

RESOLUTION NO. PC 2025-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 05-00005-R1 TO MODIFY AN EXISTING CONDITIONAL USE PERMIT (CUP NO. 05-00005) TO ALLOW AN INCREASE IN THE FLOOR AREA FOR AN EXISTING ABC LICENSE TYPE 20 (OFF-SALE, BEER AND WINE) FOR AN EXISTING CONVENIENCE STORE (7-ELEVEN) LOCATED AT 15264 SUMMIT AVENUE (APN: 1108-021-02) PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.

WHEREAS, 15264 Summit Avenue, also identified as Assessor Parcel Number (“APN”) 1108-021-02 (“Project Site”), was annexed from San Bernardino County into the City of Fontana on November 2, 1973; and

WHEREAS, on April 3, 2025, the City of Fontana (City”) received an application from Sherrie Olson/ 7-Eleven, Inc. (“Applicant”), for a revision to Conditional Use Permit (“CUP”) No. 05-00005-R1, a request to modify an existing conditional use permit (CUP No. 05-00005) to allow an increase in the floor area for the sale of beer and wine at the Project Site (the “Project”); and,

WHEREAS, the Project Site has a General Plan Land Use designation of General Commercial (C-G) and is located within the Summit Heights Specific Plan, which allows for such projects with approval of a conditional use permit; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Section No. 15301 (Class 1, Existing Facilities) and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the California Environmental Quality Act as the project is within existing facility, and none of the exceptions in CEQA Guidelines Section 15300.2 apply to the Project; and

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as **Exhibit “A”** for Conditional Use Permit (CUP) No. 05-00005-R1; and

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

WHEREAS, the owners of property within 660 feet of the Project Site were notified via public hearing notice mailer prior to the public hearing; and a notice of the public hearing was published in The Sun newspaper on September 5, 2025, and simultaneously displayed at City Hall and at the Project Site; and

WHEREAS, on September 16, 2025, a duly noticed public hearing on Conditional Use Permit No. 05-00005-R1 was held by the Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City staff, and

other interested parties; and,

WHEREAS, the Planning Commission carefully considered all information pertaining to the Project, including the staff report, findings, and all of the information, evidence and testimony presented at its public hearing on September 16, 2025; 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 this 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). The Project is exempt as the Project is within an existing facility with an established ABC License Type 20 (Off-Sale, Beer and Wine). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply to the Project. The Planning Commission further directs Staff to file a Notice of Exemption pursuant to this finding.

Section 3. Conditional Use Permit Findings. The Planning Commission hereby makes the following findings for Conditional Use Permit No. 05-00005-R1 in accordance with Section 30-169 "Findings for approval" of the Fontana Zoning and Development Code:

Finding No. 1: **The proposal 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 Pla, and City Regulations/standards.**

Findings of Fact: The Project Site is located at 15264 Summit Avenue. The General Plan Land Use Designation for the site is General Commercial (C-G) and is located within the Summit Heights Specific Plan. The Zoning and Development Code, as well as the Summit Heights Specific Plan, allow for the expansion of an existing use with an ABC license subject to approval by the Planning Commission. The Conditions of Approval will aid in regulating the sale of beer and wine.

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

Findings of Fact: The Project Site is located within an existing convenience store that has an existing approved ABC License, Type 20 (Off-Sale, Beer and Wine). The request is to modify an existing conditional use permit (CUP No. 05-00005) to allow an increase in the floor area for the sale of beer and wine. The previously approved project was reviewed by the Fontana Planning Department, and it was determined that the site met the requirements for

yards, setbacks, walls, landscaping requirements, and applicable Zoning and Development Code. On-site circulation is adequate with two driveway access points on Summit Avenue and Beech Avenue.

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

Findings of Fact: There will be no adverse effect on the neighboring sites or their permitted uses from this ABC Type 20 license floor area of sale expansion request. The Project Site is located within an existing commercial center and is not located in close proximity to other similar uses nor any sensitive receptors, the use is not incompatible with adjoining uses as it relates to noise, debris, traffic, storage, design and hours of operation. The Fontana Police Department has no concerns about the project. The Project has been reviewed by the Planning Department, Engineering Department, Building and Safety Department, and County Fire Prevention for site circulation, access, and safety and found to meet or exceed the requirements for all applicable building code, zoning, and fire code standards.

