

RESOLUTION PC NO. 2024 - \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA, CALIFORNIA, RECOMMENDING THAT THE FONTANA CITY COUNCIL ADOPT AN ORDINANCE APPROVING AMENDMENTS TO MULTIPLE SECTIONS OF THE ZONING AND DEVELOPMENT CODE, INCLUDING AMENDMENTS TO SEC. 30-12 TO ADD DEFINITIONS PERTAINING TO FOOD TRUCKS; SEC. 30-118 TO ACCURATELY NAME THE PLANNING DEPARTMENT AND DIRECTOR OF PLANNING; SEC. 30-124 TO REVISE A MUNICIPAL CODE SECTION REFERENCE; SEC. 30-127 TO ACCURATELY NAME THE PLANNING DEPARTMENT AND DIRECTOR OF PLANNING; SEC. 30-133 TO REVISE A MUNICIPAL CODE SECTION REFERENCE; SEC. 30-138 TO ACCURATELY NAME THE PLANNING DEPARTMENT AND DIRECTOR OF PLANNING; SEC. 30-154 TO CORRECT A TYPOGRAPHICAL ERROR; SEC. 30-209 TO REVISE THE REFERENCED ENTITLEMENT; SECTIONS 30-212 TO AUTHORIZE THE DIRECTOR OF PLANNING TO APPROVE A ONE-TIME TWO-YEAR TIME EXTENSION FOR ADMINISTRATIVE AND MAJOR VARIANCES; SEC. 30-222 TO AUTHORIZE THE DIRECTOR OF PLANNING TO APPROVE A ONE-TIME TWO-YEAR TIME EXTENSION FOR ADMINISTRATIVE AND MAJOR VARIANCES; SEC. 30-256 TO ACCURATELY NAME THE DIRECTOR OF PLANNING AND TO INCLUDE A FOOD TRUCK TEMPORARY USE; SEC. 30-256(A) FOR STANDARDS AND PROCEDURES FOR FOOD TRUCK TEMPORARY USES; SEC. 30-257 TO REVISE THE REFERENCED ENTITLEMENT AND ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-258 TO ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-282 TO ACCURATELY NAME THE PLANNING DEPARTMENT AND DIRECTOR OF PLANNING; SEC. 30-284 TO ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-285 TO REVISE THE REFERENCED ENTITLEMENT; SEC. 30-286 TO REVISE THE REFERENCED ENTITLEMENT; SEC. 30-287 TO ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-288 TO REVISE THE REFERENCED ENTITLEMENT; SEC. 30-290 TO REVISE THE AUTHORIZED DECIDING BODY FOR TENTATIVE TRACT MAPS; SEC. 30-291 TO ACCURATELY NAME THE DIRECTOR OF PLANNING AND THE ASSOCIATED ENTITLEMENT; SEC. 30-295 TO REVISE THE REFERENCED ENTITLEMENT AND ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-299 TO ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-300 TO ACCURATELY NAME THE DIRECTOR OF PLANNING AND THE ASSOCIATED ENTITLEMENT; SEC. 30-301 TO REVISE THE REFERENCED ENTITLEMENT AND ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-302 TO ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-304 TO ACCURATELY NAME THE DIRECTOR OF PLANNING; SEC. 30-305 TO ADD DIRECTOR OF PLANNING'S TITLE AND TO REVISE APPLICATION PROCEDURES; SEC. 30-306 TO OMIT AN OBSOLETE STANDARD; SEC. 30-307 TO OMIT AN OBSOLETE STANDARD; SEC. 30-308 TO OMIT AN OBSOLETE STANDARD; SEC. 30-310 TO REVISE THE AUTHORITY OF THE PLANNING COMMISSION TO IMPOSE CONDITIONS OF APPROVAL FOR TIME EXTENSIONS FOR TENTATIVE TRACT MAPS; SEC. 30-311 TO ACCURATELY NAME THE PLANNING DEPARTMENT AND TO REVISE REQUIREMENTS ACCORDINGLY; SECTIONS 30-312, 30-313, 30-315, 30-316, 30-317, 30-318, 30-319, 30-320 AND 30-321 TO OMIT OBSOLETE REQUIREMENTS AND STANDARDS; SEC. 30-326 TO REVISE DEVELOPMENT STANDARD DEVIATIONS ALLOWED AS PART OF THE MINOR PLANNED UNIT DEVELOPMENT APPROVAL; SECTIONS 30-336 AND 30-338 TO AMEND THE DENSITY BONUS AND AFFORDABLE HOUSING STANDARDS TO ALIGN WITH STATE LAW AND PROVIDE CONCESSIONS TO AFFORDABLE HOUSING DEVELOPMENTS; SEC.

ATTACHMENT NO. 1

**30-358 TO ADD A DEFINITION OF A BAR, LOUNGE AND NIGHTCLUB TO THE FORM-BASED CODE ZONE; SEC. 30-359 TO ALLOW BARS, LOUNGES AND NIGHTCLUBS IN CERTAIN DISTRICTS OF THE DOWNTOWN CORE; SEC. 30-370 TO AMEND ALLOWABLE MAXIMUM SETBACKS IN THE VILLAGE DISTRICT OF THE FORM BASED CODE ZONE; SEC. 30-386 TO AMEND THE GLAZING REQUIREMENTS FOR THE SHOPFRONT FRONTAGE TYPE IN THE FORM-BASED CODE ZONE; SEC. 30-430 TO ALLOW CHILD CARE FACILITIES WITH EIGHT TO FOURTEEN PERSONS IN RESIDENTIAL ZONES, AS REQUIRED BY STATE LAW; SEC. 30-492(7) TO UPDATE ENTITLEMENT REQUIREMENTS FOR THE SALE OF ALCOHOL AND TO PROVIDE RESTRICTIONS ON SINGLE-SERVING ALCOHOL SALES, PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTIONS 15060(C), 15061(B)(3), AND SECTION 15378.**

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

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

**WHEREAS**, through Municipal Code Amendment (“MCA”) No. 24-005, the City of Fontana (“City”) desires to restate without substantive revision, amend and recodify certain ordinances codified in the Fontana Municipal Code (“FMC”); and

**WHEREAS**, the General Plan includes policies and actions calling for numerous updates to the FMC; and

**WHEREAS**, Section 30-12. – List of definitions. is amended to include definitions pertaining to food trucks; and

**WHEREAS**, Section 30-118. – Application. is amended to provide a correct reference to the Planning Department and Director of Planning; and

