

# **City of Fontana**

8353 Sierra Avenue  
Fontana, CA 92335



## **Regular Agenda**

**Resolution PC No. 2023-046**

**Tuesday, November 21, 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 Tuesday, November 7, 2023.

**CC-A Approval of Minutes of November 7, 2023.****[21-2620](#)****Attachments:** [Draft Planning Commission Minutes of November 7, 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](mailto: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. 22-145, Tentative Parcel Map No. 22-034 (TPM No. 20669) and Design Review No. 22-065 for a proposed mixed-use development comprised of 437 residential units with 4,000 square feet of commercial retail area, pursuant to a Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program.**

**[21-2628](#)****RECOMMENDATION:****Staff recommends that the Planning Commission:**

- 1. Open the public hearing, take testimony from anyone wishing to speak, and close the public hearing; and,**
- 2. Adopt a motion continuing the item to the December 19, 2023, Planning Commission meeting.**

**APPLICANT:**

**Jay Adamowitz  
JPI Development  
11988 El Camino Real, Suite 200  
San Diego, CA 92130**

**LOCATION:**

The project site is located east of Cypress Avenue, south of Valley Boulevard, north of Interstate (I) 10, and west of Juniper Avenue. (APNs: 0251-171-19, 0251-321-17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27, and -35).

**PROJECT PLANNER:**

George Velarde, Assistant Planner

**PH-B Master Case No. 22-136 and Design Review No. 22-063 - a request for site and architectural approval of an 18-unit multi-family development on an approximate 0.88-acre site located at 9172 Pepper Avenue pursuant to a categorical exemption in accordance with CEQA Guidelines section 15332.**

[21-2601](#)

**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. 15332 (Class No. 32, Infill Development), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,

2. Design Review Project No. 22-063.

**APPLICANT:**

Andresen Architecture  
17087 Orange Way  
Fontana, CA 92335

**LOCATION:**

The project site is located at 9172 Pepper Avenue (APN: 0193-101-07).

**PROJECT PLANNER:**

George Velarde, Assistant Planner

**Attachments:** [Attachment No. 1 - Vicinity Map](#)  
[Attachment No. 2 - Project Plans](#)  
[Attachment No. 3 - Planning Commission Resolution, Findings and Conditions of Approval](#)  
[Attachment No. 4 - Notice of Exemption](#)  
[Attachment No. 5 - Public Hearing Notice](#)

**PH-C Master Case No. (MCN) No. 23-076: Conditional Use Permit (CUP) No. 23-016, A request for approval of a Type 41 (On Sale, Beer and Wine) Alcoholic Beverage Control (ABC) license for a sit-down restaurant (Chipotle Mexican Grill), pursuant to a Categorical exemption in accordance with CEQA Guidelines section 15301. [21-2591](#)**

**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. 23-016.

**APPLICANT:**

Timothy Luskin  
P.O. Box 182566,  
Columbus, OH 43218

**LOCATION:**

8030 Cherry Avenue (APN: 1100-121-54)

**PROJECT PLANNER:**

Angelica Martinez, Assistant Planner

**Attachments:** [Attachment No. 1 - Vicinity Map](#)  
[Attachment No. 2 - Floor Plan](#)  
[Attachment No. 3 Census Tract Map 20.38](#)  
[Attachment No. 4 Census Tract Map 20.38 Matrix](#)  
[Attachment No. 5 Planning Commission Resolution and Conditions of Approval](#)  
[Attachment No. 6 Notice of Exemption](#)  
[Attachment No. 7 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. [21-2621](#)

An update of future City Council agenda items for November 28, 2023, December 12, 2023, and December 26, 2023 for the Planning Commission's information.

An update of future Planning Commission agenda items for December 5, 2023 and December 19, 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, December 5, 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

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**File #:** 21-2620  
**Agenda #:** CC-A

**Agenda Date:** 11/21/2023  
**Category:** Consent Calendar

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**FROM:**  
Planning

**TITLE:**  
Approval of Minutes

**RECOMMENDATION:**  
Approve the minutes of the Planning Commission Meeting of November 7, 2023.

**DISCUSSION:**  
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of November 7, 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

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

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**Tuesday, November 7, 2023      6:00 P.M.      Grover W. Taylor Council Chambers**

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#### **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, November 7, 2023. Chair Fort called the meeting to order at 6:02 p.m.

**Present:** Chair Fort, Vice Chair Sanchez, Secretary Thrasher,  
Commissioners Sangha, and Quintana

**Absent:** None

#### **INVOCATION/PLEDGE OF ALLEGIANCE:**

##### **A. Invocation/Pledge of Allegiance:**

Following the Invocation by Chaplain Ellen Miller, the Pledge of Allegiance was led by Secretary Thrasher.

#### **PUBLIC COMMUNICATIONS:**

##### **A. Public Communications:**

None.

**CONSENT CALENDAR:****A. Planning Commission Determination of General Plan Consistency.**

Staff recommends that the Planning Commission consider the location, purpose, and extent of the proposed real property acquisition described herein as required under Government Code Section 65402(c) and adopt Resolution No. PC 2023-041 finding that the proposed sale is in conformance with the City's General Plan and making CEQA findings pursuant to Public Resources Code Section 21166.

**B. Approval of Minutes.**

Approve the Regular Planning Commission Meeting Minutes of October 17, 2023.

**ACTION: A Motion was made by Vice Chair Sanchez and seconded by Commissioner Sangha and passed by a vote of 5-0 to approve the Consent Calendar, with Chair Fort abstaining from item "B" on the consent calendar.**

**The motion carried by the following vote:**

**Aye:** Chair Fort, Vice Chair Sanchez, Secretary Thrasher, Commissioners Sangha, and Quintana

**Absent:** None

**PUBLIC HEARINGS:**

**PH-A Master Case No. 21-029R1-R1 and Design Review No.21-009R1-R1 - a request for approval of a revision to a previously approved design review. The revision includes a new color scheme and a modification to a building pop-out (Building No. 10) for a 72-unit multi-family condominium project, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15332.**

Chair Fort opened the Public Hearing.

Salvador Quintanilla, Senior Planner, presented the staff report.

The applicant, Shelly Jordan, stated that she read and agreed to the Conditions of Approval and briefly commented on the selected color scheme of the project.

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, pursuant to an exemption from CEQA, adopt Resolution PC No. 2023-042; 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 Determination; and,**
- 2. Approve Design Review Project No. 21-009R1-R1**

**ACTION:** Motion was made by Commissioner Quintana, seconded by Vice Chair Sanchez, and passed unanimously by a vote of 5-0 to adopt Resolution PC No. 2023-042; and approve Master Case No. 21-029R1-R1 and Design Review No.21-009R1-R1 - a request for approval of a revision to a previously approved design review. The revision includes a new color scheme and a modification to a building pop-out (Building No. 10) for a 72-unit multi-family condominium project, 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, Secretary Thrasher, Commissioners Sangha, and Quintana

**Absent:** None

**PH-B Master Case No. 22-112; Design Review Project No. 22-053 – A request, to construct an approximately 118,000 square foot industrial commerce center building on a parcel of approximately 6-acres, pursuant to an Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (EIR) (SCH No. 2009091089) that was prepared and certified by the City in 2012.**

Chair Fort opened Public Hearing.

Salvador Quintanilla, Associate Planner, presented the staff report.

Deputy City Clerk, Christina Rudsell noted for the record that one (1) letter/correspondence was received in opposition of the project.

The applicant, Lonie Nadal, on behalf of Shubin Nadal Realty Investors., stated that he read and agreed to the Conditions of Approval and commented on the project's modern updates.

Planning Attorney, Steven Deitsch commented on his review of the objection letter that was received in opposition of the project.

No one spoke in favor or opposition of this item.

The Public Hearing was closed.

**RECOMMENDATION:**

**Based on the information in the staff report, the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2023-043; and, to:**

- 1. Adopt the Addendum and Mitigation, Monitoring, and Reporting Program, (MMRP) to the SWIP PEIR (SCH NO. 2009091089) and direct staff to file a Notice of Determination; and,**
- 2. Approve Design Review No. 22-053.**

**ACTION: Motion was made by Secretary Thrasher, seconded by Commissioner Sangha, and passed unanimously by a vote of 5-0 to adopt Resolution PC No. 2023-043; and, approve Master Case No. 22-112; Design Review Project No. 22-053 – A request, to construct an approximately 118,000 square foot industrial commerce center building on a parcel of approximately 6-acres, pursuant to an Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (EIR) (SCH No. 2009091089) that was prepared and certified by the City in 2012.**

**The motion carried by the following vote:**

**Aye:** Chair Fort, Vice Chair Sanchez, Secretary Thrasher, Commissioners Sangha, and Quintana

**Absent:** None

**PH-C Master Case No. (MCN) No. 23-063: Conditional Use Permit (CUP) No. 23-008 - A request to approve an upgrade of an existing Alcohol Beverage Control (ABC) License Type 20 (Off-sale, Beer and Wine) to an ABC Type 21 (Off-sale, General) for an existing service station, Prestige Fuels, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15301.**

Chair Fort opened Public Hearing.

Salvador Quintanilla, Senior Planner, presented the staff report.

The commission requested that staff address traffic issues near the project area.

The commission and staff discussed the number of permitted establishments based on the census tract.

Another conversation took place regarding the size of the storage area and the intent to possibly add a condition of approval that would specify the applicant would not expand beyond the square footage mentioned in the floorplan.

Lastly, the commission requested clarification on some of the current and new licensing restrictions.

The applicant, Brandon Deep, stated that he read and agreed to the Conditions of Approval including additional condition of approval #40, which states that the display area for alcoholic beverages shall not exceed the area set forth in the floorplan approved by the Planning Commission.

The applicant also agreed to address traffic issues near the project site.

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. 2023-044; 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. 23-008.**

**ACTION:** Motion was made by Commissioner Quintana, seconded by Vice Chair Sanchez, and passed unanimously by a vote of 5-0 to adopt Resolution PC No. 2023-044; and, approve Master Case No. (MCN) No. 23-063; Conditional Use Permit (CUP) No. 23-008 - A request to approve an upgrade of an existing Alcohol Beverage Control (ABC) License Type 20 (Off-sale, Beer and Wine) to an ABC Type 21 (Off-sale, General) for an existing service station, Prestige Fuels, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15301; approved with the addition of a condition of approval limiting the display area to 20 square feet as shown on the floor plan.

**The motion carried by the following vote:**

**Aye:** Chair Fort, Vice Chair Sanchez, Secretary Thrasher, Commissioners Sangha, and Quintana

**Absent:** None

**PH-D Master Case No. (MCN) No. 23-069: Conditional Use Permit (CUP) No. 23-013 - A request for approval of a Type 20 (Off-sale, Beer and Wine) Alcoholic Beverage Control (ABC) license for an existing grocery store, International Grocery Bazar, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15301.**

Chair Fort opened Public Hearing.

Salvador Quintanilla, Senior Planner, presented the staff report.

The commission asked for clarification on the types of items that would be sold in the grocery store.

The applicant, Manpreet Kaur, stated that she read and agreed to the Conditions of Approval.

The commission and applicant discussed they types of foods that would be sold at the grocery store.

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. 2023-045; 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. 23-013.**

**ACTION: Motion was made by Commissioner Sangha, seconded by Secretary Thrasher, and passed un by a vote of 5-0 to adopt Resolution PC No. 2023-045; and approve Master Case No. (MCN) No. 23-069: Conditional Use Permit (CUP) No. 23-013 - A request for approval of a Type 20 (Off-sale, Beer and Wine) Alcoholic Beverage Control (ABC) license for an existing grocery store, International Grocery Bazar, pursuant to a categorical exemption in accordance with CEQA Guidelines section 15301.**

**The motion carried by the following vote:**

**Aye:** Chair Fort, Vice Chair Sanchez, Secretary Thrasher, Commissioners Sangha, and Quintana

**Absent:** None

**PH-E Draft Subsequent Environmental Report (DEIR) for Master Case No. 22-143, Tentative Parcel Map No. (TPM 20710) No. 23-012, and Design Review No. 22-064 - a request to receive comments on the DEIR, State Clearinghouse No. 2009091089 for the development of a new industrial commerce center building totaling approximately 881,826 square feet within a 40-acre site.**

Chair Fort opened Public Hearing.

Rina Leung, Senior Planner, presented the staff report.

The commission and staff discussed the projects entrances along Hemlock and Beech Avenue.

The commission also requested clarification on whether the traffic pattern and flow studies would be included in the Final Environmental Impact Report and if the project would require a General Plan Amendment.

No one spoke in favor or opposition of this item.

The Public Hearing was closed.

**RECOMMENDATION:**

**Staff recommends that the Planning Commission: 1) Open the public hearing on the Draft Subsequent EIR prepared for the Hemlock Warehouse Development Project to receive comments from the public; 2) Review and provide Planning Commission comments on the DEIR; and 3) Direct staff to address comments that are received within the Final EIR.**

**ACTION:** Motion was made by Vice Chair Sanchez, seconded by Commissioner Sangha, and passed unanimously by a vote of 5-0 to take comments from the public and Planning Commission and to direct staff to address the comments in the Final Environmental Impact Report.

**The motion carried by the following vote:**

**Aye:** Chair Fort, Vice Chair Sanchez, Secretary Thrasher, Commissioners Sangha, and Quintana

**Absent:** None

**DIRECTOR COMMUNICATIONS:****A. Director Communications:**

None.

**COMMISSION COMMENTS:****A. Public Communication Commission Comments:**

Commissioner Sangha thanked city staff for their reports; expressed his excitement on the new developments coming to the city. Closed his comments by thanking the public for allowing him to serve on the commission.

Secretary Thrasher echoed Commissioner Sangha's comments and commented on current independent businesses and their ability to apply for additional permits.

Commissioner Quintana thanked city staff for their reports, the Police Department for attending tonight's meeting and for keeping the public safe, and City Council Member John Roberts for attending tonight's meeting. Commissioner Quintana closed his comments by thanking the public for allowing him to serve on the commission.

Vice Chair Sanchez thanked all city staff for their informative reports; wished all Veterans a Happy Veterans Day and thanked Law Enforcement for attending tonight's meeting.

Chair Fort expressed her gratitude toward city staff for providing staff reports and for their collaboration with the applicant. Chair Fort closed her comments by thanking the public for allowing her to serve on the commission.

**ADJOURNMENT:**

Chair Fort adjourned the meeting at 6:59 p.m. to the next Regular Planning Commission Meeting on Tuesday, November 21, 2023, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

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Susana Gallardo  
Specialist to the Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION  
ON THE 21<sup>st</sup> DAY OF NOVEMBER 2023.**

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Cathline Fort  
Chairperson



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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**File #:** 21-2628  
**Agenda #:** PH-A

**Agenda Date:** 11/21/2023  
**Category:** Public Hearing

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**FROM:**

Planning Department

**TITLE:**

Master Case No. 22-145, Tentative Parcel Map No. 22-034 (TPM No. 20669) and Design Review No. 22-065 for a proposed mixed-use development comprised of 437 residential units with 4,000 square feet of commercial retail area, pursuant to a Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program.

**RECOMMENDATION:**

Staff recommends that the Planning Commission

- 1) Open the public hearing, take testimony from anyone wishing to speak, and close the public hearing; and,
- 2) Adopt a motion continuing the item to the December 19, 2023, Planning Commission meeting.

**APPLICANT:**

Jay Adamowitz  
JPI Development  
11988 El Camino Real, Suite 200  
San Diego, CA 92130

**LOCATION:**

The project site is located east of Cypress Avenue, south of Valley Boulevard, north of Interstate (I) 10, and west of Juniper Avenue. (APNs: 0251-171-19, 0251-321-17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27, and -35).

**REQUEST:**

The applicant is requesting that the Planning Commission continue this project to the December 19, 2023, Planning Commission meeting to allow the applicant additional time to review the Conditions of Approval and the supporting documents for the project.

**PROJECT PLANNER:**

George Velarde, Assistant Planner

**PROJECT DESCRIPTION:**

The project is a request from JPI Development to consolidate thirteen (13) parcels (APNs: 0251-171-19, 0251-321-17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27 and -35) totaling approximately 11.6 gross acres into two (2) parcels (Parcel No. 1 is approximately 5.55 acres and Parcel No. 2 approximately 5.66 acres) for the construction of a mixed-use development consisting of 437 residential units and 4,000 square feet of retail.

**MOTION:**

Approve Staff's Recommendation



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

**File #:** 21-2601  
**Agenda #:** PH-B

**Agenda Date:** 11/21/2023  
**Category:** Public Hearing

#### **FROM:**

Planning Department

#### **TITLE:**

Master Case No. 22-136 and Design Review No. 22-063 - a request for site and architectural approval of an 18-unit multi-family development on an approximate 0.88-acre site located at 9172 Pepper Avenue pursuant to a categorical exemption in accordance with CEQA Guidelines section 15332

#### **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. 15332 (Class No. 32, Infill Development), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,
2. Design Review Project No. 22-063.

#### **APPLICANT:**

Andresen Architecture  
17087 Orange Way  
Fontana, CA 92335

#### **LOCATION:**

The project site is located at 9172 Pepper Avenue (APN: 0193-101-07).

#### **REQUEST:**

Master Case No. 22-136 and Design Review No. 22-063 - A request for site and architectural approval of an 18-unit multi-family development on an approximate 0.88-acre site.

#### **PROJECT PLANNER:**

George Velarde, Assistant Planner

#### **BACKGROUND INFORMATION:**

Land Use Designation:

	<u>General Plan</u>	<u>Zoning /Overlay</u>	<u>Existing Land Use</u>
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Site:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)	Form Based Code (FBC) Multi-Family subdistrict	Single family residential
North:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)	Form Based Code (FBC) Multi-Family subdistrict	Multifamily residential
South:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)	Form Based Code (FBC) Multi-Family	Single family residential
East:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)	Form Based Code (FBC) Multi-Family subdistrict	Multifamily residential
West:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)	Form Based Code (FBC) Multi-Family subdistrict	Single family residential

## PROJECT DESCRIPTION:

- |                              |  |                 |
|------------------------------|--|-----------------|
| A. Site Area                 | Approximately 38,394 square feet (0.88 ac) |                 |
| B. Lot Development Standards | Setbacks                                   |                 |
|                              | Front: 5' minimum                          | Provided: 9'    |
|                              | Rear: 10' minimum                          | Provided: 10'   |
|                              | Frontage Coverage                          |                 |
|                              | 50% minimum                                | Provided: 59.4% |
| C. Parking Analysis          | Required:                                  | 27 spaces       |
|                              | Provided:                                  | 36 spaces       |
|                              |  |                 |
| D. Density Analysis          | Minimum: 10 units                          |                 |
|                              | Maximum: 34 Units                          |                 |
|                              | Proposed: 18 units                         |                 |

### ANALYSIS:

The applicant is requesting Design Review approval of an 18 unit multi-family development along with associated site improvements that include landscaping, lighting, and block walls. The project site is comprised of one parcel that totals 0.88 acre and is located in the Multi-Family subdistrict of the Form Based Code (FBC) and has a General Plan Land Use Designation of Walkable Mixed Use Corridor and Downtown (WMXU-1).

