned unit development process will be balanced by public benefits; and
- e. Natural or man-made features and resources of the site such as topography, trees, watercourses, and the like are preserved.

Sec. 30-324. Authority.

~~The City Council is authorized to approve or deny general plan amendment applications.~~ Minor Planned Unit Developments are allowed by-right in applicable zoning districts. The Planning Commission is authorized to approve or deny a Major Planned Unit Development application and to impose reasonable conditions upon approval.

Sec. 30-325. Uses permitted.

Only those uses permitted in the zoning district shall be permitted under conditions of this division.

Sec. 30-326. Development regulations.

Any project developed pursuant to this division shall comply with the following regulations, and any permit issued shall be subject to such provisions established as conditions of approval.

(A) Major Planned Unit Development

- (1) *Area of project.* Planned unit development projects shall not be less than one acre in total area, except as modified below:
 - a. For residential projects or mixed-use projects where all units are affordable according to City standards, the minimum land area shall be the minimum lot area requirement of the zoning district in which the project is located.
 - b. For applications involving conversions of cooperatives to condominiums, the minimum lot area shall be the minimum lot area requirement of the zoning district in which the project is located.
- (2) *Maximum density.* The dwelling unit density shall not exceed a number of units as set forth in the zoning district in which the project is located.
- (3) *Minimum area and dimensions of lot.* The area, width and depth of individually owned parcels of land within the development shall be established as a condition of approval, based on the following factors:
 - a. Topography of the land.
 - b. The ground area covered by individual dwellings and accessory structures.
 - c. Location of common open space and its relationship to the dwelling to be served.
 - d. Aesthetic relationships between individual units and open spaces.
 - e. Yards and setbacks.
 1. Front, side, and rear yards shall be established as a condition of approval. Building lines shall be indicated on the approved site plan map.
 2. All buildings shall be set back from all perimeter lines of the project a distance not less than 15 feet for rear yards and 10 feet for side yard setbacks. Greater perimeter setbacks may be required as a condition of approval.
- (4) *Distance between buildings.* The distance between any two buildings within the project shall be established as a condition of approval but shall not be less than ten-foot between the edges of the eaves.

- (5) *Maximum building height.* The maximum building height permitted in the zoning district shall apply.
- (6) *Required on-site parking.*
 - a. The number of required parking spaces shall conform to provisions of Article XI.
 - b. The location and arrangement of parking shall be subject to review by the Planning Commission.
- (7) *Walls, fences, and landscaping.*
 - a. Appropriate walls, fencing and landscaping around the perimeter of the project shall be required.
 - b. A landscaping plan for all common open areas shall be submitted with required plans. Approval of the landscape element shall include approval of an acceptable watering system, and assurance of continued maintenance.
- (8) *Signs.* The provisions of the zoning district in which the project is located shall apply.
- (9) *Access.*
 - a. Vehicular access shall be subject to review and approval of the Planning Commission.
 - b. Conflicts between pedestrian and vehicular circulation shall be minimized. Where such conflicts exist, adequate safety measures shall be in place to protect pedestrians.
 - c. All pedestrian access to common recreation and open areas shall be subject to review and approval of the Planning Commission.
 - d. Amenities adjacent to drive aisles and streets shall be separated by a physical barrier (i.e. low walls).
 - e. A variety of pavement textures and colors are required for streets, access ways and driveways, including stamped concrete, pavers, colored concrete and interlocking paving materials.
- (10) ~~(9)~~ *Minimum dwelling unit floor area.* The minimum floor area for each dwelling unit shall not be less than the requirements established by the zoning district.
- (11) ~~(10)~~ *Common open space elements.* The Planning Commission shall review and approve the location, intent, landscape treatment and method of maintaining each common open space or recreational elements proposed. The Planning Commission may require, as a condition of approval, such improvements as fencing, walls, and/or landscaping necessary to protect abutting residential development.
- (12) ~~(11)~~ *Fencing.* All fences and walls shall be constructed of durable, long-lasting materials. Walls constructed of concrete block shall vary in

- texture, color, and/or incorporate landscaping in order to provide visual relief. Wood, chain link fencing, and barbed wire are prohibited.
- (13) ~~(12)~~ *Amenities/recreational uses.* Active and passive recreational uses shall be encouraged, including greenbelts, hiking and walking trails, parks, swimming pools, spas, barbecue areas and sports courts. The design of such recreational uses shall be properly integrated into the overall design of the project. Amenities adjacent to drive aisles and streets shall be separated by a physical barrier (i.e. low walls).
 - (14) ~~(13)~~ *Private yards.* Private yards shall be of sufficient size to be useable for passive outdoor use by occupants.
 - (15) ~~(14)~~ *Orientation.* Buildings shall be oriented and located in such a manner as to maximize views and privacy and minimize exposure to intrusive elements such as noise, traffic and negative views.
 - (16) ~~(15)~~ *Nuisance factors.* The Planning Commission may impose standards, including restrictions on operating hours, for nuisance factors such as lighting, noise, vibrations, smoke, dust, dirt, odors, gases, heat, glare, or other physical impacts.
 - (17) ~~(16)~~ *Natural features.* The development shall incorporate, where possible, natural terrain and trees or other vegetation into the overall design of the project.
 - (18) ~~(17)~~ *Other conditions.* The Planning Commission may impose other conditions that it deems necessary or desirable to ensure that the project will be established, operated, and maintained in accordance with this division and all other requirements of this chapter and other provisions of law. The decision-making authority may further require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

(B) Minor Planned Unit Development – Where a conflict exists between the standards in this section and those pertaining to the underlying zoning district, this section shall take precedence.

- (1) Area of project. Minor Planned Unit Development projects shall be located on sites that meet the following criteria:
 - a. Located within one of the following zoning districts:
 - 1. Single-Family Residential (R-1)
 - 2. Medium Density Residential (R-2) zoning districts, and
 - b. Located where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools and fire protection are provided.
 - c. Not larger than three (3) acres in size.
- (2) Maximum density. The dwelling unit density shall not exceed a number of units as set forth in the zoning district in which the project

is located, except in cases of utilizing units from any allowable density bonus program.