**WHEREAS**, Section 30-127. – Application. is amended to provide a correct reference to the Planning Department and Director of Planning; and

**WHEREAS**, Section 30-138. – Application. is amended to provide a correct reference to the Planning Department and Director of Planning; and

**WHEREAS**, Section 30-124. – Time limitations. is amended to provide a correct reference to a related section of the Municipal Code; and

**WHEREAS**, Section 30-133. – Time limitations. is amended to provide a correct reference to a related section of the Municipal Code; and

**WHEREAS**, Section 30-154. – Time limitations. is amended to correct a typographical error; and

**WHEREAS**, Section 30-209. – Time limitations. is amended to provide a correct entitlement reference; and

**WHEREAS**, Section 30-212. Time limitations. is amended to give the Director of Planning the authority to approve time extensions for administrative variances; and

**WHEREAS**, Section 30-222. Time limitation. is amended to give the Director of Planning the authority to approve time extensions for major variances; and

**WHEREAS**, Section 30-256. – Types of temporary use applications and conditions. is amended to correct references to the Director of Planning and to include a temporary use permit for food trucks; and

**WHEREAS**, Section 30-256(a). – Food truck temporary use permit. is added to provide procedures and standards related to temporary use permits for food trucks; and

**WHEREAS**, Section 30-257. – Approval. is amended to provide a correct reference to the approval of temporary use permits; and

**WHEREAS**, Sec. 30-258. - Appeal. is amended to provide a correct reference to the Director of Planning; and

**WHEREAS**, Section 30-285. - Noticing. is amended to provide a correct reference to tentative parcel maps; and

**WHEREAS**, Section 30-286. - Hearing. is amended to provide a correct reference to tentative parcel maps; and

**WHEREAS**, Section 30-287. – Appeal. is amended to provide a correct reference to the Director of Planning; and

**WHEREAS**, Section 30-288. - Time limitations. is amended to provide a correct reference to tentative parcel maps; and

**WHEREAS**, Section 30-291. – Application. is amended to provide a correct reference to the Planning Department and Director of Planning; and

**WHEREAS**, Section 30-295. – Hearing. is amended to provide a correct reference to the Planning Department and Director of Planning; and

**WHEREAS**, Section 30-301. – Hearing. is amended to provide a correct reference to the Planning Department and Director of Planning; and

**WHEREAS**, Section 30-282. – Application. is amended to provide a correct reference to the Planning Department and Director of Planning; and

**WHEREAS**, Section 30-284. – Findings for approval. is amended to provide a correct reference to the Director of Planning; and

**WHEREAS**, Section 30-290. – Authority. is amended to provide a correct reference to tentative tract maps and update the authority of the Planning Commission; and

**WHEREAS**, Section 30-291. – Application. is amended to provide a correct reference to the Director of Planning and to revise the application submittal requirements; and

**WHEREAS**, Section 30-299. – Authority. is amended to provide a correct reference to the Director of Planning; and

**WHEREAS**, Section 30-300. – Application. is amended to provide a correct reference to the Planning Department; and

**WHEREAS**, Section 30-305. – Application. is amended to provide a correct reference to the Director of Planning and to omit inaccurate application procedures for time extensions for tentative parcel map approvals; and

**WHEREAS**, Section 30-311. – Application. is amended to provide a correct reference to the Director of Planning and to omit inaccurate application procedures for time extensions for tentative tract map approvals; and

**WHEREAS**, Section 30-302. – Appeal. is amended to provide a correct reference to the Planning Department; and

**WHEREAS**, Section 30-304. – Authority. is amended to authorize the Director of Planning to approve a time extension for the approval of a tentative parcel map; and

**WHEREAS**, Section 30-306. – Noticing. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-307. – Hearing. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-308. – Appeal. is omitted as standards included are obsolete; and

**WHEREAS**, Section 30-310. – Authority. is amend the Planning Commission’s authority to impose conditions of approval for a time extension of a tentative tract map; and

**WHEREAS**, Section 30-312. – Noticing. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-313. – Hearing. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-315. – Purpose. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-316. – Authority. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-317. – Application. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-318. – Noticing. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-319. – Hearing. is omitted as standards included are obsolete;  
and

**WHEREAS**, Section 30-320. – Appeal. is omitted as standards included are obsolete; and

**WHEREAS**, Section 30-321. – Time limitation. is omitted as standards included are obsolete; and

**WHEREAS**, Section 30-326. – Development Regulations. is amended to modify the requirements for developments utilizing a Minor Planned Unit Development (PUD); and

**WHEREAS**, Section 30-336. – Purpose. is amended to modify the purpose of the provision of density bonuses; and

**WHEREAS**, Section 30-338. – Application. is modified to replace application procedures with updated eligibility criteria for density bonuses; and

**WHEREAS**, Section 30-358. – Definitions. is amended to add a definition for bars, lounges and nightclubs to the Form-Based Code zoning district; and

**WHEREAS**, Table 30-359(b) in Section 30-359. – Uses permitted. is amended to include bars, lounges and nightclubs in the allowable uses in the Sierra Core, Gateway Core and Mixed-Use Core subdistricts of the Form-Based Code zoning district with the approval of minor use permit; and

**WHEREAS**, Section 30-370. – Village District. is amended to modify the maximum rear setback in the Village district of the Form Based Code zoning district; and

**WHEREAS**, Section 30-386 – Shopfront. is amended to modify the requirements for ground floor transparency for the shopfront frontage type in the Form-Based Code zoning district; and

**WHEREAS**, Table 30-430 in Section 30-430. – Permitted Uses in Residential Zoning District. is amended to allow childcare facilities with a maximum of 14 persons by-right in residential zones, as required by State of California law; and

**WHEREAS**, Section 30-492(7) – Conditional use permit and minor use permit regulations. is amended to clarify the requirements for types of alcoholic beverage sales and to restrict the sale of certain single alcohol products; and

**WHEREAS**, the Planning Commission recommends that the Fontana City Council (“City Council”) determine that the amendments qualify for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. Furthermore, Planning Commission recommends that City Council finds that the amendments are nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, on November 19, 2024, the Planning Commission carefully considered all information pertaining to the municipal code amendments, including the staff report, and all the information, evidence, and testimony presented at its public hearing on November 19, 2024; and

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

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

**WHEREAS**, the amendments to the FMC that are attached hereto as Exhibit “A” and incorporated herein by this reference will not be detrimental to the public health, safety, and general welfare, and will not adversely affect the orderly development of property, and will better express the City’s policies, and generally promote good land use planning and regulation; and

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

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

**Section 3. Municipal Code Amendment.** The Planning Commission hereby makes the following finding for MCA No. 24-005 in accordance with Section 30-45(b) “Hearing-Planning Commission” development code amendments of the Fontana Zoning and Development Code:

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

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

**Section 4. Recommendation of Approval.** Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt an ordinance approving MCA No. 24-005 to amend Chapter 30 of the City Code as indicated in Exhibit “A” which is attached hereto

and incorporated herein by reference.