Design Review No. 22-063

The proposal has been designed to be compatible with the surrounding uses while also providing a

development that has been designed with articulated features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood. The applicant has proposed a Tuscan architectural style for the units. This design style will utilize decorative iron features, ornamental detailing, curved windows, columns and light earth tone colors to create a well-designed product that will compliment this architectural style. Color combinations include a mix of earth tone colors such as light brown, white and blue accent colors located around the windows and the doors. The units will also incorporate architectural elements such as stone veneer, faux shutters, decorative planter boxes and decorative lighting to complement the surrounding development. Associated improvements such as lighting, landscaping, parking, and paving would also be a part of this project.

The development will be comprised of 2-story, three (3) bedrooms units with two floor plans ranging in size from 1,518 square feet and 1,542 square feet. Each unit has adequate private open space directly accessible from the private unit with some units having additional features such as a covered porch and balcony.

Grading/Walls:

The site drains from the west towards the east and generally from the back of the site towards Pepper Avenue. The applicant is proposing a decorative tan split-face block wall where visible from the public right-of-way. All other portions of the wall not visible are made of a tan precision block.

Amenities:

This project includes a covered barbecue area located at the northwest corner of the property. In addition to shared common space, each unit has a balcony, covered porch entryways and private yard space.

The project site is physically suitable in size and shape to support the development of the proposed units. The maximum density of the Multi-Family subdistrict zone is 34 dwelling units per acre (du/ac) and the proposed project is designed with 18 du/ac, which is within the allowable density. The main access to the project site will be from Pepper Avenue, which is identified as a local street. The applicable building codes, zoning codes, and fire codes and standards, will make for a safe, attractive, and well-designed project. As proposed, the project is consistent with the standards of the Zoning and Development Code.

Environmental:

The project is Categorical Exempt pursuant to Section No. 15332, (Class No. 32, In-Fill Development Project) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA. This project site is considered In-Fill Development and meets the CEQA requirements of In-fill: (1) The project is consistent with the Walkable Mixed-Use Corridor & Downtown (WMXU-1) General Plan land use designation and the Form Based Code (FBC) Multi-Family subdistrict; (2) The project site is less than five (5) acres at approximately 0.88 adjusted gross acres; (3) The project site is not within any known sensitive or threatened habitat area; (4) The project site will not have any significant effect related to traffic, noise, air quality, or water quality; and (5) There are adequate public utilities services for the development of the proposed multi-family apartment complex.

**MOTION:**

Approve staff recommendation

**ATTACHMENTS:**

1. Vicinity Map
2. Project Plans
3. Planning Commission Resolution, Findings and Conditions of Approval
4. Notice of Exemption
5. Notice of Public Hearing



Project Site

## VICINITY MAP

**DATE:** November 21, 2023

**CASE:** Master Case No. 22-136  
Design Review No. 22-063

ATTACHMENT NO. 2 Proposed Apartment Complex For:  
**Awad Development**  
9172 Pepper Avenue, Fontana, CA 92335

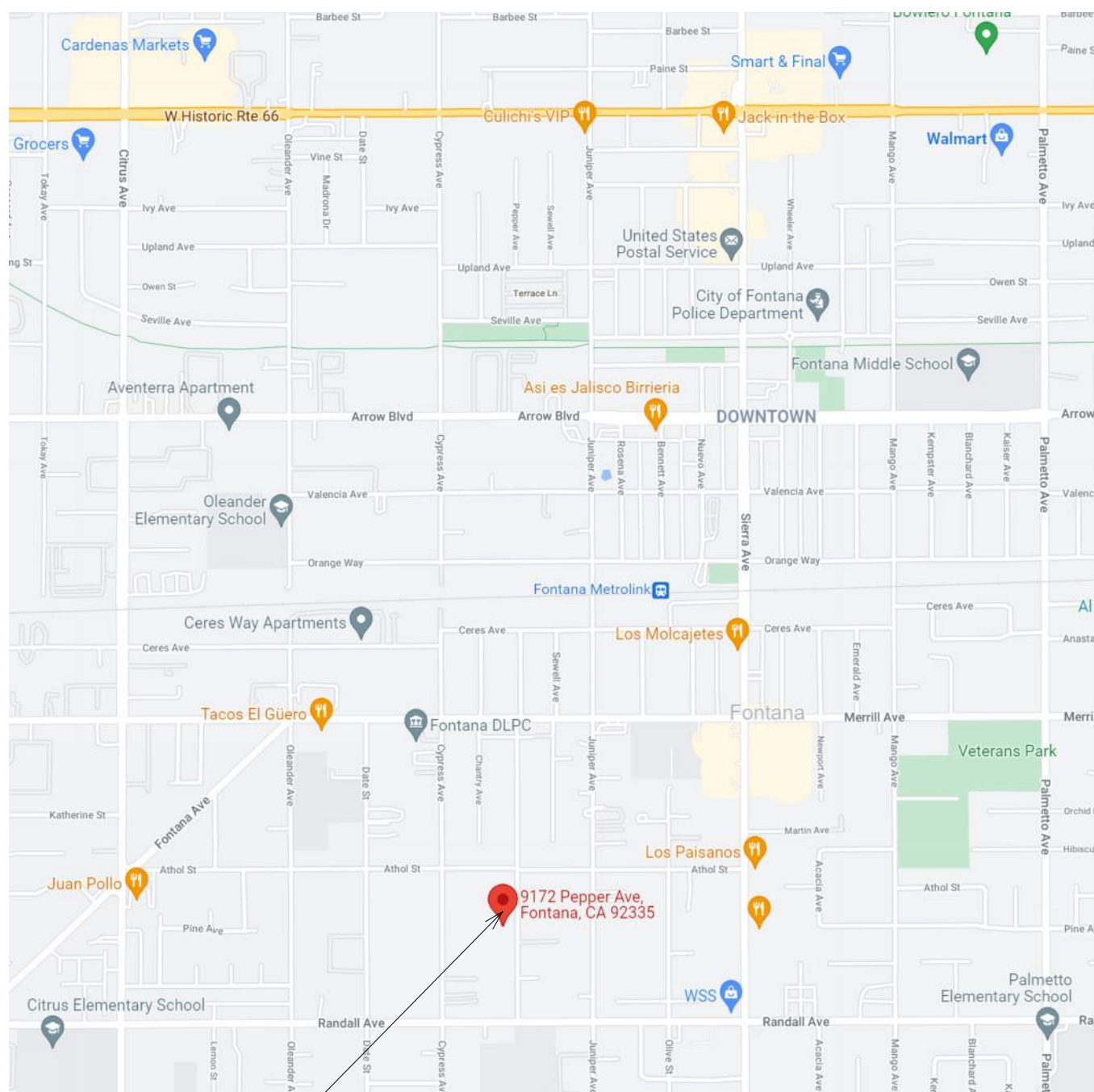


Pepper Ave. View

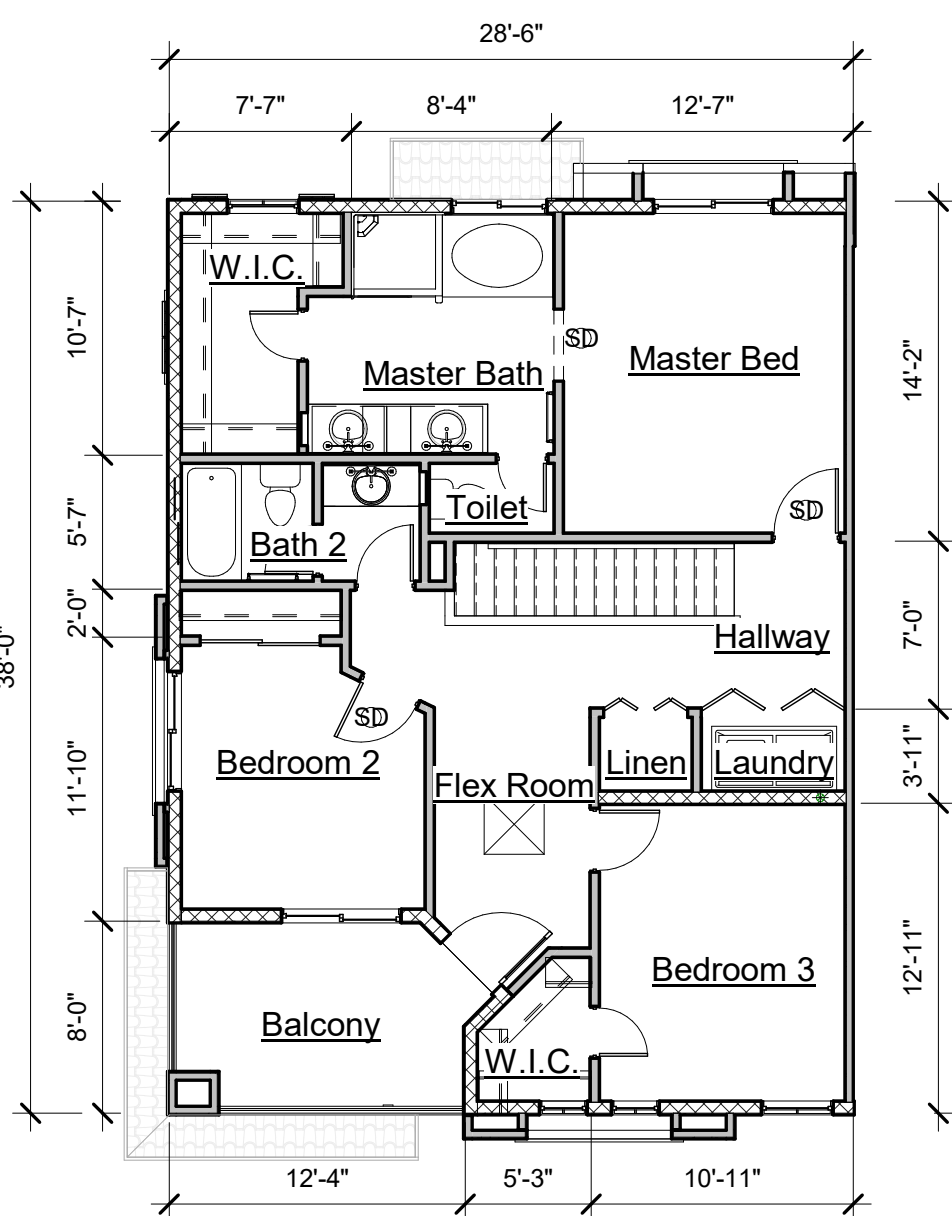
OWNER:	AWAD DEVELOPMENT
CONTACT:	ABDEL AWAD (909) 519-3416 abdelawad30@gmail.com
PROJECT ADDRESS:	9172 PEPPER AVENUE, FONTANA, CA 92335
ARCHITECT:	ANDRESEN ARCHITECTURE INC. 17087 ORANGE WAY FONTANA, CA 92335
CONTACT:	FLORY SMITH (909) 355-6688 flory.smith@aafirm.com
CIVIL:	HP ENGINEERING, INC. 1485 CRESTVIEW ROAD, REDLANDS, CA. 92374
CONTACT:	HENERY POQUIZ (909) 335-8239
LANDSCAPING:	LANDSCAPE DYNAMICS
CONTACT:	SARA ZOLL (951) 264-8185 sarazoll@landscapedynamics.net
SOIL:	SAMPSON AND ASSOCIATES
CONTACT:	MOHAMMAD SAMIEE (909) 522-7067 mohsamiee@msn.com
APN:	0193-101-07
ZONING:	FORM-BASED CODE / MULTI-FAMILY
OCCUPANCY:	GROUP R-2/U
CONSTRUCTION:	TYPE B/S
FIRE SPRINKLERS:	REQUIRED
PROJECT DESCRIPTION:	PROPOSED (18) 2 STORY, 3 BEDROOM, TOWNHOME APARTMENTS WITH TUCK-UNDER GARAGES, TRASH ENCLOSURE, PERIMETER SCREEN WALLS, SITE LIGHTING, BBQ AND TRELLIS AREA
ARCHITECTURE STYLE:	TUSCAN
LOT SIZE:	38,394.88 SF. (0.88 AC.)
BUILDING FOOTPRINT:	19,816 SF.
LOT COVERAGE:	52%
NET LOT SIZE:	18,579 SF.
LANDSCAPE AREA:	6,625 SF. (36%)
HARDSCAPE AREA:	11,954 SF. (64%)
MINIMUM DENSITY ALLOWED:	12 DWELLING UNIT / ACRE 0.88 x 12 = 10 UNITS MIN
MAXIMUM DENSITY ALLOWED:	39 DWELLING UNIT / ACRE 0.88 x 39 = 34 UNITS MAX.
UNITS PROPOSED:	18 UNITS
BUILDING TYPE:	MULTI-PLEX
FRONTAGE TYPE:	DOORYARD
TYP. UNIT AREA - TYPE A (16 UNITS):	2-STORY, 3 BED, 2 1/2 BATH
1ST FLOOR	590 SF.
2ND FLOOR	962 SF.
TOTAL	1,542 SF.
GARAGE	430 SF.
COVERED ENTRY	69 SF.
TYP. UNIT AREA - TYPE B (2 UNITS):	2-STORY, 3 BED, 2 1/2 BATH
1ST FLOOR	676 SF.
2ND FLOOR	842 SF.
TOTAL	1,518 SF.
GARAGE	430 SF.
COVERED ENTRY	80 SF.
FRONTAGE COVERAGE REQ.:	50% MINIMUM
FRONTAGE COVERAGE PROVIDED:	76'-0" > 50%
MAXIMUM HEIGHT ALLOWED:	3 STORIES / 40'-0"
MAXIMUM HEIGHT PROVIDED:	2 STORIES / 26'-1"
PARKING:	1.5 SPACES REQ. / UNIT (18 X 1.5) REQUIRED
TOTAL	27 SPACES REQUIRED
2 GARAGE SPACES / UNIT PROVIDED	36 SPACES
TOTAL	36 SPACES PROVIDED
REQUIRED BICYCLE SPACE (CSBCS 4.106.9.1)	1 SPACE / 4 UNITS (18 UNITS / 4)
5 SPACES REQUIRED	
20% SHORT-TERM = 1 SPACE	3 BICYCLE RACKS PROVIDED
80% LONG TERM = 4 SPACES	4 BICYCLE LOCKERS PROVIDED
	7 BICYCLE SPACES PROVIDED
PRIVATE OPEN SPACE REQ.	64 SF / UNIT MIN. (8 MIN. DIM.)
PRIVATE OPEN SPACE PROVIDED:	93 SF MIN.