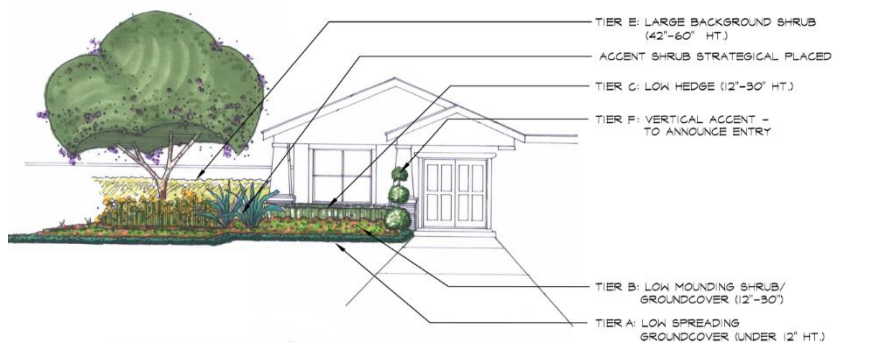
- (3) Minimum area and dimensions of lot. The area, width and depth of individually owned parcels of land within the development shall be established as part of the Minor Planned Unit Development approval, with a maximum deviation of 20% from the requirements of the applicable zoning district, based on the following factors:
 - a. Topography of the land.
 - b. The ground area covered by individual dwellings and accessory structures.
 - c. Location of common open space, if provided, and its relationship to the dwelling to be served.
 - d. Aesthetic relationships between individual units and open spaces.
- (4) Yards and setbacks.
 - a. Front, side and rear yards shall be permitted to deviate from the requirements of the underlying zoning district a maximum of 20% from the requirements of the applicable zoning district. Front, side, and rear yards shall be established as part of the Minor Planned Unit Development approval.
- (5) Lot coverage. Lot coverage shall be established as part of the Minor Planned Unit Development approval, with a maximum deviation of 20% from any applicable lot coverage of the zoning district.
- (6) Distance between buildings. The distance between any two buildings within the project shall be established as part of the Minor Planned Unit Development approval but shall not be less than six-feet between the edges of the eaves.
- (7) Maximum building height. The maximum building height permitted in the zoning district shall apply.
- (8) Required on-site parking.
 - a. The number of required parking spaces shall conform to provisions of Article XI.
 - b. The location and arrangement of parking shall be determined as part of the Minor Planned Unit Development approval.
- (9) Walls and fences.
 - a. Fences and walls shall be designed to be an attractive part of the project with materials and designs that are compatible with the exterior building materials and demonstrate design integrity with

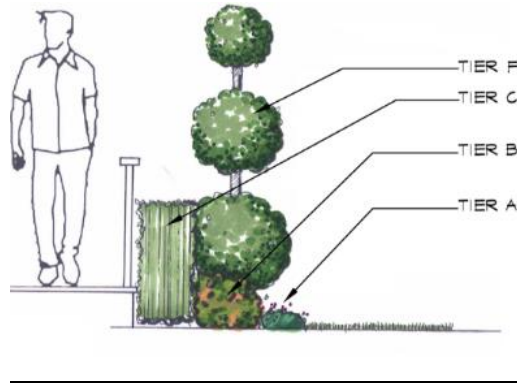
the project as a whole. Wood fencing, chain link or chain link with slats, and barbed wire shall be prohibited.

(10) Landscaping.

- a. Landscaping shall meet the requirements of Article X (General Landscape Requirements)
- b. Landscaping shall be incorporated to create an attractive visual for residential units, to provide privacy for adjacent residential units and to create useable open space when possible.
- c. The landscape design shall provide shade and accent plant materials of distinctive texture and color.
- d. A tiered planting plan shall be proposed and installed.
 1. A minimum of three tier types that include a combination of groundcover, shrubs, and specimen trees shall be incorporated.
 2. Different scales, forms, colors and/or textures of plant materials shall be used as “tiered” planting visually increases the depth of planters and promotes interest and diversity.
 3. The tiered concept shall be applied to areas facing the right-of-way and in front of individual residential units or multi-family housing projects.

Tier	DESCRIPTION	SIZE
Tier A	Low spreading groundcover (1) (3) (including turf or turf substitute)	Under 12" height
Tier B	Low mounding shrub/groundcover (1) (2) (3) (informal mass planting)	12"-30" height
Tier C	Low hedge (formal-linear) (3)	12"-30" height
Tier D	Medium shrub (informal mass or hedge) (2) (3)	24"-48" height
Tier E	Large shrub (informal mass or hedge) (2) (3)	42"-60" height
Tier F	Vertical accent (growth habit columns rather than horizontal) (3)	42"-72" height
Accent G	Strategically located specimens (3)	Varies





- (11) Signs. The provisions of the zoning district in which the project is located shall apply.
- (12) Access and paving.
- a. Decorative pervious paving shall be incorporated into paved and landscaped areas in order to enhance the appearance of the project, reduce the visual impact of paved surfaces and act as a traffic calming measure.
 1. Decorative paving, including stamped concrete, pavers, brick, grasscrete, interlocking paving materials and other comparable materials, shall be used for all drive aisles in the entire development.
 - b. Conflicts between pedestrian and vehicular circulation shall be minimized. Where such conflicts exist, adequate safety measures shall be in place to protect pedestrians.
 - c. The development shall include entry monumentation to provide an aesthetically pleasing, “celebrated” entry statement. The development shall provide all of the following components:
 1. A minimum of two 36 inch box trees.
 2. Uplighting on the building and landscaping.
 3. Architectural elements, such as columns, pergolas, low walls, and similar elements with signage identifying the community and/or address.



- (13) Minimum dwelling unit floor area. The minimum floor area for each dwelling unit shall established as required by the applicable zoning district.
- (14) Architectural design and site criteria. All criteria in Sec. 30-435 and 30-477 shall apply to projects utilizing the Minor Planned Unit Development.
- (15) Orientation. Buildings shall be oriented and located in such a manner as to maximize views and privacy and minimize exposure to intrusive elements such as noise, traffic and negative views. End units shall be oriented toward, and take access from, the public right-of-way.
- (16) Frontage and Entries. Each residential unit taking access from the ground floor shall incorporate one of the following frontage types:
 - a. Porch. In the porch frontage type, the main façade of the building has a small-to-medium setback from the frontage line. The resulting front yard is typically small and can be defined by a wall or fence to spatially maintain the edge of the street. The engaged porch has two adjacent sides of the porch that are attached to the building while the other two sides are open.
 - b. Dooryard. In the dooryard frontage type, the main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard. The dooryard shall not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and is intended for ground-floor residential.
 - c. Stoop. In the stoop frontage type, the main facade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-loaded. This type is appropriate for residential uses with small setbacks.
- (17) Natural features. The development shall incorporate, where possible, natural terrain and trees or other vegetation into the overall design of the project.

Sec. 30-327. General requirements.

- (a) *Phased development.* A proposed Major Planned Unit Development project that is phased over time shall be accompanied by a schedule establishing approximate dates when each phase shall be complete. Each phase of a phased development shall include its pro-rata share of total planned common space, facilities, services, and inclusionary units, as applicable.
- (b) *Common areas.* Where common areas or facilities are proposed, an operation and maintenance program shall be prepared.
- (c) *Development agreements.* Completion time and complexity of proposed planned developments may make desirable a development agreement between the project applicant and the City. Any such development agreement shall be subject to the provisions of Division 23, of this article herein.

