

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Resolution No. PC 2025-011

Tuesday, April 15, 2025

6:00 PM

Grover W. Taylor Council Chambers

Planning Commission

Idilio Sanchez, Chair
Ricardo Quintana, Vice Chair
Joe Armendarez, Secretary
Dylan Keetle, Commissioner
Torrie Lozano, Commissioner

Welcome to a meeting of the Fontana Planning Commission.

Welcome to a meeting of the Fontana Planning Commission. Meetings are held at the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the 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 Council Chambers 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 accommodation 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 at the City Clerk's Office.

Para traducción en Español, comuníquese con la oficina, "City Clerk" al (909) 350-7602.

The City of Fontana is committed to ensuring a safe and secure environment for its residents to engage with the government. No oversized bags or backpacks (size limit of 14"x14"x6") will be allowed inside the Council Chambers. All bags are subject to search. Face masks are prohibited in the Council Chambers, but clear masks will be provided upon request to accommodate individuals with medical needs, ensuring their safety and well-being. Before entering the Council Chambers, you may be subject to a metal detector screening. The City Manager retains the discretion to grant any exemptions. Fontana aims to provide safe buildings for our community members, employees, and visitors.

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 April 1, 2025.

CC-A Approval of Minutes of April 1, 2025.

[25-0164](#)

Attachments: [Draft Planning Commission Minutes of April 1, 2025](#)

Approve Consent Calendar Item as recommended by staff.

PUBLIC HEARINGS:

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

All Public Hearings will be conducted following this format:

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

PH-A Master Case No 25-0011 and Municipal Code Amendment No.

[25-0169](#)

25-0001: Fontana Municipal Code amendments to Chapter 30 (Zoning and Development Code) to establish a new entertainment center overlay district with three (3) Entertainment Center planning areas with land use restrictions and requirements; revisions to the land use tables in Form Based Code (FBC) (Downtown Gateway, Sierra Gateway, Route 66 Gateway, and Valley Gateway) and Commercial Zoning Districts for parcels that have frontage along Foothill Boulevard between Ilex Street to Maple Avenue and along Sierra Avenue from I-10 to Randall Avenue; revise the permit requirements for farmers markets; revise the nonconforming provisions; and include a requirement for Route 66 signage along Foothill Boulevard, pursuant to the certified General Plan Environmental Impact Report (State

Clearinghouse [SCH] No. 2016021099) and Public Resources Code Section 21083.3. (Continued from the April 1, 2025 Planning Commission meeting)

RECOMMENDATION:

Based on the information contained in this staff report staff recommends that the Planning Commission adopt Resolution No. PC 2025- ____; and forward the recommendation to the City Council to:

1. Determine that the proposed amendments are consistent with the Fontana General Plan and certified General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2016021099) and so qualifies for an exemption from CEQA, specifically Public Resources Code 21083.3 and CEQA Guidelines Section 15183 and Section 7 of the Local 2019 Guidelines for implementing CEQA, as the proposed amendments will have no new or more severe significant environmental effects “peculiar to” the Ordinance than discussed in the certified EIR and will have no significant off-site and cumulative impacts not discussed in that EIR as long as all applicable mitigation measures in the certified EIR will be undertaken; and,

2. Approve a Resolution recommending that the City Council adopt an Ordinance for Municipal Code Amendment (MCA) No. 25-001 and amend Chapter 30 of the Municipal Code.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

The Entertainment Center Overlay District Planning Area 1 - Approximately 119 acres generally located in the vicinity north of I-10 and Sierra Avenue; Planning Area 2 - Approximately 27 acres generally located in the vicinity north of Foothill Boulevard and Sierra Avenue; and Planning Area 3 Approximately 37 acres generally located in the vicinity north of Foothill Boulevard and Cherry Avenue. A map of the planning areas are included in Exhibit “A” to Attachment No. 1. Other changes and amendments to this Zoning and Development Code as described above in the project description are to be implemented Citywide.

PROJECT PLANNER:

Rina Leung, Senior Planner
Alejandro Rico, Associate Planner

Attachments: [Attachment No. 1 - PC Resolution and Exhibit A](#)
[Attachment No. 2 - Notice of Determination](#)
[Attachment No. 3 - Public Hearing Notice](#)

PH-B Master Case No. 25-0017; Municipal Code Amendment (MCA) No. 25-0003 - Consideration of an Ordinance amending Chapter 30 of the Fontana Municipal Code regarding group homes and boardinghouses.

[25-0107](#)

RECOMMENDATION:

Staff recommends that the Planning Commission continue the item to the May 6, 2025 meeting.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner

PH-C Master Case No. 24-0047: Tentative Tract Map No. 20686 (TTM No. 24-0013) and Design Review No. 24-0024 - A request to subdivide approximately one (1) acre into 12 lots and for the site and architectural approval of a new residential development consisting of 12 single-family dwellings and associated improvements, pursuant to a Categorical Exemption in accordance with CEQA Guidelines Section 15332.

[25-0160](#)

RECOMMENDATION:

Based on the information contained in this staff report and subject to the attached Findings and Conditions of Approval; staff recommends that the Planning Commission adopt Resolution PC No. 2025- ; and

1. Determine that the project is categorically exempt pursuant to Section No. 15332 (Class No. 32, Infill Development) of the California Environmental Quality Act, 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 Tentative Tract Map No. 20686 (TTM No. 24-0013);
and

3. Approve Design Review No. 24-0024.

APPLICANT:

Bryan Avilla
NewBridge Homes
500 Newport Center Drive, Suite 570
Newport Beach, CA 92660

LOCATION:

The project site is located on the west side of Laurel Avenue,
south of Arrow Boulevard (APNs: 0246-121-71 and -72)

PROJECT PLANNER:

Cecily Session-Goins, Associate 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](#)

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

DC-A Upcoming cases scheduled for City Council and Planning Commission. [25-0163](#)

An update of future City Council agenda items for April 22,
2025 and May 13, 2025 for the Planning Commission's
information.

An update of future Planning Commission agenda items for

May 6, 2025 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, May 6, 2025 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 25-0164
Agenda #: CC-A

Agenda Date: 4/15/2025
Category: Consent Calendar

FROM:
Planning

TITLE:
Approval of Minutes

RECOMMENDATION:
Approve the minutes of the Planning Commission Meeting of April 1, 2025.

DISCUSSION:
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of April 1, 2025. 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

Idilio Sanchez, Chair
Ricardo Quintana, Vice Chair
Joe Armendarez, Secretary
Torrie Lozano, Commissioner
Dylan Keetle, Commissioner

Tuesday, April 1, 2025	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, April 1, 2025. Vice Chair Quintana called the meeting to order at 6:04 p.m.

Present: Vice Chair Quintana, Secretary Armendarez, and Commissioner Lozano.

Absent: Chair Sanchez and Commissioner Keetle

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Chaplain Daniel Vasquez, the Pledge of Allegiance was led by Commissioner Lozano.

PUBLIC COMMUNICATIONS:**A. Public Communications:**

None.

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

Approve the Regular Planning Commission Meeting Minutes of March 18, 2025.

ACTION: A Motion was made by Secretary Armendarez and seconded by Commissioner Lozano and passed by a vote of 3-0 to approve the Consent Calendar.

The motion carried by the following vote:

Aye: Vice Chair Quintana, Secretary Armendarez, and Commissioner Lozano

Absent: Chair Sanchez and Commissioner Keetle

Abstain: None

PH-A Master Case No. (MCN) 25-0007: Conditional Use Permit (CUP) No. 25-0002 - A request to approve a new Alcoholic Beverage Control (ABC) Type 47 (On-Sale, General for Eating Place) License for a newly established restaurant pursuant to a categorical exemption in accordance with CEQA Guidelines Section 15301.

Vice Chair Quintana opened the Public Hearing.

Alexia Barberena, Associate Planner, presented the staff report.

Casey Yarosh, on behalf of the applicant, Reino 44, stated that she read and agreed to the Conditions of Approval.

No written correspondence was received.

The Public Hearing was closed.

RECOMMENDATION:

Based on the information contained in this staff report and subject to the attached Findings and Conditions of Approval; staff recommends that the Planning Commission adopt Resolution No. PC 2025-009; and,

- 1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Class 1, Existing Facilities), and Section No. 3.22 (Categorical**

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

2. Approve Conditional Use Permit (CUP) No. 25-0002.

ACTION: Motion was made by Commissioner Lozano and seconded by Secretary Armendarez and passed by a vote of 3-0 to approve Public Hearing Item “A”; adopt Resolution No. PC 2025-009; and Approve Conditional Use Permit (CUP) No. 25-0002.

The motion carried by the following vote:

AYES: Vice Chair Quintana, Secretary Armendarez, and Commissioner Lozano

NOES: None; **ABSTAIN:** None; **ABSENT:** Chair Sanchez and Commissioner Keetle

PH-B Master Case No. (MCN) 23-0078: Design Review (DRP) No. 25-0002 - A request for site and architectural approval of the City Hall Renovation Project that includes the demolition of the existing City Hall building, the construction of an approximately 42,072 square foot new City Hall building, including site improvements and facade improvements to the existing Development Services Organization (DSO) building, all located at 8353 Sierra Avenue (APN:0192-031-23, 0192-031-24) pursuant to an Addendum to the Mitigated Negative Declaration (SCH NO. 2023120527.

Vice Chair Quintana opened the Public Hearing.

Angelica Martinez, Assistant Planner, presented the staff report.

The applicant, City of Fontana staff, stated that they have read and agreed to the Conditions of Approval.

The commission and staff discussed the design of the project and how it would revitalize the downtown area.

No written correspondence was received.

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 No. PC 2025-010; and,

1. Adopt the Addendum and Mitigation, Monitoring, and Reporting Program (MMRP) to the Civic Center Renovation Project Mitigated Negative

Declaration (SCH NO. 2023120527) and direct staff to file a Notice of Determination; and

2. Approve Design Review (DRP) No. 25-0002.

ACTION: Motion was made by Secretary Armendarez and seconded by Commissioner Lozano and passed by a vote of 3-0 to approve Public Hearing Item “B”; adopt Resolution No. PC 2025-010; and Approve Design Review (DRP) No. 25-0002.

The motion carried by the following vote:

AYES: Vice Chair Quintana, Secretary Armendarez, and Commissioner Lozano

NOES: None; **ABSTAIN:** None; **ABSENT:** Chair Sanchez and Commissioner Keetle

PH-C Master Case No 25-0011 and Municipal Code Amendment No. 25-0001: Fontana Municipal Code amendments to Chapter 30 (Zoning and Development Code) to establish a new entertainment center overlay district with three (3) Entertainment Center planning areas (nodes) with land use restrictions and requirements; revisions to the land use tables in Form Based Code (FBC) (Downtown Gateway, Sierra Gateway, Route 66 Gateway, and Valley Gateway) and Commercial Zoning Districts for parcels that have frontage along Foothill Boulevard between Ilex Street to Maple Avenue and along Sierra Avenue from I-10 to Randall Avenue; revise the permit requirements for farmers markets; revise the nonconforming provisions; and include requirements for Route 66 signage along Foothill Boulevard, pursuant to a determination that the amendment is exempt from CEQA under CEQA Guidelines section 15162, 15164, and 15183 because it is consistent with the certified General Plan Environmental Impact Report (FEIR) (State Clearinghouse [SCH] No. 2016021099).

Vice Chair Quintana opened the Public Hearing.

Staff recommended that the Planning Commission continue this item to the April 15, 2025, Regular Planning Commission Meeting.

No written correspondence was received.

RECOMMENDATION:

Staff recommends that the Planning Commission continue this item to the April 15, 2025, Regular Planning Commission Meeting.

ACTION: Motion was made by Secretary Armendarez and second by Commissioner Lozano and passed by a vote of 3-0 to continue Public Hearing Item “C” to the April 15, 2025, Regular Planning Commission Meeting.

The motion carried by the following vote:

AYES: Vice Chair Quintana, Secretary Armendarez, and Commissioner Lozano

NOES: None; **ABSTAIN:** None; **ABSENT:** Chair Sanchez and Commissioner Keetle

PH-D Master Case No. 25-0020 and Municipal Code Amendment (MCA) No. 25-0005: Fontana Municipal Code Amendments to Chapter 30 (Zoning and Development Code) adopt objective design standards for residential and mixed-use development projects subject to streamlined and ministerial review under State of California law, pursuant to a determination that the amendments are exempt from CEQA under CEQA Guidelines section 15060(C), 15061(B)(3) (the common-sense exemption), and 15378.