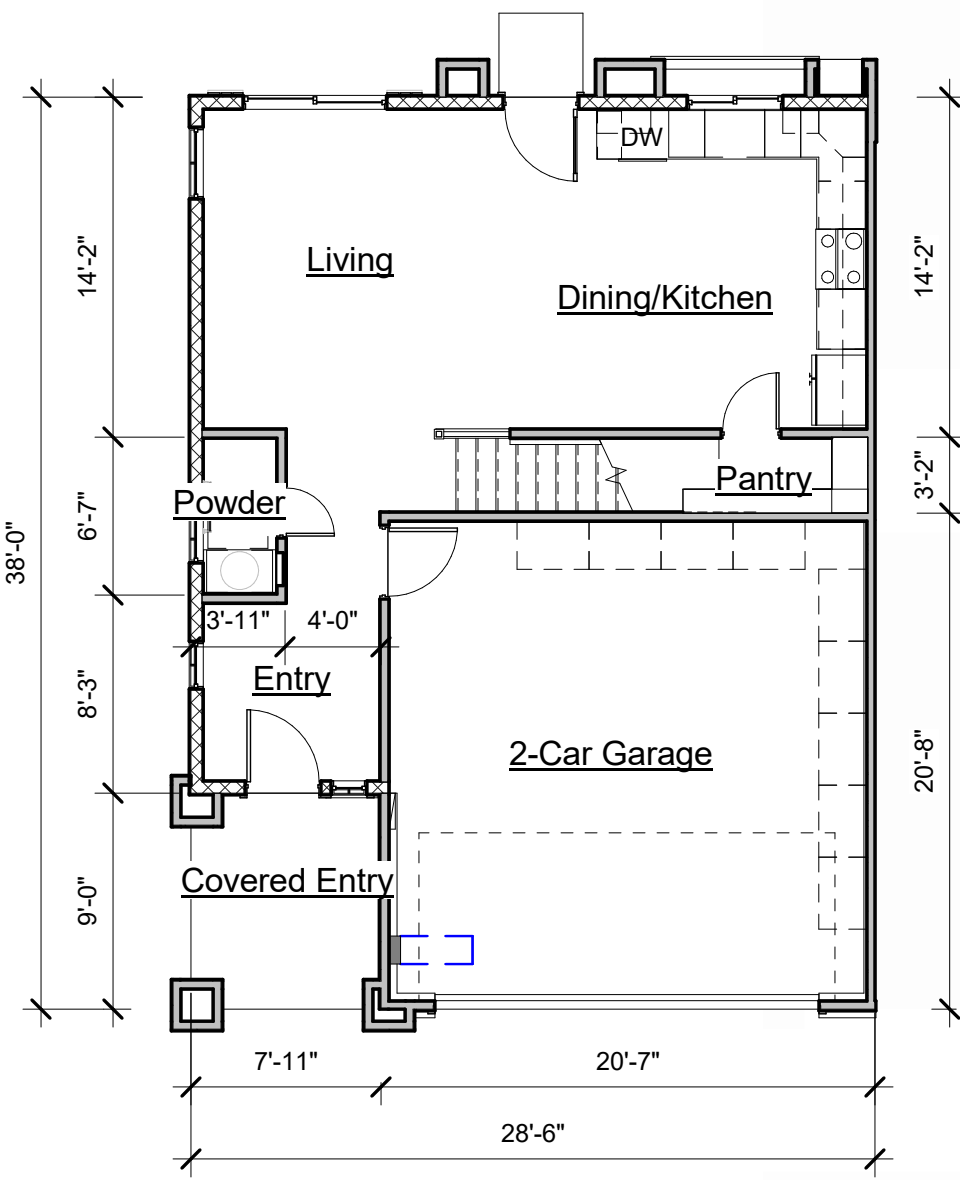
Decorative Concrete Pattern



Vicinity Map

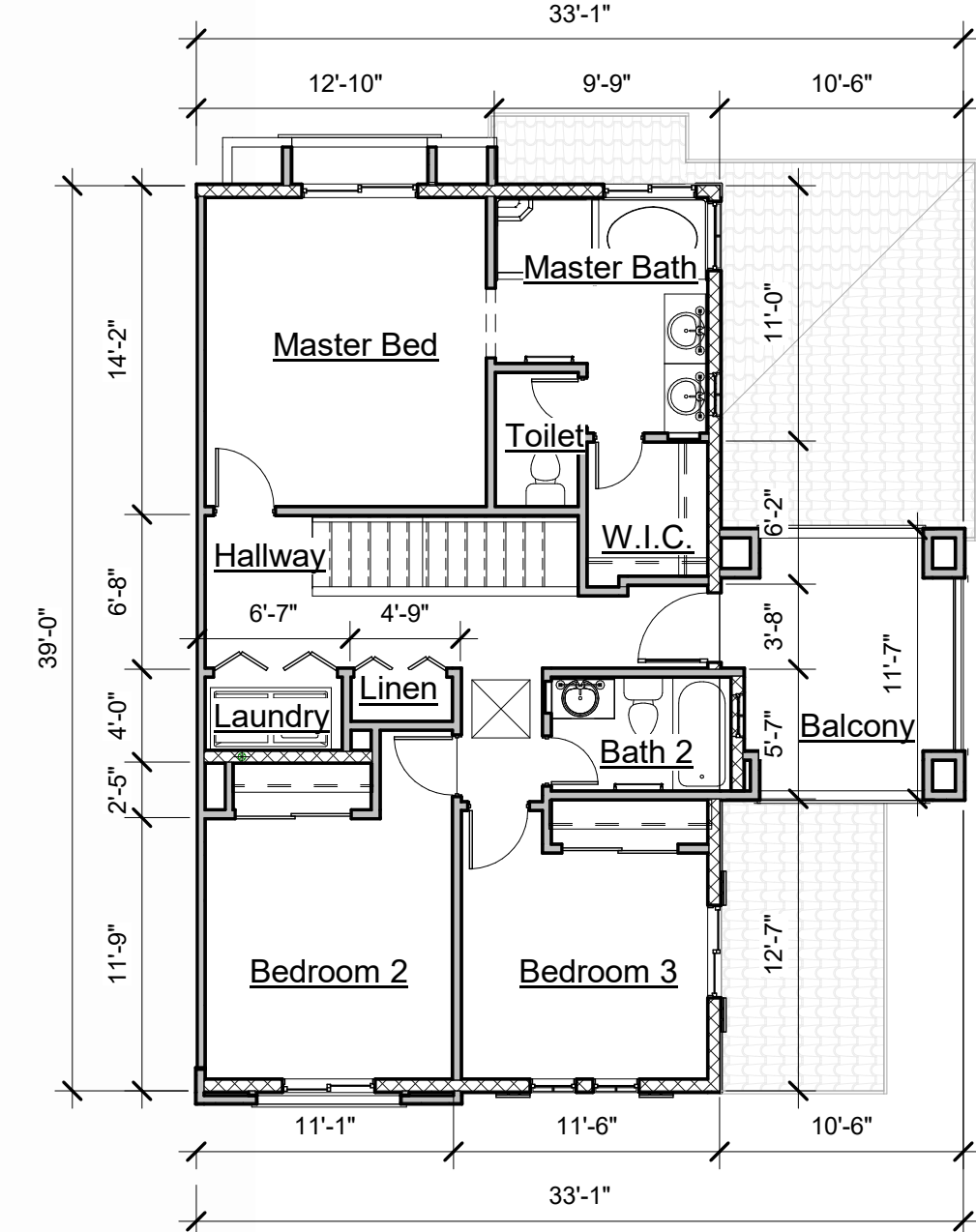


Type A - Second Floor Plan  
1/8" = 1'-0"

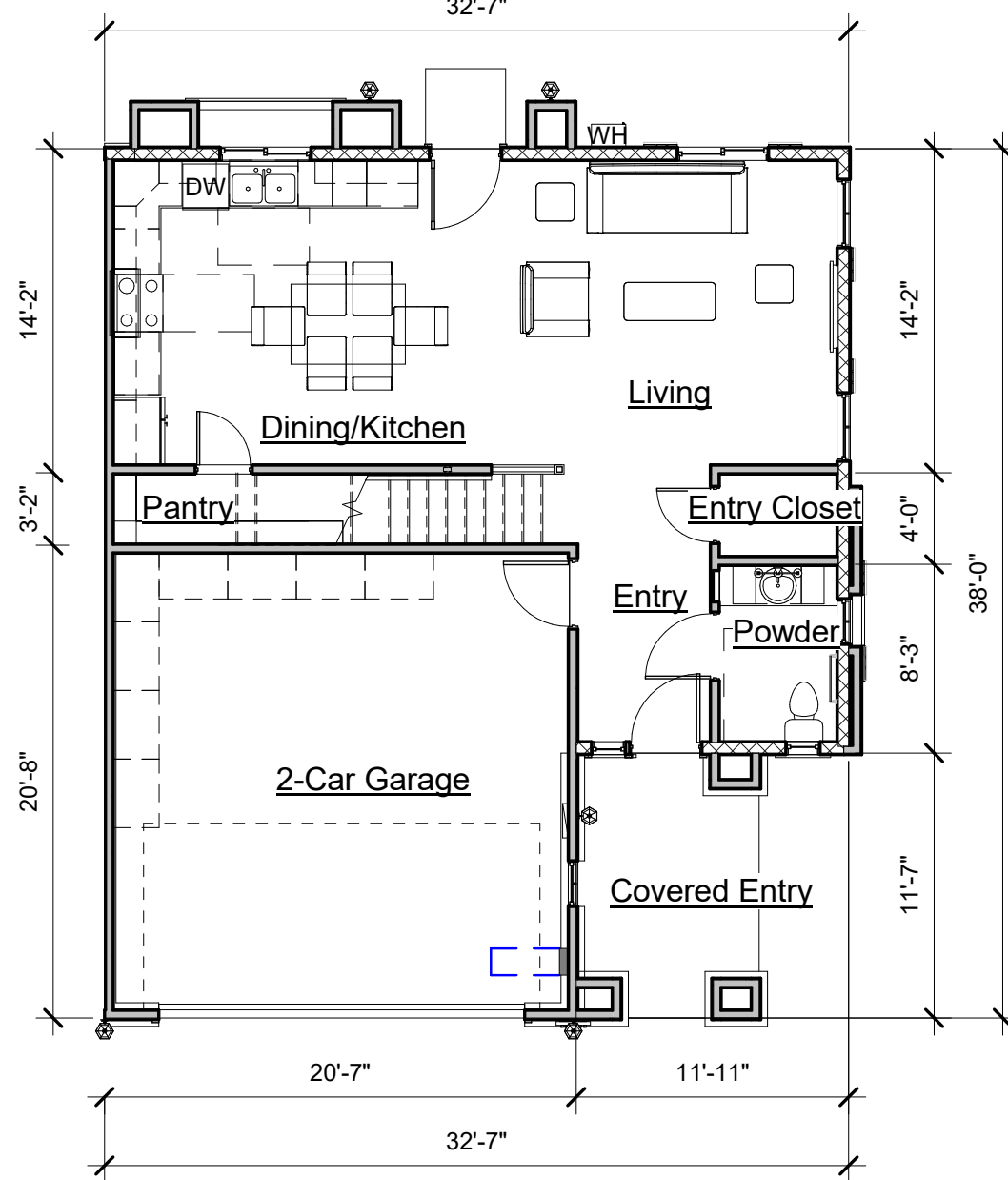


Type A - First Floor Plan  
1/8" = 1'-0"

Site Plan  
1" = 20'-0"



Type B - Second Floor Plan Adaptable  
1/8" = 1'-0"



Type B - First Floor Plan Adaptable  
1/8" = 1'-0"

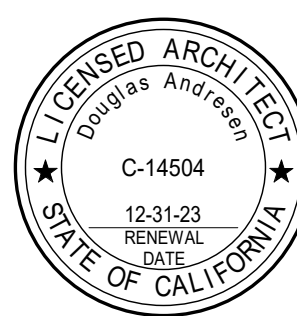
Number	Description
PL1	Site Plan
PL2	Floor Plans & Elev. - Bldg. 1, 2
PL3	Floor Plans & Elev. - Bldg. 3
PL4	Amenities
PL5	3D Views
1 of 1	Conceptual Grading Plan
1 of 2	Preliminary Landscape Plan

BUILDING AREAS:	
BUILDING 1&2:	
FIRST FLOOR:	4,266 SF
SECOND FLOOR:	6,524 SF
GARAGE:	2,912 SF
COVERED PORCH:	519 SF
BALCONY:	709 SF
ELECTRICAL ROOM:	284 SF
TOTAL BUILDING AREA:	14,964 SF
BUILDING 3:	
FIRST FLOOR:	2,384 SF
SECOND FLOOR:	3,788 SF
GARAGE:	1,664 SF
COVERED PORCH:	396 SF
BALCONY:	396 SF
ELECTRICAL ROOM:	11 SF
TOTAL BUILDING AREA:	8,527 SF

Proposed Apartment Complex For:  
**Awad Development**  
9172 Pepper Avenue, Fontana, CA 92335

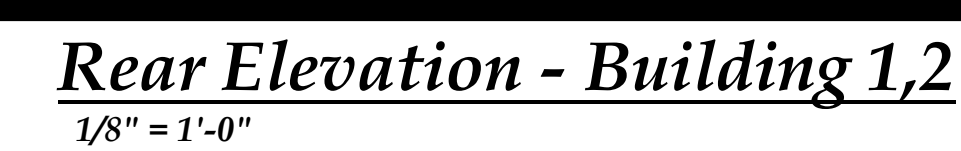
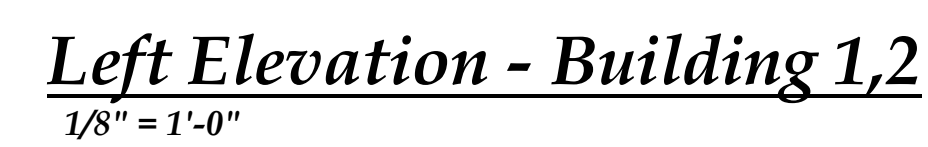
31 Oct. 2023

21-4369

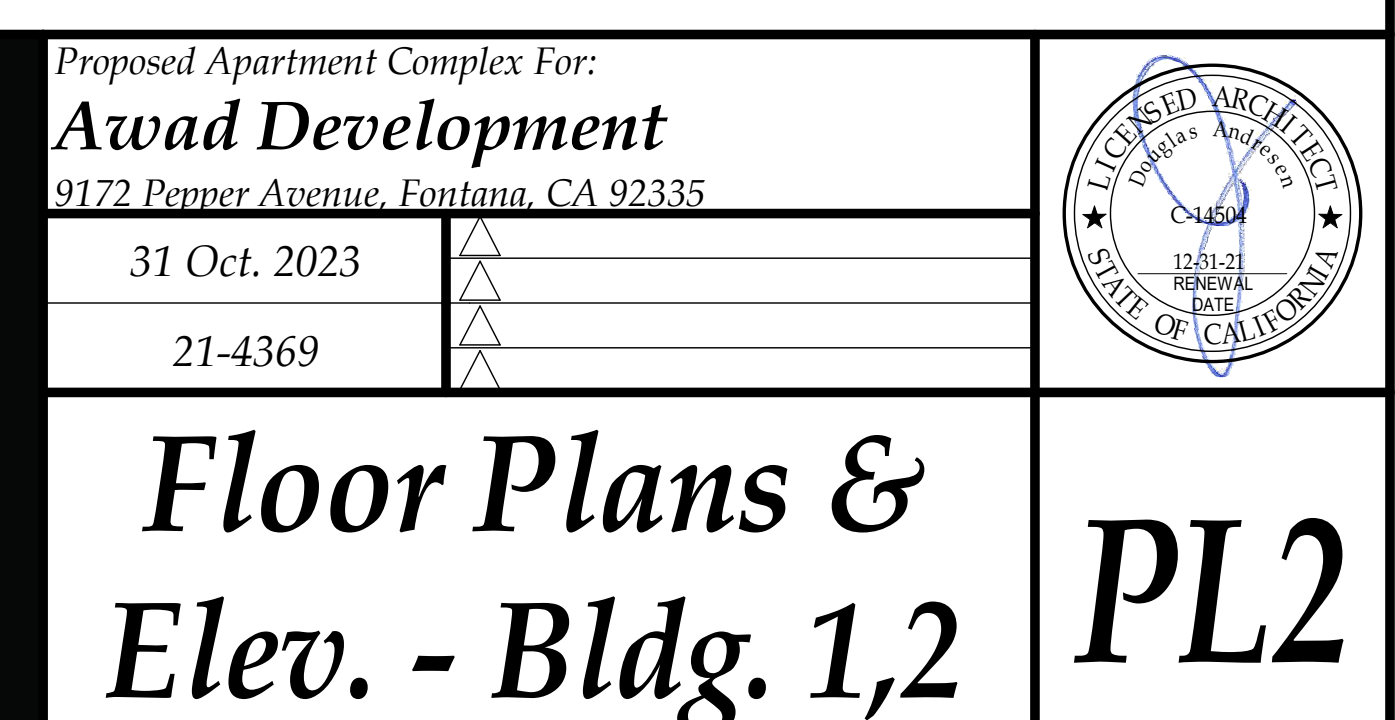


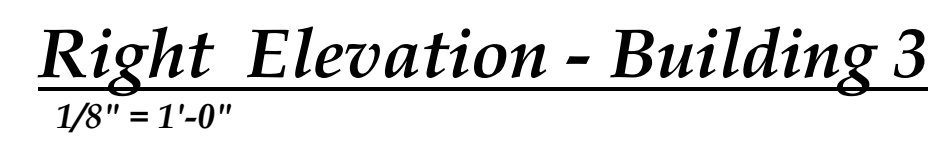
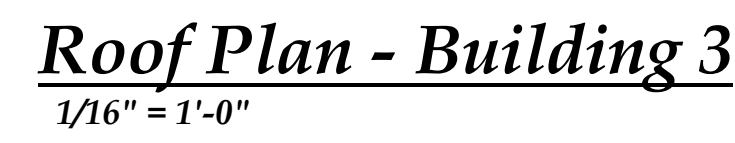
Site Plan

PL1



**Roof Plan - Building 1,2**  
1/16" = 1'-0"



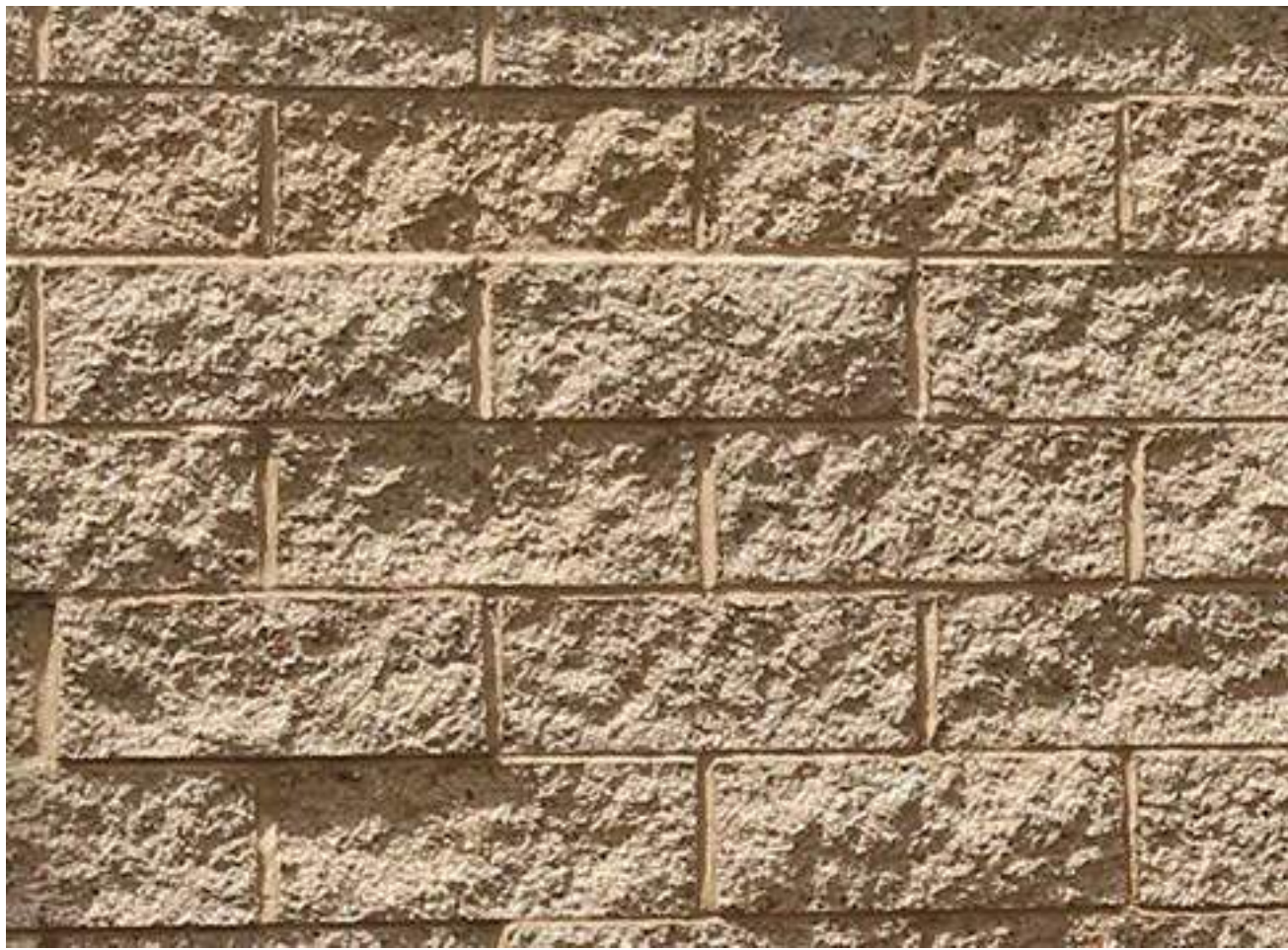


Proposed Apartment Complex For:  
**Awad Development**  
9172 Pepper Avenue, Fontana, CA 92335

LICENSED ARCHITECT  
 Douglas Andresen  
 C-14504  
 12-31-23  
 RENEWAL  
 DATE  
 STATE OF CALIFORNIA