Sec. 30-331. Findings for approval.

Before the Planning Commission may grant a Major Planned Unit Development permit, it must make all of the following findings:

- (1) The proposed project conforms to the general plan and is consistent with the purposes and requirements of this division.
- (2) The uses within the project are compatible.
- (3) New buildings or structures related to the project are compatible with the scale, mass, bulk, and orientation of buildings and structures in the surrounding vicinity.
- (4) The project is consistent with any adopted design guidelines applicable to the project area.
- (5) The overall project reflects a high level of development and design quality that will enhance and benefit the City as a whole.
- (6) The proposed project will be served by adequate water, sewer, public utilities, and services, and will have adequate vehicular and pedestrian access to ensure that it will not be detrimental to the public health, safety, or welfare.

Sec. 30-333. Hearing – Approval Process.

(A) Major Planned Unit Development

- (a) Upon the filing of a complete application for ~~amendment to the text or land use map of the general plan, the matter shall be set for hearing before the Planning Commission for recommendation to the City Council. Applications for general plan amendments shall be heard four times (approximately quarterly) per year. The filing deadlines for such applications shall be set at a date no closer than 51 days prior to the appropriate meeting date. the required entitlements for a proposed residential development requesting to~~

utilize the Major Planned Unit Development, the matter shall be set for hearing before the Planning Commission.

- (b) The Planning Commission shall hold at least one public hearing upon the matters referred to in the application for amendment. If the Planning Commission finds that the proposal substantially promotes the goals of the City's general plan, the Planning Commission shall recommend the change to the City Council. The Planning Commission shall transmit its report in writing to the City Council within 90 days following the public hearing. The report shall set forth the reasons of the Planning Commission recommendations and the relationship of the proposed change to the general plan. –The Planning Commission shall also have the authority to forward the application to the City Council for consideration.
- (c) ~~If the decision of the Planning Commission is to deny an application requesting the change of general plan amendment, the decision shall be final unless there is an appeal as provided for in Division 5 of this article herein.~~
- (d) ~~The Planning Commission shall also have the authority to forward the application to the City Council for consideration.~~

(B) Minor Planned Unit Development

- (a) Minor Planned Unit Developments are allowed by-right in applicable zoning districts. Compliance with the development standards in this Division is required for approval of the Minor Planned Unit Development application but does not preclude the proposed development from being subject to other required review and approval for site, architectural, subdivision, and other applicable applications

Sec. 30-417 – Setback requirements.

- (a) *Required setback.* Any person constructing, erecting, enlarging, or relocating a structure or portion of any structure fronting or siding on any street, highway, or other right-of-way for vehicular travel shall place such structure no closer to the right-of-way than as indicated by the development standards outlined in the various zoning districts.
- (b) *Greater setback may be required.* Where a setback distance clearly exists as a general pattern in a particular block or area, the setback requirements for the area shall be no less than the distance established by the existing setback pattern in the block or area, as determined by the approval body.
- (c) *Lesser setback.* The approval body may adopt by resolution a lesser setback line by way of variance along any street or highway when the existing setback of buildings or structures in an area necessitates a modification in the highway cross-section standard for that street or highway or as determined by the City Engineer.

(d) *Location of centerline.* In those cases where there is a question as to the location of the official centerline of the street or highway, the City Engineer shall determine the precise location of the centerline.

(e) *No use or storage within setbacks.* All used car lots, parking lots, gasoline pump islands, or similar open storage or use, shall be designed, located, and maintained in such a manner as to comply with the building setback provisions as set forth in this pursuant to the appropriate article herein. Auto display areas for car sales may be approved in a required setback area with a conditional use permit pursuant to the appropriate article herein. No utility transformer shall be located within any street/highway setback area.

(f) Projection into landscape setbacks along public rights-of-way. A landscape setback along public rights-of way may be reduced by up to 50% where a deceleration lane or bus bay would result in an encroachment into the required landscape setback area.

- a) The reduced landscape setback area shall be no more than the length of the required deceleration lane or bus bay, as determined by the City Engineer.
- b) Does not include any reduction of the landscaped area requirement or landscape screening requirement for parking areas.

Sec. 30-430. Uses permitted.

- (a) *Uses by zoning district.* Table No. 30-430 lists the uses permitted in each of the residential zoning districts. A "P" indicates a use is permitted by right, a "C" indicates the use requires the granting of a conditional use permit, and "—" means the use is not permitted in that zoning district.
- (b) *Uses subject to specific requirements.* Permitted uses marked with an asterisk "*" indicate that the use is subject to special use regulations in Section 30-432. Conditional uses are subject to the provisions in Section 30-433.

Table No. 30-430						
Permitted Uses in Residential Zoning Districts						
	Use	R-E	R-1	R-2	R-3	R-PC
A.	Residential Uses					
	Single-Family Detached Dwelling	P(a)	P(a)	P(a)	P(a)	P(a)
	Single-Family Attached Dwelling	—	—	P	P	—
	Planned Unit Development - Major	—	C	C	C	—
	Planned Unit Development – Minor	—	P	P	—	—
	Multiple-Family Dwelling	—	—	P	P	—
	Senior Housing	C	C	C	C	C
	Manufactured Home	P	P	P	P	P
	Accessory Dwelling Unit	P	P	P	—	P