Vice Chair Quintana opened the Public Hearing.

Staff recommended that the Planning Commission continue this item to the May 6, 2025, Regular Planning Commission Meeting.

No written correspondence was received.

RECOMMENDATION:

Staff recommends that the Planning Commission continue this item to the May 6, 2025, Regular Planning Commission Meeting.

ACTION: Motion was made by Secretary Armendarez and seconded by Commissioner Lozano and passed by a vote of 3-0 to continue Public Hearing Item “D” to the May 6, 2025, Regular Planning Commission Meeting.

The motion carried by the following vote:

AYES: Vice Chair Quintana, Secretary Armendarez, and Commissioner Lozano

NOES: None; **ABSTAIN:** None; **ABSENT:** Chair Sanchez and Commissioner Keetle

DIRECTOR COMMUNICATIONS:

A. Director Communications:

None.

COMMENTS:

A. Public Communication Commission Comments:

Commissioner Lozano thanked Planning staff for their staff reports.

Secretary Armendarez thanked Planning staff for their hard work and dedication and expressed his excitement for the City Hall renovation project.

Vice Chair Quintana expressed his excitement on his participation in tonight's meeting and thanked Planning Staff for their reports.

ADJOURNMENT:

Vice Chair Quintana adjourned the meeting at 6:26 p.m. to the next Regular Planning Commission Meeting on Tuesday, April 15, 2025, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Susana Gallardo
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 15th DAY OF APRIL 2025.**

Ricardo Quintana
Vice Chair



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 25-0169
Agenda #: PH-A

Agenda Date: 4/15/2025
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No 25-0011 and Municipal Code Amendment No. 25-0001: Fontana Municipal Code amendments to Chapter 30 (Zoning and Development Code) to establish a new entertainment center overlay district with three (3) Entertainment Center planning areas with land use restrictions and requirements; revisions to the land use tables in Form Based Code (FBC) (Downtown Gateway, Sierra Gateway, Route 66 Gateway, and Valley Gateway) and Commercial Zoning Districts for parcels that have frontage along Foothill Boulevard between Ilex Street to Maple Avenue and along Sierra Avenue from I-10 to Randall Avenue; revise the permit requirements for farmers markets; revise the nonconforming provisions; and include a requirement for Route 66 signage along Foothill Boulevard, pursuant to the certified General Plan Environmental Impact Report (State Clearinghouse [SCH] No. 2016021099) and Public Resources Code Section 21083.3. (Continued from the April 1, 2025 Planning Commission meeting)

RECOMMENDATION:

Based on the information contained in this staff report staff recommends that the Planning Commission adopt Resolution No. PC 2025-____; and, forward the recommendation to the City Council to:

1. Determine that the proposed amendments are consistent with the Fontana General Plan and certified General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2016021099) and so qualifies for an exemption from CEQA, specifically Public Resources Code 21083.3 and CEQA Guidelines Section 15183 and Section 7 of the Local 2019 Guidelines for implementing CEQA, as the proposed amendments will have no new or more severe significant environmental effects "peculiar to" the Ordinance than discussed in the certified EIR and will have no significant off-site and cumulative impacts not discussed in that EIR as long as all applicable mitigation measures in the certified EIR will be undertaken; and
2. Approve a Resolution recommending that the City Council adopt an Ordinance for Municipal Code Amendment (MCA) No. 25-001 and amend Chapter 30 of the Municipal Code.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

The Entertainment Center Overlay District Planning Area 1 - Approximately 119 acres generally located in the vicinity north of I-10 and Sierra Avenue; Planning Area 2 - Approximately 27 acres

generally located in the vicinity north of Foothill Boulevard and Sierra Avenue; and Planning Area 3 Approximately 37 acres generally located in the vicinity north of Foothill Boulevard and Cherry Avenue. A map of the planning areas are included in Exhibit "A" to Attachment No. 1. Other changes and amendments to this Zoning and Development Code as described above in the project description are to be implemented Citywide.

REQUEST:

A Municipal Code Amendment (MCA) No. 25-001, for amendments to Chapter 30 - Zoning and Development Code to establish an Entertainment Overlay District that includes three (3) Entertainment Center planning areas at the intersections of Valley Boulevard and Sierra Avenue, Foothill Boulevard and Sierra Avenue, and Foothill Boulevard and Cherry Avenue that includes land uses and requirements; and revise land use tables in the Form Based Code (FBC) (Downtown Gateway, Sierra Gateway, Route 66 Gateway, and Valley Gateway) and Commercial Zoning Districts for parcels that have frontage along Foothill Boulevard between Ilex Street to Maple Avenue and along Sierra Avenue from I-10 to Randall Avenue to: restrict certain auto/light industrial related uses, allow by right certain entertainment/recreational uses; modify regulations for Alcohol Beverage Sales to allow on-site alcohol beverage sales for restaurants (Bone fide Public Eating Places) without discretionary approval; and modify the requirements for farmers markets to allow with a Temporary Use Permit. The amendment also revises the nonconforming provisions and include requirements for Route 66 signage along Foothill Boulevard.

PROJECT PLANNER:

Rina Leung, Senior Planner
Alejandro Rico, Associate Planner

BACKGROUND INFORMATION:

1. The City of Fontana Zoning and Development Code regulates the development of commercial, industrial, and residential projects. Staff conducts ongoing reviews of the municipal code to determine where language within the code would benefit from updates, clarifications, and/or redefinition to help streamline zoning and facilitate the development process.
2. In 2018, the City adopted the current General Plan, which includes goals and objectives aimed at creating development patterns that promote a high quality of life and revitalizing the Sierra Avenue corridor to create a vibrant center with entertainment, restaurant, arts, and culture.
3. In 2023, the City amended Chapter 30 of the FMC ("the Zoning and Development Code") for the Downtown Core Project under the SB2 Grant to focus on entertainment and restaurant uses along Sierra Avenue between Foothill Avenue and Randall Avenue incorporating Stage Red, a pedestrian plaza and nighttime uses, which functions an existing planning area.
4. On July 25, 2023, the City Council of the City of Fontana ("City Council") adopted Ordinance No. 1922, an urgency ordinance, in accordance with Government Code Section 65858, implementing a moratorium on the approval of any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan review or other land use entitlements, permits or regulatory license or permit required to comply with the provisions of the FMC or any specific plan for serviced based, non-

entertainment use ("Moratorium"); was approved by the City Council for a 45-day temporary prohibition of permits/approval for any "service based, non-entertainment uses".

5. On September 5, 2023, Ordinance No. 1924 was approved by the City Council for an additional 10 months and 15-day extension until July 23, 2024.
6. On July 23, 2024, the City Council approved through Ordinance No. 1957, the City Council extended the Moratorium a final time for an additional one year for a second extension until July 23, 2025.
7. The city retained the services of Kosmont Companies to perform an economic marketing analysis of the Foothill Boulevard and Sierra Avenue corridors, primary arterials connecting the city's downtown area to surrounding communities and three major Interstate Highways.
8. A joint workshop between the City Council and the Planning Commission was conducted by staff on November 12, 2024, to inform the Council, Commission and public on the Entertainment Center Overlay and Corridors where staff received direction to proceed with MCA No. 25-001. This included the creation of an overlay district, along with other changes in the Zoning and Development Code to create an entertainment center overlay district and other supporting uses and requirements along Foothill Boulevard and Sierra Avenue in alignment with the General Plan's goal of creating regional hubs for dining, shopping and entertainment purposes to attract local and regional visitors to drive economic growth in Fontana.
9. On April 1, 2025 this item was continued by the Planning Commission to the April 15, 2025 Planning Commission meeting.

PROJECT DESCRIPTION:

The City initiated Municipal Code Amendment (MCA) No. 25-001 to update Chapter 30 (Zoning and Development Code) as summarized below; a detailed list of the proposed amendments is provided within Exhibit "A" of the Planning Commission Resolution as referenced in Attachment No. 1.

ANALYSIS:

The amendments to the Zoning and Development code establish an Entertainment Center Overlay District along with other proposed changes to the Zoning and Development code will align with the 2015-2035 General Plan goal of creating hubs for dining, shopping and entertainment purposes to attract local and regional visitors that would help drive economic growth for the city.

Municipal Code Amendment No. 25-001:

The Municipal Code Amendment is to establish an Entertainment Center Overlay District that includes three (3) Entertainment Center Planning Areas at key intersections (Valley Boulevard and Sierra Avenue, Foothill Boulevard and Sierra Avenue, and Foothill Boulevard and Cherry Avenue). Other changes include revisions to the land use tables in Form Based Code (FBC) (Downtown Gateway, Sierra Gateway, Route 66 Gateway, and Valley Gateway) and Commercial Zoning Districts for parcels that have frontage along Foothill Boulevard between Ilex Street to Maple Avenue and along Sierra Avenue from I-10 to Foothill Boulevard to: restrict certain auto/light industrial related uses, allow by right certain entertainment/recreational uses, modify regulations for Alcohol Beverage Sales to allow by right for on-site alcohol beverage sales license to restaurants (Bone fide Public

Eating Place), The amendment also include modifications to the permitting requirements for farmers markets; revisions to the nonconforming provisions; and requirements for Route 66 signage along Foothill Boulevard. Below is a more detailed summary of the components:

Entertainment Center Overlay District: The creation of three (3) new entertainment center planning areas along Sierra Avenue and Foothill Boulevard that includes a specific list of land uses, a requirement for public art, and regulations for outdoor storage.

The following is a summary of the planning areas along with requirements of this new overlay district:

Entertainment Center Planning Area 1: Valley Boulevard and Sierra Avenue - approximately 119 acres generally located in the vicinity Valley Boulevard and Sierra Avenue. This planning area includes the following uses by right: entertainment/recreational uses, restaurant, medical services (excludes acute care, surgery centers, urgent care, walk in and hospital), retail uses, hotels, and restaurants with on-site alcohol sales. Office and personal service uses are also allowed by right but would not be permitted on the first floor for development with two or more stories. Alcohol sales that are not associated with restaurants would be subject to a minor use permit. Cigar lounges, hookah lounges, massage uses, and public assembly uses are subject to a conditional use permit. Multi-family and mixed-use development are permitted when they are allowed in the underlying zone.

Entertainment Center Planning Area 2: Sierra Avenue & Foothill Boulevard - approximately 27 acres generally located in the vicinity north of Foothill Boulevard and Sierra Avenue. This planning area is similar to planning area 1; however, it does not include restrictions for locating offices and personal service to the second floor or above for developments with two floors or more. Planning area 2 includes the following uses by right: entertainment/recreational uses, restaurant, office, personal services, medical services (excludes acute care, surgery centers, urgent care, walk in and hospital), retail uses, hotels, and restaurant uses with on site alcohol sales. Alcohol sales that are not associated with restaurant uses would be subject to a minor use permit. Cigar lounges, hookah lounges, massage uses, and with public assembly uses are subject to a conditional use permit. Multi-family and mixed-use development are permitted when they are allowed in the underlying zone.

Entertainment Center Planning Area 3: Foothill Boulevard & Cherry Avenue - Approximately 37 acres generally located in the vicinity north of Foothill Boulevard and Cherry Avenue. This Planning Area is similar to Planning Area 2 except this area allows Drive thru restaurant with approval of a Conditional Use Permit. Planning Area 3 includes the following uses by right: entertainment/recreational uses, restaurants, office, personal services, medical services (excludes acute care, surgery centers, urgent care, walk in and hospital), retail, hotels, and restaurant uses with on-site alcohol sales. Alcohol sales that are not associated with restaurant uses would be subject to a minor use permit. Cigar lounges, hookah lounges, massage uses, restaurants with drive-thrus, along with public assembly are subject to a conditional use permit. Multi-family and mixed-use development are permitted when they are allowed in the underlying zone.

Public Art - All development projects located within the Entertainment Center Overlay District that is subject to a Design Review are required to provide Public Art. Public Art would be review through approval of an Administrative Site Plan. Planning Area 1 will be required to contribute to a Fontana theme and other Planning Areas 2 and 3 that are located along Foothill Boulevard are required to incorporate a Route 66 theme. The overlay also includes provisions for requirements, materials, and

maintenance as it relates to public art.