**PL3**

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TAN SPLIT-FACE BLOCK WALL

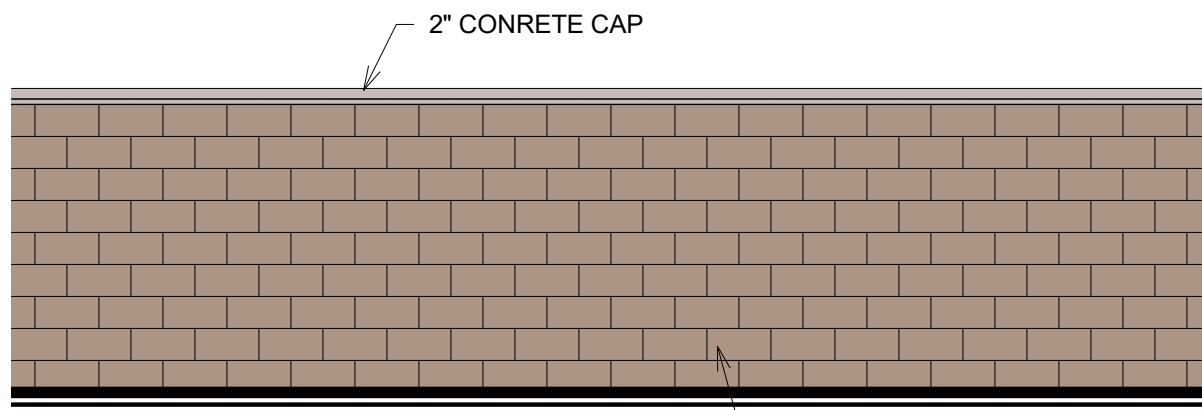


3 BBQ Area



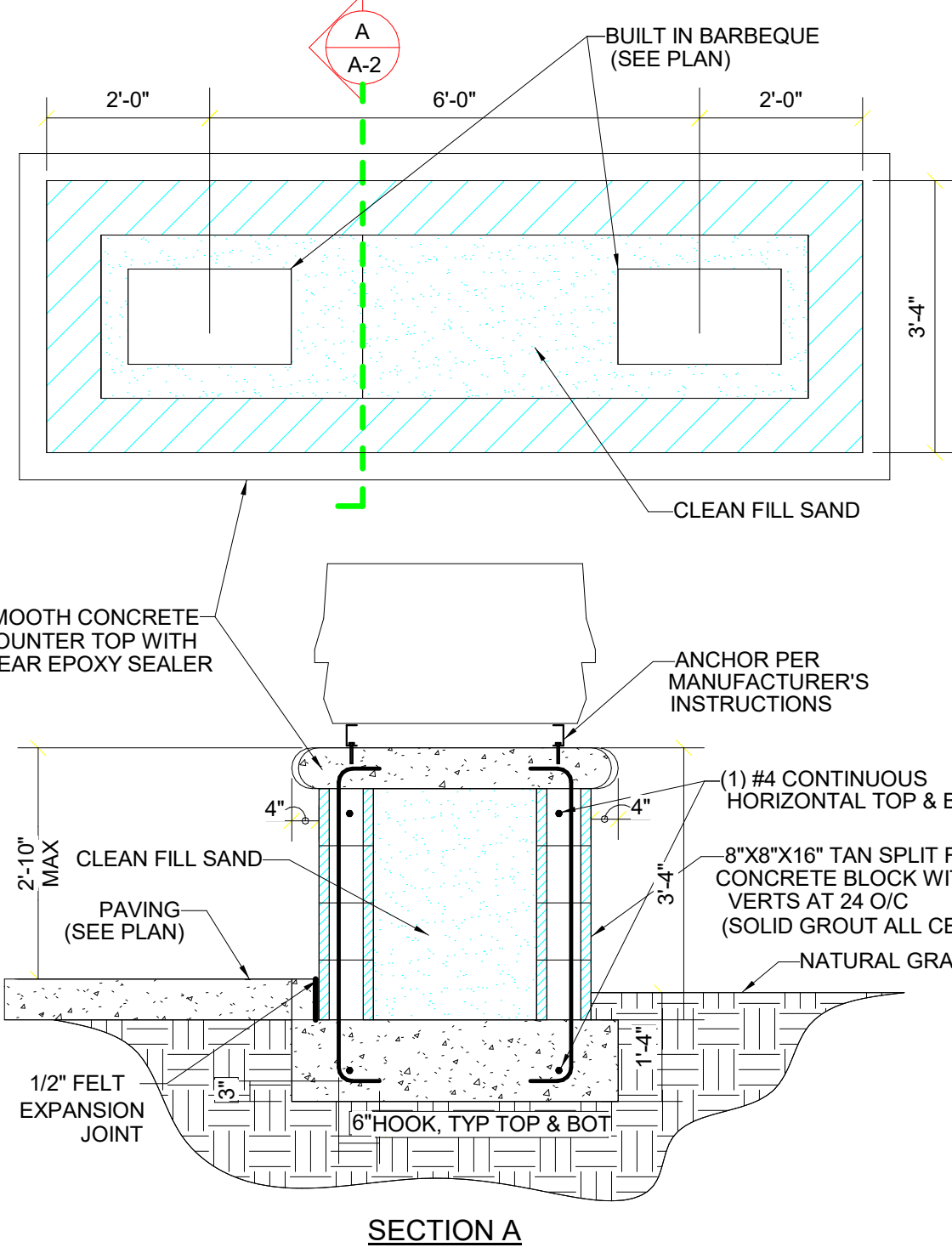
TAN PRECAST CONCRETE CAP

4 Block Wall Material



6" HIGH DECORATIVE TAN SPLIT-FACE SCREEN WALL

5 Block Wall



SECTION A

2 Barbeque

1/2" = 1'-0"

Standard Specifications Model: 537-1052



Product Details:  
Capacity:  
Materials:

- 1 door/1 Bike
- Locker shall be manufactured of molded fiberglass reinforced plastic composite with a smooth "X" and "Y" pattern on stippled walls and top, with smooth door frame and stippled door. Material shall be E-glass and polyester resin at 35% ratio.
- Tensile Strength: 18,000 psi. Locker shall be one piece with no external or internal frame and no seams or joints on tops or side walls. Material shall withstand over 300 lb/sqft on roof and 200 lb/sqft on walls/doors.
- No On Site Assembly Required.**
- Roof shall be crowned for water run-off and all corners shall have a smooth radiused finish. Finish of UV stabilized gelcoat does not need painting, allows solvent removal of graffiti and is resistant to impact and UV damage.

Setback:

Hardware:

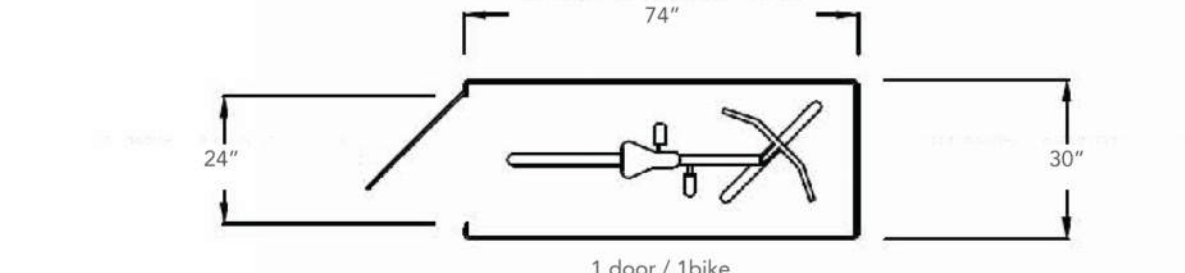
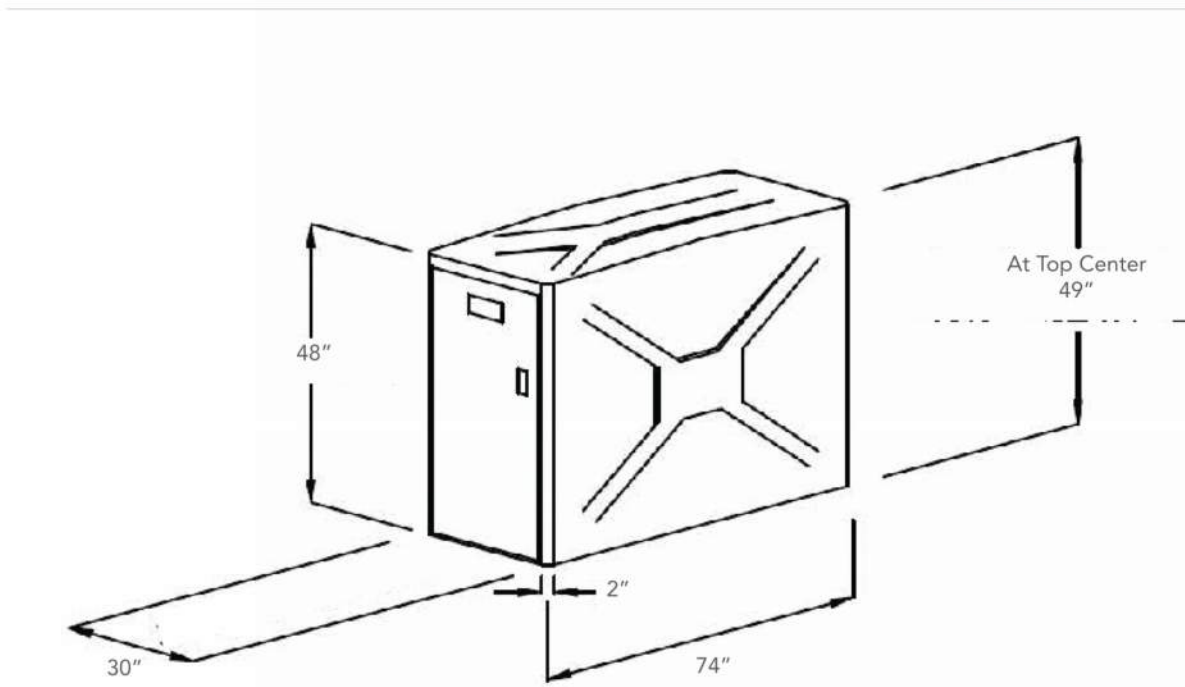
Locks:



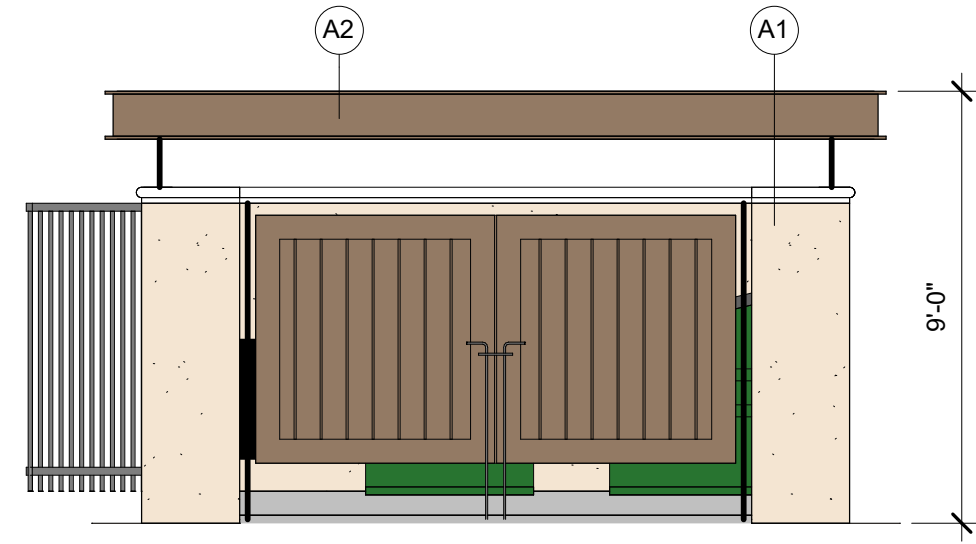
- Please allow 5ft clearance for door
- High quality custom continuous door hinge will not rust. All fasteners on locking system shall be zinc plated or better. Locker shall anchor in all four corners through base flanges using expansion anchors. See last page for anchoring details.
- 2 Standard Lock Options (No Charge)**
- Fort Lock 7 pin tumbler Pop Out "T" handle locks with three keys and removable lock cylinders. Internal locking hardware consists of three plated hardened steel cams controlling an extruded aluminum locking bar which engages the door frame over three foot span.
- Heavy duty stainless steel Padlock/U-Lock handle will accommodate high security Padlocks and U-Locks. For U-Locks from 1/2" to 3/4" Diameter. Padlocks and U-Locks not included.

\*Subject to change without notice

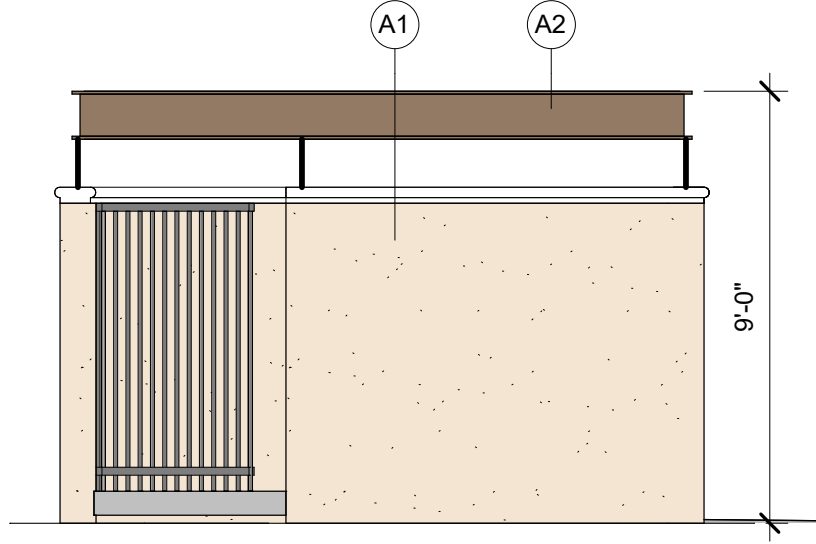
Standard Specifications Model: 537-1052



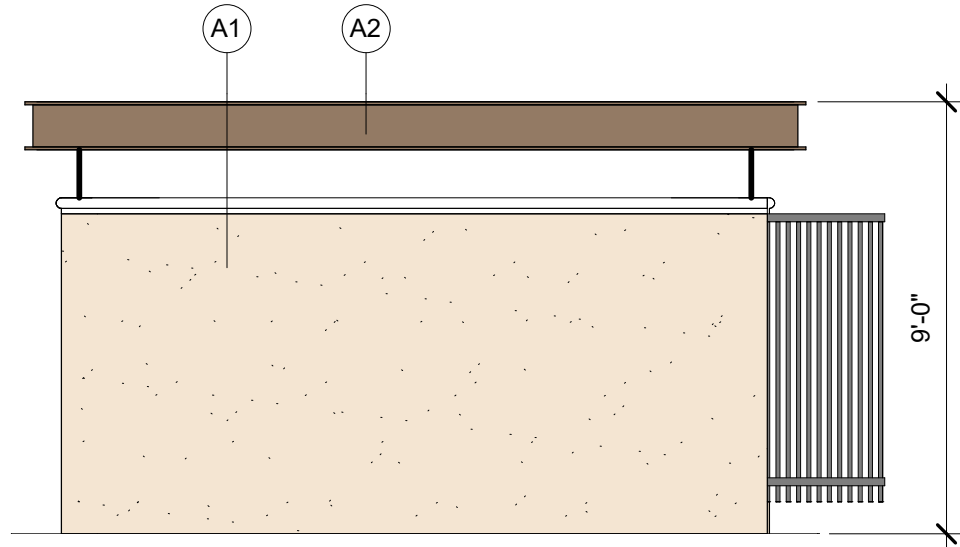
\*Subject to change without notice



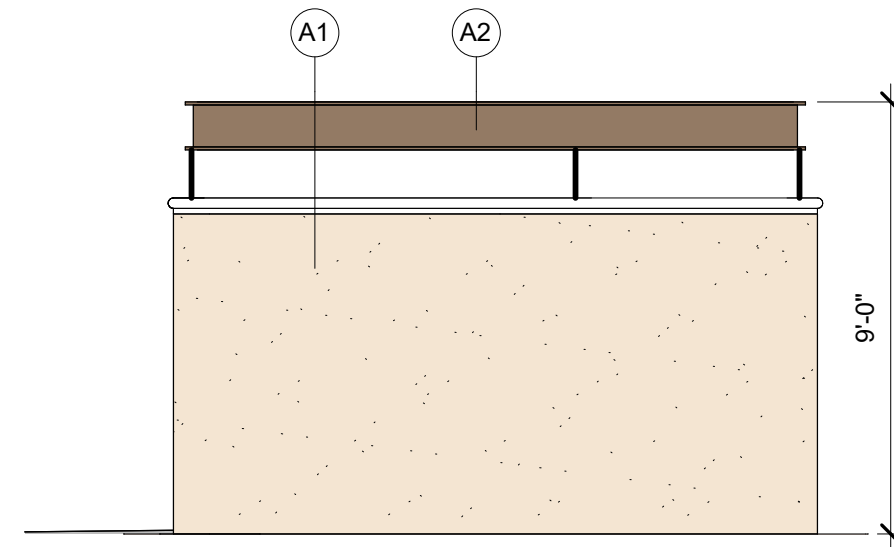
Trash Enclosure - North Elevation  
1/4" = 1'-0"



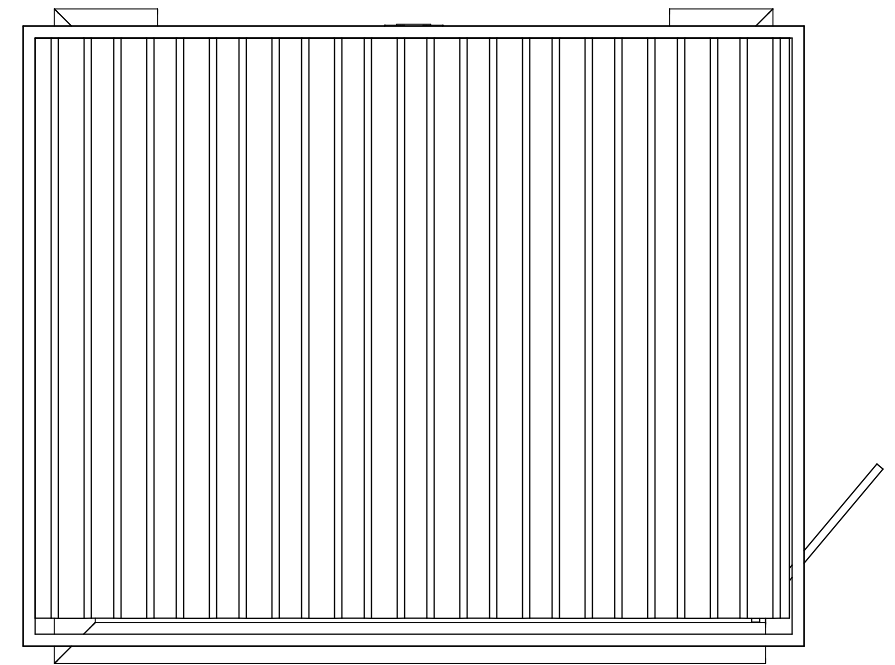
Trash Enclosure - East Elevation  
1/4" = 1'-0"