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

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

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

**Section 8. Severability.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

**APPROVED AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 19<sup>th</sup> day of November 2024.

**City of Fontana**

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Cathline Fort, Chairperson

**ATTEST:**

I, Ricardo Quintana, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 19<sup>th</sup> day of November 2024, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Ricardo Quintana, Secretary

**“EXHIBIT A”**

**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**

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

**Sec. 30-118. – Application**

An application for a design review shall be filed with the Planning ~~Division~~ Department in a manner prescribed by the Director of ~~Community Development~~ Planning, including, but not limited to, plans and elevations. Further, any improvements which are depicted and approved as part of the design review on any colored rendering, elevation, or drawing which is presented in conjunction with a development application, shall be installed pursuant to the approved plans.

**Sec. 30-124. – Time limitations.**

Each design review approval granted under this article shall become null and void two years after the date of approval, unless:

- (1) The appropriate permits have been obtained and construction, defined permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within the two years period.
- (2) A vesting tentative tract or parcel map is approved concurrently with the Design Review item. In such cases, the Design Review approval period shall be valid pursuant to the time limits prescribed by Division No. ~~44~~ 21, of this article herein.
- (3) Any valid design review in effect at the date of adoption of this section shall remain valid for a period of two years from the date of that design review approval. A one-time two-year extension may be granted by the Director of Planning provided there are no changes to the originally approved site plan and elevations. ~~An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.~~

**Sec. 30-127. – Application**

An application for a design review, amendment shall be filed with the Planning ~~Division~~ Department in a manner prescribed by the Director of ~~Community Development~~ Planning, including, but not limited to, plans and elevations. Further, any improvements which are depicted and approved as part of the design review, amendment on any colored rendering, elevation, or drawing which is presented in conjunction with a development application, shall be installed pursuant to the approved plans.

**Sec. 30-133. – Time limitations.**

Each design review, amendment approval granted under this article shall become null and void two years after the date of approval, unless:

- (1) The appropriate permits have been obtained and construction, defined permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within the two years period.



- (2) A vesting tentative tract or parcel map is approved concurrently with the Design Review item. In such cases, the Design Review approval period shall be valid pursuant to the time limits prescribed by Division No. 44 21, of this article herein.
- (3) Any valid design review, amendment in effect at the date of adoption of this section shall remain valid for a period of two years from the date of that design review approval. A one-time two-year extension may be granted by the Director of Planning provided there are no changes to the originally approved site plan and elevations. ~~An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.~~

#### **Sec. 30-138. – Application.**

An application for a design review, modification shall be filed with the Planning ~~Division~~ Department in a manner prescribed by the Director of ~~Community Development~~ Planning, including, but not limited to, plans and elevations. Further, any improvements which are depicted and approved as part of the design review, modification on any colored rendering, elevation, or drawing which is presented in conjunction with a development application, shall be installed pursuant to the approved plans.

#### **Sec. 30-154. – Time Limitations.**

Any conditional use permit granted pursuant to the provisions of this division is conditional upon the permittee proceeding with a good faith intent to commence upon the proposed use within two years ~~months~~ after the effective date of the approval. No permittee shall obtain any right solely by reason of such conditional use permit issuance, unless and until such good faith intent to commence upon the proposed use is evidenced. Evidence of a good faith intent to commence upon the proposed use shall consist solely of the following, as applicable:

- (1) For a conditional use permit for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the conditional use permit has commenced within such time period.
- (2) In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the conditional use permit item, the final map has been recorded within such time period.
- (3) In addition, for a conditional use permit for which a building permit is required to comply with any condition of the conditional use permit, all appropriate building 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 Division inspection) has commenced within such time period.
- (4) An extension of up to two years beyond the initial time period provided in subparagraph (a) may be granted by the Director of Planning upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Department for a time extension ~~30~~ 60 days prior to the original time limit expiring. Appeals of the Director of Planning's decision

shall be made to the Planning Commission as set forth in Division No. 5, of this article herein.

**Sec. 30-209. – Noticing.**

Notice of hearings for ~~minor use permit modification~~ an administrative variance shall be as set forth in Division 4, of this article herein.

**Sec. 30-212. Time limitations.**

Each administrative variance granted under the provisions of this article shall become null and void two years after the date of the action approving the administrative variance unless:

- (1) The construction authorized by the administrative variance or permit has been commenced within two years after the granting of the administrative variance and diligently advanced to completion; or
- (2) The occupancy of land or buildings authorized by the administrative variance has taken place within two years after the granting of the administrative variance; or
- (3) The decision approving an administrative variance contains in its findings and conditions specific authority for extending the time limit defined; or
- (4) ~~The Community Development Director~~ Director of Planning finds that circumstances beyond the control of the applicant have caused delays which do not permit compliance with the time limits established, in which case a one-time two-year time extension may be granted by the Director of Planning.

**Sec. 30-222. Time limitation.**

Each variance, major granted under the provisions of this article shall become null and void two years after the date of the action approving the variance, major unless:

- (1) The construction authorized by the variance, major or permit has been commenced within two years after the granting of the variance, major and diligently advanced to completion; or
- (2) The occupancy of land or buildings authorized by the variance, major has taken place within two years after the granting of the variance, major; or
- (3) The decision approving a variance, major contains in its findings and conditions specific authority for extending the time limit defined; or
- (4) ~~The Planning Commission~~ Director of Planning finds that circumstances beyond the control of the applicant have caused delays which do not permit compliance with the

time limits established, in which case a one-time two-year time extension may be granted by the Director of Planning.