Sierra Avenue and Foothill Boulevard Corridors: Revisions to the land use tables in Form Based Code (FBC) (Downtown Gateway, Sierra Gateway, Route 66 Gateway, and Valley Gateway) and Commercial Zoning Districts for parcels that have frontage along Foothill Boulevard between Ilex Street to Maple Avenue and along Sierra Avenue from I-10 to Randall Avenue has been included in the Municipal Code Amendment to make changes to the Sierra Avenue and Foothill Boulevard Corridors. These corridors with a mixture of supporting uses can function to contribute to feeding the residents and visitors into a vibrant downtown center and the proposed new entertainment center planning areas. The following is a summary of the proposed changes along these corridors.

Sierra Avenue Corridor - along Sierra Avenue from I-10 to Randall Avenue Land Use Revisions: The city amended the Zoning and Development Code in 2023 for the Downtown Core Project under the SB2 Grant, that included new zoning requirements that contributes to a lively downtown that anticipates entertainment and restaurant uses along Sierra Avenue from Foothill Boulevard to Randall Avenue. Thus, this area that includes existing zoning currently functions as an existing planning area. The proposed Municipal Code Amendment to revise the Form Based Code (FBC) (Sierra Gateway and Valley Gateway Districts) will be generally located along Sierra Avenue from I-10 freeway to Randall Avenue, includes the following changes: restrict repair/industrial uses (Auto repair, antique restoration, equipment/applicant repair, furniture refinishing, and furniture upholstery); restrict auto related uses (auto sales, car washes, auto rental, auto repair, and gas station); restrict acute and urgent care uses; allow by right certain entertainment/recreational uses (Studios, cafes, game rooms, golf course/driving range, gymnasiums, bowling alleys, other sports facilities, courts, theaters, and galleries); require Conditional Use Permit for nightclubs and billiards; and modify regulations for Alcohol Beverage Sales to allow by right for on-site alcohol beverage sales license to restaurants. The objective of this change is to facilitate for more entrainment and restaurant uses and contribute to attracting visitors to this area.

Foothill Boulevard Corridor - along Foothill Boulevard from Ilex Street to Maple Avenue Land Use Revisions: Since Foothill Boulevard is part of Route 66, an objective of the Municipal Code Amendment is to celebrate this designation and create a sense of place by continuing to allow auto related uses, allowing more opportunity for entertainment/recreational uses, and requiring route 66 themed signage. The proposed Municipal Code Amendment to revise the Form Based Code (FBC) (Downtown Gateway and Route 66 Gateway Districts) and Commercial Zoning Districts for parcels that have frontage along Foothill Boulevard between Ilex Street to Maple Avenue, includes the following changes: restrict industrial uses (Antique restoration, equipment/applicant repair shop for household appliances, furniture refinishing, furniture upholstery, building materials with outdoor storage, and equipment rental); restrict acute and urgent care uses; allow by right certain entertainment/recreational uses (Studios, cafes, game rooms, golf course/driving range, gymnasiums, bowling alleys, other sports facilities, courts, theaters, and galleries); Conditional Use Permit required nightclubs and billiards uses; and modify regulations for Alcohol Beverage Sales to allow by right for on-site alcohol beverage sales license to restaurants.

Other Components of the Municipal Code Amendment: Coupled with the proposed entertainment center overlay and the revisions to the land use tables in the Form Based Code and Commercial Zoning District along the Sierra Avenue and Foothill Boulevard corridors, the changes to the Zoning and Development code also includes requirements for Route 66 branding/signage on Foothill

Boulevard, nonconforming provisions, and provisions for Farmers Markets.

Route 66 signage/branding: The proposed amendment includes a provision to require Route 66 branding/signage along Foothill Boulevard for projects undergoing a Design Review or an Administrative Site Plan.

Nonconforming provisions: The proposed amendment includes a provision to allow expansions to existing nonconforming sites/uses up to 50 percent provided that they do not enlarge the site and includes requirements to make improvements to the site. It also includes provisions to extend a discontinued nonconforming use up to twenty-four months for repairs, remodels and expansions.

Farmers Markets: Farmer Markets are currently allowed in certain land use districts in the Form Based Code with approval of a minor use permit. The proposed amendment includes a provision to allow Farmers Markets with approval of a temporary use permit in the same land use districts in the Form Based Code instead of a Minor Use Permit along with transferring the existing standards for placement and signage. A Temporary Use Permit is more appropriate permit than a Minor Use Permit for a Farmers Market since they tend to be more seasonal.

MOTION:

Approve staff's recommendation

ATTACHMENTS:

Attachment No. 1 - Planning Commission Resolution Recommendation for City Council

Attachment No. 2 - Notice of Determination

Attachment No. 3 - Public Hearing Notice

RESOLUTION NO. PC 2025-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING, PURSUANT TO THE CERTIFIED GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE [SCH] NO. 2016021099) AND PUBLIC RESOURCES CODE SECTION 21083.3, THAT THE FONTANA CITY COUNCIL ADOPT AN ORDINANCE APPROVING AMENDMENTS TO MULTIPLE SECTIONS OF FONTANA MUNICIPAL CODE CHAPTER 30 - ZONING AND DEVELOPMENT CODE TO ESTABLISH AN ENTERTAINMENT CENTER OVERLAY DISTRICT WITH SPECIFIC LAND USES AND REQUIREMENTS AT KEY INTERSECTIONS (VALLEY BOULEVARD AND SIERRA AVENUE, FOOTHILL BOULEVARD AND SIERRA AVENUE, AND FOOTHILL BOULEVARD AND CHERRY AVENUE) INCLUDING LAND USES AND REQUIREMENTS IN THE FORM BASED CODE AND COMMERCIAL ZONING DISTRICTS FOR PARCELS THAT HAVE FRONTAGE ALONG FOOTHILL BOULEVARD BETWEEN IIEX STREET TO MAPLE AVENUE AND ALONG SIERRA AVENUE FROM I-10 TO RANDALL AVENUE TO: RESTRICT AUTO AND LIGHT INDUSTRIAL RELATED USES; ALLOW BY RIGHT CERTAIN ENTERTAINMENT, RECREATIONAL, AND RETAIL USES; AMEND ALCOHOL BEVERAGE SALES REGULATIONS FOR RESTAURANTS TO OBTAIN ON SITE ALCOHOL BEVERAGE SALES LICENSES WITHOUT DISCRETIONARY APPROVAL; CHANGE THE PERMITTING REQUIREMENTS FOR FARMERS MARKETS BY REPLACING THE EXISTING PERMIT TYPE WITH A TEMPORARY USE PERMIT; REVISE THE NONCONFORMING PROVISIONS; AND INCLUDE REQUIREMENTS FOR ROUTE 66 SIGNAGE ALONG FOOTHILL BOULEVARD

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. 25-001, 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 action calling for numerous updates to the FMC; and

WHEREAS, in 2018, the City adopted the current General Plan, which includes goals and objectives aimed at creating development patterns that promote a high quality of life and revitalizing the Sierra Avenue corridor to create a vibrant center with entertainment, restaurant, arts, and culture; and

WHEREAS, in 2023, the City amended Chapter 30 of the FMC (“the Zoning and Development Code”) for the Downtown Core Project under the SB2 Grant to focus on entertainment and restaurant uses along Sierra Avenue between Foothill Avenue and Randall Avenue incorporating Stage Red, a pedestrian plaza and nighttime uses, which functions an existing planning area; and

WHEREAS, on July 25, 2023, the City Council of the City of Fontana (“City Council”) adopted Ordinance No. 1922, an urgency ordinance, in accordance with Government Code Section 65858, implementing a moratorium on the approval of any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan review or other land use entitlements, permits or regulatory license or permit required to comply with the provisions of the FMC or any specific plan for serviced based, non-entertainment use (“Moratorium”); was approved by the City Council for a 45-day temporary prohibition of permits/approval for any “service based, non-entertainment uses”; and

WHEREAS, on September 5, 2023, through Ordinance No. 1924, the City Council extended the Moratorium for an additional 10 months and 15-days; and

WHEREAS, on July 23, 2024, through Ordinance No. 1957, the City Council extended the Moratorium a final time for an additional one year for a second extension until July 23, 2025; and

WHEREAS, the City retained the services of Kosmont Companies to perform an economic marketing analysis of the Foothill Boulevard and Sierra Avenue corridors, the primary arterials connecting the City’s downtown area to surrounding communities and three major Interstate Highways; and

WHEREAS, on November 12, 2024, staff conducted a joint workshop with the City Council and the City of Fontana Planning Commission (“Planning Commission”) to inform the council, commission and public about a proposed entertainment center overlay and corridors; and

WHEREAS, at the joint workshop with the City Council and the Planning Commission, staff received direction to proceed with MCA No. 25-001 This included the creation of an overlay district, along with other changes in the Zoning and Development Code to create an entertainment center overlay district and other supporting uses and requirements along Foothill Boulevard and Sierra Avenue in alignment with the General Plan’s goal of creating regional hubs for dining, shopping and entertainment purposes to attract local and regional visitors to drive economic growth in Fontana; and

WHEREAS, Section 30-87 has been amended to add a subsection requiring an administrative site plan review for the installation of public art; and

WHEREAS, Section 30-256 is revised and renumbered to include requirements for farmers markets; and

WHEREAS, Section 30-353 is amended to revise the nonconforming section in the

Zoning and Development Code; and

WHEREAS, Section 30-357 is amended to revise the nonconforming section in the Form Based Code; and

WHEREAS, Section 30-359 is amended to restrict auto and light industrial uses; permit entertainment and recreational uses by right; change farmers market permits to temporary use permits; and grant restaurants on-site alcohol beverage sales licenses by right; and

WHEREAS, Section 30-360 (d) is repealed and the remaining subsections shall be renumbered; and

WHEREAS, the Use Tables in Section 30-489 are amended to restrict light industrial related uses and allow specific entertainment and recreational uses by right for parcels with frontage along Foothill Boulevard between Ilex Street to Maple Avenue; and

WHEREAS, Section 30-492 C, is revised to modify Table No. 30-492.C, adjusting the regulations for Alcohol Beverage Sales to allow on-site alcohol beverage sales licenses for restaurants by right on parcels with frontage along Foothill Boulevard between Ilex Street and Maple Avenue; and

WHEREAS, Sections 30-663.4 to 30-663.11 are introduced to establish an entertainment center overlay district at the intersections of Valley Boulevard and Sierra Avenue, Foothill Boulevard and Sierra Avenue, and Foothill Boulevard and Cherry Avenue, including land uses and requirements; and

WHEREAS, Section 30-727 (4) is revised to require Route 66 signage for new development projects; and

WHEREAS, On April 1, 2025 and April 15, 2025 after publication of the public hearing notice as required by law, the Planning Commission has conducted a public hearing, received testimony and information from any and all parties, concerning the adoption of MCA No. 25-001 to amend Chapter 30 (Zoning and Development Code) as specified in Exhibit "A" that is attached hereto and incorporated herein by this reference; and

WHEREAS, all of the notices required by statute or the Fontana City Code FMC have been given as required; and

WHEREAS, pursuant staff's review, the proposed amendments in the Ordinance are consistent with the Fontana General Plan and certified General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2016021099) and so qualifies for an exemption pursuant to the from California Environmental Quality Act (CEQA), specifically Public Resources Code 21083.3 and CEQA Guidelines Section 15183, as the proposed amendments in the Ordinance will have no new or more severe significant environmental effects "peculiar to" the Ordinance than discussed in the certified EIR and will have no significant off-site and cumulative impacts not discussed in that EIR as long as all applicable

mitigation measures in the certified EIR will be undertaken; and

WHEREAS, on April 1, 2025 and April 15, 2025, the Planning Commission carefully considered all information pertaining to the municipal code amendment, including the staff report, and all information, evidence, and testimony presented at its public hearings; and

WHEREAS, amendments are in conformity with appropriate land use practices and will establish appropriate development standards for the land use designations; 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 will 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 recital are true, correct and incorporated herein by reference.

Section 2. CEQA. The Planning Commission hereby recommends that the proposed amendments in the Ordinance are consistent with the Fontana General Plan and certified General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2016021099) and so qualifies for an exemption from CEQA, specifically Public Resources Code 21083.3 and CEQA Guidelines Section 15183, as the proposed amendments will have no new or more severe significant environmental effects “peculiar to” the Ordinance than discussed in the certified EIR and will have no significant off-site and cumulative impacts not discussed in that EIR as long as all applicable mitigation measures in the certified EIR will be undertaken.

Section 3. Municipal Code Amendment. The Planning Commission hereby makes the following finding for MCA No. 25-001 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 Amendment will create an entertainment center overlay district along with other changes in Chapter 30 of the Zoning and Development Code that aligns with the General Plan goal of creating regional hubs for dining, shopping and entertainment purposes to attract

local and regional visitors that would drive economic growth in Fontana.