	Group Home—Licensed (One to Six Persons)	P	P	P	P	P
	Group Home—Licensed (Seven or More Persons)	C	C	C	C	C
	Mobile Home (Not in a Mobile Home Park)	—	—	—	—	—
	Mobile Home Park	P	P	P	P	P
	Boarding Home (2 Rooms or Less)	P	P	P	P	P
	Boarding Home (3 or More Rooms)	—	—	C	C	—
B.	Other Uses					
	Ambulance Building	—	P	P	P	P
	Assisted Living Facility (Senior or Otherwise)	C	C	C	C	C
	Automobile Sales (Wholesale Internet Only, No Display)	P	P	P	P	P
	Cemetery	C	C	C	C	C
	Child Care (One to Seven Persons)	P	P	P	P	P
	Child Care (Eight to 14 Persons)	M	M	M	M	M
	Clubs, Civic, Community or Private	—	—	C	C	C
	Convalescent or Nursing Home	C	C	C	C	C
	Equestrian Facility (Other Than Private Stable)	C	—	—	—	—
	Fire Stations/Police Stations	P	P	P	P	P
	Golf Courses and Accessory Uses	C	C	C	C	C
	Governmental Buildings and Uses	C	C	C	C	C
	Parolee Housing	C	C	C	C	C
	Philanthropic and Charitable Organizations	—	—	C	C	C
	Places of Assembly	C	C	C	C	C
	Public Park or Playground	P	P	P	P	P
	Public Utility and Public Service Structures	C	C	C	C	C
	Residential Care Facility—License (Six or Fewer Persons)	P	P	P	P	P
	Residential Care Facility—Licensed (Seven or More Persons)	C	C	C	C	C
	Schools, Private or Parochial	C	C	C	C	C
	Schools, Public	P	P	P	P	P
	Stable, Private	P*	—	—	—	—
C.	Accessory Uses					
	Accessory dwelling units	P	P	P	P	P
	Accessory Structures	P	P	P	P	P
	Agricultural Uses	P*	—	—	—	—
	Animals, Small—Keeping and Raising	P*	P*	P*	P*	P*
	Animals, Large—Keeping and Raising	P*	—	—	—	—
	Antenna, Receiving	P	P	P	P	P
	Antenna, Transmitter, Cellular Poles	C	C	C	C	C
	Commercial Vehicle Parking	—	—	—	—	—
	Garage, Private	P*	P*	P	P	P

	Carports	P*	P*	P*	P*	P*
	Guest House	P	P	—	—	P
	Home Occupation	P*	P*	P*	P*	P*
	Junior accessory dwelling units	P	P	P	—	P
	Private Swimming Pool	P*	P*	P*	P*	P*
	Oversized Vehicle Parking	P*	P*	P*	P*	P*
	Tennis Courts, Private	P	P	P	P	P
D.	Temporary Uses					
	Construction Trailers	P*	P*	P*	P*	P*
	Sales or Rental Office	P*	P*	P*	P*	P*

(a) Only one single-family dwelling is permitted per legal parcel. An Accessory Dwelling Unit (ADU) may also be permitted if all requirements of the Municipal Code are met. Subdivisions of property for the purpose of single-family development requires approval of a tentative tract map or parcel map.

Sec. 30-434. Residential development standards in R-E, R-1, R-2, R-3, and R-PC.

Residential development standards are basic standards designed to create quality residential developments. The residential development standards indicated in Table No. 30-434, (residential development standards) and Table No. 30-437, (density bonus residential development standards) serve as the minimum standards controlling development. See Sec. No. 30-444 for additional requirements pertaining to properties in the R-2 and R-3 zoning districts.

Table No. 30-434 Residential Development Standards						
	R-E	R-1	R-2	R-2	R-3	R-PC
Maximum permitted number of dwelling units per adjusted gross acre	2.0	5.0	7.6 detached or up to 12.0, subject to Minor PUD standards	5.1-12.0 attached or multi-family	12.0-24.0	3.0
Lot Dimensions, Lot Size, and Lot Coverage						
Minimum width @ required setback	80-foot	60-foot	50 40-foot (a)	N/A	N/A	70-foot

Minimum width @ front P/L	80-foot	60-foot	50 40-foot (a)	200-foot 50-foot	200-foot	70-foot
Minimum flag lot frontage @ front P/L	N/A	N/A	N/A	N/A	N/A	N/A
Minimum depth	150-foot	100-foot	90-foot (a)	300-foot 90-foot	300-foot	100-foot
Minimum lot size (sq. ft.) (r)	21,780	6,000 with an average of 7,200	<u>3,000</u> (a) 5,000 with an average of 5,445	5 acres 5,000 with an average of 5,445	5 acres	10,000
Maximum lot coverage (as a percent of adjusted gross acreage of total site)	45%	45%	50%	50%	50%	45%
Single-Family Minimum Dwelling Unit Size						
Minimum dwelling unit size (sq. ft.), one-story	2,000	1,200	1,200	Multi-Family Minimum Dwelling Sizes below	Multi-Family Minimum Dwelling Sizes below	2,000
Minimum dwelling unit size (sq. ft.), two-story (e)	2,000	1,200	1,200	Multi-Family Minimum Dwelling Sizes below	Multi-Family Minimum Dwelling Sizes below	2,000
Minimum dwelling unit size (sq. ft.) in-fill development,	N/A	1,200	1,200	N/A	N/A	N/A

one- and two-story (e)						
Minimum dwelling unit size (sq. ft.) affordable/density, one- and two-story	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus
Multiple-Family Minimum Dwelling Size (Standard, <u>Senior and Affordable Housing</u>)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	N/A
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	N/A
Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	N/A
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	N/A
Multiple-Family Minimum Dwelling Size (Seniors)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	550 sq. ft.
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	700 sq. ft.
Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	900 sq. ft.
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	1,000 sq. ft.
Multiple-Family Minimum Dwelling Size (Affordable)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	N/A
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	N/A

Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	N/A
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	N/A
Maximum Building Heights						
Single-Family/ <u>Detached</u> ^(d)	35-foot	35-foot	35-foot	N/A	N/A	35-foot
Multi-Family/ <u>Attached</u>	N/A	N/A	N/A	55-foot	55-foot	N/A
Single-Family Setbacks Building to P/L						
Front	30-foot	22-foot	22 18-foot	N/A 22-foot	25-foot	25-foot
Side, Interior Two-Story	15-foot	5-foot min./15-foot aggregate ^(e)	5-foot	N/A 5-foot	5-foot min./15-foot aggregate	5-foot min./20-foot aggregate
Side, Interior Single-Story	15-foot	5-foot ^(e)	5-foot	N/A 5-foot	N/A	5-foot min./20-foot aggregate
Side, Corner lot	15-foot	10-foot	10-foot	N/A 10-foot	10-foot	15-foot
Rear	30-foot	20-foot	20 15-foot	N/A 20-foot	20-foot	20-foot
Single-Family Patio and Enclosed Patio Setbacks						
Rear	15-foot	10-foot	6-foot	6-foot	10-foot	15-foot
Side	15-foot	See ^(c)	5-foot	N/A 5-foot		

Single-Family one-story open sided patios of 200 square feet and less.^(b)						
Rear		3-foot	3-foot	3-foot		
Side		3-foot	3-foot	3-foot		
Single-Family Balcony Setbacks						
Rear	15-foot	10-foot	6-foot	6-foot	10-foot	15-foot
Side	15-foot		5-foot	N/A 5-foot		
Multi-Family Parking Setbacks to P/L						
Major or primary	N/A	N/A	N/A	25-foot	25-foot	N/A
Secondary or collector	N/A	N/A	N/A	20-foot	20-foot	N/A
Local	N/A	N/A	N/A	15-foot	15-foot	N/A
Multi-Family Open Space Requirements						
Open space, private ground/upper floor (sq. ft.), minimum	N/A	N/A	N/A	150/100	150/100	N/A
Open space, common, as a percentage of adjusted gross acreage of project area, minimum	N/A	N/A	N/A	35%	35%	N/A
Open space, useable, (combined total of private and common open space), as a percentage of adjusted gross acreage of project area, minimum	N/A	N/A	N/A	40%	40%	N/A

Landscape Requirements	See Article X	See Article X	See Article X	See Article X	See Article X	See Article X
Recreational Facilities	N/A	N/A	See Section No. 30-451	See Section No. 30-451	See Section No. 30-451	N/A
Amenities	N/A	<u>N/A</u>	<u>See Sec. 30-344</u>	<u>See Sec. 30-344</u>	<u>See Sec. 30-344</u>	N/A

N/A = Not Applicable.