**Sec. 30-12. List of definitions.**

...

Food Truck means an operational licensed motorized vehicle, or a trailer that is hauled by an operational licensed motorized vehicle, that has been converted for the express purpose of storage and sale of food. Food trucks may, but are not required to, include facilities and equipment for food preparation.

Food Truck Temporary Use Permit means an annual permit that allows one food truck vendor to prepare and sell food within an approved food truck at an approved site.

...

Impound means to seize or take custody of a vehicle of any kind, equipment, food, utensils, goods, flowers, toys, furniture, or merchandise (collectively "Items) because of a violation of any applicable law or regulation.

...

Lunch Truck means a food truck that provides service only to employees of legally established industrial businesses and active construction site, visits multiple sites per day and is typically not parked at any one location for longer than 30 minutes.

...

(Remaining text of Sec. 30-12 will remain unmodified)

**Sec. 30-256. - Types of temporary use applications and conditions.**

A temporary use permit shall be required for the following activities and shall be subject to conditions established herein and any other additional conditions as may be prescribed by the Director of Planning Community Development. All such uses shall be subject to the sign regulations within Chapter 3 and zoning regulations within Chapter 30 of the Municipal Code.

- (1) Outdoor display of merchandise/parking lot and private sidewalk sales for businesses located within a commercially designated property are limited to six display periods per calendar year. Industrial designated parcels used for wholesale/retail are permitted up to a total of six such outdoor displays per parcel per calendar year. The display periods may run consecutively or be distributed throughout the year. Each display period shall be a continuous period of days not to exceed seven days in length. The temporary use permit shall be subject to the following conditions:
  - a. The display of merchandise outside of a building shall be permitted only during the hours of operation of the store. All goods and merchandise shall be placed inside of the building following the close of the day's business, except as otherwise approved in writing by the Director of Planning Community Development.
  - b. No merchandise or goods shall be placed upon or permitted to project into any street, public sidewalk, or public right-of-way, nor restrict or interfere with handicapped parking or access to the commercial establishment(s) on site. The temporary use permit may allow the temporary occupation of on-site private sidewalks, parking stalls and drive aisles, however adequate drive aisles and on-site circulation shall be maintained at all times for safe and functional ingress and egress, handicapped access

- to handicapped parking spaces, and emergency equipment access. Tent sale area shall be physically delineated between pedestrian access and vehicular access ways.
- c. Tents, canopies, awnings, covers or other temporary covering devices may be approved by the Director of Planning Community Development on a case-by-case basis only in conjunction with the outdoor display of merchandise/parking lot or private sidewalk sales. If a tent, canopy, awning, or other temporary covering device is approved, prior to its use or installation the applicant shall obtain a permit for said device from the Building Official and/or Fire Marshal. Said device shall be constructed and installed to comply with all safety requirements.
  - d. This section shall not be construed to permit the permanent or temporary storage of goods or equipment when otherwise prohibited by other provisions in this chapter.
- (2) Outdoor art and craft shows and exhibits subject to not more than 15 days of operation or exhibition in any 90-day period.
  - (3) Seasonal retail sale of agricultural products limited to periods of 90 days in a calendar year and when parking and access is provided to the satisfaction of the Director of Planning Community Development.
    - A minimum of ten on-site parking spaces shall be provided with provisions for controlled ingress and egress to the satisfaction of the Director of Planning Community Development.
  - (4) Religious, patriotic, historic, or other similar displays or exhibits within yards, parking areas, or landscaped areas, subject to not more than 15 days of display in any 90-day period for each exhibit.
  - (5) Christmas Trees or pumpkin and fireworks, and seasonal sales lots subject to the following guidelines and conditions:
    - a. All such uses shall be limited to 30 days of operation per calendar year.
    - b. All lighting shall be directed away from and shielded from adjacent residential areas.
    - c. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Director of Planning Community Development.
  - (6) Circuses, carnivals, rodeos, pony riding, special event tents, or similar traveling amusement enterprises are subject to the following guidelines and conditions:
    - a. All such uses shall be limited to not more than 15 days, or more than three weekends, of operation in any 180-day period. To exceed this time limitation shall require the review and approval of a conditional use permit as prescribed in Division 12 of this article herein.
    - b. All such activities shall have a minimum setback of 100 feet from any residential area. This may be waived by the Director of Planning Community Development if no adverse impacts result.

- c. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Director of Planning Community Development.
  - d. Restrooms shall be provided onsite.
  - e. Security personnel may be required. The Police Department shall determine the level and type of security required.
  - f. Special, designated parking accommodating for amusement enterprise workers and support vehicles shall be provided.
  - g. Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the Director of Planning Community Development.
  - h. The applicant shall be required to submit plans for approval of tents and site plan by the Building Official and/or Fire Marshal 90 days prior to the special event being held. The tent must meet all Uniform Building Codes and applicable City codes.
  - i. Approval from the Police Department (PD) is required; moreover, finger printing through PD may be necessary.
- (7) Model homes may be used as offices solely for the first sale of homes within a recorded tract subject to the following conditions:
- a. The sales office may be located in a garage, trailer, or dwelling.
  - b. Approval shall be for a two-year period; at which time the sales office use shall be terminated and the structure restored back to its original condition. Extensions may be granted by the Director of Planning Community Development in one-year increments up to a maximum of four years or until 90 percent of the development is sold; whichever is less.
  - c. A cash deposit shall be submitted to the City of Fontana, in an amount to be set by Council resolution, to ensure the restoration of removal of the structure.
  - d. The sales office is to be used only for transactions involving the sale, rent, or lease of lots and/or structures within the tract in which the sales office is located, contiguous tracts, or a planned community. Notwithstanding the above, the Director of Planning Community Development may consider off-site model home sales offices subject to the granting of a minor use permit per Division 13 of this article herein. Where a legal, previously approved minor use permit exists, the minor use permit may be revised to incorporate other recorded tracts as needed.
  - e. Failure to terminate sales office and restore structure or failure to apply for an extension on or before the expiration date will result in forfeiture of the cash deposit, a halt in further construction or inspection activity on the project site, and enforcement action to ensure restoration of structure.