Section 4. Recommendation of Approval: Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt an ordinance that includes a provision that exempts the requirements of this ordinance for existing entitlement applications that the City received prior to the effective date of the Ordinance and approve MCA No. 25-001 to amend Chapter 30 of the City Code as indicated in Exhibit “A” which is attached hereto and incorporated herein by reference.

The Planning Commission further recommends that the forthcoming ordinance adopting the amendments to the Zoning and Development Code, under MCA No. 25-001, not apply to development applications deemed complete by the City of Fontana Planning Department prior to the ordinance’s effective date. The Planning Commission also recommends that any such completed pre-adoption applications not conforming to these amendments after the ordinance’s effective date, once approved by the appropriate approving body, be granted legal non-conforming status, with all applications deemed complete on or after the ordinance’s adoption being subject to its provisions.

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 Resource 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.

PASSED, APPROVED AND ADOPTED, by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 15th day of April 2025.

City of Fontana

Idilio Sanchez, Chairperson

ATTEST:

I, Joseph Armendarez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 15th day of April 2025, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joseph Armendarez, Secretary

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

Sec. 30-87. Projects subject to administrative site plan, minor.

All applications for administrative site plan, minor review are required for commercial, industrial, and institutional projects which may or may not involve the issuance of a building permit for construction or reconstruction of a structure which meets the following criteria:

- (1) New construction of parking lots less than 5,000 square feet, expansion, or significant reconstruction of parking lots.
- (2) Structural additions less than 1,000 square feet that meet all the requirements of the Municipal Code, including parking. All modifications shall be architecturally compatible with the existing building.
- (3) Accessory structures totaling less than 1,000 square feet (i.e. shade structures, trash enclosures, generators, and additional mechanical equipment). All structures must be screened from the public-right-of-way and adjacent properties. Accessory structures attached to the building shall match the existing building.
- (4) Façade changes to an existing and previously approved entitlement, with no major structural changes.
- (5) Solar carports at previously developed sites that comply with open parking standards.
- (6) One accessory structures less than 200 square feet that are not visible from the right-of-way, do not take up any required parking or landscaping, and do not require fire sprinklers, may be approved through the plan check process.
- (7) When permitted, the establishment and/or construction of an outdoor storage area not exceeding ten percent on the same site as, and in conjunction with, an existing business.
- (8) New installation and replacement of public art.

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 ~~Community Development Planning~~. 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 ~~Community Development Planning~~.

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in ~~strikeout~~):

- 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 ~~Community Development~~ Planning 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 ~~Community Development~~ Planning.
 - 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 ~~Community Development~~ Planning.
 - (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 ~~Community Development~~ Planning.
 - (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 ~~Community Development~~ Planning 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 ~~Community Development~~ Planning.

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- 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 ~~Community Development~~ Planning.
 - 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 ~~Community Development~~ Planning 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 ~~Community Development~~ Planning 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 ~~Community Development~~ Planning 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.

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(Additions shown in underline, deletions shown in strikeout):

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 ~~Community Development~~ Planning 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 ~~Community Development~~ Planning.
- (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 ~~Community Development~~ Planning 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 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 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) Other uses and activities that may be needed on a temporary basis or similar to subsections (1) through (10) above as deemed appropriate by the Director of Community Development.~~

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

- (11) *Farmers Market.* A farmers' market may be conducted on private property or in the public right-of-way when allowed in Table 30-359A, provided it carried on in accordance with the following limitations, and provided an approved temporary use permit is granted:
- a. The operation of the farmers market shall be conducted by a for-profit or nonprofit organization or by a local governmental agency.
 - b. An established set of operating rules addressing the governance structure of the market, hours of operation, and days of the week, maintenance, and security requirements shall be permitted and approved under the minor use permit application and site plan.
 - c. A temporary use permit, a master site plan, as well as the signed set of conditions of approval, shall be posted in a conspicuous place at the market site.
 - d. The organization responsible for governing or operating the farmers market shall obtain a business license and shall post the business license in a conspicuous place at the site.
 - e. At least 51 percent of the vendors displaying inventory of the products sold in each farmers market are selling fresh fruits and vegetables.
 - f. Fifteen percent or fewer vendors are non-food vendors (i.e. handmade crafts, art exhibits, informational booths, etc.)
 - g. All market signage shall be submitted and approved under the temporary use permit.
 - h. The organization governing or operating the farmers market shall provide access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.
 - i. Operation of the farmers market shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the market site.
 - j. The sale of, or consumption of, alcohol beverages on the market site is prohibited.
 - k. The sale of second-hand merchandise is prohibited.
 - l. Portable shelters (e.g.: EZ Up Shelters) with an area no larger than ten feet by ten feet are allowed in designated market areas. Any shelter larger than ten feet by ten feet must be approved under the temporary use permit application.
 - m. Animals, other than law enforcement dogs and assistance animals for the disabled are not allowed on the market site.
 - n. A commercial cannabis business shall not be permitted pursuant to this section.
 - o. The Director of Planning shall have the authority to determine other market activities, in addition to those specifically listed in this article, which may be permitted, or conditionally permitted.
- (12) Other uses and activities that may be needed on a temporary basis or similar to subsections (1) through (11) above as deemed appropriate by the Director of Planning.

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(Additions shown in underline, deletions shown in strikeout):

Sec. 30-351. Regulations.

In order to carry out the purpose and intent of this section, the following regulations shall apply:

- (1) *Repairs, alterations, maintenance, additions, extensions, enlargements and moving.* The following provisions apply to nonconforming uses:
 - a. *Nonconforming use.*
 1. No nonconforming use or site shall be enlarged or intensified unless the Planning Commission approves such request through the conditional use permit process.
 2. No nonconforming use shall be enlarged or increased to occupy a greater area of land than that occupied by such use on the effective date except as outlined in the appropriate division of this article herein; and
 3. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel of land other than that occupied by such nonconforming use on the effective date.
 - b. *Nonconforming structure.* Except as otherwise provided in this chapter, no nonconforming structure shall be moved, altered, or enlarged unless required by law, or, unless the moving, alteration, or enlargement will result in the elimination of the nonconforming aspect of the structure or as outlined in the appropriate division of this article herein.
- (2) *Restoration of damaged structures.* When an existing nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity and the cost of such reconstruction, repaving or rebuilding is less than 75 percent of the replacement value of the structure immediately prior to this damage, as determined by the Building Official, the structure may be restored and the occupancy or use may be continued. Such reconstruction shall be started within a period of one year from date of damage and diligently pursued to completion. In the event such damage exceeds 75 percent of the replacement value of such building at the time of such calamity, no repairs or reconstruction shall be made unless every portion of such building and its use is made to conform to all regulations of this chapter for the zone in which it is located.
- (3) *Discontinuation and abandonment.* Whenever a nonconforming use has been abandoned (e.g., expiration of business license), discontinued or changed to a conforming use for a continuous period of six months, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located. Discontinuation shall include termination of a use regardless of intent to resume the use. This shall not include time periods required for repairs, remodels, or expansions permitted in this Section, Section 30-352 or Section 30-353 for a period not to exceed twenty-four months.
- (4) *Change of use.* The nonconforming use of a building or structure may not be changed except to a conforming use. Where such change is made for a continuous period of six months as provided for in subsection (6) above, the use shall not thereafter be changed back to a nonconforming use. However, the Planning Commission may grant a conditional use permit to allow one nonconforming use to be changed to another nonconforming use of the same or more restricted character if the Commission, after a public hearing, determines that because

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(Additions shown in underline, deletions shown in strikeout):

of the existing conditions in the area and on the property involved, such a change is warranted.

- (5) *Displacement.* No nonconforming use shall be altered, extended or restored so as to displace any conforming use.
- (6) *Violations.* Nothing in this section shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect or any amendment thereto.
- (7) *Change of zones.* The provisions of this section shall also apply to any nonconforming use or nonconforming structures in zones here after changed to a more restrictive use, or to zones hereafter established in areas not previously covered by the zoning map.
- (8) *Conformance with intent and purpose.* No nonconforming use or structure shall be enlarged, extended, increased, changed, modified or in any way continued or maintained in such a way as to abrogate the purpose and intent of these regulations as set forth in this section.
- (9) *Residential structures.* A residential structure(s) which is nonconforming because of height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the district in which it is located.

Sec. 30-353. Special exemption to permit incremental improvements to nonconforming buildings, structures, and sites with administrative site plan approval.

- (a) Notwithstanding any other provisions of Division 10 of this article herein to the contrary, with an Administrative Site Plan application, the Director of Planning may permit the following limited improvements to be made to an existing nonconforming building, structure or site without the requirement that the building, structure and/or site be improved to current Development Code standards:
 - (1) Additions to existing commercial buildings shall not exceed fifty percent and/or additions to industrial buildings or structures shall that do not exceed ten percent of the total square footage of the existing building or structure, provided said additions meet the fire protection requirements of Chapter 11 of the City Code;
 - (2) Paving, repaving or realignment of parking lots and areas, provided that the number of parking spaces is not reduced to less than currently existing and provided that all applicable drainage, storm water (NPDES), and similar requirements are met;
 - (3) Alteration of the exterior of an existing building or structure;
 - (4) Installation of new landscaping or alteration of existing landscaping, provided that the amount of landscaping is not reduced to less than currently existing unless the Director of Planning further finds that other improvements approved under this section require a reduction in the landscaping. Any allowed reduction

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in landscaping shall be the minimum required to permit the improvements to be constructed.

- (b) Any person seeking a special exemption under this section shall submit a completed administrative site plan application to the Planning Department in a manner prescribed by the Director of Planning and shall pay any applicable fees.
- (c) Notwithstanding Division 10 of this article herein, the Director of Planning shall make the following findings before granting approval of the exemption and the administrative site plan application:
 - (1) All of the existing building(s), structures(s) and uses on the site are pre-existing and legal nonconforming, and are not illegal or unpermitted;
 - (2) The improvement(s) subject to the exemption support(s) a pre-existing legal nonconforming building, structure and/or use already on the site;
 - (3) The exemption will provide an incremental improvement to the building, structure or use on the site in furtherance of the requirements of Chapter 30 of this Code;
 - (4) The improvement(s) subject to the exemption will not, physically, legally, or otherwise, preclude the building(s), structure(s) or the site to come into compliance with current Development Code standards at a future date;
 - (5) The granting the exemption will not substantially expand or intensify the existing or anticipated use of the building(s) and/or the site of expansions to outdoor nonconforming operations does not include parcel mergers and site expansions, with the exception of display areas which may expanded by fifty percent within the existing site;
 - (6) Granting the exemption will not be contrary to the goals of the City's general plan or any applicable specific plan; ~~and~~
 - (7) Granting the exemption will not otherwise be deleterious to the public health, safety and welfare;
 - (8) New and modified facades must be of high quality and be compatible with the architecture of the existing building and surrounding area;
 - (9) If a new loading and repair bay area associated with automobile related uses is constructed, the loading area or repair bay may not face the right-of-way, or, if this is infeasible, must be screened from the right-of-way with three and a half foot low walls and/or landscaping; and
 - (10) If a residential structure is being expanded, then additional residential units are not being constructed.

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- (d) ~~The Director of Planning is authorized to impose such~~ Reasonable conditions upon an exemption in order to protect the health, safety and welfare of the surrounding area.
- (e) Except as expressly set forth herein, the benefits of this section shall not abrogate, extend, expand or otherwise alter the provisions of this Division 22 and shall not eliminate or extend pre-existing legal nonconforming rights, or create them where they do not otherwise exist.
- (f) The benefits of this section shall apply only to complete applications, as provided for in subsection (b), which have been submitted to the Planning Department within a period of two years following the effective date of this section. Any exemptions requested after said two-year period must be sought pursuant to Section 30-85.

Sec. 30-357. Nonconforming regulations.

This section regulates nonconforming parcels, nonconforming structures, and nonconforming uses, including uses that are nonconforming as to required off-street parking. This section is intended to allow nonconforming lots, structures, uses, and off-street parking arrangements to continue to the extent consistent with the health, safety and public welfare purposes of the Form-Based Code districts, with the goal being to bring such nonconforming lots, structures, and uses into compliance with the overall vision.