(a) Developments with detached units utilizing a condominium map for subdivision shall not be subject the minimum lot size, dimensions and interior property line setbacks.

(b) Additional Standards Pertaining to Development in the R-2 and R-3 Zoning Districts

Notes:

- (1) Minimum width of cul-de-sac lots and "knuckles" shall be 42 linear feet as measured at the property line. The Planning Commission may reduce this minimum requirement provided the applicant submits the tentative tract map and design review concurrently along with a plotting exhibit (showing the footprint and driveway of each dwelling unit located on a cul-de-sac or knuckle) demonstrating parking compliance to the satisfaction of the Director of ~~Community Development~~ Planning.
- (2) For single-family residential lots, the Planning Commission may vary the minimum lot width or depth by ten percent for particular lots, due to unique or special circumstances, and/or parcel of unusual configuration. For lots located on a cul-de-sac or knuckle, the lot depth can be calculated by averaging both side property lines provided the average is not less than the specified lot depth for that zoning district.
- (3) Side setbacks for patios in the R-1, R-2 and R-PC shall be consistent (equal to or greater) with the side setback for any existing dwelling unit.
- (4) Each dwelling unit built within any residential zoning district shall provide a minimum one-half bath ("powder room"), consisting of at least a water closet (toilet) and sink, on the first or ground floor when such first or ground floor contains habitable living space.

- (5) In hillside areas, structure heights shall be limited to 25 feet as specified in Section 30-630 (hillside overlay).
- (6) For lots located on a cul-de-sac or knuckle, the rear setback can be calculated by averaging both rear corners of dwelling provided the average is not less than the specified setback for that zoning district.
- (7) Where any door (excluding a service door to an attached garage) opens onto a side setback area from habitable living space, that side setback area shall be increased to 10 feet.
- (8) Any garage which fronts on, or opens onto, a street shall be setback at least 22 feet.
- (9) For one-story open sided detached patio covers of 200 square feet or less in R-1, R-2, and R-PC, the setback shall be no less than three feet to the rear property line and no less than three feet to the interior side property line.
- ~~(10) Development standards apply to attached or multi-family projects of 7.7 to 12 du/ac.~~
- (10) ~~(11)~~ For allowed projections into required setback area, see Section 30-441, projections into setbacks.
- (11) ~~(12)~~ For setbacks pertaining to accessory buildings and structures see Section 30-461 (accessory buildings and structures).
- (12) ~~(13)~~ The habitable living space of a building may be allowed to encroach into the required front setback in compliance with the plotting and design criteria; in no case, however, shall the garage portion of a building encroach into the required front setback, except as provided for by [subsection] ~~(14)~~ 13.
- (13) ~~(14)~~ Side-on garages may be allowed to encroach into the required front setback up to a maximum of six feet.
- (14) ~~(15)~~ For the purposes of this section, subterranean or partial subterranean parking shall not be considered a floor/story for the purpose of determining building setbacks.
- (15) ~~(16)~~ "Alternative" minimum standards may be established with an approved conditional use permit pursuant to Article II, Division 24, (planned unit development regulations).

- (16) ~~(17)~~ For existing legal lots smaller than this minimum see Section 30-414 (lot size conformance).
- (17) ~~(18)~~ Corner lots shall have a width of not less than 65 feet (see Section 26-180(1), area and width of lots).
- (18) ~~(19)~~ The 15-foot aggregate pertains to new single-family residential development only.
- (19) ~~(20)~~ All setbacks shall be measured from the main structure, not the overhang.
- (20) ~~(21)~~ Two-story multi-family units shall be required to provide a minimum of 100 square feet of private open space, either on the first or second floor. Multi-family units located above the ground floor shall be required to provide a minimum of 75 square feet.
- (21) ~~(22)~~ Existing legal lots of record located in any residential zoning district may be developed pursuant to the required development standards identified in the applicable zoning district.

Sec. 30-435. - Plotting and design criteria.

The following shall comply with new design reviews. Variations and possible additional criteria may be added by the Planning Commission to individual design reviews based upon Planning Commission consideration of individual circumstances:

- (1) No two adjacent homes using the same floor plan shall have the same exterior color scheme/treatment.
- (2) Adjacent homes shall have varying setbacks. Minimum variation shall be four feet unless located on a curvilinear street, which provides a varied street scene, and then the variation shall be three feet. When one-story and two-story homes are adjacent, the two-story home shall have the larger front setback.
- (3) Window mullions shall be provided on first, second, and third story windows of all elevation seen from public view, as approved by the Planning Commission. The mullions shall be provided in a variety of shapes.
- (4) Trim with a stucco covering may be painted in a contrasting color. The contrasting color should be color compatible with the trim color.
- (5) Homes with a trim (band) feature, which distinguishes the first and second floors, should have the band on the front, side, and rear elevation of the homes.
- (6) A variety of designs (~~window and door pattern~~) shall be used on car garage doors, with no two adjacent homes that have the same floor plan and elevation shall use the same garage door/~~window~~ pattern. In no case shall more than three homes of any floor plan or elevation have the same garage door/~~window~~ pattern in a row. The applicant shall provide a color board indicating proposed garage door colors and ~~window~~ patterns for Planning Commission approval.
- (7) Wall-mounted decorative lighting fixtures at a minimum of 18 inches in height shall be provided at the front porch and on each side of the garage door. A sample of lighting types shall be provided for Planning Commission review and approval.
- (8) All front doors shall provide decorative treatment. A sample of door treatments shall be provided for Planning Commission review and approval.
- (9) All utility boxes shall be landscaping with shrubs or other low-profile landscaping. A sample of landscaping/landscaping treatments shall be provided for Planning Commission review and approval.