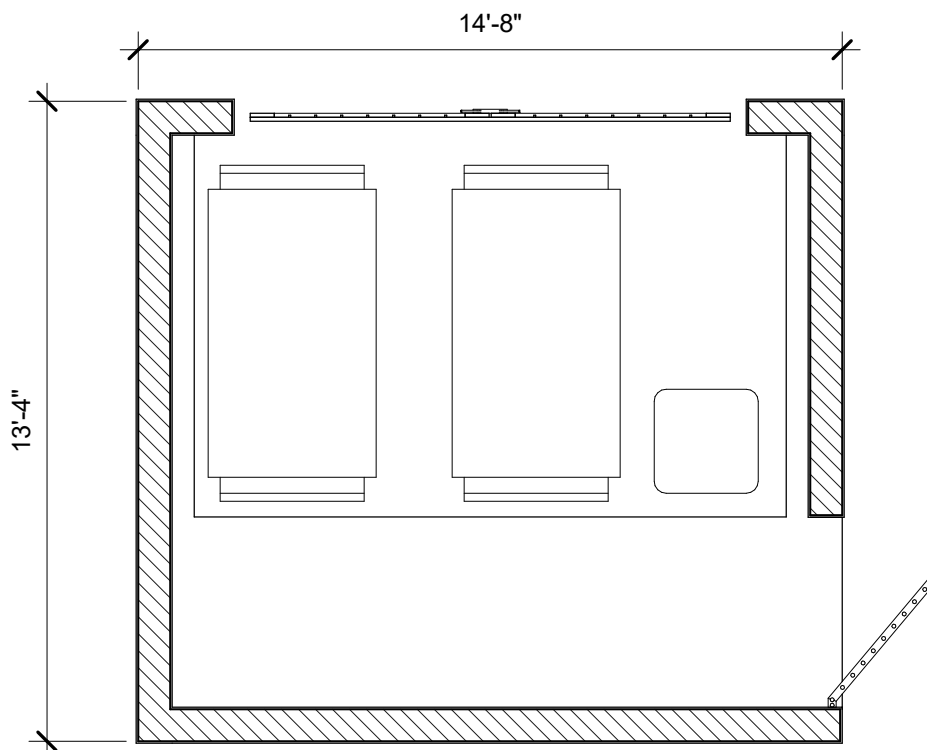
Trash Enclosure - South elevation  
1/4" = 1'-0"



Trash Enclosure - West Elevation  
1/4" = 1'-0"

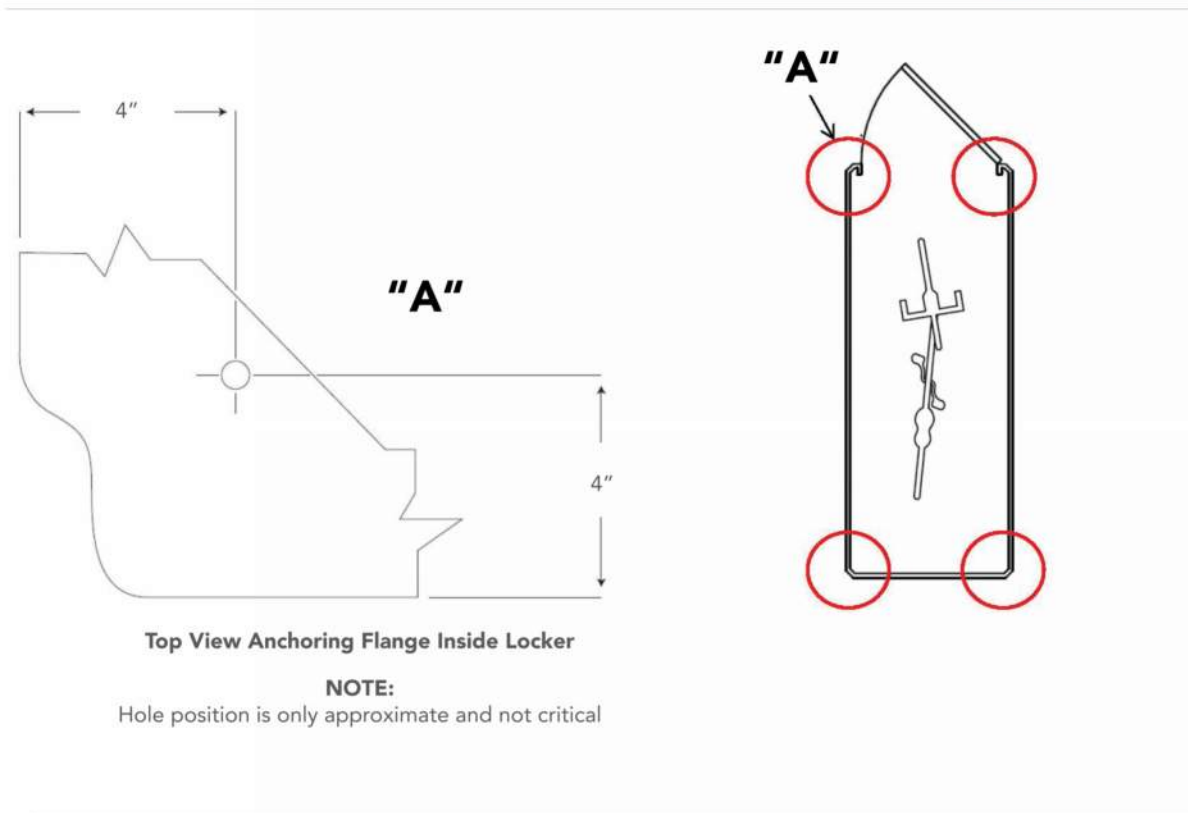


Trash Enclosure Roof Plan  
1/4" = 1'-0"



Trash Enclosure Floor Plan  
1/4" = 1'-0"

Standard Anchoring Information Model: 537-1052



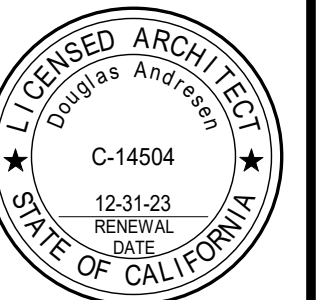
\*Subject to change without notice

Material Legend				
Mark	Material	Manufacturer	Material Color	Product #
A1	MAIN COLOR	DUNN EDWARDS	"SHORTBREAD"	DE6134
A2	ACCENT COLOR	DUNN EDWARDS	"TERRACOTTA SAND"	DE6136
A3	FASCIA/TRIM	DUNN EDWARDS	"WHITE"	DEW380
A4	SHUTTERS / ENTRY DOOR	DUNN EDWARDS	"SAN MIGUEL BLUE"	DET569
A5	STONE VENEER	BORAL	"MOJAVE"	COUNTRY LEDGESTONE PROFILE
A6	ROOFING TILES	BORAL	"CASA GRANDE BLEND"	BARCELONA PROFILE
A7	WROUGHT IRON RAILING / DETAILS			

Proposed Apartment Complex For:  
**Awad Development**  
9172 Pepper Avenue, Fontana, CA 92335

31 Oct. 2023

21-4369



Amenities

PL4

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Aerial View



Pepper Ave. - Front View

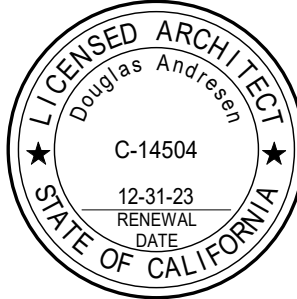


Pepper Ave. - Perspective View



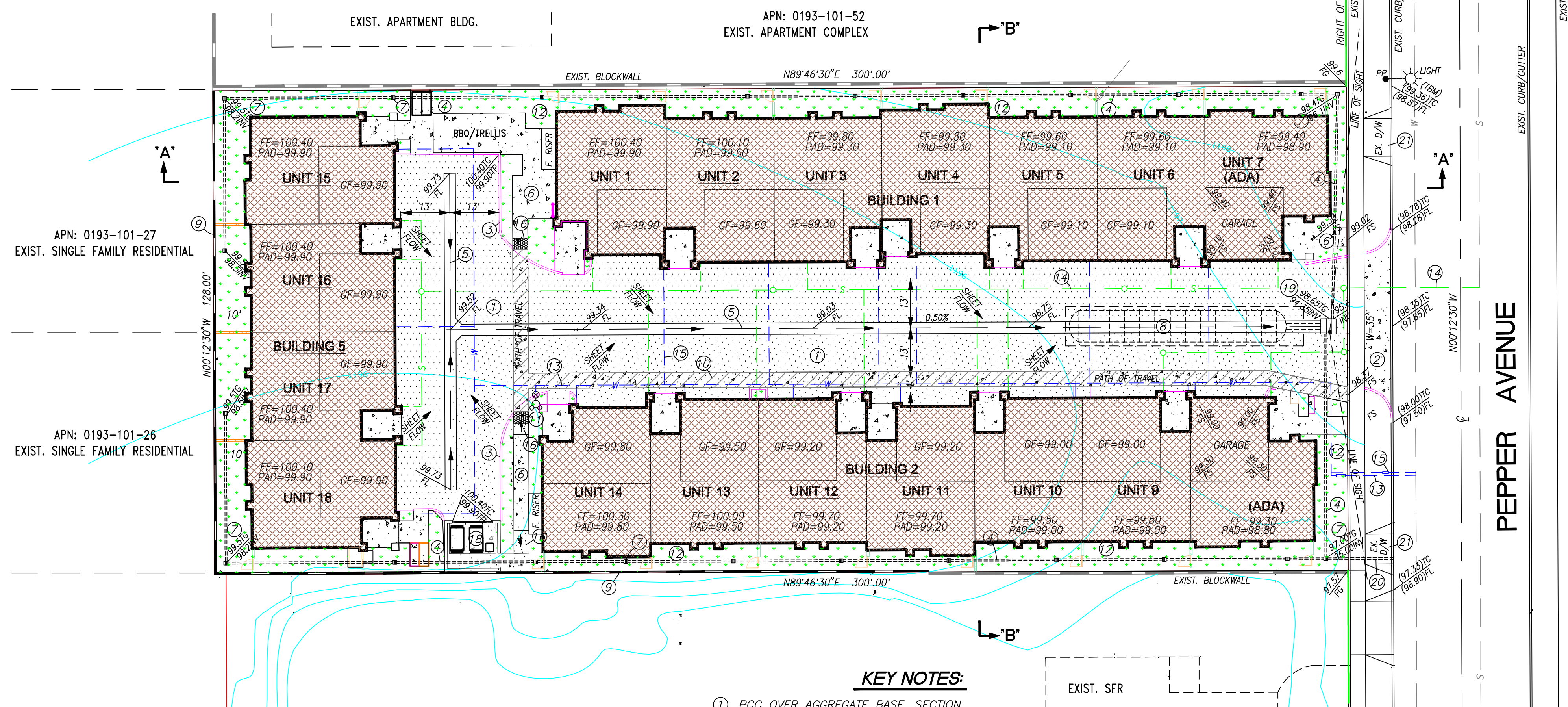
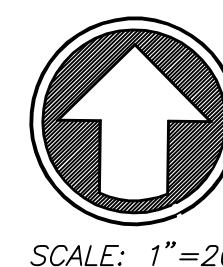
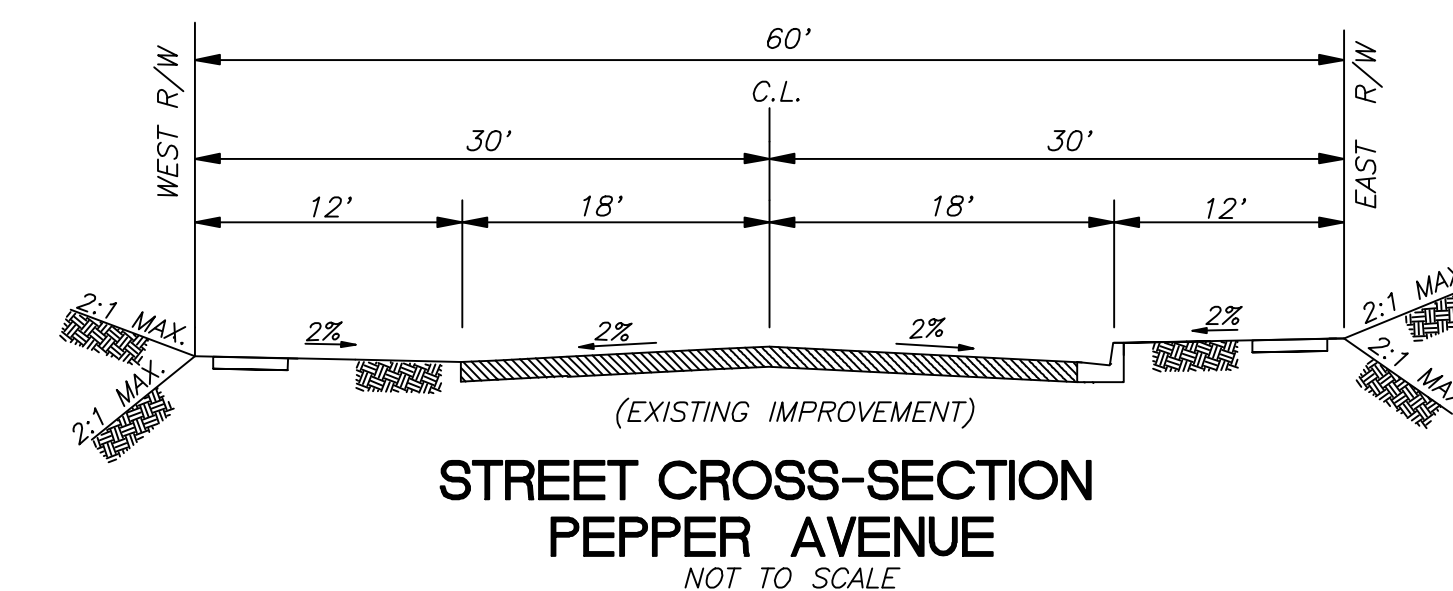
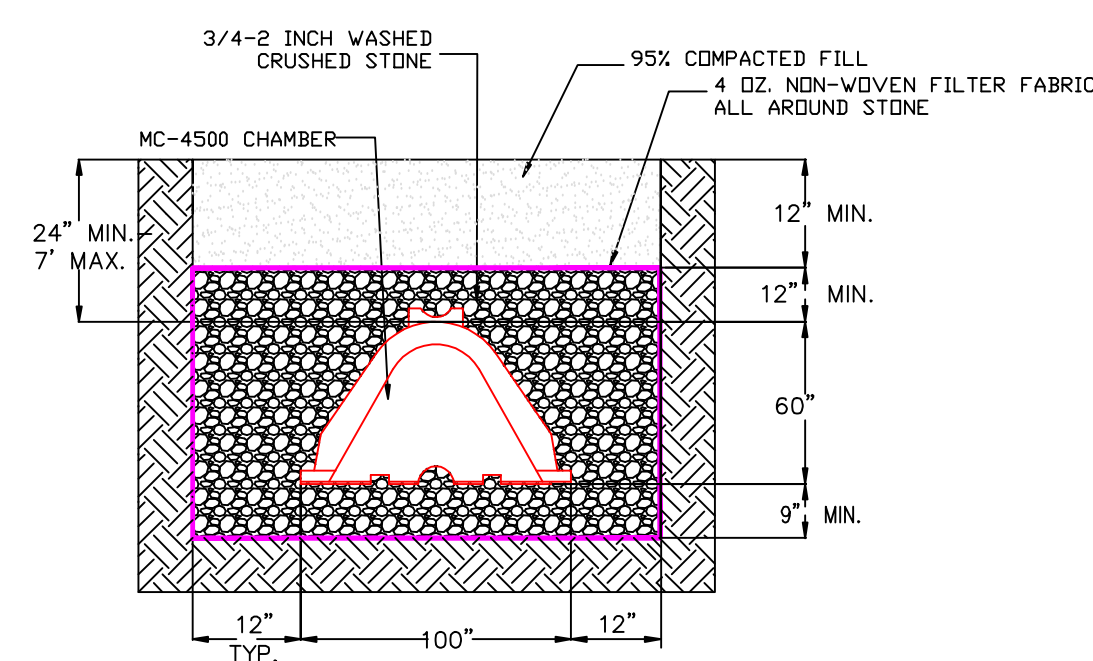
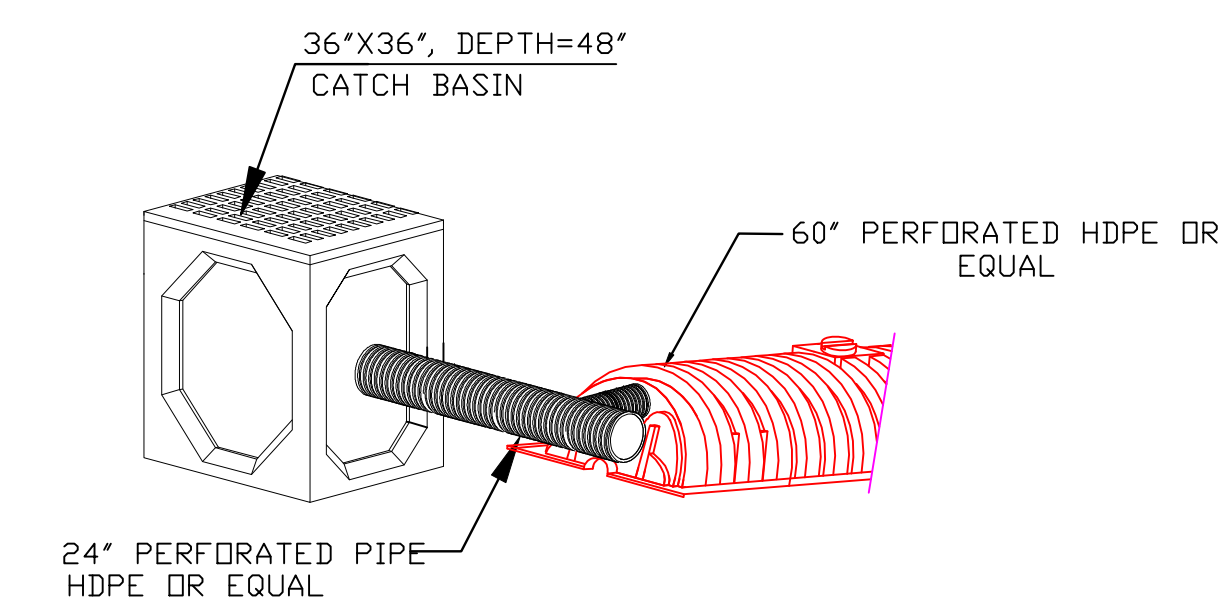
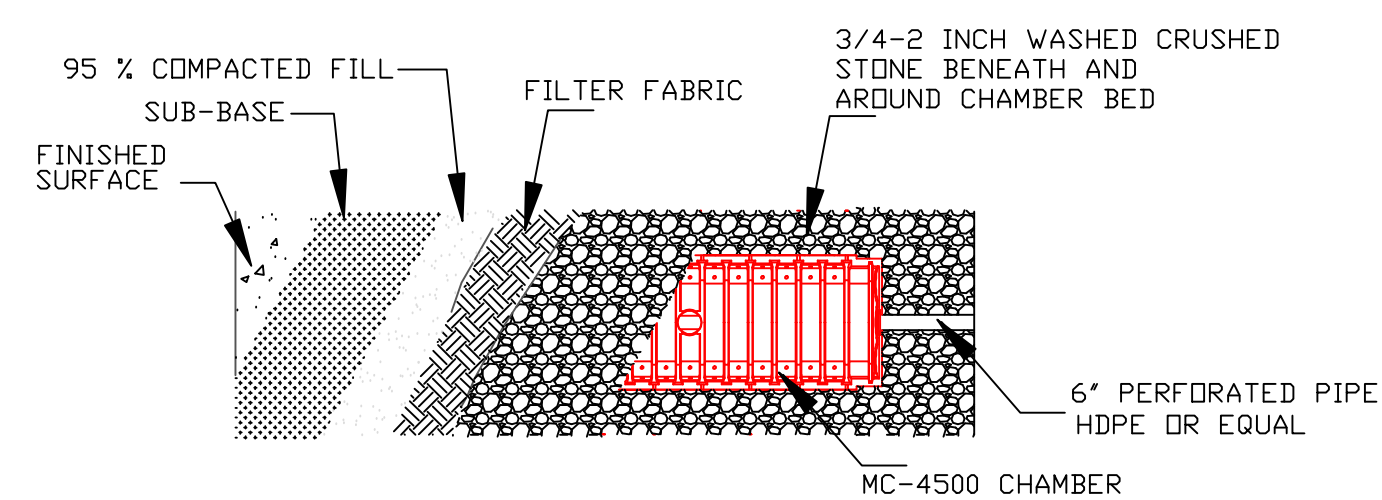
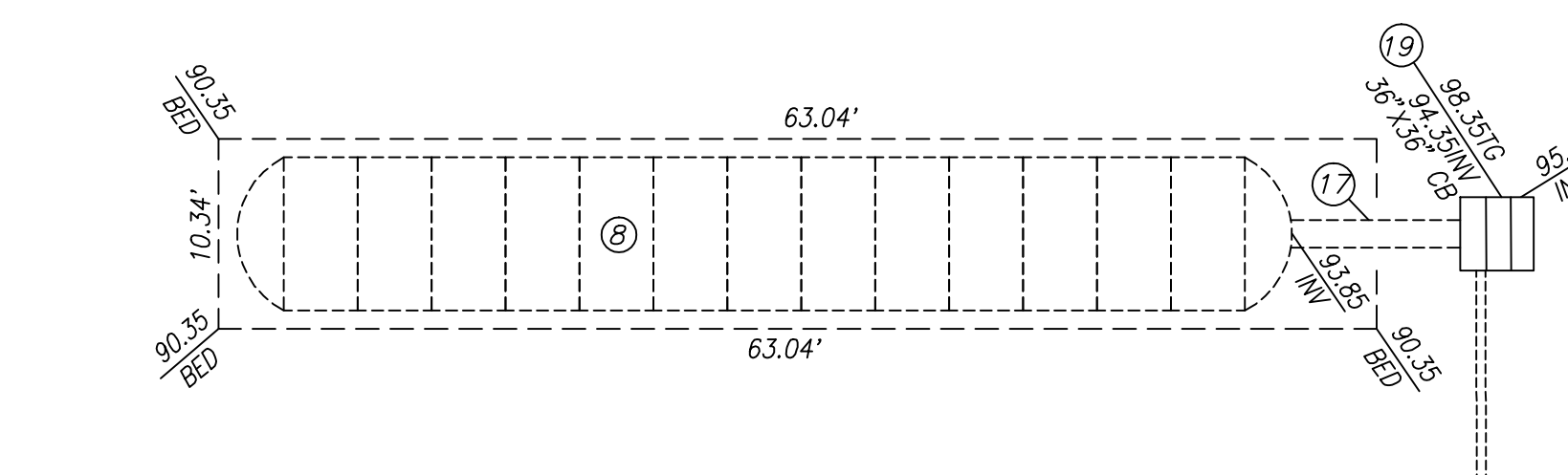
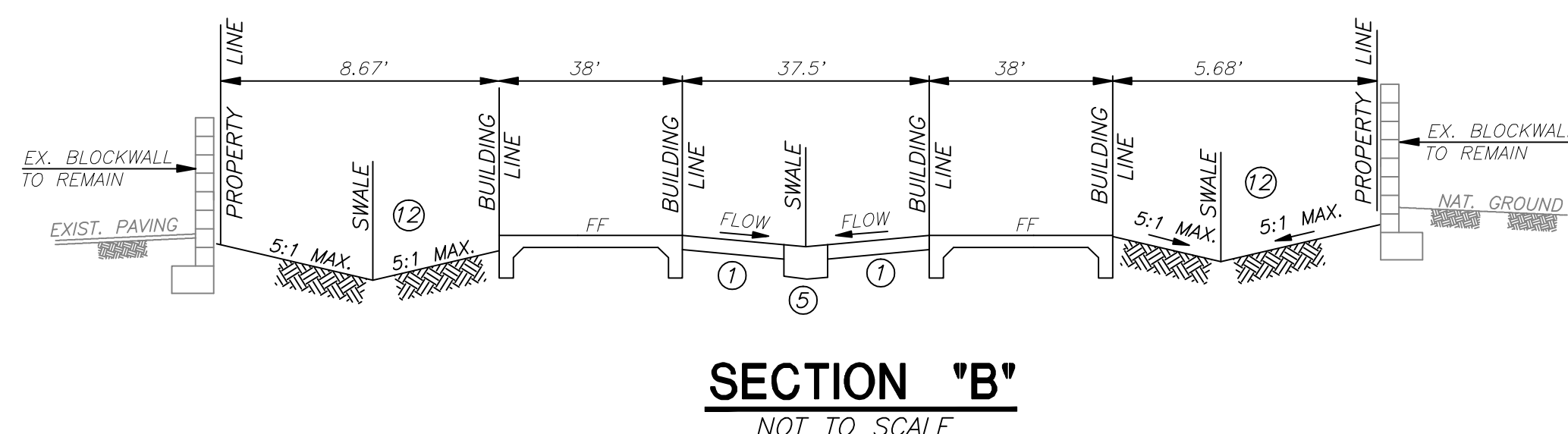
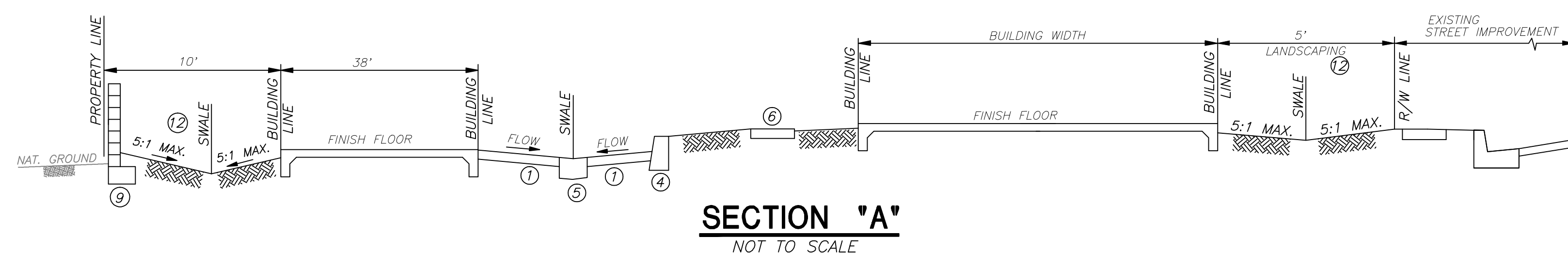
Side View