- f. Street improvements and temporary parking at a rate of two spaces per model shall be completed to the satisfaction of the City Engineer and Director of Planning Community Development prior to commencement of sales activities or the display of model homes. The parking spaces shall be located within an off-street facility, except on-street parking may be permitted subject to the following conditions:
    - 1. The sales office, models, and on-street parking spaces shall be located at the end of a cul-de-sac street and coordinated with construction phasing such that there are no resident homeowners living in homes located adjacent to the gated, secured area of the street.
    - 2. The parking stalls shall be adequately striped and shall conform to City standards.
    - 3. Parking shall be permitted only within and on the project site. Parking along adjacent or perimeter streets (public or private) shall not be used to satisfy the model home sale parking requirement.
    - 4. Temporary landscaping, including minimum 48-inch box trees, shall be provided within the on-street parking area.
  - g. All fences proposed in conjunction with the model homes and sales office shall be located outside of the public right-of-way, except where approved by the Director of Planning Community Development and City Engineer for security.
  - h. Use of signs shall require submission of a sign permit application for review and approval by the Director of Planning Community Development.
- (8) Trailer coaches or mobile homes on active construction sites for use as a construction office or temporary living quarters for security personnel. The following restrictions shall apply:
- a. The Director of Planning Community Development may approve a temporary trailer for the duration of the construction project or for a specified period, but in no event for more than two years. If exceptional circumstances exist, a one year extension may be granted, provided that the building permit for the first permanent dwelling or structure on the same site has also been extended.
  - b. Installation of trailer coaches may occur only after a valid building permit has been issued by the Planning Community Development Department.
  - c. Trailer coaches permitted pursuant to this section shall not exceed a maximum gross square footage of 650 square feet in size.
  - d. The trailer coach must have a valid California vehicle license and shall provide evidence of State Division of Housing approval as prescribed in the Health and Safety Code of the State of California. A recreational vehicle being defined as a motor home, travel trailer, truck camper or camping trailer, with or without motive power, shall not be permitted pursuant to this section.

- e. The temporary trailer coach installation must meet all requirements and regulations of the County Department of Environmental Health Services and the Planning Community Development Department.
  - f. Any permit issued pursuant to this section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.
- (9) Tent, canopies, awnings and easy-ups associated with any retail sales event are prohibited unless engineering plans signed by a certified engineer demonstrate the tent, canopy, awning or easy-up meets all Building and Safety Division requirements.
- (10) Temporary storage containers for seasonal sales may be approved from October 31, until January 31 and not to exceed 90 days. Approval of a site plan exhibit shall be approved demonstrating adequate parking is provided.
- (11) Food trucks in accordance with Sec. 30-256(a).
- ~~(11)~~ 12) Other uses and activities that may be needed on a temporary basis or similar to subsections (1) through ~~(10)~~ 9) above as deemed appropriate by the Director of Planning Community Development.

**Sec. 30-256(a). Food Truck Temporary Use Permit**

- (1) Permit Required. Except as otherwise provided by the City Code or state or federal law, a temporary use permit and business license is required for all food trucks, as defined herein, that operate within city limits. A food truck that operates without the required permit is subject to closure at any time. It shall be the responsibility of the applicant and/or food truck vendor to have the permit approval letter and business license on-site at all times during operation in city limits.
- (2) Exemptions.
- a. Properly licensed Lunch Trucks servicing employees of legally established industrial businesses and employees of active construction sites. A business license is required for Lunch Trucks prior to operation.
  - b. Food trucks hired to cater for one-day private parties held on private property. A business license is required for catering businesses prior to operation.
- (3) Time of Application. An application for a food truck temporary use permit must be submitted to the Planning Department in a complete form at least 60 calendar days in advance of the anticipated commencement date of the operation.
- (4) Term of permit. Temporary use permits under this section shall automatically expire one year from the date of issuance unless an earlier expiration date is noted on the permit. Renewal applications must be submitted 30 calendar days prior to expiration of the permit.

(5) Operational Requirements. Food trucks operating under this section shall meet all the following requirements:

- a. Shall operate on legally compliant properties with industrial land use designations only and shall have a solid paved parking area adequate to accommodate the food truck, customer parking and vehicle circulation.
- b. Shall not permit parking on the street or in the public right-of-way.
- c. Shall not operate within 50 feet of a fire hydrant.
- d. Shall not operate within any public driveway, drive aisle, or vehicular entrance or exit.
- e. Shall not vend on any public street, public right-of-way, or public park.
- f. Shall not store, park or leave any equipment overnight on any public street, public right-of-way, or park.
- g. Shall vend only between the hours of 10:00 am and 9:00 pm.
- h. Shall not display or set up tables and chairs.
- i. Shall provide a trash receptacle for customer use.
- j. Shall ensure the area is free from trash and debris at all times.
- k. Shall not allow any items relating to the operation of the business to be placed anywhere other than in, on, or under the food truck (except for trash receptacles).
- l. Shall not solicit or conduct business with persons in or on motor vehicles.
- m. Shall not sell anything other than that which they are licensed to vend.
- n. Shall not utilize sound amplification equipment, music, or live entertainment.
- o. Shall not utilize any form of directional signage.
- p. Shall operate in compliance with the Americans with Disabilities Act (ADA).

(6) Application Requirements. All food truck vendors shall obtain a food truck Temporary Use Permit. Application materials shall include:

- a. Detailed site plan (exhibit of proposed location) including the number of existing on-site parking spaces, location of parking spaces designated for the food truck(s), location of food truck(s), and the location of trash receptacles.
- b. Notarized affidavit from the property owner(s) acknowledging the applicant's request and granting the applicant permission to park and vend at the location. If more than one food truck is proposed to operate at the same site, each food truck



vendor shall submit a separate application and will be subject to the standards referenced in Section 30-256(a).

- c. Proof of legal vehicle registration.
- d. Business description to include hours of operation, items to be sold, number of employees, description of food truck including photos, number of parking spaces existing on the proposed site.
- e. A copy of the County of San Bernardino Environmental Health Services Health Permit.
- f. Business License. Upon obtaining the food truck temporary use permit, the applicant shall obtain a business license.
- g. Cleanup and waste disposal plan to the City of Fontana, Environmental Code Compliance Department with the following information:
  - i. Grey water disposal site
  - ii. Fats, oils, and grease (FOG) disposal container
  - iii. Fats, oils, and grease (FOG) disposal site
  - iv. Trailer washdown site
  - v. Trash, recycle, and organic receptacles
  - vi. Rubber mat to be placed underneath serving area

(7) Suspension; Rescission.