(1) *Nonconforming buildings, outdoor operations or structures.*

- a. Buildings, outdoor operations or other structures that are nonconforming as to setback, height, or other Form-Based Code provisions may be repaired, replaced, or added to, only to the extent permitted by this section:
 - 1. Subdivision. Lots which are nonconforming as to width may be adjusted or subdivided provided the resulting re-configuration brings the nonconforming lot into, or closer to, conformity with the requirements of this plan.
 - 2. Additions. A legal-nonconforming building, outdoor operation area or other structure may be added to, provided that an addition of 50 percent or more of the existing floor area shall trigger compliance with all Form-Based Code district provisions for the portion of the building or structure comprising the addition.

The following requirement must be met:

- i. Parking space requirements for the use or equivalent use (as determined by the Director) must be met, inclusive of both the existing floor space area and addition areas.
- ii. The design and architecture of the structure must be high quality and utilize compatible architecture with that of the existing building and neighborhood.

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may be carried out, provided that, no structural alterations may be carried out unless the Building Official determines those structural alterations to be necessary for the protection of the public health and safety, all off-street parking requirements of this plan must be met by any and all uses occupying, or otherwise using, any buildings on the subject site.

- b. *Additions to building.* Where the off-street parking provided for a use does not meet the requirements of the Form-Based Code districts, additions to buildings on the site occupied by that use may be carried out only if all requirements of the Form-Based Code districts are met by any and all uses occupying, or otherwise using, any buildings on the subject site.
 - c. *Vacancy.* In addition to the above provisions regarding discontinuance of nonconforming uses and change of a nonconforming use to a conforming use, where any non-residential use does not meet the off-street parking requirements of this plan, and the building which the non-residential use occupied becomes and remains vacant for an uninterrupted period of six months, the building may not be reoccupied, nor may any new land use be initiated anywhere on the site, unless all requirements of the Form-Based Code districts are met, except for repairs, modifications and expansions that are allowed in this section,.
- (5) Abatement of nonconforming uses. Where no buildings are occupied or otherwise used, except for repairs, modifications and expansions that are allowed in this section, in connection with a nonconforming use, that use shall be terminated within six months from the date it became nonconforming, provided that for any use that becomes nonconforming as a result of a zone change, the specified two-year period of time for the termination of the nonconforming use shall be computed from the effect date of the zone change.

Sec. 30-359. Uses permitted.

This section of the Form-Based Code establishes the permitted land uses in each district and the corresponding permit requirements. A parcel or building subject to the Form-Based Code shall be occupied with only the land uses allowed by Table 30-300.A—Land Uses. Definitions of allowed land uses are provided in Section 30-632 List of definitions.

- (1) Section 30-405—Overall Form-Based Code district map illustrates the overall land use plan for the Form-Based Code areas.
- (2) If a land use is not defined in this section, the Director of ~~Community Development~~ Planning may determine that the use is not permitted, or determine the appropriate definition and determine the proposed use to be permitted provided the Director of ~~Community Development~~ Planning approves a Director's determination and makes the following findings in writing:
 - a. The land use will not impair the orderly implementation of the City of Fontana General Plan.
 - b. The land use is consistent with the purpose of the applicable zoning district.
 - c. The characteristics and activities associated with the proposed land use are similar to one or more of the listed land uses in Table 30-359.A—Land Uses and will not produce greater impacts than the land uses listed for the zoning district.

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- d. The land use will be compatible with the other land uses allowed in the zoning district.
- e. The land use is not listed as allowed in another zoning district.
- (3) A "P" indicates a use is permitted by right subject to design review by the Planning Commission or administrative site plan review by the Director of ~~Community Development~~ Planning.
- (4) A ~~"M"~~ indicates the use requires the granting of a minor use permit (MUP).
- (5) A "C" indicates the use requires the granting of a conditional use permit (CUP).
- (6) A "—" means the use is not permitted in that zoning district. Any use that is not listed is not permitted.
- (7) Uses marked with an asterisk "*" indicate that the use is not permitted on the ground floor except on Sierra Avenue.
- (8) Uses marked with an S superscript "^S" indicate that the use is subject to special use regulations in (reference specific use regulations) Section 30-360.
- (9) Uses marked with a DT superscript "^{DT}" indicate that the requirement pertains to parcels within the downtown boundary.

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Table 30-359.A.—Land Uses

	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Administrative/Professional										
Architectural, design, and engineering services	P	P	P	—	—	P	P	P	P	P
Attorney/legal services	—	P	P	—	—	P	P	P	P	P
Banks/financial institutions, credit unions and remote ATMs (stand-alone facilities—without drive-thru)	—	P	P	—	—	P	P	P	P	P
Banks/financial institutions, credit unions and remote ATMs (with drive-thru)	—	—	M	—	—	M	P	P	P	P
Brokerage firms and financial institutions	—	P	P	—	—	P	P	P	P	M
Exhibit halls and galleries with 15% or less retail sales area	—	P	P	—	—	P	P	P	P	P
General administrative offices	—	P	P	—	—	P	P	P	P	P
Government offices	P	P	P	—	—	P	P	P	P	P
Insurance and accounting offices	—	P	P	—	—	P	P	P	P	P
Massage/acupressure as primary use	—	—	M	—	—	M ^{DT} C	C	C	C	M
Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business	—	M	M	—	—	M	M	M	M	M
Real estate, escrow & property management offices	—	P	P	—	—	P	P	P	P	P

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Recording/film studios	—	M	M	—	—	M	M	M	M	P
Animal Services										
Feed, tackle supplies for large animals	—	—	—	—	—	—	—	—	—	—
Pet boarding and kennels	—	M	M	—	—	M	M	M	M	—
Pet grooming	—	P	P	—	—	P	P	P	P	P
Veterinarian clinic and hospitals (with incidental boarding)	—	—	—	—	—	—	P	P	P	P
Pet sales and supplies (without outdoor storage)	—	—	P	—	—	P	P	P	P	P
Alcohol Beverage Sales										
Alcohol sales for off-site consumption, with or without tasting room	M	M	M	—	—	M	C	C	C	M
On-site sales in connection w/restaurant/ <u>food hall</u> (Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control)	M	M	M <u>P</u>	—	—	M	C <u>P</u>	C <u>P</u>	C <u>P</u>	M
<u>On – site sales in connection w/restaurant/food hall</u> (Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control) and café with entertainment and/or dancing	—	M	M	—	—	—	— <u>M</u>	— <u>M</u>	— <u>M</u>	—
<u>On-site sales with entertainment and/or dancing</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>—</u>
Manufacturing, including winery or micro-brewery with tasting room and no restaurant	M	M	M	—	—	M	C	C	C	M

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Micro-breweries in connection with restaurant (Brew Pub) (<u>Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control</u>)	M	M	M	—	—	M	C	C	C	M
Micro-breweries without tasting room	—	—	—	—	—	—	—	—	C	—
Educational/Instructional/Day Care Uses										
Adult day care	—	—	M	—	—	M	C	C	C	M
Children tutorial classes	—	—	M	—	—	M	M	M	M	M
Colleges—public and private	M	M	M	—	—	M	C	C	C	C
Schools—elementary, middle, secondary, high, private	M	M	M	M ^{DT} C	M ^{DT} C	M	C	C	C	C
Studio—Art, Dance, Martial Arts, Music (School) with greater than 1,500 sq. ft. GFA	P	M	M <u>P</u>	—	—	P	M <u>P</u>	M <u>P</u>	M <u>P</u>	M
Studio—Art, Dance, Martial Arts, Music (School)with less than 1,500 sq. ft. GFA	P	P	P	—	—	M	M <u>P</u>	M <u>P</u>	M <u>P</u>	M
Licensed nurseries, pre-schools and day care facilities for children	—	M	M	—	—	M	M	M	M	M
Adult vocational classes, trade schools, computer training	—	—	M	—	—	M ^{DT} C	M	C	C	C
Traffic and automobile driving schools	—	—	—	—	—	<u>—</u> ^{DT} C	C	C	C	C
Food/Restaurants/Eating Establishments										
Bakery—primarily retail sales	P	P	P	—	—	P	P	P	P	P

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Banquet Hall as ancillary use to primary permitted use	M	M	M	—	—	—	C	C	C	C
Catering services as primary use—may include on-site dining facilities	—	—	—	—	—	M ^{DT} P	P	P	P	—
Ice cream, juice, tea and candy shops	P	P	P	—	—	P	P	P	P	P
Restaurant/coffee shop with drive thru	—	—	—	—	—	—	M S	M	M	—
Restaurant/coffee shop/ <u>food hall</u> without drive thru facilities or alcohol sales	P	P	P	—	—	P	P	P	P	P
Outdoor dining in public right-of-way	p ^S	p ^S	p ^S	—	—	p ^{S-DT}	—	—	—	—
General Merchandise/Retail Trade										
Antiques retail sales (excludes pawn shop)	—	P	P	—	—	P	P	P	P	P
Consumer electronics, computer and phone equipment retail sales	—	P	P	—	—	P	P	P	P	P
Art gallery with retail sales (If retail sales area is less than 15%, see exhibit hall and gallery under Administrative/Professional)	—	P	P	—	—	P	P	P	P	P
Art supplies, framing	—	P	P	—	—	P	P	P	P	P
Beauty supplies	—	P	P	—	—	P	P	P	P	P
Books and magazines	—	P	P	—	—	P	P	P	P	P
Camera and photographic supplies	—	P	P	—	—	P	P	P	P	P
Clothing/shoe stores	—	P	P	—	—	P	P	P	P	P

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Cigar/cigarette/smoke shops/electronic cigarettes as a primary use	—	—	—	—	—	—	C	C	C	—
Consignment clothing sales	—	P	P	—	—	P	P	P	P	P
Farmer's Market	M^S	M^S	M^S	—	—	—	—	—	—	—
Convenience stores	—	—	—	—	—	—	P	P	P	P
Floor covering (carpet, tile, and similar)	—	—	—	—	—	—	P	P	P	—
Florists	—	P	P	—	—	P	P	P	P	P
Food/drug store (less than 5,000 square feet GFA)	—	P	P	—	—	P	P	P	P	P
Food/drug store (greater than 5,000 square feet GFA)	—	—	—	—	—	—	M	M	M	—
Fabric stores (less than 5,000 square feet GFA)	—	P	P	—	—	P	P	P	P	P
Firearms, ammunition, related products, assembly—retail sales	—	—	C	—	—	—	—	—	—	—
Furniture, office and home furnishings	—	—	P	—	—	P	P	P	P	P
Garden supply with outdoor display of plants	—	—	—	—	—	P	P	—	—	—
General merchandise, specialty, gift, craft items, candles, house wares, and variety (non-discount) stores	—	P	P	—	—	P	P	P	P	P
Hardware/home improvement stores	—	P	P	—	—	P	P	P	P	P
Health, herbal, botanical stores	—	P	P	—	—	P	P	P	P	P
Hobby, toy and game	—	—	P	—	—	P	P	P	P	P
Hookah lounge/smoking room	—	—	—	—	—	C	C	C	C	C

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Indoor swap meets/concession malls	—	—	—	—	—	—	—	—	—	—
Interior decorating, linen, and bath stores	—	P	P	—	—	P	P	P	P	P
Jewelry sales and repair (excludes pawn shop)	—	P	P	—	—	P	P	P	P	P
Leather goods and equipment	—	P	P	—	—	P	P	P	P	P
Musical instruments	—	P	P	—	—	P	P	P	P	P
Office supplies/stationery/cards	—	P	P	—	—	P	P	P	P	P
Pharmacies (without drive-thru)	—	P	P	—	—	P	P	P	P	P
Pharmacies (with drive-thru)	—	—	—	—	—	—	P	P	P	—
Sporting goods and equipment (no gun sales)	—	P	P	—	—	P	P	P	P	P
Thrift stores/second-hand store	—	—	—	—	—	—	M	M	M	—
Lodging Places										
Bed and Breakfast	—	—	—	M ^S	—	M ^{S-DT} —	—	—	—	—
Hotels and motels	M	M	M	—	—	M	M	M	M	—
Medical/Health Services										
Acute care (urgent care)	—	—	M <u>—</u>	—	—	—	P <u>—</u>	P <u>—</u>	C <u>—</u>	C
Ambulance services	—	—	—	—	—	—	—	—	—	—
Hospitals	—	—	—	—	—	—	—	—	—	—
Medical/dental/counseling/psychology/hearing aids/acupuncture/homeopathy/physical therapy/sports therapy	—	P	P	—	—	P	P	P	P	P