Proposed Apartment Complex For: <b>Awad Development</b> 9172 Pepper Avenue, Fontana, CA 92335	
31 Oct. 2023	▲
21-4369	▲



3D Views

PL5



- TC = TOP OF CURB  
FL = FLOWLINE  
TP = TOP OF PAVEMENT  
FS = FINISHED SURFACE  
FG = FINISHED GRADE  
FF = FINISHED FLOOR  
PAD = PAD ELEVATION  
NG = NATURAL GROUND  
SMH = SEWER MANHOLE  
S = SEWERLINE  
W = WATERLINE  
G = GAS LINE  
PP = POWER POLE  
D/W = DRIVEWAY  
WM = WATER METER  
C. L. = CENTERLINE  
C.O. = CLEANOUT  
FH = FIRE HYDRANT
-  = ASPHALT PAVING  
 = LANDSCAPE AREA  
 = APARTMENT BLDG.  
 = PCC PAVING

- ① PCC OVER AGGREGATE BASE, SECTION  
PER SOIL'S REPORT
- ② DRIVEWAY PER CITY STD. 1002
- ③ 6" PCC CURB PER CITY STANDARD NO. 1000
- ④ 6" DRAIN LINE
- ⑤ 3' WIDE CONCRETE SWALE
- ⑥ 4" THICK PCC WALKWAY
- ⑦ 12"x12" YARD DRAIN
- ⑧ UNDERGROUND INFILTRATION SYSTEM
- ⑨ COMBINATION BLOCKWALL, 3' RET. & 6' SCREEN WALL
- ⑩ PAVEMENT STRIPING
- ⑪ FIRE HYDRANT
- ⑫ LANDSCAPING PER LANDSCAPE PLAN
- ⑬ 6" FIRE LINE
- ⑭ 6" SEWER LATERAL PER CITY STANDARDS
- ⑮ WATER SERVICE
- ⑯ HANDICAP RAMP PER ADA STANDARDS
- ⑰ 18" DRAIN LINE
- ⑱ TRASH ENCLOSURE PER CITY STD.
- ⑲ 36"x36" CATCH BASIN
- ⑳ OVERFLOW UNDERSIDEWALK DRAIN
- ㉑ EXISTING DRIVEWAY TO BE REMOVED

NOTE: UNDERGROUND ALL UTILITIES AFFECTING THE PROJECT  
LOCATED IN THE 1-10 NORTH MASTER PLANNED STORM DRAIN  
LOCATED IN THE SAN SEVAINE WATERSHED  
STREET RIGHT OF WAY SECTION IS SHOWN ABOVE

PROJECT AREA = 38,400 S.F.

**HP ENGINEERING, INC.**  
CIVIL ENGINEERING • LAND SURVEYING  
1465 CRESTVIEW ROAD, REDLANDS, CA. 92374  
Tel. (909) 335-8239 Fax (909) 335-9940

SCALE: 1"=20'

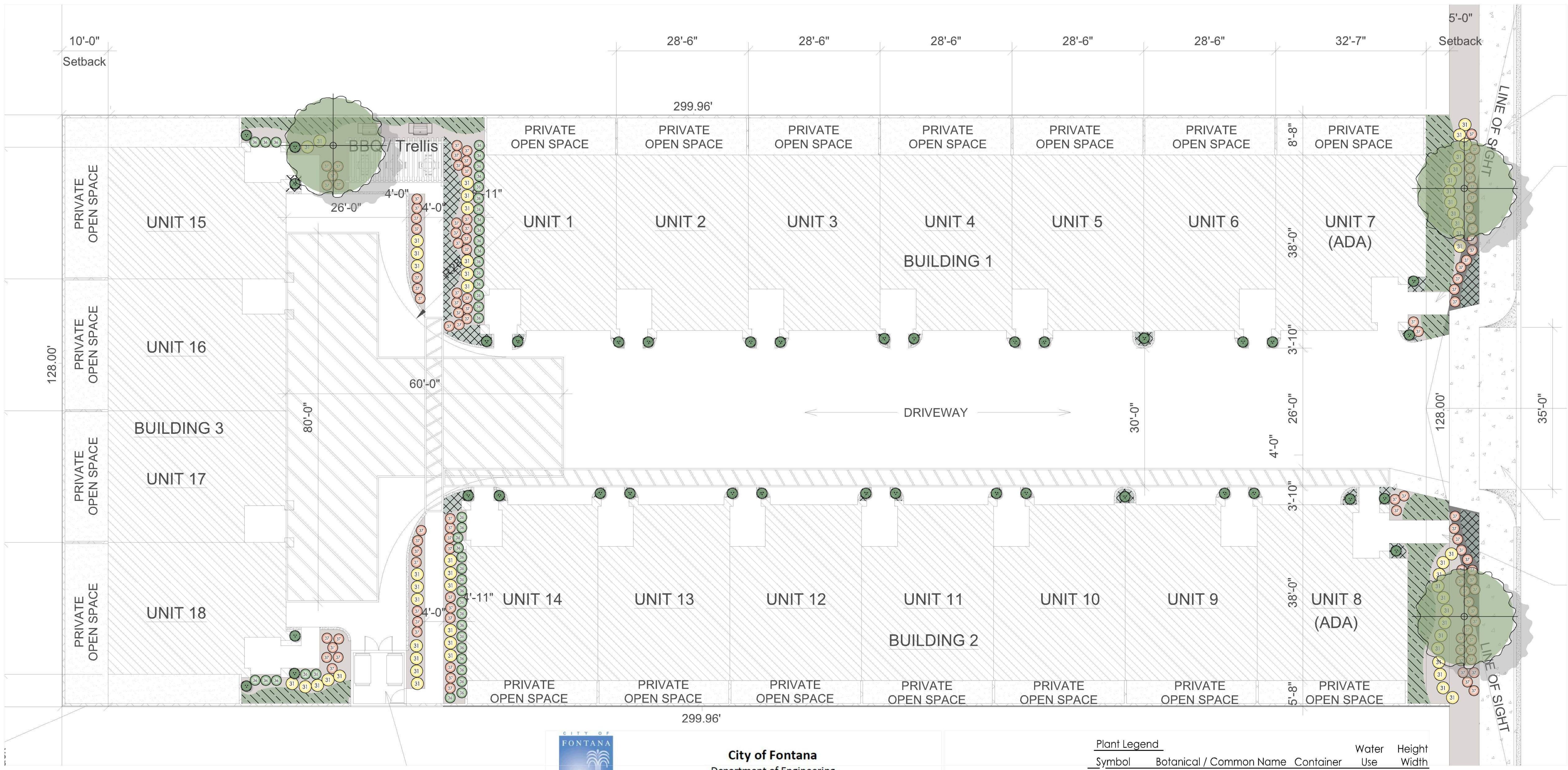
DATE: SEPT 16 2022

BENCH MARK:	
DESCRIPTION: TOP OF CURB AT THE EASTERLY PROLONGATION OF THE NORTH LINE OF THE PROJECT	
ELEVATION: 99.36	

## CONCEPTUAL GRADING PLAN

APN: 0193-101-07  
9172 PEPPER AVENUE

FOR: ABDEL AWAD



City of Fontana  
Department of Engineering

**WATER EFFICIENT LANDSCAPE WORKSHEET**  
This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package.

Reference Evapotranspiration (ETo) 55.6 (San Bernardino)

Hydrozone # / Planting Description <sup>a</sup>	Plant Factor (PF)	Irrigation Method <sup>b</sup>	Irrigation Efficiency (IE) <sup>c</sup>	ETAF (PF/IE)	Landscape Area (sq. ft.)	ETAF x Area	Estimated Total Water Use (ETWU) <sup>d</sup>
<b>Regular Landscape Areas</b>							
A-1 LW SHRUBS	0.3	DRIP	0.81	0.37	6440	2,383	82,147
A-2 DR. SWALE	0.3	DRIP	0.81	0.37	631	233	8,032
A-3 TREES	0.4	DRIP	0.81	0.49	123	60	2,068
					Totals	7,194	2,676
<b>Special Landscape Areas</b>							
					1		
					1		
					1		
					Totals	7,194	2,676
						ETWU Total	92,247
						Maximum Allowed Water Allowance (MAWA) <sup>e</sup>	136,395

<sup>a</sup>Hydrozone #/Planting Description  
E.g.  
1) front lawn  
2) low water use plantings  
3) medium water use planting

<sup>b</sup>Irrigation Method  
overhead spray  
or drip

<sup>c</sup>Irrigation Efficiency  
0.75 for spray head  
0.81 for drip

<sup>d</sup>ETWU (Annual Gallons Required) =  
Eto x 0.62 x ETAF x Area  
where 0.62 is a conversion  
factor that converts acre-  
inches per acre per year to  
gallons per square foot per  
year.

<sup>e</sup>MAWA (Annual Gallons Allowed) = (Eto) ( 0.62) [ (ETAF x LA)  
+ ((1-ETAF) x SLA)]  
where 0.62 is a conversion factor that converts acre-  
inches per acre per year to gallons per square foot per  
year. LA is the total landscape area in square feet. SLA  
is the total special landscape area in square feet,  
and ETAF is .55 for residential areas and 0.45 for non-  
residential areas.

ETAF Calculations

Regular Landscape Areas	
Total ETAF x Area (B)	2,676
Total Area (A)	7,194
Average ETAF (B ÷ A)	0.37

All Landscape Areas

Total ETAF x Area (B+D)	2,676
Total Area (A+C)	7,194
Site-wide ETAF (B+D) ÷ (A+C)	0.37

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

Signed: Date: 10/3/2022

Plant Legend

Symbol	Botanical / Common Name	Container	Water Use	Height
--------	-------------------------	-----------	-----------	--------

**Trees**

	Cupressus sempervirens 'Monshell' Tiny Tower Italian cypress	Evergreen	15 gallon Standard	Low 9'-12' 2'
	Pistacia chinensis Chinese Pistache	Deciduous	24" Box Standard	Mod. 25-35' 25-35'

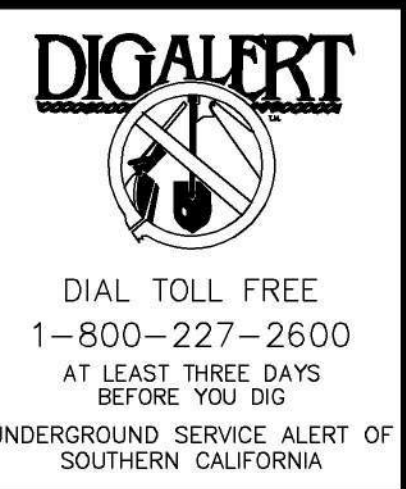
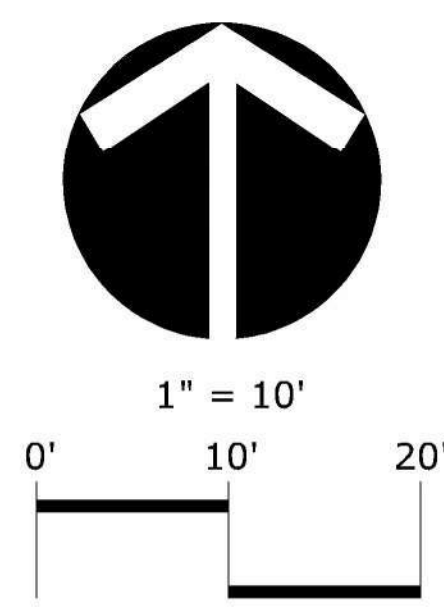
**Shrubs, Accents and Groundcovers**

	Callistemon 'Little John' Dwarf Bottlebrush	5 gallon	Low	3'-4' 2'-4'
	Lantana x 'New Gold' New Gold Lantana	5 gallon	Low	2'-3' 4'-6'
	Lantana camara Bandana Pink Lantana	1 gallon	Low	1'-3' 1'-2'
	Senecio serpens Blue Chalksticks	1 gallon	Low	1'-2' 1'-2'

**Drainage swale**

	Baccharis pilularis 'Pigeon Point' Dwarf Coyote Bush	1 gallon	Low	1'-2' 6'-8'
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All planters to receive 3" layer shredded bark mulch, except where otherwise shown.