- a. A food truck temporary use permit issued under this article may be temporarily suspended or permanently rescinded, at the Director of Planning's discretion, for any of the following causes: fraud or misrepresentation in the course of vending, fraud or misrepresentation in the application for the permit, vending in violation of any one or more of the provisions of this article, vending in a manner that creates a public nuisance or constitutes a danger to the public, or failure to pay the applicable business license tax.
- b. Notice of the suspension or rescission of a food truck permit issued under this chapter shall be mailed, postage prepaid, to the holder of the food truck vendor permit at his or her last known address and the property owners on whose property the truck has been operating.
- c. No person whose food truck permit has been rescinded pursuant to this article shall be issued a food truck permit for a period of two years following the date that revocation becomes final.

**Sec. 30-257. Approval.**

Upon receipt of a complete application for a temporary use permit ~~Director's determination~~, the project will be reviewed by planning staff for the ~~Director's~~ Director of Planning's approval.

**Sec. 30-258. - Appeal.**

The decision of the Director of ~~Community Development~~ Planning shall be final unless an appeal is filed. An appeal could be made to the Planning Commission as set forth in Division 4, herein.

**Sec. 30-282. – Application.**

An application for a tentative parcel map shall be filed with the Planning ~~Division~~ Department in a manner prescribed by the Director of ~~Community Development~~ Planning, including, but not limited to, plans.

**Sec. 30-284. - Findings for approval.**

The Director of ~~Community Development~~ Planning or designee shall make the findings identified in Chapter 26 before granting approval of a tentative parcel map application.

**Sec. 30-285. - Noticing.**

Notice of hearings for tentative parcel map ~~modification~~ shall be as set forth in Division 4, of this article herein.

**Sec. 30-286. - Hearing.**

Upon receipt of a complete application for a ~~time extension for~~ tentative parcel map, a time and place for the hearing before the Director of ~~Community Development~~ Planning shall be set.

**Sec. 30-287. – Appeal.**

The decision of the Director of ~~Community Development~~ Planning shall be final unless an appeal is filed. An appeal could be made to the Planning Commission as set forth in Division 5, of this article herein.

**Sec. 30-288. - Time limitations.**

Each tentative ~~tract~~ parcel map approval granted under this article shall become null and void pursuant to the time limitation identified in Chapter 26.

**Sec. 30-290. - Authority.**

The Planning Commission is authorized to approve or deny applications for ~~design review~~ tentative tract maps, and to impose reasonable conditions upon such approval. ~~Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress, egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other~~

~~improvements; establishment of development schedules or time limits for performance or completion.~~

**Sec. 30-291. - Application.**

An application for a ~~design review~~ tentative tract map shall be filed with the Planning Division in a manner prescribed by the Director of ~~Community Development Planning~~, including, but not limited to, plans and elevations. ~~Further, any improvements which are depicted and approved as part of the design review on any colored rendering, elevation, or drawing which is presented in conjunction with a development application, shall be installed pursuant to the approved plans.~~

**Sec. 30-295. – Hearing.**

Upon receipt of a complete application for ~~time extension for project~~ tentative tract map a time and place for the hearing before the ~~Director of Community Development Planning Commission~~ shall be set.

**Sec. 30-299. - Authority.**

The Director of ~~Community Development Planning~~ or designee is authorized to approve or deny lot line adjustment applications.

**Sec. 30-300. - Application.**

Applications for a lot line adjustment shall be filed with the Planning ~~Division~~ Department upon such forms and accompanied by such data, information and fees as may be required by the Planning ~~Division~~ Department, to ensure a full presentation of the facts.

**Sec. 30-301. – Approval.**

Upon receipt of a complete application for a ~~Director's determination~~ lot line adjustment, the project will be reviewed by ~~planning~~ Planning staff for the Director's approval.

**Sec. 30-302. – Appeal.**

The decision of the Director of ~~Community Development Planning~~ shall be final unless an appeal is filed. An appeal could be made to the Planning Commission as set forth in Division 4, herein.

**Sec. 30-304. – Authority.**

The Director of ~~Community Development Planning~~ or designee is authorized to approve or deny time extension for tentative parcel maps applications.

**Sec. 30-305. – Application.**

Applications for a time extension for tentative parcel maps shall be filed with the Planning ~~Division~~ Department upon such forms and accompanied by such data, information, and fees as may be required by the Planning ~~Division~~ Department, to ensure a full presentation of the facts.

~~No application shall be considered by the Planning Commission until the application is determined to be complete and all required fees have been paid to the City.~~

**Sec. 30-306. – Noticing. Reserved.**

~~Notice of hearings for minor use permit modification shall be as set forth in Division 4, of this article herein.~~

**Sec. 30-307. – Hearing. Reserved.**

~~Notice of hearings for minor use permit modification shall be as set forth in Division 4, of this article herein.~~

**Sec. 30-308. – Appeal. Reserved.**

~~The decision of the Director of Community Development shall be final unless an appeal is filed. An appeal could be made to the Planning Commission as set forth in Division 4, herein.~~

**Sec. 30-310. – Authority.**

~~The Planning Commission is authorized to approve or deny applications for time extension for tentative tract maps and to impose conditions upon such approval.~~

**Sec. 30-311. – Application.**

Applications for time extension for tentative tract maps shall be filed with the Planning ~~Division~~ Department upon such forms and accompanied by such data, information, and fees as may be required by the Planning ~~Division~~ Department, to ensure a full presentation of the facts. No application shall be considered by the Planning Commission until the application is determined to be complete and all required fees have been paid to the City.

**Sec. 30-312. – Noticing.**

Notice of hearings for ~~minor use permit modification~~ tentative tract map time extension shall be as set forth in Division 4, of this article herein.

**Sec. 30-313. – Hearing.**

Upon receipt of a complete application for a time extension for tentative tract map, a time and place for the hearing before the ~~Director of Community Development~~ Planning Commission shall be set.