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Optometry sales	—	P	P	—	—	P	P	P	P	P
Motor Vehicle Services										
Auto body and painting (primary use)	—	—	—	—	—	—	—	—	—	—
Auto broker offices (<u>without required on-site storage of vehicles</u>)	—	—	—	—	—	—	P	P	P	
Auto broker offices (<u>with required on-site storage of vehicles</u>)	—	—	—	—	—	—	P —	P	P —	—
Auto car washes	—	—	—	—	—	—	M —	M	M —	—
Auto and motorcycle sales—new and used	—	—	—	—	—	—	M^S —	M ^S	M^S —	—
Auto rental agencies with parking for vehicle rentals	—	—	—	—	—	—	M —	M	M —	—
Auto/motorcycle repair—general, including quick lube, smog check, transmission service	—	—	—	—	—	—	C^S —	C ^S	C^S —	—
Auto upholstery	—	—	—	—	—	—	—	—	—	—
Auto car alarm and stereo installation (within an enclosed building only)	—	—	—	—	—	—	C —	C	C —	—
Commercial parking facilities and garages	P	P	P	—	—	P^{DT} —	—	—	—	—
Gas/service station	—	—	—	—	—	—	C —	C	C —	—
Gas station with mini mart, car wash and/or restaurant	—	—	—	—	—	—	C —	C	C —	—
Truck, trailer and equipment rentals	—	—	—	—	—	—	—	—	—	—
Personal Services										

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Barber, hair/nail/skincare/tanning salon and day spa	—	P	P	—	—	P	P	P	P	P
Body art (tattooing, body piercing, and/or permanent cosmetics)	—	—	P	—	—	P	P	P	P	P
Check cashing/deferred deposit or payday advance uses with or without ancillary services	—	—	—	—	—	—	—	—	—	—
Cemeteries, crematory, mortuary and mausoleums	—	—	—	—	—	—	—	—	—	—
Dry cleaners/laundry—non-commercial	—	—	P	—	—	P	P	P	P	P
Fortunetelling	—	P	P	—	—	—	P	—	P	—
Funeral parlors	—	—	—	—	—	—	—	—	—	—
Locksmith/key shops	—	P	P	—	—	P	P	P	P	—
Pawnshops/cash for gold and diamonds (as primary use)	—	—	—	—	—	—	—	—	—	—
Photocopying and photo developing (retail)	—	P	P	—	—	P	P	P	P	P
Photography studios	—	P	P	—	—	P	P	P	P	P
Postal services/mail box rentals	—	—	P	—	—	P	P	P	P	P
Shoe repair	—	P	P	—	—	P	P	P	P	P
Tailor and alterations	—	P	P	—	—	P	P	P	P	P
Public Facilities/Utilities										
Public park	P	P	P	P	P	P	P	P	P	P
Public maintenance yard and other non-office uses	P	M	M	—	—	M	M	M	M	M

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Public utility structures	M	M	M	M	M	M	M	M	M	M
Recreation/ Entertainment										
Cyber eCafé (<u>Cyber, animal, gaming</u>)	—	—	— <u>P</u>	—	—	—	— <u>P</u>	— <u>P</u>	— <u>P</u>	—
Billiards and pool halls	—	—	— <u>C</u>	—	—	—	— <u>C</u>	— <u>C</u>	— <u>C</u>	—
Escape rooms	P	P	P	—	—	P	P	P	P	P
Game and video arcades	—	M	M <u>P</u>	—	—	M ^{DT} C	C <u>P</u>	C <u>P</u>	C <u>P</u>	M
Golf course and driving ranges	—	—	— <u>P</u>	—	—	—	— <u>P</u>	C <u>P</u>	C <u>P</u>	—
Health and fitness clubs	P	M	M <u>P</u>	—	—	M	M <u>P</u>	M <u>P</u>	M <u>P</u>	M
Indoor—amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	M	M <u>P</u>	—	—	M	C <u>P</u>	C <u>P</u>	C <u>P</u>	M
Nightclub	<u>—</u>	<u>—</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>—</u>
Outdoor amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	M	M <u>P</u>	—	—	M	M <u>P</u>	M <u>P</u>	M <u>P</u>	M
Public assembly/auditoriums/meeting halls/religious facilities	M ^S	M ^S	M ^S	C ^S	C ^S	M ^{S-DT} C ^S	C ^S	C ^S	C ^S	M ^S
Theatres (live stage and movie) and concert halls	M	M	M <u>P</u>	—	—	M ^{DT} C	C <u>P</u>	C <u>P</u>	C <u>P</u>	M
Repair Services										
Antique restoration	—	—	—	—	—	—	M <u>—</u>	M <u>—</u>	M <u>—</u>	—

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in ~~strikeout~~):

	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Equipment and appliance repair	—	—	—	—	—	—	M —	M —	M —	—
Furniture refinishing	—	—	—	—	—	—	M —	M —	M —	—
Furniture upholstery	—	—	—	—	—	—	M —	M —	M —	—
Residential Uses										
Accessory structures	P	P	P	P	P	P	P	P	P	P
Assisted living facilities	—	M	M	C	C	C M ^{DT}	C	C	C	C
Accessory dwelling units	P	P	P	P	P	P	P	P	P	P
Junior accessory dwelling units	—	—	—	P	—	P	—	—	—	P
Parolee home	—	—	—	—	—	—	—	—	—	—
Residential care facility (6 or fewer persons)	—	P	P	P	P	P	P	P	P	P
Residential care facility (7 or more persons)	—	M	M	M	M	M	M	M	M	M
Multiple-family development	—	P	P	—	P	P	P	P	P	P
Residential within mixed-use development having a commercial component (may include senior, affordable, market rate, etc.)	—	P	P	—	—	P	P	P	P	P
Senior housing	—	M	M	M	M	M	M	M	M	M
Live/work (as a part of a mixed-use development or stand-alone)	—	M ^S	M ^S	—	—	M ^S	M ^S	M ^S	M ^S	—
Detached, single-family dwellings	—	—	—	P	—	P	—	—	—	P
Student housing/dormitory/group quarters	—	M	M	—	M ^{DT} C	M ^{DT} C	C	C	C	—

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Small family childcare (1 to 6 children)	—	P	P	P	P	P	P	P	P	P
Large family childcare (7 to 14 children)	—	—	—	M	M	—	—	—	—	M
Service/Non-Profit Organizations										
Civic buildings/uses	P	P	P	P	P	P	P	P	P	P
Offices for philanthropic, charitable, civic and service organizations	—	P	P	—	—	P	P	P	P	P
Temporary political campaign offices and headquarters	P	P	P	—	—	P	P	P	P	P
Miscellaneous										
Industrial uses	—	—	—	—	—	—	—	—	—	—
Adult-oriented uses	—	—	—	—	—	—	—	—	—	—
P=Permitted; M=Minor Use Permit; C=Conditional Use Permit; "—"=Not Permitted; "*"="Not permitted on the ground floor, except on Sierra Avenue; "S"=Special use regulations; "DT"=Pertaining to parcels within the Downtown boundary										

Table 30-359.B.—Land Uses

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Administrative/Professional						
Architectural, design, and engineering services	P	P	P	P	—	—
Attorney/legal services	P	P	P	P	—	—
Banks/financial institutions, credit unions and remote ATMs (stand-alone facilities—without drive-thru)	P	P	P	P	—	—
Banks/financial institutions, credit unions and remote ATMs (with drive-thru)	—	—	M	M	—	—

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Brokerage firms and financial institutions	P	P	P	P	—	—
Exhibit halls and galleries with 15% or less retail sales area	P	P	P	P	—	—
General administrative offices	P	P	P	P	—	—
Government offices	P	P	P	P	—	—
Insurance and accounting offices	P	P	P	P	—	—
Massage/acupressure as primary use	—	—	—	C	—	—
Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business	M	M	M	M	—	—
Real estate, escrow & property management offices	P	P	P	P	—	—
Recording/film studios	M	M	M	M	—	—
Animal Services						
Feed, tackle supplies for large animals	—	—	—	—	—	—
Pet boarding and kennels	—	—	—	C	—	—
Pet grooming	—	—	—	P	—	—
Veterinarian clinic and hospitals (with incidental boarding)	—	—	—	C	—	—
Pet sales and supplies (without outdoor storage)	—	—	P	P	—	—
Alcohol Beverage Sales						
Alcohol sales exclusively for off-site consumption	—	—	M	M	—	—
Bar, Lounge, or Nightclub (with or without live entertainment)	—	M	M	M	—	—
On-site sales in connection w/restaurant (<u>Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control</u>)(M	M	M	M	—	—
Restaurant (<u>Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control</u>) and café with entertainment and/or dancing	M	M	M	—	—	—

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in ~~strikeout~~):

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
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	—	—	—	—	—	—
Educational/Instructional/Day Care Uses						
Adult day care	—	—	—	M	—	—
Children tutorial classes	—	—	—	M	—	—
Colleges—public and private	M	—	M	M	—	—
Schools—elementary, middle, secondary, high, private	—	—	—	M	M	M
Studio—Art, Dance, Martial Arts, Music (School) with greater than 1,500 sq. ft. GFA	—	—	P	P	—	—
Studio—Art, Dance, Martial Arts, Music (School) with less than 1,500 sq. ft. GFA	—	—	P	M	—	—
Licensed nurseries, pre-schools and day care facilities for children	—	—	—	M	—	—
Adult vocational classes, trade schools, computer training	M	—	M	M	—	—
Traffic and automobile driving schools	—	—	—	—	—	—
Food/Restaurants/Eating Establishments						
Bakery—primarily retail sales	P	P	P	P	—	—
Banquet Hall as ancillary use to primary permitted use	M	—	M	—	—	—
Catering services as primary use—may include on-site dining facilities	M	M	M	M	—	—
Ice cream, juice, tea and candy shops	P	P	P	P	—	—
Restaurant/coffee shop with drive thru	—	—	—	—	—	—
Restaurant/coffee shop without drive thru facilities or alcohol sales	P	P	P	P	—	—
Outdoor dining in public right-of-way	p ^S	p ^S	p ^S	p ^S	—	—
General Merchandise/Retail Trade						
Antiques retail sales (excludes pawn shop)	M	M	M	M	—	—

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in ~~strikeout~~):

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Consumer electronics, computer and phone equipment retail sales	P	P	P	P	—	—
Art gallery with retail sales (If retail sales area is less than 15%, see exhibit hall and gallery under Administrative/Professional)	P	P	P	P	—	—
Art supplies, framing	P	P	P	P	—	—
Beauty supplies	P	P	P	P	—	—
Books and magazines	P	P	P	P	—	—
Camera and photographic supplies	P	P	P	P	—	—
Clothing/shoe stores	P	P	P	P	—	—
Cigarette/smoke shops/electronic cigarettes as a primary use	—	—	—	—	—	—
Cigar sales only	P	P	P	P	—	—
Cigar lounge/hookah lounge/smoking room	C	C	C	C	—	—
Consignment clothing sales	C	C	C	C	—	—
Farmer's Market	M^s	M^s	M^s	—	—	—
Convenience stores	—	—	C	C	—	—
Floor covering (carpet, tile, and similar)	—	—	P	P	—	—
Florists	P	P	P	P	—	—
Food/drug store	—	—	P	P	—	—
Fabric stores	—	—	P	P	—	—
Firearms, ammunition, related products, assembly—retail sales	—	—	—	—	—	—
Furniture, office and home furnishings	—	—	P	P	—	—
Garden supply with outdoor display of plants	—	—	P	P	—	—
General merchandise, specialty, gift, craft items, candles, house wares, and variety (non-discount) stores	P	P	P	P	—	—
Hardware/home improvement stores	—	—	P	P	—	—
Health, herbal, botanical stores	P	P	P	P	—	—
Hobby, toy and game	P	P	P	P	—	—
Indoor swap meets/concession malls	—	—	—	—	—	—
Interior decorating, linen, and bath stores	—	—	P	P	—	—
Jewelry sales and repair (excludes pawn shop)	P	P	P	P	—	—

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in ~~strikeout~~):