- (10) The ~~Community Development Director~~ Director of Planning, or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, facade 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.
- (11) All lots shall provide decorative hardscape within the concrete walkways leading to the front door of the house in order to complement the home's exterior architectural elements. (Example: If the home uses rock, brick, or other similar material on the exterior of the house, these materials shall be incorporated into the walkways along with decorative trowled bands; decorative patterned scoring; exposed aggregate finishes; stamped concrete, etc. This requirement shall be identified on the phasing site plan that is submitted to the Building and Safety Division for plan check. A detail of the types of hardscape to be used on the walkways shall also be shown on the phasing site plan.)
- (12) Steel gates with privacy screening (defined as material used on the steel gate to obscure the view of the back yard from the street) shall be required for side yards. A sample of gate privacy screening treatment shall be provided for Planning Commission review and approval.

Sec. 30-444. Additional development standards in R-2 and R-3 zoning districts.

Residential development standards are basic standards designed to create quality residential developments. The residential development standards indicated in Table No. 30-434 (residential development standards) and Table No. 30-437 (density bonus residential development standards) serve as the minimum standards controlling development. In addition to the applicable standards indicated in Table No. 30-434 and Table No. 30-437, the following standards shall be required of all multiple-family residential developments in the R-2 and R-3 zoning districts.

- (1) *Building separation.* Table No. 30-444 sets forth specific standards for minimum building separation and setbacks as follows:

Table No. 30-444 Building Separation Requirements		
Building (b) Setback and Separation (in feet) <u>to Adjacent Zones</u>	R-2	R-3
R-E	75-foot	75-foot
R-1	25-foot	25-foot
R-2	25 <u>10</u> -foot	25 <u>10</u> -foot
R-3	45 <u>10</u> -foot	45 <u>10</u> -foot

R-PC, Single-Family	75 20-foot	75 20-foot
R-PC, Specific Plan (single-family/multi-family)	25-foot/15-foot	25-foot/15-foot
All other zoning districts	20-foot	20-foot
	R-2	R-3
Single-Family Detached – Minimum Building to Building	<u>10-foot</u>	<u>10-foot</u>
Single-Family Detached – Minimum Distance to Public Right	<u>15-foot</u>	<u>15-foot</u>
Attached/Multi-Family Building to Public Rights-of-Way (streets)	R-2	R-3
Major or primary	30-foot	30-foot
Secondary or collector	25-foot	25-foot
Local	20-foot	20-foot
Attached/Multi-Family - Minimum Building to Building Distance	R-2	R-3
Front to front	35 <u>25</u> -foot	35 <u>25</u> -foot
Front to side	35 <u>25</u> -foot	35 <u>25</u> -foot
Front to rear	35 <u>25</u> -foot	35 <u>25</u> -foot
Rear to side	25 <u>15</u> -foot	25 <u>15</u> -foot
Rear to rear	25 <u>15</u> -foot	25 <u>15</u> -foot
Side to side	20 <u>15</u> -foot	20 <u>15</u> -foot
Parking and drive aisle setbacks to adjacent zoning districts	R-2	R-3
All residential	10-foot	10-foot
All other	10-foot	10-foot
Parking setback to public rights-of-way (streets) (h)	R-2	R-3
Major or primary	25-foot	25-foot
Secondary or collector	20-foot	20-foot
Local	15-foot	15-foot
Private street or driveway	5-foot	5-foot

(b) Additional Standards Pertaining to the R-2 and R-3 Zoning Districts Notes:

- a. For the purpose of this table, accessory structure means a subordinate structure which is incidental and not attached to a building but is on the same lot. If an accessory structure is attached to the building, or if the roof is a

continuation of the building roof, the accessory structure shall be considered an addition to the building.

- b. Building shall mean dwelling units. For purpose of this table, building setback standards shall be for two-story development, setback standards may be modified by other lettered notes herein.
- c. Subtract ten feet for a single-story dwelling unit or a multi-story dwelling unit having a single-story element with a depth of at least ten feet.
- d. "Front" is defined as that face of the building or unit with a major glass area and/or major private recreation area and may include access to that private recreation area. This access may or may not relate to the primary entrance to the building that faces the street or drive; therefore, some buildings may have more than one "front" under this definition.
- e. The "rear" of a building is defined as the point or area farthest from the front. Where a building is identified to have two fronts the building may be considered not to have a rear facing. For the purpose of this table, zoning districts are not considered adjacent if separated by a dedicated public right-of-way of more than 50 feet in width.
- f. Balconies, patios (uncovered and covered), patio fences/walls, porches, and similar liked structures may project into the setback area up to a maximum of six feet, providing, however, that such structures shall never be separated by less than 15 feet (horizontal).
- g. Buildings may be staggered to encroach into the required setback up to a maximum of five feet, provided there is an equal or greater setback at the opposite/other face of the building. Such staggered encroachment shall be averaged so that for each building which encroaches into the setback, another building will offset such encroachment by an equal number of feet along the same frontage.
- h. Where there is a grade differential between properties of greater than ten feet (as determined by the precise grading plan), the setback requirement may be modified as follows: when the building is at the lower grade, the required setback may be reduced by one linear foot for each three vertical feet of difference. Where the building is at the higher grade, the required setback shall be increased by one linear foot for each three vertical feet of difference. Such modification to the required setback shall be limited to a maximum of ten feet.
- i. The pedestrian walkway may project into the setback area provided a minimum ten-foot area is maintained free and clear for landscaping.

2. Separation of accessory buildings, parking areas, and vehicular access ways.

- a. Distance between an accessory building and side and rear property lines shall be no less than ten feet. Where the adjacent zoning district is non-residential or for safety, as determined by the Police Department, garages and carports may encroach a maximum of 50 percent into the required width of the side or rear setback.

- b. Distance between two accessory buildings shall be no less than ten feet.
 - c. Distance between an accessory building and any dwelling unit shall be no less than 15 feet.
 - d. Distance between open, guest parking areas and any dwelling unit shall be no less than ten feet.
 - e. Distance between vehicular access way and any dwelling unit shall be no less than ten feet.
 - f. If a carport is located no less than ten feet from a side or rear property line, the rear wall of the carport may have openings to allow view and accessibility to an adjacent landscaped area, as illustrated in the design guidelines.
 - g. Detached assigned and/or required parking stalls, carports and enclosed garages shall be located no more than 150 feet from the dwelling unit they serve, unless otherwise approved by the Director of Community Development Planning.
3. *Minimum driveway access width.* Minimum access way width of 26 feet is required for all access drives serving multiple-family developments. A minimum access way width of 30 feet is required for all access drives serving multi-family developments of three stories or more.
4. *Water heaters.* Each dwelling unit shall have a separate hot water heater or may be provided with a centralized circulation water heating system sufficient to serve all dwelling units on the property.
5. *Laundry facilities.* All multiple-family residential units shall be provided washer and dryer hookups and laundry space with the unit or garage. The laundry area shall not infringe upon garage parking area. In the case of apartments, common laundry facilities may be included in addition to the individual unit hookups.
6. *Storage facilities.* A separate area having a minimum of 125 cubic feet of private and secure storage space shall be provided for each unit.
- a. Said storage area may be located within an attached garage, provided it does not interfere with garage use for automobile parking.
 - b. Normal closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.
 - c. ~~No storage shall be in carport area.~~ Storage in carport areas shall be over hood or overhead. Over hood storage shall provide a minimum of four feet of clearance and overhead storage shall provide eight (8) feet of clearance.
 - d. Enclosed garages are required to provide 125 cubic feet of storage cabinet space, or 125 cubic feet of storage space may be provided elsewhere on the site.
7. *Garage doors.* All garages shall be provided with sectional garage doors and automatic garage door openers.
8. *Dwelling entries.*
- a. All units shall be provided with standard door locks and dead bolts.