**~~Subdivision III. – Time Extension—Project~~**

**Sec. 30-315. - Purpose. Reserved.**

~~The purpose and intent of a time extension is intended to provide the applicant additional time to complete a previously approved project required do to unforeseen circumstances.~~

**Sec. 30-316. -Authority. Reserved.**

~~The Director of Community Development or designee is authorized to approve or deny time extension for project applications.~~

**Sec. 30-317. -~~Application.~~ Reserved.**

~~Applications for time extension for projects shall be filed with the Planning Division upon such forms and accompanied by such data, information, and fees as may be required by the Planning Division, to ensure a full presentation of the facts. No application shall be considered by the Planning Commission until the application is determined to be complete and all required fees have been paid to the City.~~

**Sec. 30-318. -~~Noticing.~~ Reserved.**

~~Notice of hearings for time extension for projects shall be as set forth in Division 5, of this article herein.~~

**Sec. 30-319. -~~Hearing.~~ Reserved.**

~~Upon receipt of a complete application for time extension for project a time and place for the hearing before the Director of Community Development shall be set.~~

**Sec. 30-320. -~~Appeal.~~ Reserved.**

~~The decision of the Director of Community Development shall be final unless an appeal is filed. An appeal could be made to the Planning Commission as set forth in Division 4, herein.~~

**Sec. 30-321. - ~~Time limitation.~~ Reserved.**

~~Each time extension for project granted under the provisions of this article shall become null and void two years after the date of the action approving the time extension.~~

**Sec. 30-326. Development regulations.**

...

(2) Minor planned unit development. Where a conflict exists between the standards in this section and those pertaining to the underlying zoning district, this section shall take precedence.

- a. Area of project. Minor planned unit development projects shall be located on sites that meet the following criteria:
  1. Located within ~~one of the following zoning districts:~~ the Medium Density Residential (R-2) zoning district.
    - i. ~~Medium density residential (R-2) zoning districts, and~~
  2. Located where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools and fire protection are provided.
  3. Not larger than three acres in size.
- b. Maximum density. The dwelling unit density shall not exceed a number of units as set forth in the zoning district in which the project is located, except in cases of utilizing units from any allowable density bonus program.

- c. Minimum area and dimensions of lot.
1. ~~The lot area, width and depth~~ of individually owned parcels of land within the development shall be established as part of the minor planned unit development approval, with a maximum deviation of 20 percent from the requirements of the applicable zoning district unless otherwise approved by the Director of Planning; ~~based on the following factors:~~
    1. ~~Topography of the land.~~
    2. ~~The ground area covered by individual dwellings and accessory structures.~~
    3. ~~Location of common open space, if provided, and its relationship to the dwelling to be served.~~
    4. ~~Aesthetic relationships between individual units and open spaces.~~
  2. The lot width and depth shall meet the purpose of the Minor PUD and be approved by the Director of Planning as part of the minor planned unit development approval. The Director of Planning may, at his/her discretion, forward applications for deviations in excess of 20% to the Planning Commission for decision.
- d. ~~Yards and Setbacks. Front, side and rear yards~~ setbacks shall be permitted to deviate from the requirements of the underlying zoning district, ~~a maximum of 20 percent from the requirements of the applicable zoning district. Front, side, and rear yards shall be established as part of the minor planned unit development approval.~~; However, the front, side and rear setbacks shall not be less than the following:
1. At no time shall the front setback be less than 15 feet between the front of the structure and the front property line.
  2. At no time shall the rear setback be less than 10 feet between the rear of the structure and the rear property line.
  3. At no time shall the side setback be less than 4 feet between the sides of the structure and the side property lines.
- e. Lot coverage. Lot coverage shall be established as part of the minor planned unit development approval, with a maximum deviation of 20 percent from any applicable lot coverage of the zoning district.
- f. Distance between buildings. The distance between any two buildings within the project shall be established as part of the minor planned unit development approval but shall not be less than eight feet between the two structures.
- g. Maximum building height. The maximum building height permitted in the zoning district shall apply.
- h. Required on-site parking.
1. The number of required parking spaces shall conform to provisions of Article XI.
  2. The location and arrangement of parking shall be determined as part of the minor planned unit development approval.

- ...
- r. Private open space. A minimum of 200 square feet of private open space shall be provided for each residential unit. Private open space shall be accessed directly from the ground floor of the dwelling unit and shall be outside of the minimum front setback.

[Remaining text of Section 30-326 will remain, unmodified]

**Sec. 30-336 – Purpose.**

~~The purpose and intent of density bonus is to encourage the development of affordable housing in accordance with state law.~~

The purpose and intent of this section is to encourage the development of affordable residential units for a range of income levels within the City with the provision of incentives or concessions. In offering these incentives or concessions, this chapter is intended to implement the requirements of State law and the goals and policies of the City's general plan housing element.

**Sec. 30-338.-Application. - Eligibility for bonus and incentives or concessions.**

~~Application for density bonus shall be made in writing on forms provided for this purpose and shall set forth in detail information as may be required and shall be accompanied by the required filing fee.~~

To be eligible for a density bonus and/or other incentives or concessions as provided by this chapter, a proposed residential development project shall:

- (a) Consist of five (5) or more dwelling units; and
- (b) Provide for the construction of one or more of the following within the development:
  - (1) A minimum of five percent (5%) of the total units of a housing development for very low-income households, as defined in Health and Safety Code section 50105; or
  - (2) A minimum of ten percent (10%) of the total units of a housing development for lower income households, as defined in Health and Safety Code section 50079.5; or
  - (3) A minimum of ten percent (10%) of the total dwelling units in a condominium project or in a planned development as defined in Civil Code subsection 1351(f) and (k), respectively, for persons and families of moderate income, as defined in Health and Safety Code section 50093, provided that all units in the development are offered to the public for purchase; or
  - (4) A minimum of twenty percent (20%) of the total units for lower income students in a student housing development that meets the following requirements:
    - i. All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide

evidence to the city, county, or city and county that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are insufficient students enrolled in an institution of higher education to fill all units in the student housing development.

- ii. The applicable 20-percent units shall be used for lower income students.
- iii. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
- iv. The development shall provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

(5) Ten percent (10%) of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph are subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units; or

(6) One hundred percent (100%) of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code; or

(7) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(c) A density bonus and any associated incentives and concessions provided for the provision of affordable units and a density bonus utilizing units from the No Net Loss Program shall be mutually exclusive.

**Sec. 30-358. - List of definitions.**

\*\*\*

Banquet hall means a room or building for the purpose of hosting a party, banquet, wedding or other reception, or another social event.