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Leather goods and equipment	P	P	P	P	—	—
Musical instruments	P	P	P	P	—	—
Office supplies/stationery/cards	P	P	P	P	—	—
Sporting goods and equipment (no gun sales)	M	M	M	M	—	—
Thrift stores/second-hand store	—	—	—	P	—	—
Lodging Places						
Bed and Breakfast	M	M	M	M ^S	—	M ^S
Hotels	M	M	M	M	—	—
Motels	—	—	—	—	—	—
Medical/Health Services						
Acute care/walk-in medical services (urgent care)	—	—	—	P	—	—
Ambulance services	—	—	—	—	—	—
Hospitals	—	—	—	—	—	—
Medical/dental/counseling/psychology/hearing aids/acupuncture/homeopathy/physical therapy/sports therapy	M	—	M	P	—	—
Optometry sales	P	P	P	P	—	—
Motor Vehicle Services						
Auto body and painting (primary use)	—	—	—	—	—	—
Auto broker offices	—	—	—	—	—	—
Auto car washes	—	—	—	—	—	—
Auto and motorcycle sales—new and used	—	—	—	—	—	—
Auto rental agencies with parking for vehicle rentals	—	—	—	—	—	—
Auto/motorcycle repair—general, including quick lube, smog check, transmission service	—	—	—	—	—	—
Auto upholstery	—	—	—	—	—	—
Auto car alarm and stereo installation (within an enclosed building only)	—	—	—	—	—	—
Commercial parking facilities and garages	P	P	P	P	—	—
Gas/service station	—	—	C	C	—	—
Gas station with mini mart, car wash and/or restaurant	—	—	C	C	—	—

“EXHIBIT A”
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(Additions shown in underline, deletions shown in ~~strikeout~~):

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Truck, trailer and equipment rentals	—	—	—	—	—	—
Personal Services						
Barber, hair/nail/skincare/tanning salon and day spa	M	M	M	P	—	—
Body art (tattooing, body piercing, and/or permanent cosmetics)	C	C	C	P	—	—
Check cashing/deferred deposit or payday advance uses with or without ancillary services	—	—	—	—	—	—
Cemeteries, crematory, mortuary and mausoleums	—	—	—	—	—	—
Dry cleaners/laundry—non-commercial	—	—	—	P	—	—
Fortunetelling	—	—	—	M	—	—
Funeral parlors	—	—	—	—	—	—
Locksmith/key shops	—	—	—	P	—	—
Pawnshops/cash for gold and diamonds (as primary use)	—	—	—	—	—	—
Photography studios	—	—	—	P	—	—
Postal services/mail box rentals	—	—	—	P	—	—
Shoe repair	—	—	—	P	—	—
Tailor and alterations	—	—	—	P	—	—
Public Facilities/Utilities						
Public park	P	P	P	P	P	P
Public maintenance yard and other non-office uses	P	—	M	M	—	—
Public utility structures	M	M	M	M	M	M
Recreation/Entertainment						
Billiards and pool halls	M	M	M	—	—	—
Escape rooms	P	P	P	P	—	—
Game and video arcades	M	M	M	M	—	—
Golf course and driving ranges	—	—	—	—	—	—
Health and fitness clubs	—	—	M	M	—	—
Indoor—amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	M	M	M	M	—	—

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AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Outdoor amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	—	M	M	—	—
Public assembly/auditoriums/meeting halls/religious facilities	C ^S	C ^S	M ^S	M ^S	C ^S	C ^S
Theatres (live stage and movie) and concert halls	M	M	M	M	—	—
Repair Services						
Antique restoration	—	—	—	—	—	—
Equipment and appliance repair	—	—	—	—	—	—
Furniture refinishing	—	—	—	—	—	—
Furniture upholstery	—	—	—	—	—	—
Residential Uses						
Accessory structures	P	P	P	P	P	P
Assisted living facilities	—	—	M	M	C	C
Parolee home	—	—	—	—	—	—
Residential care facility (6 or fewer persons)	—	—	—	—	—	—
Residential care facility (7 or more persons)	—	—	—	—	—	P
Multiple-family development	—	—	—	—	P	P ^S
Residential within mixed-use development having a commercial component (may include senior, affordable, market rate, etc.)	P	P	P	P	—	—
Senior housing	M	M	M	M	M	M
Live/work as a part of a mixed-use development or stand-alone)	P ^S	P ^S	P ^S	P ^S	—	—
Detached, single-family dwellings	—	—	—	P	—	P
Student housing/dormitory/group quarters	—	—	M	M	M	—
Small family childcare (1 to 6 children)	—	—	P	P	P	P
Large family childcare (7 to 14 children")	—	—	—	—	M	P
Service/Non-Profit Organizations						
Civic buildings/uses	P	P	P	P	P	P
Offices for philanthropic, charitable, civic and service organizations	P	P	P	P	—	—

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Temporary political campaign offices and headquarters	P	P	P	P	—	—
Miscellaneous						
Industrial uses	—	—	—	—	—	—
Adult-oriented uses	—	—	—	—	—	—
P=Permitted; M = Minor Use Permit; C=Conditional Use Permit; "—"=Not Permitted; "S"=Special use regulations						

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

Sec. 30-360. Special use regulations.

(a) *Bed and breakfast.*

- (1) *Operator.* Bed and breakfast inns shall be operated by the property owner/manager living on the site.
- (2) *Number of rooms.* Bed and breakfast inns shall be limited to a maximum of six guest rooms for lodging, plus accommodations for the property manager/owner.
- (3) *Food service.* Food may only be served to registered overnight guests. Guest room cooking facilities are prohibited.
- (4) *Rental period.* Guest rooms shall not be rented for a period of less than 18 hours nor for a period not to exceed 72 hours.

(b) *Live/work.*

- (1) The commercial component of live/work units are intended for use by the following occupations:

Accountants

Architects

Artists and artisans

Attorneys

Computer software professionals

Consultants

Engineers

Fashion, graphic, interior designers

Hair stylists

Home-based office workers

Insurance and real estate agents

One-on-one instructors photographers

The Director of ~~Community Development~~ Planning may authorize other similar uses/occupations.

- (2) A live/work unit shall not be established or used in conjunction with any of the following activities:

- a. Adult-oriented business, head shops, massage, or similar uses
- b. Entertainment, drinking, and public eating establishments
- c. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale
- d. Businesses that involves the use of prescription drugs or recreational drugs
- e. Trade or private schools (this excludes private instruction of up to two students at any one time, such as music lessons and tutoring)
- f. Vehicle maintenance or repair (e.g. body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.)
- g. Storage of flammable liquids or hazardous material beyond that normally associated with a residential use
- h. Welding, machining, or any open flame work

“EXHIBIT A”
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(Additions shown in underline, deletions shown in ~~strikeout~~):

- i. Any other activity or use, as determined by the Director of ~~Community Development~~ Planning to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- (3) Occupancy requirement. The residential space within a live/work unit shall be occupied by at least one individual employee in the business conducted within the live/work unit. No portion of the unit shall be sold or rented separately.
- (4) Design standards:
 - a. Residential areas are permitted above the commercial component, to the side or behind the business component, provided that there is internal access between the residential and commercial space.
 - b. The commercial component shall be restricted to the unit and shall not be conducted in the open space, garage, or any accessory structure.
 - c. Floor area requirements. The floor area of the work space shall be between 25 and 50 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
 - d. Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
 - e. Parking. Each live/work unit shall be provided with at least two off-street parking spaces. For areas outside of the downtown area plan, at least one of the two off-street parking spaces shall be accessible to the public. The Director of ~~Community Development~~ Planning may modify this requirement for the use of existing structures with limited parking.
- (5) Operating requirements:
 - a. *Sale or rental of portions of unit.* No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
 - b. *On-premises sales.* On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
 - c. *Nonresident employees.* Up to one person who does not reside in the live/work unit may work in the unit at any time.
 - d. *Client and customer visits.* Client and customer visits to live/work units are allowed.
- (6) Changes in use. After approval and construction, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through a separate minor use permit.
- (c) *Outdoor dining in the public right-of-way.* The purpose of the regulations and standards in this section are to allow increased business and pedestrian traffic, encourage appropriate outdoor dining opportunities within public rights-of-way and to ensure that the space used for outdoor dining within the public right-of-way will service a public purpose. This section does not apply to outdoor dining on private property.
 - (1) Location permitted. Outdoor dining areas within the public right-of-way are permitted on all commercially utilized properties, provided all development standards are met.
 - (2) Permits required. It shall be unlawful for any business to use the public sidewalk and/or public right-of-way for outdoor dining without first obtaining a valid minor use permit and encroachment permit.

“EXHIBIT A”
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(Additions shown in underline, deletions shown in ~~strikeout~~):

- (3) Establishment of an outdoor dining area shall require site plan review and permit issuance. Any person or business wishing to operate an outdoor dining area shall apply for a permit by submitting the following to the City:
- a. The site plan for the proposed outdoor dining area shall include the following:
 - 1. Chairs, tables, umbrellas, planters, signs and any other fixtures and furnishings to be included in the outdoor dining operation.
 - 2. The applicant's primary eating establishment or food court and the proposed circulation to and from the outdoor dining area, as well as pedestrian circulation at the perimeter of the outdoor dining area.
 - 3. The public sidewalk or public right-of-way to be occupied with dimensions of the entire sidewalk or right-of-way and the clearance proposed for pedestrian access.
 - 4. Names of and main entrances to the businesses immediately adjacent to the applicant's eating establishment.
 - b. Specifications and photographs of all proposed chairs, tables, umbrellas, signs, railings, railing connections to the public sidewalk or right-of-way and the adjacent building, or other furnishing.
- (4) Design standards for outdoor dining area:
- a. The outdoor dining area shall be designed to facilitate sit-down dining activity through the utilization of chairs and tables. It shall also be compact and shall be clearly delineated to promote a visual relationship between the dining area and the surrounding pedestrian areas.
 - b. Outdoor dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usually pedestrian traffic in the area and the operation of the proposed activity. A clear, continuous pedestrian path not less than four feet in width shall be required for unimpeded pedestrian circulation outside of the outdoor dining area. The minimum width of said pedestrian path may be increased by the City Engineer in areas requiring public utility access. Pedestrian path means a continuous, obstruction-free sidewalk area between the outside boundary of the dining area and any obstruction including, but not limited to, parking meters, street trees, landscaping, streetlights, bus benches, public art, and curb lines.
 - c. No outdoor dining area shall be located to block access either to or from a building. A minimum unobstructed clearance which extends two feet to either side of both door jambs shall be maintained.
 - d. Where an outdoor dining area is located on a corner, the outdoor dining area shall not be permitted within three feet of the corner of the building, along both frontages. Where an outdoor dining area is located adjacent to a driveway or an alley, the outdoor dining area shall not be permitted within five feet of the driveway or alley. These requirements may be modified at the discretion of the City Engineer or Director of ~~Community Development Planning~~ in locations where the sidewalk adjacent to the proposed outdoor dining area is wider than usual, where the perimeter of the building has an unusual configuration, or where public safety is at risk.
 - e. The floor of the outdoor dining area shall be at the same level as the sidewalk, and no alterations to the sidewalk or coverings on the sidewalk shall be permitted, unless expressly approved by the City Engineer.
 - f. The permittee shall not expand its outdoor dining area onto the sidewalk frontage of an adjacent business.
 - g. An outdoor dining area may be located directly adjacent to another outdoor dining area. No separation between outdoor dining areas shall apply.
 - h. In no case shall an outdoor dining area be located directly to parking, unless separated by a landscape barrier at least four feet deep and three feet high.