- b. No dwelling entry shall be located with direct, uninterrupted, unimpeded access to a primary or secondary arterial street.
- 9. *Refuse storage areas.* Individual trash receptacles for each unit shall only be permitted with an approved site layout of refuse pick-up by the City and Burrtec the authorized refuse hauler. Projects that do not have an approved plan shall provide standard refuse storage facilities for the containment of standard receptacles based on the following requirements:

a. Number of receptacles.

Number of Units	Types of Receptacles	Number of Receptacles Required
0—8	3-Yard Bin	1
16—24	3-Yard Bin	2
Each 8 Additional Units	3-Yard Bin	1

- b. All refuse storage areas shall be readily accessible to the users they serve as well as for collection operations and shall be enclosed by a solid decorative masonry or concrete block wall at least 60 inches in height that shall be designed in a manner architecturally compatible with the overall design of the project's buildings.
 - 1. The site area shall have a concrete pad at least four inches in thickness.
 - 2. The storage area shall be designed with a lattice or metal solid cover matching the exterior building material and color with a solid gate or with mesh.
 - 3. The refuse storage area shall be located within 150 feet walking distance of the unit it services.
- 10. *Recreational facilities.* The developer shall provide recreational facilities in conjunction with common open space as a minimum requirement for all multi-family projects in the R-2 zone and ~~for the minimum density allowed in the R-3 zones.~~ Recreational facilities shall not be required for projects utilizing a Minor Planned Unit Development (Minor PUD) for development.
 - a. Development consisting of 30 units or fewer shall provide three of the following recreational facilities:
 - 1. Large open lawn area, minimum dimensions shall be 50 feet by 20 feet.
 - 2. Tot-lot with multiple play equipment.
 - 3. Spa and/or pool.
 - 4. Barbecue facility equipped with grill, picnic benches, etc.
 - b. Development consisting of 31 units to 100 units shall provide an additional recreational facility as in (a) above, or equivalent, as approved by the Planning Commission.
 - c. Development consisting of 101 units to 200 units shall provide five of the following recreational facilities, or equivalent, as approved by the Planning Commission:
 - 1. Large open lawn area, minimum dimensions shall be 100 feet by 50 feet.

2. Multiple tot-lots with multiple play equipment. The tot-lots shall be conveniently located throughout the site and separated with a low decorative wall or tubular steel fence from any drive aisle.
 3. Pool and spa.
 4. Community multi-purpose room equipped with kitchen, defined areas for games, exercises, etc.
 5. Barbecue facilities equipped with multiple built in gas grills with shelving, picnic benches and shade structures. The barbecue facilities shall be conveniently located throughout the site.
 6. Court facilities (e.g. tennis, volleyball, basketball, etc.).
 7. Jogging/walking trails with exercise stations.
 - d. For each 100 units above the first 200 units, another recreational facility as described in Section 30-451, or equivalent, shall be provided for approval by the Planning Commission.
 - e. Other recreational facilities not listed above may be considered subject to the Planning Commission review and approval.
 - f. Related recreational activities may be grouped together and located at any one area of the common open space.
 - g. Recreational facilities shall be dispersed throughout the site.
 - h. All recreational areas or facilities required by this section shall be maintained by private homeowner's associations, property owners, or private assessment.
11. *Circulation, pedestrian and vehicular parking.*
- a. *Pedestrian circulation.* Every multiple-family residential development shall be designed in such a manner that adequate walkways are provided convenient to the needs of the residents and guests and the services of public agencies. Pedestrian access to the unifying elements of any development should be separate from and free of conflict with vehicular access ways. All developments consisting of six units or more shall provide directories placed in a convenient location at the development entry.
 - b. *Vehicular circulation.* Every multiple-family residential development shall be designed with an internal street and parking system adequate to handle the need for vehicular circulation. Said system shall be in compliance with all applicable standards of this chapter.

Sec. 30-451. – (R-4 and R-5) Recreational facilities.

On-site amenities shall be considered in the context of existing off-site amenities and their spatial relationships (distance, ease of access and safety) to active retail services, bicycle lanes, walking trail, and mass transit such as commuter/light rail or bus rapid transit (BRT) service.

In addition to the off-site amenities mentioned above, the developer shall provide on-site recreational facilities in conjunction with common open space as a minimum requirement for all multi-family projects in the R-4 zone and the R-5 zone:

- (1) Development consisting of 50 units to 79 units shall provide three of the following recreational facilities:
 - a. Indoor gym/fitness facility (minimum 500 square feet).
 - b. Tot-lot with multiple play equipment.
 - c. Spa and pool (min 25 yard by 15 yards).
 - d. Barbecue facility equipped with grill, picnic benches, etc (min of five areas).
- (2) Development consisting of 80 units to 200 units shall provide all recreational facilities as listed in Section 30-451 above. Other recreational facilities or community benefits not listed above may be considered subject to the Planning Commission review and approval.
- (3) Development consisting of 201 units to 400 units shall provide all recreational facilities as listed in Section 30-451 and a minimum of one of the following additional recreational facilities, or equivalent, as approved by the Planning Commission:
 - a. Large open lawn area, minimum dimensions shall be 100 feet by 50 feet (e.g. Rooftop garden).
 - b. Multiple tot-lots with multiple play equipment. The tot-lots shall be conveniently located throughout the site. The number of tot-lots and their location shall be subject to Planning Commission review and approval.
 - c. Lap pool and spa (e.g. Rooftop, min 25 yard by 25 yards).
 - d. Community multi-purpose room equipped with kitchen, defined areas for games, exercises, etc.
 - e. Barbecue facilities equipped with multiple grills, picnic benches and shade structures. The barbecue facilities shall be conveniently located throughout the site. The number of barbeque facilities and their location shall be subject to Planning Commission review and approval.
 - f. Court facilities (e.g. tennis, volleyball, basketball, etc.).
 - g. Jogging/walking trails with exercise stations.
 - h. Other recreational facilities not listed above may be considered subject to the Planning Commission review and approval.