## RESOLUTION PC NO. 2023-

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW NO. 22-063 FOR SITE AND ARCHITECTURAL APPROVAL OF AN 18 UNIT MULTI-FAMILY PROJECT ON A 0.88 ACRE PROJECT SITE LOCATED AT 9172 PEPPER AVENUE (APN: 0193-101-07), PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332.**

**WHEREAS**, on October 10, 2022, the City of Fontana (“City”) received an application from Andresen Architecture (“Applicant”), for a Design Review (“DRP No. 22-063”) for an 18 unit multi-family development on a 0.88 acre site located at 9172 Pepper Avenue (APN 0193-101-07); and

**WHEREAS**, the project is for an architectural and design approval of an 18 unit multi-family development; and

**WHEREAS**, the site is located within the Form Based Code (FBC) Multi-Family sub district and has a General Plan Land Use designation of Walkable Mixed-Use Corridor (WMXU-1) which allows for such projects; and

**WHEREAS**, Conditions of Approval for DRP No. 22-063 have been prepared and attached hereto as **Exhibit “A”**; and

**WHEREAS**, the project qualifies for a Categorical Exemption pursuant to Section No. 15332, Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act and none of the exceptions in CEQA Section 15300.2 apply here; and

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

**WHEREAS**, a notice of the public hearing was published in the local *Fontana Herald* newspaper on November 10, 2023, and simultaneously displayed at City Hall and at the project site; and

**WHEREAS**, on November 21, 2023, a duly noticed public hearing on DRP No. 22-063 was held by the City of Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City staff, and other interested parties; and

**WHEREAS**, on November 21, 2023, the Planning Commission carefully considered all information, evidence, and testimony presented at the public hearing on DRP No. 22-063; 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. 15332 (Infill Development) 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) and that none of the exceptions in Section 15300.2 apply here.

**Section 3. Design Review Findings.** The Planning Commission hereby makes the following findings for DRP No. 22-063 in accordance with Section No. 30-120 “Findings for approval” of the Fontana Zoning and Development Code:

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

Findings of Fact: An 18-unit multi-family development is consistent with the General Plan designation for the project site which is the Form Based Code, Multi-Family sub district and not within a Specific Plan. The Multi-Family sub district is intended to accommodate multi-family developments between 12 du per acre up to a maximum of 39 du per acre with this project encompassing 18 units which equates to 20 du per acre, and within the required density. The General Plan, which sets the framework for the City, provides the overall policies for development within the community where the project site is located. The project meets the following goals of the General Plan:

Land Use Element Goal 2, which states that “Fontana development patterns support a high quality of life and economic prosperity” (page 16.65 FGP) through actions D and E which seek to promote higher density development that will create more walkable neighborhoods. The project seeks to add an additional medium density development consisting of 18 additional residential units with a sidewalk that connects the site to other streets making this project consistent with the aforementioned Goal and Actions.

Land Use Element Goal 7, which states that “public and private development meets high design standards” (page 16.72 FGP) through action D which seeks to integrate housing projects into existing city grids. The project is an infill project that will add housing into the existing city grids promoting Goal 7 mentioned above.

The project is located in the Multi-Family sub district of the FBC. This

district is an area intended for and permits the development of multiple-family dwellings. The 18 unit multi-family development meets all zoning and development standards set forth in the Fontana Municipal Code as noted in the staff report and the findings herein and, therefore, is consistent with the General Plan.

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

Findings of Fact: The development complies with the City of Fontana Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, will provide a safe and well-designed neighborhood. Additionally, the development meets all setback, height, landscaping, design, architecture, parking, access and safety requirements.

The site improvements have been reviewed by the Fire, Building and Safety Engineering Departments. During the project review process, changes were made to the plans to ensure that the project is a well-designed project. Street lighting and on-site lighting have been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.

Finding No. 3: **The proposal, in its design and appearance is aesthetically and architecturally pleasing resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.**

Findings of Fact: The project is designed to enhance and compliment the surrounding neighborhood. The architectural theme for the project is described as Tuscan. The building will reflect light earth tone colors and a light brown accent color. This architectural style includes a smooth stucco finish with stone veneer, barrel tile low pitched roofs, arched openings, and covered porches and balconies. There are added architectural feature like: wood shutters, decorative planter boxes, window trim, and decorative iron work. The development complies with the required setbacks and will not exceed the maximum height. The development also complies with all other applicable development standards specified in the Zoning and Development Code.

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

Findings of Fact: The project has been determined to be appropriate and will result in a safe, well-designed facility. There will be one vehicle access point to the site. The entrance is accessed from Pepper Avenue. The driveway is designed to accommodate passenger vehicle traffic and service vehicles as necessary. The project has been reviewed by the Planning, Engineering, Building and Safety, and Fontana Fire Prevention Departments for site circulation, access, and safety.

**Section 4. Approval.** Based on the foregoing, the Planning Commission hereby approves DRP No. 22-063 subject to the Conditions of Approval attached hereto as **Exhibit “A”** and incorporated herein by this reference.

**Section 5. Resolution Regarding Custodian of Record:** The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 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 21<sup>st</sup> day of November 2023.

**City of Fontana**

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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

Resolution PC No. 2023

by the Planning Commission at a regular meeting thereof, held on the 21<sup>st</sup> day of November 2023, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Ralph Thrasher, Secretary

**EXHIBIT “A”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 22-136  
Design Review (DRP) No. 22-063

**DATE:** November 21, 2023

**LOCATION:** 9172 Pepper Avenue (APN: 0193-101-07)

**PLANNING DEPARTMENT:**

1. The rights and privileges granted by this project shall not become effective, nor shall the applicant commence the use for which this project is granted, until both of the following have occurred:
  - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
  - B. All other Conditions of Approval imposed by this project have been fulfilled.
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 legal counsel. The applicant shall be responsible and reimburse the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs,

liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

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

3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-23 of the Municipal Code.
4. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the structure until corrections are approved in writing by all appropriate staff.
5. Color combinations and color schemes for commercial buildings approved under a Design Review Permit application shall not be modified or changed without prior approval from the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning shall have the authority to refer minor hue color changes to the Planning Commission for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.
6. This Design Review Permit shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Department inspection, has commenced within this period.
7. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
8. All signs shall be reviewed under a separate Design Review Sign application. This includes, but is not limited to, building signs, monument signs, pylon signs, etc.

9. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
10. The developer shall provide clustered and/or individual mail box(es) for the delivery of mail to future residents of the development in a convenient location and is well-lit. The mail box shall not block the line of sight. The mail boxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office. The developer is responsible for contacting the Post Office for the type and location of the mail boxes within their development. Any replacements of the mail boxes subsequent to the original installation shall be the responsibility of the developer, each individual homeowner and/or the homeowners association, and the Post Office.
11. Any foam treatment used for architecture treatments and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Planning.
12. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00am to 6:00pm on weekdays, 8:00am to 5:00pm on Saturdays, and no construction on Sundays and Holidays.
13. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit. The request shall be submitted to the Planning Department.
14. Historic Archaeological Resources
  - A. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
  - B. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall

be offered to the Tribe or a local school or historical society in the area for educational purposes.

- C. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

15. The construction contractor will use the following source controls at all times:

- A. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
- B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
- C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
- D. Have only necessary equipment onsite.
- E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
  - 1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
  - 2. Temporarily enclose localized and stationary noise sources.

#### **PRIOR TO ISSUANCE OF GRADING PERMIT**

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

#### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

- 17. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.

18. Prior to the issuance of a Certificate of Occupancy, the applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Planning.

**ENGINEERING DEPARTMENT:**

19. The Project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
20. The Applicant shall obtain design and plan approval from all utility providers having jurisdiction over the on-site and off-site utilities. Completion of all undergrounding of on-site and off-site utilities is required by Section 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
21. The Applicant shall maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to issuance of final certificate of occupancy by the City.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

22. The Applicant shall submit and gain approval of a complete Water Quality Management Plan report in accordance with the County of San Bernardino Technical Guidance Document and latest template.
23. The Applicant shall submit and gain approval of a final drainage study prepare in accordance with the County of San Bernardino Hydrology Manual and Fontana Master Plan of Drainage.

**PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS**

24. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

**PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY**

25. The Applicant/Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
26. The Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.
27. The Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be

maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).

28. All sewers and storm drains shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Contractor performing the video inspection must have a NASSCO PACP, LACP, and MACP certification. Applicant shall provide a copy of the video on DBD or flash drive to inspection staff with an accompanying full report. Videos to be inspected and approved by City Inspector. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
29. All storm drains shall be video inspected by applicant/contractor. Storm drain video shall include main lines and laterals. Applicant shall provide a copy of the video on DBD or flash drive to inspection staff. Videos to be inspected and approved by City Inspector. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
30. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.
31. The Applicant/Engineer shall coordinate with the City Inspector to complete the Final Inspection Approval for Project Acceptance form. Form must be signed and submitted to the City Project Engineer.

**BUILDING & SAFETY:**

32. The applicant shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
  - A. California Building Code
  - B. California Residential Code
  - C. California Electrical Code
  - D. California Mechanical Code
  - E. California Plumbing Code
  - F. California Energy Code
  - G. California Fire Code
  - H. California Green Building Standards Code
33. The applicant shall install an automatic fire suppression system, which is required in all new construction per FMC Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
34. The applicant shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.

35. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.
36. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
37. The applicant shall comply with the following grading requirements:
  - A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
  - B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
  - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
  - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
  - E. No water course or natural drainage shall be obstructed.
  - F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
  - G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
  - H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.
  - I. The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.
  - J. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
    1. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
    2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
    3. All proposed drainage structures; and
    4. Any proposed and/or required walls or fencing.

38. The applicant is required to obtain permits for the removal and/or demolition of structures.
39. The applicant shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

**PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS**

40. The following items (as applicable) shall be completed by the applicant and submitted to Building & Safety prior to the issuance of building permits for this project:
  - A. Precise grading plans shall be approved
  - B. Rough grading completed
  - C. Compaction certification
  - D. Pad elevation certification
  - E. Rough grade inspection signed off by a City Building Inspector
41. Project must comply with all accessibility requirements found in Ch 11A and 11B of the CBC.

**FONTANA FIRE PREVENTION DISTRICT:**

42. **Jurisdiction.** The above referenced project is under the jurisdiction of the Fontana fire Protection District (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
43. **Fire Access Road Width.** Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. **California Fire Code Chapter 5 & SBCoFD Standard A-1**
44. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns. **California Fire Code Chapter 5 & SBCoFD Standard A-1**
45. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs shall be installed on public and private roads in accordance with approved standards. **SBCoFD Standard A-2**

46. **Water System Commercial.** Prior to map recordation or lot line adjustment, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix BB of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet (4"x2.5"x2.5") shall be provided. All fire hydrants shall be spaced no more than 300 hundred (300) feet as measured along vehicular travel-ways. **California Fire Code Chapter 5 & SBCoFD Standard W-2.** The Fire Flow for this project shall be: 1,625 GPM for a 2 hour duration at 20psi residual operating pressure. Fire flow is based on a 14,964 sq. ft. structure, classified as an R-2 apartment complex.
47. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. **SBCoFD Standard W-2**
48. **Water Improvement Plan.** The applicant shall submit "Water Improvement Plans" to Fontana Fire Prevention. W.I.P. to include site plan, existing and proposed PUBLIC fire hydrant locations, building construction type, largest building square footage details, lot size detail in square feet, and description of what is being constructed. Once approved by Fire Department, applicant will provide stamped/approved W.I.P. to water purveyor for their construction needs. **ON-SITE PRIVATE FIRE WATER SUPPLY SHALL BE INSPECTED AND IN WORKING CONDITION PRIOR TO PLACING COMBUSTIBLE MATERIALS ON THE JOBSITE. California Fire Code Chapter 5.**
49. **Combustible Protection.** Prior to combustibles being placed on the project site an approved paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed. **California Fire Code Chapter 5**
50. **Fuel Modification Zones.** A Fire Protection Plan has been designed specifically for the subject project and approved by the Fire Department. All requirements of the Plan shall be adhered to, and any landscaping or construction within these areas shall be submitted to the Fire Department for review and approval in compliance with appropriate standards. **California Fire Code Chapter 49**
51. **Fire Sprinkler-NFPA #13R.** An automatic fire sprinkler system complying with NFPA 13R and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. **California Fire Code Chapter 9 & SBCoFD Standard F-3**
52. **Fire Alarm, Waterflow Monitoring:** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. **California Fire Code Chapter 9, NFPA 72 & SBCoFD Standard F-5**

53. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. **California Fire Code Chapter 9**
54. **Commercial Addressing.** Commercial, industrial, and multi-family developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. **California Fire Code Chapter 5 & SBCoFD Standard B-1**
55. **Key Box.** An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. **California Fire Code Chapter 5 & SBCoFD Standard A-4**
56. **Security Gates.** In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Where an automatic electric security gate is used, an approved Fire Department override switch is required. **California Fire Code Chapter 5 & SBCoFD Standard A-3**
57. **San Bernardino County Fire Standards/Codes.** Items not directly called out on these Conditions of Approval, shall also adhere to currently adopted San Bernardino County Fire Standards, California Fire Code, & NFPA.

**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: **MCN 22-136 and DRP 22-063**
2. Project Location - Specific: **9172 Pepper Avenue (APN: 0193-101-07)**
3. (a) Project Location - City: **Fontana, CA 92335**  
(b) Project Location - County: **San Bernardino**
4. Description of nature, purpose, and beneficiaries of Project: **A request for site and architectural review of an 18 unit multi-family development on an approximate 0.88 acre site.**
4. Name of Public Agency approving project: **City of Fontana**
5. Name of Person or Agency carrying out project: **Andresen Architecture**  
**17087 Orange Way**  
**Fontana, CA 92335**
6. Exempt status: (Check one)
  - (a) \_\_\_\_\_ Ministerial project.
  - (b) \_\_\_\_\_ Not a project.
  - (c) \_\_\_\_\_ Emergency Project.
  - (d) ☒ **Categorical Exemption. State type and class number: Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) and Section 3.22 of the 2019 Local Guidelines for implementing CEQA**
  - (e) \_\_\_\_\_ Declared Emergency.
  - (f) \_\_\_\_\_ Statutory Exemption. State Code section number: \_\_\_\_\_
  - (g) \_\_\_\_\_ Other. Explanation: \_\_\_\_\_
7. Reason why project was exempt: **The project meets the requirements for Infill Development Projects under the California Environmental Quality Act (CEQA). The project meets the policy objectives of the General Plan and Zoning Code, will have access to utilities, is less than five acres within an urbanized area and will not have a significant impact on the environment.**
8. Contact Person: **George Velarde, Assistant Planner** Telephone: **(909) 350-6569**

Date Received for Filing:

\_\_\_\_\_  
Rina Leung  
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 No. (MCN) 21-047 and Design Review No. (DRP) 22-063**

A request for site and architectural review of an 18 unit multi-family development on an approximate 0.88 acre site.

### **Environmental Determination:**

This project qualifies for a categorical exemption pursuant to Section No. 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act.

### **Location of Property:**

9172 Pepper Avenue (APN: 0193-101-07).

### **Date of Hearing:**

November 21, 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 George Velarde, Assistant Planner, at (909) 350-6569 or by email at [gvelarde@fontanaca.gov](mailto:gvelarde@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.



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

**File #:** 21-2591  
**Agenda #:** PH-C

**Agenda Date:** 11/21/2023  
**Category:** Public Hearing

**FROM:**

Planning Department

**TITLE:**

Master Case No. (MCN) No. 23-076: Conditional Use Permit (CUP) No. 23-016, A request for approval of a Type 41 (On Sale, Beer and Wine) Alcoholic Beverage Control (ABC) license for a sit-down restaurant (Chipotle Mexican Grill), 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. 23-016.

**APPLICANT:**

Timothy Luskin  
P.O. Box 182566,  
Columbus, OH 43218

**LOCATION:**

8030 Cherry Avenue (APN: 1100-121-54)

**REQUEST:**

Conditional Use Permit (CUP) No. 23-016 - A request to obtain an Alcoholic Beverage Control (ABC) Type 41 (On-Sale, Beer and Wine) License for a restaurant with inside seating area (Chipotle Mexican Grill).

**PROJECT PLANNER:**

Angelica Martinez, Assistant Planner

**BACKGROUND INFORMATION:**

Land Use Table:

	General Plan	Zoning/Overlay	Existing Land Use
--	--------------	----------------	-------------------

Site:	C-C (Community Commercial)	CC - Commercial/West End Specific Plan	Commercial
North:	C-C (Community Commercial)	CC - Commercial& BP2 - Light Industrial /West End Specific Plan	Commercial
South:	C-C (Community Commercial)	CC - Commercial/West End Specific Plan	Vacant tire shop
East:	I-L (Light Industrial)	BP3 - Rail Served Industrial/West End Specific Plan	Equipment storage
West:	C-C (Community Commercial)	CC - Commercial/West End Specific Plan	Winco

### **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-fide eating establishment.

#### Census Tract No.

The restaurant is located within Census Tract No. 20.38. 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 license are allowed within Census Tract 20.38 before being considered overconcentrated. Currently there is one (1) on-sale licenses operating within Census Tract No. 20.38. The tract is therefore not categorized by the California Department of Alcoholic Beverage Control (ABC) as over-concentrated. A census tract information matrix is attached (Attachment No.4).

#### Building Analysis

The Chipotle Mexican Grill sit-down restaurant will be located in a suite that is approximately 4,872 square feet. The suite is part of a multi-tenant commercial building.

### **ANALYSIS:**

The applicant is requesting approval of Conditional Use Permit No. 23-016 for a Type 41 (On-sale, Beer & Wine) ABC License for a new Chipotle Mexican Grill restaurant.

The property is located west of Cherry Avenue and north of Foothill Boulevard. The project site is located within a new 4,872 square foot multi-tenant building that has three (3) tenant suites. The proposed hours of operation for the restaurant are from Monday-Sunday 9:00 A.M - 11:00 P.M. The proposed sale of alcoholic beverages would be during the business hours of the restaurant, which will feature drive-thru service (without alcohol sales) as well as in-restaurant seating and patio area. The sale and consumption of alcohol will be limited to the restaurant premises including the enclosed outdoor patio area. According to the floor plan, the beer and wine will be stored behind the front

counter in the restricted staff area accessible by employees only.

The Police Department has reviewed the project and has no objections to issuing the CUP for this establishment, provided they comply with the conditions of approval imposed by the Planning Commission and ABC, provided the Planning Commission makes the appropriate findings. (Attachment No.5)

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. The Zoning and Development Code states that when a new conditional use permit is requested it should be a minimum of 600 feet away from an existing or proposed school, park, religious institution, hospital, youth facility, and other similar uses. There is an existing religious institution approximately 160 feet from the restaurant. Although the Zoning and Development Code recommends at distance of 600 feet between the two uses, it is not required. The proposal is for a type 41 license for the on site sale of beer and wine in a restaurant that will have a full menu with limited hours. Therefore, this request to sell alcohol for on-site consumption will not negatively impact the current uses surrounding the retail center. Staff found that there is one (1) on-sale establishment within the same tract (Census Tract 20.38) which is depicted on the table below.