Section 4. Approval. Based on the foregoing, the Planning Commission hereby approves Conditional Use Permit No. 05-00005-R1, subject to the Findings and the Conditions of Approval attached hereto as “**Exhibit A**” and incorporated herein by this reference as though fully set forth 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 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 16th day of September 2025.

City of Fontana

Idilio Sanchez, Chair

ATTEST:

I, Joseph Armendarez, 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 16th day of September 2025, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joseph Armendarez, Secretary

Exhibit "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Master Case No. 25-0009
Conditional Use Permit No. 05-00005-R1

DATE: September 16, 2025

LOCATION: 15264 Summit Avenue (APN:1108-021-02)

PLANNING DEPARTMENT:

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

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

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

3. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until all of the following have occurred:
 - a. All requirements of the Fontana Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.

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4. 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/Minor 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.
5. 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.
6. The approved set of Conditions of Approval, and the ABC license 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. The permitted hours of operation shall be between 24 hours, 7 days a week, Monday through Sunday.
8. Alcohol shall not be sold between the hours of 2:00 AM and 6:00 AM.
9. After the fifteen (15) day appeal period and if there are no appeal application submitted to the Planning Department, the applicant shall remove the notice of Filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Department.

Police Department:

10. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and all conditions of the City of Fontana's Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.
11. All tobacco products shall remain under the control of the management behind the cashier's counter.
12. If licensed premise operates twenty-four (24) hours a day, the business owner/licensee shall keep all beer and wine within a lockable, permanently affixed cooler, lockable permanently affixed display case, or under the control of the management behind the cashier's counter. The coolers and display cases shall be locked during the hours of 2 a.m. to 6 a.m. daily. Additionally, no alcoholic beverages shall be sold during the hours of 2 a.m. to 6 a.m. daily.
13. Employees engaged in the sale distribution of alcoholic beverages shall be at least 18 years of age. If the business owner, licensee, or management choose 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.
14. The sale of malt liquor or fortified wine products with an alcoholic content greater than 17 percent by volume is prohibited.
15. The licensee shall not sell single bottles of wine in less than 750 milliliters containers. Specialty or dessert wines packaged in 375 milliliter bottles or more shall be permitted.

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16. The sale of beer or malt beverages in single size containers less than 40 ounces is prohibited.
17. The licensed premise shall not sell individual units of beer or wine from the manufacturer's multi-unit packages. (Two-packs, three-packs, four-packs, six-packs, etc.)
18. The licensee shall not allocate more than half of the cooler doors for the sale of alcoholic beverages. All designated coolers for alcoholic beverages shall be located furthest away from the entrance doors.
19. Any display or storage of alcoholic beverages on the public floor area of the convenience store is prohibited. All alcoholic beverages shall be displayed in coolers, or on shelving units. All alcoholic beverages shall be stored within a storage room, only accessible to employees.
20. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the licensed premises.
21. In the event that adult merchandise (books, magazines, videos, and CDs) is offered for sale, all such merchandise shall be kept under the control of the management behind the cashier's counter and must be segregated from other reading material and screened from the view of minors.
22. 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.
23. The business owner/licensee shall comply with the City False Alarm Ordinance. Excessive false alarms will require replacement of the alarm system prior to the extension of any conditional use permit.
24. 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.
25. 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.
26. Sales of alcoholic beverages will be restricted to, and within the confines of, the building portion of the licensed premises.
27. 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.
28. Signs shall comply with all City of Fontana sign requirements. No more than 25% of the total window area and clear doors shall bear advertising or signs of any sort. 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 public sidewalk or entrance to the premises (this applies to all windows of this location).

29. 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.
30. A prominent, permanent sign or signs stating, "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted on the building and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches length and 14 inches in width with the print of sufficient size to make them clearly readable.
31. A prominent, permanent sign or signs stating, "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THE PREMISES" shall be posted on the building and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches length and 14 inches in width with the print of sufficient size to make them clearly readable.
32. No electronic arcade or amusement games are permitted on the licensed premises at any time.
33. 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 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 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.
34. The licensee shall attend a L.E.A.D. training (Licensee Education on Alcohol and Drugs provided by the Department of Alcoholic Beverage Control) or a responsible beverage service training (RBS) from a provider listed on the Department of Alcoholic Beverage Control's website, within six (6) months, and any employee engaged in the sale of alcohol shall attend the LEAD or RBS training within 90 days of employment.
35. The approved set of Conditions of Approval, and the ABC license 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.

END OF CONDITIONS