Related recreational activities may be grouped together and located at any one area of the common open space. Where multiple recreational facilities are provided such facilities shall be required to be dispersed throughout the site. All recreational areas or facilities required by this section shall be

maintained by private homeowner's associations, property owners, or private assessment districts.

- (4) Circulation, pedestrian, and vehicular parking. Pedestrian circulation. Each multiple-family residential development shall be designed with adequate walkways to provide convenience to the needs of the residents, guests, and the service providers of public agencies. Pedestrian access to the unifying elements of any development shall be separate from, and free of, conflict with vehicular access ways. All developments consisting of six units or more shall provide directories placed in a convenient location at the development entry.

NOTICE OF EXEMPTION

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

FROM: City of Fontana
Planning Department
8353 Sierra Avenue
Fontana, CA 92335

Project Title: Master Case No. 23-090
Municipal Code Amendment No. 23-003

Project Location - Specific: Citywide
(a) Project Location - City: Fontana, CA
(b) Project Location - County: San Bernardino

1. Description of nature, purpose, and beneficiaries of Project: Municipal Code Amendment No. 23-003 - Amendment to Chapter 30 (Zoning and Development Code).
2. Name of Public Agency approving project: City of Fontana
3. Name of Person or Agency carrying out project: City of Fontana
4. Exempt status: (Check one)
 - (a) ☐ Ministerial project.
 - (b) ☐ Not a project.
 - (c) ☐ Emergency Project.
 - (d) ☒ Categorical Exemption. State type and class number: Exempt under guidelines section Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA.
 - (e) ☐ Declared Emergency.
 - (f) ☐ Statutory Exemption. State Code section number: _____
 - (g) ☐ Other. Explanation: _____
5. Reason why project was exempt: This project is a citywide code update to Chapter 30 of the Fontana Municipal Code. There is no associated development with this project.
6. Contact Person: Salvador Quintanilla, Senior Planner Telephone: (909) 350-6566

Date Received for Filing:

DiTanyon Johnson
Principal Planner

(Clerk Stamp Here)

ATTACHMENT NO. 2



NOTICE OF PUBLIC HEARING

Si desea información en Español referente a esta notificación o proyecto, favor de comunicarse al (909) 350-6728.

In compliance with Section No. 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION
OF THE CITY OF FONTANA FOR THE FOLLOWING:

Master Case No. 23-090 and Municipal Code Amendment No. 23-003: Updates to the City of Fontana Municipal Code for amendments to Chapter 5 (Buildings and Building Regulations) and Chapter 30 (Zoning and Development Code). The Chapter 5 amendment includes provisions to allow the Planning Commission to approve a Certificate of Appropriateness. Chapter 30 amendments include revisions to Sec. 30-22 Hearing bodies, related to Certificates of Appropriateness; Sec. 30-30 Hearing date and notice, related to timing of appeals; Division 23 Development Agreements, to add established procedures; Division 24 Planned Unit Developments (PUD), to provide for major and minor Planned Unit Developments; Sec. 30-404 related to open space requirements; Sec. 30-417 - Setback requirements related to projections into landscape setbacks along public rights of way; Sec. 30-432 Special use regulations, related to garage pedestrian doors; Section 30-430 Uses permitted, related to amend the Residential Permitted Uses table to add Minor and Major PUD; Sec. 30-434 Residential development standards, related to R-2 zoning standards; Sec. 30-435 Plotting and design criteria, related to garage doors; Sec. 30-444 – Additional development standards in R2 and R-3 zoning districts related to development standards; Sec. 30-451 – Recreational facilities, add additional options for recreational facilities within the Multi-Family Medium/High Density (R-4) and Multi-Family High Density Residential (R-5) zoning districts; and Sec. 30-530 Uses Permitted related to removing certain uses, add additional language to clarify the development standards within Medium Density Residential (R-2) and Multiple Family (R-3), add language to provide provisions for "Minor Planned Unit Developments (PUD)", add a distinction for Minor PUDs verses Major PUDs.

Environmental This project qualifies for a categorical exemption pursuant to the California
Determination: Environmental Quality Act (CEQA) Guidelines Sections 15060(c),

15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA.

Location: Citywide

Date of Hearing: October 3, 2023

Place of Hearing: City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA, 92335

Time of Hearing: 6:00 pm

Should you have any questions concerning this project, please contact Salvador Quintanilla, Senior Planner, at (909) 350-6656 or squintanilla@fontanaca.gov

ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.

Publish: September 23, 2023
S.B. Sun Newspaper



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-2523
Agenda #: DC-A

Agenda Date: 10/3/2023
Category: Director Comments

Director's Communications: Upcoming City Council and Planning Commission memos.



MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning 

RE: Agenda for Upcoming City Council Items

DATE: October 3, 2023

The items listed below are for agenda forecast purposes and are subject to change.

<u>CITY COUNCIL OCTOBER 10, 2023</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. National Community Planning Month Proclamation	Patty Nevins	Special Presentation

<u>CITY COUNCIL OCTOBER 24, 2023</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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No items listed for this meeting, as of the date of this memo.



MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning

RE: Agenda for Upcoming Planning Commission Items *PN*

DATE: October 3, 2023

The items listed below are for agenda forecast purposes and are subject to change.

<u>PLANNING COMMISSION OCTOBER 17, 2023</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. MCN#23-092; GPA#23-003; ZCA#23-004; ZCA#23-005; ASP#23-037 Land Use Redesignation from OS to I-L/M-1 Tokay Ave. and Arrow Blvd.	Rina Leung	Public Hearing
2. MCN#22-037; GPA#22-005; ZCA#22-006; ZCA#22-007; DRP#22-020 24 Unit Apartment Project 8155 Banana Ave.	Jon Dille	Public Hearing
3. MCN#22-079; GPA#22-007; SPA#22-003; TPM#22-016; AGR#22-003; DRP#22-040 Land Use Redesignation from R-T to I-G East of Poplar Ave. and west of Catawba Ave.	Alejandro Rico	Public Hearing
4. MCN#23-017; ASP#23-012 2,839 sq. ft. Industrial Commerce Center Expansion 13181 Santa Ana Ave.	Alejandro Rico	Public Hearing
<u>PLANNING COMMISSION NOVEMBER 7, 2023</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. MCN#22-112; DRP#22-053; ENV#22-026 124,000 sq. ft. Industrial Commerce Center Building 11700 Industry Avenue	Irene Romero	Public Hearing