Business Name	Address	License		CUP
Original Grazianos Pizza Restaurant	7426 Cherry Avenue	On-Sale	41	Yes

**Environmental:**

This project is Categorically Exempt 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 new building (currently under construction), there are no changes or expansions to the approved 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 20.38

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



Project Site:  
Chipotle Mexican Grill

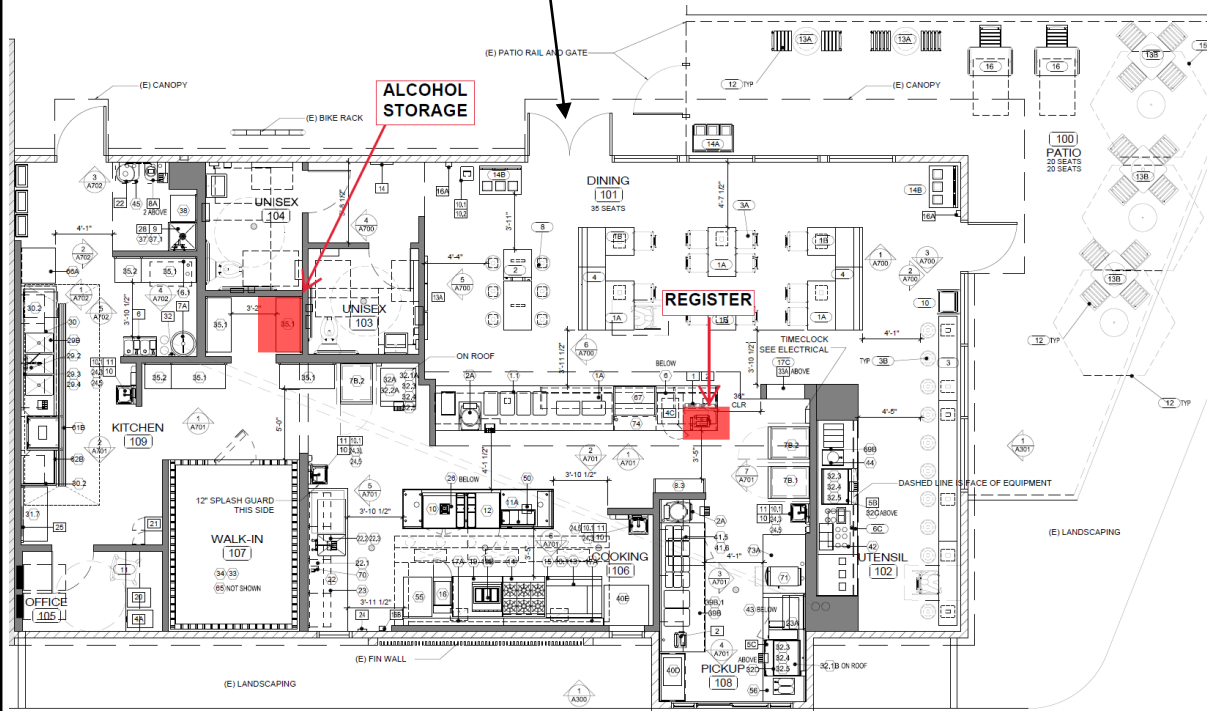
NORTH



## VICINITY MAP

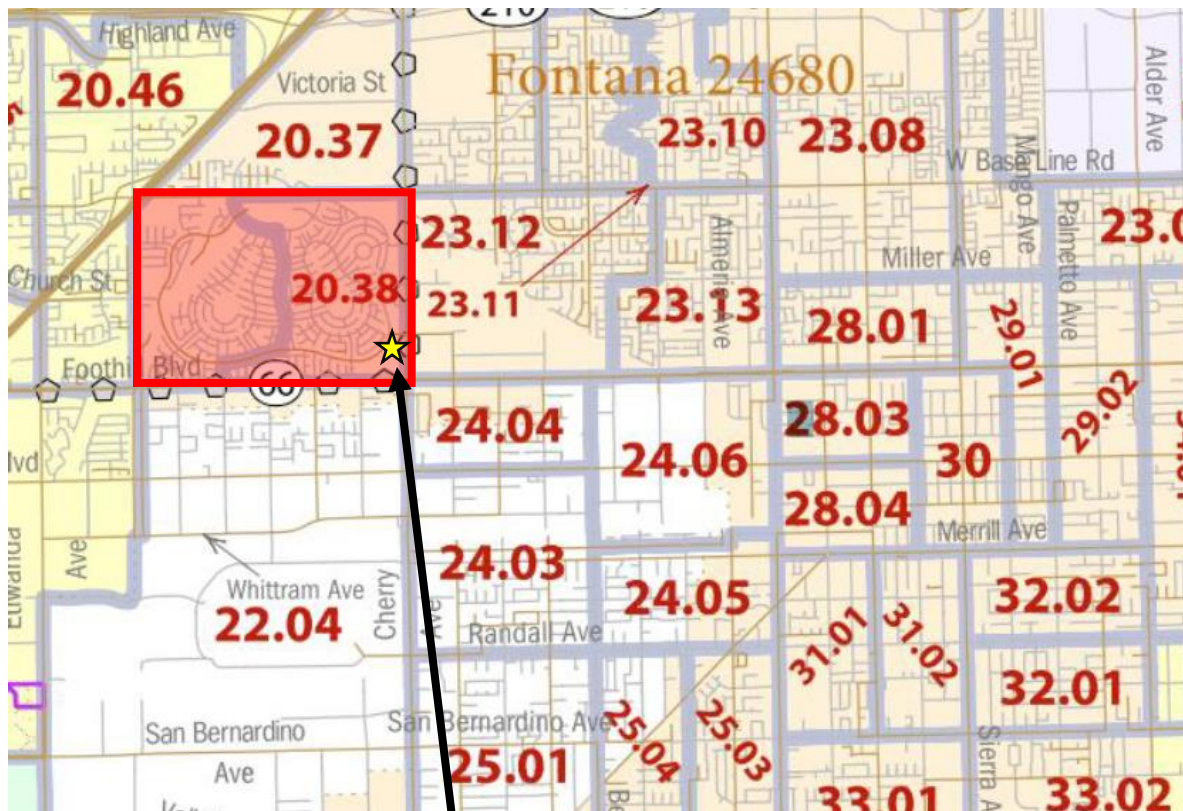
**DATE:** November 21, 2023  
**CASE:** Master Case No. 23-076  
Conditional Use Permit No. 23-0016

# CITY OF FONTANA



# FLOOR PLAN

**DATE:** November 21, 2023  
**CASE:** Master Case No. 23-076  
Conditional Use Permit No. 23-0016



**Project Site: Chipotle Mexican Grill**

**CENSUS TRACT  
20.38**

**DATE:** November 21, 2023

**CASE:** Master Case No. 23-076  
Conditional Use Permit No. 23-0016

Business Name	Address	License		CUP
Original Grazianos Pizza Restaurant	7426 Cherry Avenue	On-Sale	41	Yes

**Total:**  
 On – Sale:

**Current:**  
 1 Active

**Allowed**  
 4

**CENSUS TRACT  
20.38**

**DATE:** November 21, 2023

**CASE:** Master Case No. 23-076  
 Conditional Use Permit No. 23-016

**RESOLUTION PC NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 23-0016 TO APPROVE A TYPE 41 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE (ON-SALE BEER AND WINE - EATING PLACE) FOR A CHIPOTLE MEXICAN GRILL LOCATED AT 8030 CHERRY AVENUE (APN: 1100-121-54) PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301.**

**WHEREAS**, (Assessor Parcel Number: 1100-121-54) was annexed from the San Bernardino County and incorporated into the City of Fontana on July 30, 1958; and

**WHEREAS**, the site is located within the Commercial District of the West End Specific Plan has a General Plan Land Use designation of Community Commercial (C-C); and

**WHEREAS**, on August 29, 2023, City of Fontana ("City") received an application from Timothy Luskin ("Applicant"), for a Conditional Use Permit (CUP) No. 23-016 for a new California Department of Alcoholic Beverage Control (ABC) Type 41 license (On-Sale Beer and Wine) for Chipotle Mexican Grill at 8030 Cherry Avenue; and

**WHEREAS**, Conditions of Approval for CUP No. 23-016 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 November 10, 2023 and simultaneously displayed at City Hall and at the project site; and

**WHEREAS**, on November 21, 2023, a duly noticed public hearing on CUP No. 23-016 was held by the Fontana Planning Commission ("Planning Commission") to consider testimony and evidence presented by the Applicant, City staff, and other interested parties; and

**WHEREAS**, on November 21, 2023, the Planning Commission carefully considered all information, evidence and testimony presented the public hearing for CUP No. 23-016; 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 Findings.** The Planning Commission hereby makes the following findings for CUP No. 23-016 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 an Alcoholic Beverage Control (ABC) license for Chipotle Mexican Grill, a restaurant specializing in Mexican style food. The Zoning and Development Code allows for restaurants to operate with a (ABC) Type 41 (On-Sale Beer and Wine – Eating Place) license subject to approval of a Conditional Use Permit. If approved, the Conditions of Approval will aid in regulating the sale of alcohol at the project site and will govern items such as where beverages may be consumed, security and hours of operation.

The restaurant is located at 8030 Cherry Avenue, (APN: 1100-121-54), within an existing multi-tenant space. The General Plan land use designation for the site is Community Commercial (C-C). Specific development types allowed in C-C include retail, shopping centers, restaurant and drive-through uses to service the surrounding housing communities.

The site is further located within the Commercial District of the West End Specific. The West End Specific Plan is intended to accommodate a variety of retail and office uses in addition to service establishments such as restaurants. Therefore, the 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 in conjunction with an ABC 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 multi-tenant space comprised of approximately 4,872 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. Furthermore, the use is for the restaurant to operate in conjunction with a new ABC Type 41 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 license is consistent with the underlying General Plan land use designation and is compatible with surrounding properties. There will be no adverse effect to the neighboring sites or their permitted uses. The Fontana Police Department had no concerns with the project. The building and possible adverse effects from the restaurant have been addressed by the Conditions of Approval for this project herein. The project has been reviewed by Planning Department, Engineering Department, the Building and Safety Division, and County Fire Prevention for site circulation, access, and safety.

**SECTION 4. Approval.** Based on the foregoing, the Planning Commission hereby approves Conditional Use Permit No. 23-016 subject to the Conditions of Approval, which

are attached hereto as “**Exhibit A**” and incorporated herein by this reference.

**SECTION 5. Resolution Regarding Custodian of Record:** The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

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

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

**SECTION 8. Severability.** If any provision of this Resolution or the application of any 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 **21st day of November 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 21st day of November, 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. 23-0016

**DATE:** November 21, 2023

**LOCATION:** 8030 Cherry Avenue (APN: 1100-121-54)

**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. No live entertainment shall be provided at establishment.
7. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by ABC. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. Alcohol sales will be for the consumption of beer and wine on the restaurant premises, including the outdoor patio area. Off-site sales of alcohol associated with drive through orders would not be allowed.
8. At all times when the premises are open for business, the sale of alcoholic beverages shall be incidental to the sale of food.

9. 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 nonalcoholic beverages.
10. The owner of the establishment shall, upon request provide the City of Fontana with an audited report of sales ratio of food to alcoholic and nonalcoholic beverages.
11. 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.
12. Employees engaged in the sale or service of alcoholic beverages for onsite consumption shall be at least 21 years old.
13. Entertainment is limited to amplified music, which shall not be audible from outside the premise so as to disturb the peace, pursuant Fontana Municipal Code 18-62 and 18-63.
14. At all times, the premises shall remain open to person of all ages, as allowed by the Type 41 Department of Alcoholic Beverage license.
15. Signs shall comply with the 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 clear and unobstructed view of the interior of the premises from the public sidewalk or entrance to the premises.
16. 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.
17. 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.
18. 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.

19. 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.
20. No alcohol sales shall take place through the drive-through, nor shall any off-site alcohol sales be permitted.
21. 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, within patio area, 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.
22. 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.
23. The applicant shall comply with the City False Alarm Ordinance. Excessive false alarms will require replacement of the alarm system prior to the extension of any conditional use permit.
24. 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.
25. The licensee shall attend a L.E.A.D. training (Licensee Education on Alcohol and Drugs provided by the Department of Alcoholic Beverage Control) or a responsible beverage service training (RBS) from a provider listed on the Department of Alcoholic Beverage Control's website, within six (6) months, and any employee engaged in the sale of alcohol shall attend the LEAD or RBS training within 90 days of employment.

## **END OF CONDITIONS**

## NOTICE OF EXEMPTION

: 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. 23-076 and Conditional Use Permit No. 23-016**
2. Project Location - Specific: **8030 Cherry Avenue (APN: 1100-121-54)**
  - (a) Project Location - City: **Fontana, CA 92336**
  - (b) Project Location - County: **San Bernardino**
3. Description of nature, purpose, and beneficiaries of Project: **Conditional Use Permit No. 23-016 for a request for a Type 41 ABC license for a restaurant to sell beer, wine, and distilled spirits to be consumed on-site.**
4. Name of Public Agency approving project: City of Fontana
5. Name of Person or Agency carrying out project:  
Timothy Luskin  
P.O. Box 182566  
Columbus, OH 43218
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: **This project is for the approval of a conditional use permit for a restaurant to obtain a Type 41 ABC license to allow beer, wine, and distilled spirits to be consumed on-site. There is no associated development, and this application is an approval of a land use located at an existing site.**
8. Contact Person: Angelica Martinez, Assistant Planner Telephone: (909) 350-7626

Date Received for Filing:

\_\_\_\_\_  
Rina Leung  
Senior Planner

(Clerk Stamp Here)



# NOTICE OF PUBLIC HEARING

***SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION 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. 23-076/Conditional Use Permit (CUP) No. 23-00016**

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 for on-site consumption at Chipotle Mexican Grill.

**Environmental Determination:**

This project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA.

**Location of Property:**

8030 Cherry Avenue  
(APN: 1100-121-54)

**Date of Hearing:**

November 21, 2023

**Place of Hearing:**

City Hall Council Chambers  
8353 Sierra Avenue  
Fontana, CA 92335

**Time of Hearing:**

6:00 P.M.



Should you have any questions concerning this project, please contact Angelica Martinez, Assistant Planner, at (909) 350-7626 or by email: [angmartinez@fontanaca.gov](mailto:angmartinez@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.



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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**File #:** 21-2621  
**Agenda #:** DC-A

**Agenda Date:** 11/21/2023  
**Category:** Director Comments

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



**TO:** Planning Commission

**FROM:** Patty Nevins, Director of Planning *PN*

**RE:** Agenda for Upcoming City Council Items

**DATE:** November 21, 2023

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

<u>CITY COUNCIL NOVEMBER 28, 2023</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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*Meeting has been Cancelled.*

<u>CITY COUNCIL DECEMBER 12, 2023</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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|--|----------------------|----------------|
| <b>1. Second Reading: Ordinance No. 1926</b><br>MCN#22-040; GPA#22-001; ZC#22-001<br>General Plan Amendment and Zone Change from<br>Single Family Residential to Multi-Family Medium<br>High Density Residential<br>North of Merrill Ave. between Alder Ave. and Laurel Ave. | Salvador Quintanilla | Public Hearing |
| <b>2. Second Reading: Ordinance No. 1927/No. 1928</b><br>MCN#22-037; GPA#22-005; ZCA#22-006;<br>ZCA#22-007; DRP#22-020<br>24 Unit Apartment Project<br>8155 Banana Ave.  | Jon Dille            | Public Hearing |
| <b>3. Second Reading: Ordinance No. 1929/No. 1930</b><br>MCN#22-079; GPA#22-007; SPA#22-003;<br>TPM#22-016; AGR#22-003; DRP#22-040<br>490,565 sq. ft. Industrial Commerce Center<br>East of Poplar Ave. and west of Catawba Ave.   | Alejandro Rico       | Public Hearing |
| <b>4. Second Reading: Ordinance No. 1931/No. 1932</b><br>MCN#23-092; GPA#23-003; ZCA#23-004;<br>ZCA#23-005; ASP#23-037<br>Land Use Redesignation from OS to I-L/M-1<br>Tokay Ave. and Arrow Blvd.  | Rina Leung           | Public Hearing |



**CONTINUED PAGE 2 OF 2**  
**CITY COUNCIL COMMISSION DECEMBER 12, 2023**

	<b>PLANNER</b>	<b>PLACEMENT</b>
<b>5. Second Reading: Ordinance No. 1933/No. 1934/No. 1935</b> MCN#23-100 Citrus/Oleander Industrial Commerce Center Project 16172 Santa Ana Avenue	Salvador Quintanilla	Public Hearing
<b>6. Second Reading: Ordinance No. 1936</b> MCN#23-090; ZCA#23-003 Zoning and Development Code Update Citywide	Salvador Quintanilla	Public Hearing
<b>7. Second Reading: Ordinance No. 1937</b> MCN#23-098; MCA#23-001 Sustainability Ordinance Amendment Citywide	Patty Nevins	Public Hearing

**CITY COUNCIL DECEMBER 26, 2023**

**PLANNER** **PLACEMENT**

***Meeting has been Cancelled.***



## MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning *PN*

RE: Agenda for Upcoming Planning Commission Items

DATE: November 21, 2023

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

<u>PLANNING COMMISSION DECEMBER 5, 2023</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. MCN#23-086; CUP#23-023 Request to Amend CUP for ABC License 8145 Cypress Ave.	Mai Thao	Public Hearing
2. MCN#22-063; CUP#23-002; DRP#22-033 Redevelopment of an existing Public Storage facility 17173 Valley Blvd.	Jon Dille	Public Hearing
3. Planning Commission 2022-2023 Recap	Patty Nevins	Public Hearing

<u>PLANNING COMMISSION DECEMBER 19, 2023</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. MCN#22-145; TPM# 20669 (TPM#22-034); DRP#22-065 Mixed-Used Development - 437 Residential Units and 4,000 square feet of Commercial Space 16606 Washington Dr. (Continued from 11/21/2023)	George Velarde	Public Hearing
2. MCN#23-094; SPA#23-003 Specific Plan Amendment to allow escape rooms 7950 Cherry Avenue #102	Salvador Quintanilla	Public Hearing



CONTINUED PAGE 2 OF 2

PLANNING COMMISSION DECEMBER 19, 2023

PLANNER

PLACEMENT

- |  |                             |                       |
|--|-----------------------------|-----------------------|
| <p>3. MCN#22-059; LLA#22-004; DRP#22-035<br/>           Request for a Lot Line Adjustment of four parcels/Site and<br/>           Architectural Review of a 164,259 sf Industrial Commerce Center<br/>           7862 Beech Avenue</p> | <p>Salvador Quintanilla</p> | <p>Public Hearing</p> |
| <p>4. MCN#23-059; TPM#20744 (TPM#23-010); DRP#23-013<br/>           Review of Draft Supplemental EIR<br/>           11171 Cherry Avenue</p>  | <p>George Velarde</p>       | <p>Public Hearing</p> |