Bars, lounges, nightclubs, means an establishment where people gather to drink (alcohol). The establishment shall operate in compliance with any on-site consumption of alcoholic beverages, as licensed by the Alcoholic Beverage Control, and may offer facilities for dancing or performing floor shows.

Bed and breakfast establishment means one or more buildings containing a dwelling unit and not more than six guest rooms, where only breakfast or similar early morning meal is provided to registered guests and the price of the meal is included in the price of the accommodations. The relationship between the operator of the establishment and the occupants of the guest rooms must be that of innkeeper and guests. Guest rooms are not to be rented for a period of less than 18 hours at a time.

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[Remaining text of Section 30-358 will remain, unmodified]

<b>Table No. 30-359.B.-Land Uses</b>						
	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
***						
Alcoholic sales exclusively for off-site consumption	—	—	M	M	—	—
<u>Bar, Lounge, or Nightclub (with live entertainment)</u>	=	<u>M</u>	<u>M</u>	<u>M</u>	=	=
<u>Bar, Lounge, or Nightclub (without live entertainment)</u>	=	<u>M</u>	<u>M</u>	<u>M</u>	=	=
On-site sales in connection w/restaurant	M	M	M	M	—	—
Restaurant and café with entertainment and/or dancing	M	M	M	—	—	—
Manufacturing, including winery or micro-brewery with tasting room and no restaurant	M	M	M	M	—	—
Micro-breweries in connection with restaurant (Brew Pub)	M	M	M	M	—	—
Micro-breweries without tasting room	—	—	—	—	—	—
***						

[Remaining text of Section 30-359.B will remain, unmodified]

**Sec. 30-370. – Village district.**

The Village district is intended to provide an alternative to conventional subdivision development with a mixture of housing types, neighborhood-service retail, and open space.

Residential or Mixed-Use	Minimum	Maximum
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		2.1 units/acre	24 units/acre	
Commercial Floor Area Ratio (without residential component)		---	1.0	
		Building setback from PL		
			Front	Side/Rear
		Min. (ft.)	Max. (ft.)	Min. (ft.)
i.	Front Street	10	25	---
ii.	Side Street	10	<del>20</del> ---	---
iii.	Side (Interior)	---	---	5
iv.	Rear Yard	---	---	10

**Sec. 30-386. – Shopfront.**

...

**Size**

<b>Ground floor transparency</b>	<b>80% 40% min.</b>
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...

[Remaining text of Section 30-386 will remain, unmodified]

**Sec. 30-430. - Uses permitted.**

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

<b>Table No. 30-430 Permitted Uses in Residential Zoning Districts</b>						
	<b>Use</b>	<b>R-E</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-PC</b>
	...					
<b>B.</b>	<b>Other Uses</b>					
	...					
	Child care (eight to 14 persons)	<u>M P</u>	<u>M P</u>	<u>M P</u>	<u>M P</u>	<u>M P</u>
	...					

[Remaining text of Section 30-430 will remain unmodified]

**Sec. 30-492. – Conditional use permit and minor use permit regulations.**

All uses marked with a "C" or "M" in Table No. 30-459, must comply with the conditional use permit or minor use permits procedural requirements outlined in Article II, Divisions 12 and 13 of this chapter. In addition, certain conditional uses must comply with the specific development and operational standards outlined below.

\*\*\*

- (7) *Alcoholic beverage sales.* Any use that engages in on-site or off-site retail sales of alcoholic beverages and that is required to operate under a State Alcoholic Beverage Control (ABC) license shall be subject to the approval of conditional use permit or minor use permit. A conditional use permit or minor use permit shall be required for the following actions:

Table No. 30-492.C Alcoholic Beverage Sales	
An application for a new ABC license	C
Any change in the type of existing ABC license with <u>existing</u> CUP	C
<del>Premises-to-premises transfer of an existing ABC license with CUP</del>	<del>P</del>
Any increase of floor area in an ABC licensed establishment	C
Any change in operating conditions from what was originally imposed by the City or by ABC, including, but not limited to, any change of hours of operation or entertainment	C
A request to establish live entertainment or dancing in an ABC licensed establishment	C
Any ABC licensed establishment not previously possessing a conditional use permit when there is an ownership change	C

a. Location requirements.

1. In judging requests for alcoholic beverage sales, of particular concern will be the physical relationship and proximity of the proposed use to that of similar uses on the same or surrounding sites; the compatibility of the proposed use with neighboring uses (i.e., schools, parks, religious institutions, hospitals and other similar uses), and that no adverse effect on public health, safety or welfare will be created.
2. A business where a new conditional use permit is requested, other than for a renewal or ownership transfer, for the sale of liquor should be a minimum of 600 feet away from an existing or proposed school, park, religious institution, hospital, youth facility, and other similar uses.
3. The proposed use shall not be incompatible with the adjoining uses as it relates to noise, debris, traffic, storage, design and hours of operation, nor shall it create any adverse effect on public health, safety or welfare.
4. All light standards shall be located so that lighting does not directly shine into adjoining residential properties. Any light pole within the parking area shall have a concrete or similar support base constructed to withstand light vehicle collisions.
5. The establishment shall be operated in such a manner that sound emitted from the premises shall not be audible beyond the boundaries on which it is located.
  - i. All doors to the building shall remain closed except to allow for the entrance and exit of patrons and employees.
  - ii. Any such liquor sales use or similar use being established for the first time shall have no entrance or exit located within 100 feet of a residentially zoned or utilized property unless adequate sound attenuation measures have been undertaken or unless the entrance or exit is separated from the residentially zoned property by a public street.

b. Alcohol product sales requirements.

1. The licensee shall not sell single bottles of wine in less than 750 ml. containers. Specialty or dessert wines which are only packaged in 375 milliliter bottles shall be permitted.
2. No distilled spirits shall be sold in bottles or containers smaller than 375 ml.
3. The sale of beer or malt beverages in single size containers of 40 ounces or less is prohibited.
4. The licensed premise shall not sell individual units of beer or wine from the manufacturer's multi-unit packages (three-packs, four-packs, six-packs, etc.).

b. c. In the event the Director of Community Development Planning has determined that a party holding a conditional use permit at a given location is in violation of the conditions of the permit the Planning Commission, through the public hearing process, shall have the authority to terminate the conditional use until such time as the property has been brought into compliance and the applicant establishes that those conditions have been met.