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(Additions shown in underline, deletions shown in ~~strikeout~~):

- i. The design and appearance of all proposed improvements or furniture, including, but not limited to, tables, chairs, benches, umbrellas, and planters, to be placed in the sidewalk dining area shall present a coordinated and concerted theme and shall be compatible with the appearance and design of the principal building.
 - j. A perimeter barrier shall be provided for the outdoor dining area. However, no barrier shall be required if the applicant proposes to limit the outdoor dining area to one row of tables and chairs abutting the wall of the establishment and if no alcohol will be served outside.
 - k. All barriers shall complement the building façade as well as any street furniture and shall be between 24 inches and 36 inches in height.
 - l. Barriers shall be removable. Barriers need not be removed each evening or night, but shall be capable of being removed, if needed, using recessed sleeves and posts, or by wheels that can be locked into place.
 - m. Barriers shall be able to withstand inclement weather and 100 pounds of horizontal force at the top of the barriers when in their fixed positions.
 - n. Objects placed on the sidewalk shall not interfere with or obstruct line-of-sight and shall maintain a clear sight triangle.
 - o. Any umbrellas, heater, or similar feature used in an outdoor dining area shall be safely secured. All heaters shall be in compliance with applicable fire code.
 - p. Outdoor lighting fixtures shall complement the style of the site. Lighting fixtures shall not create glare to pedestrians on the adjacent right-of-way and shall illuminate only the outdoor dining area. Outdoor lighting may be installed on the façade of the building or in the dining area in front of the façade.
 - q. Signage advertising alcohol products on umbrellas shall be prohibited.
- (5) Parking. Space used for outdoor dining in the public right-of-way shall not be added to the gross square footage of the food service establishment when calculating parking requirements.
- (6) Standards of operation:
- a. The management of the eating establishment shall be responsible for operating the outdoor dining area and shall not delegate or assign the responsibility.
 - b. Hours of operation for the outdoor dining areas are to coincide with those of the associated indoor restaurant. When the establishment ceases serving food for the day, further seating in the outdoor dining area shall be prohibited and the outdoor dining area shall close when the patrons already seated in it leave.
 - c. The operator shall not permit the following outside of the building: food preparation, utensils, glasses, napkins, and condiments on unoccupied tables, bus service stations, or trash and garbage storage. All exterior surfaces within the outdoor dining area shall be easily cleaned and shall be kept clean at all times by the permittee.
 - d. The permittee shall maintain the outdoor dining area and the adjoining street, curb, gutter, and sidewalk in a neat, clean, and orderly condition at all times. This shall include all tables, chairs, benches, displays, or other appurtenances placed in the public right-of-way. Provisions shall be made for trash receptacles to service the sidewalk dining area. The operator shall remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
 - e. Awnings and umbrellas shall be kept clean and in good condition at all times. Umbrellas shall not advertise alcohol products.
 - f. Musical instruments or sound reproduction systems are permitted in outdoor dining areas but shall be maintained at sufficiently low volumes so as not to adversely affect the neighboring businesses, residents, or users of the public right-of-way beyond the outdoor dining area, or in violation of the City of Fontana Noise Ordinance.
 - g. Fixtures and equipment approved by the City pursuant to an outdoor dining area permit may remain in and on the sidewalk during such time that an outdoor dining permit is in effect.

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in ~~strikeout~~):

- h. Upon revocation or termination of an outdoor dining permit, all fixtures and equipment shall immediately be removed from the sidewalk, and the sidewalk returned to its original condition.
- i. No bar serving alcohol shall be allowed in the outside dining area.
- (7) Special closures. The City of Fontana shall have the right and power, acting through the City Manager or his/her designee, to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk or right-of-way area. Such problems or conflicts may arise from, but are not limited, festivals, parades, marches and similar events, repairs and widening of the streets or sidewalks, or emergencies occurring in the area. To the extent possible, the permittee shall be given prior notice of any time period during which the operation of the outdoor dining area or the outdoor dining area shall be prohibited by the City.
- ~~(d) *Farmers Market.* A farmers’ market may be conducted on private property or in the public right of way, provided it carried on in accordance with the following limitations, and provided an approved minor use permit is granted:~~
 - ~~(1) The operation of the farmers market shall be conducted by a for-profit or nonprofit organization or by a local governmental agency.~~
 - ~~(2) An established set of operating rules addressing the governance structure of the market, hours of operation, and days of the week, maintenance, and security requirements shall be permitted and approved under the minor use permit application and site plan.~~
 - ~~(3) A minor use permit, a master site plan, as well as the signed set of conditions of approval, shall be posted in a conspicuous place at the market site.~~
 - ~~(4) The organization responsible for governing or operating the farmers market shall obtain a business license and shall post the business license in a conspicuous place at the site.~~
 - ~~(5) At least 51 percent of the vendors displaying inventory of the products sold in each farmers market are selling fresh fruits and vegetables.~~
 - ~~(6) Fifteen percent or fewer vendors are non-food vendors (i.e. handmade crafts, art exhibits, informational booths, etc.)~~
 - ~~(7) All market signage shall be submitted and approved under the minor use permit.~~
 - ~~(8) The organization governing or operating the farmers market shall provide access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.~~
 - ~~(9) Operation of the farmers market shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the market site.~~
 - ~~(10) The sale of, or consumption of, alcohol beverages on the market site is prohibited.~~
 - ~~(11) The sale of second-hand merchandise is prohibited.~~
 - ~~(12) Portable shelters (e.g.: EZ Up Shelters) with an area no larger than ten feet by ten feet are allowed in designated market areas. Any shelter larger than ten feet by ten feet must be approved under the minor use permit application.~~
 - ~~(13) Animals, other than law enforcement dogs and assistance animals for the disabled are not allowed on the market site.~~
 - ~~(14) A commercial cannabis business shall not be permitted pursuant to this section.~~
 - ~~(15) The Director of Community Development shall have the authority to determine other market activities, in addition to those specifically listed in this article, which may be permitted, or conditionally permitted, in his or her judgment supported by specific written findings.~~

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(Additions shown in underline, deletions shown in strikeout):

(~~ed~~) *Public assembly/auditoriums/meeting halls/religious facilities.*

- (1) When this use is proposed within an existing developed property such as a retail shopping center and the parking standards cannot be met, a parking impact study shall be performed. It shall include the following information:
 - a. Existing and proposed site plan
 - b. Transit, cycling and walking environment
 - c. Current parking inventory
 - d. Current land uses
 - e. Existing traffic conditions
 - f. Description of proposed land use including square footage
 - g. Calculation of required parking for proposed project based on current standards
 - h. Document availability of on street and shared parking opportunities
 - i. Calculation of peak parking demand based on proposed project land use
 - j. Document recommended parking to be provided (based on analysis with and without shared parking and other demand reduction factors)
 - k. Provide maps to summarize and illustrate
- (2) The completed parking impact study shall be submitted to the planning division for review. City staff will assess the study recommendations based on a standard alternative compliance application review process. This process includes the following criteria:
 - a. Review criteria. To approve an exception to the standard, the Director of ~~Community Development~~ Planning must first find that the proposed project accomplishes the general purposes of the applicable section(s) of the land use code. In reviewing the request for an exception to the standard parking ratio and in order to determine whether such request is consistent with the purposes of this subsection, as required above, the decision maker shall consider the following:
 1. The anticipated number of employees or residents occupying the building
 2. The number and frequency of expected customers or clients
 3. The availability of nearby on-street parking (if any)
 4. The availability of shared parking with abutting, adjacent or surrounding land uses (if any)
 5. The provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the city
 6. Travel demand management programs (if any)
 7. Any other factors that may be unique to the applicant's development request.
- (3) The Director of ~~Community Development~~ Planning shall not approve an exception to the parking standard unless it:
 - a. Does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity
 - b. Minimizes the visual and aesthetic impact along the public street of the proposed increased parking by placing parking lots to the rear or along the side of buildings, to the maximum extent feasible
 - c. Minimizes the visual and aesthetic impact of such additional parking on the surrounding neighborhood
 - d. Creates no physical impact on any facilities serving alternative modes of transportation
 - e. Creates no detrimental impact on natural areas or features
 - f. Maintains handicap parking ratios in compliance with current ADA requirements

(~~fe~~) *Vehicle sales and service.*

"EXHIBIT A"
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

- (1) *Outdoor display.* No vehicles shall be displayed with their hoods open, except in the display building, which shall be an enclosed structure. Balloons, spinners, pennants, banners, and other wind-blown devices are prohibited.
 - (2) *Orientation and screening, service bays.* Service bay doors shall be located perpendicular to the street fronting the site and shall be screened from all other streets and adjacent residential development.
 - (3) *Outdoor intercoms.* Outdoor amplification of sound shall not be audible beyond the property lines.
 - (4) *Orientation, main building.* The structure shall be street-oriented, with pedestrian entrances from the street.
- (gf) *Schools.*
- (1) Drop off/pick up area. The project shall include designated area(s) for drop off and pick up of students to prevent off site cueing and traffic congestion.
 - (2) A proposed school shall not operate in a commercial complex.
- (hg) *Restaurant/coffee shop with drive thru.*
- (1) The maximum front building setback of ten feet shall not apply when a drive-thru lane is placed adjacent to a street. The maximum ten-foot setback shall apply to the drive-thru lane instead of the building.
 - (2) All buildings that include a drive-thru use shall be required to provide an outdoor patio area with permanent shade, tables and seating. The minimum size of the patio area shall be 20 percent of the total building square footage.
- (Ord. No. 1828, § 8(Exh. A), 5-12-20; Ord. No. 1846, § 2, 11-10-20; Ord. No. 1865, § 8(Att. 2), 3-23-21; Ord. No. 1899, § 6, 7-26-22)

Sec. 30-489. Uses permitted.

- (a) *Uses by zoning district.* Table No. 30-489, lists the uses permitted in each of the commercial and mixed-use zoning districts. A "P" indicates a use is permitted by right subject to design review by the Planning Commission, administrative site plan review by the Director of ~~Community Development~~ Planning, or regulatory permit issued by the City, an "M" indicates the use requires the granting of a minor use permit approved by the Director of ~~Community Development~~ Planning, a "C" indicates the use requires the granting of a conditional use permit approved by the Planning Commission, 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 Chapter 33, Section 30-491 and Chapter 15 of the Municipal Code. Conditional uses are subject to the provisions in Section 30-492.
- (c) Uses marked with a superscript ** indicate that the requirement pertains to parcels with frontage along Foothill Boulevard between Ilex Street to Maple Avenue

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

Table No. 30-489 Allowed Uses within Commercial Zoning Districts			
Use	C-1	C-2	RMU
Retail Sales			
Adult Businesses	P*	P*	—
Antique Shop	P	P	P
Automobile Sales Agency with or without Incidental Repair and Sales Display Area	—	C	C
Automobile Supply Store (no machine shop)	P	P	P
Bakery Goods Store	P	P	P
Bar, Cocktail Lounge	C	C	C
Bicycle Shop	P	P	P
Boat Sales with Incidental Repair and Sales Display Area	—	C	C
Book Store	P	P	P
Building Materials, Retail Sale of (if contained within a completely enclosed building)	—	P	P
Building Materials with Outdoor Storage	—	<u>—**/P*</u>	P*
Blueprinting Establishment	—	P	P
Cannabis Retailer, Storefront (with City Permit)	P*	P*	—
Caterer	P	P	P
Clothing Store	P	P	P
Computer Store	P	P	P
Convenience Store	P	P	P
Cyber Cafes (<u>Cyber, Animal, Gaming</u>)	<u>P**/C</u>	<u>P**/C</u>	C
Department Store	—	P	P
Discount Store	P	P	P
Drugstore	P	P	P
Electrical Supply Store	P	P	P
Feed Store	C	M	—
Florist Shop	P	P	P
Furniture Store	P	P	P

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(Additions shown in underline, deletions shown in ~~strikeout~~):

Garden Furniture and Supplies Store	P*	P*	P*
Glass or Mirror Store	P	P	P
Grocery, Fruit, Vegetable, Meat, Fish, Poultry, or Delicatessen Store,	P	P	C
Hardware Store	P*	P*	P*
Hobby Supplies Store	P	P	P
Home Furnishing Store	P	P	P
Household Appliance Store	P	P	P
Ice Cream Store	P	P	P
Ice Storage Locker (if not more than five-ton capacity)	P	P	P
Interior Decorating Shop	P	P	P
Jewelry and Coin Store	P	P	P
Liquor Store	C	C	C
Micro-Brewery	—	C	C
Newsstand	P	P	P
Novelties Store	P	P	P
Nursery, Plant (includes statuary sales)	P*	P*	P*
Paint and Wallpaper Shop	P	P	P
Pawn Shop	—	C	C
Pet Boarding	—	M	—
Pet Shop	P	P	P
Plumbing Supply Store	—	P	P
Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales)	P	P	P
Restaurant, Café, Excluding Those Having Dancing and/or Floorshows. Alcohol Beverages are not Permitted.	P*	P*	P*
Restaurant and Café with Entertainment and/or Dancing. Alcohol Beverages Permitted. <u>(See Section 30-492 For Alcohol Beverage Sales)</u>	C*	C*	C*
Restaurant, Café, Without Entertainment and/or Dancing. Alcohol Beverages Permitted. (See Section 30-492 For Alcohol Beverage Sales)	€	€	€
Restaurant, Drive-Thru and Take Out	P*	P*	P*
Secondhand Store	—	P	P
Shoe Store	P	P	P

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(Additions shown in underline, deletions shown in ~~strikeout~~):

Smoke/Tobacco Shop and Vape Shop	C	C	C
Sporting Goods Store	P	P	P
Swap Meet (Indoor/outdoor)	—	—	—
Tattoo Establishments	P*	P*	P*
Trailer and Mobile Home Sales and Rental	—	P*	C
Truck and Trailer Sales (Valley Boulevard only)	—	C	—
Wholesale Auto Sales (requires one stall)	C	C	—
Warehousing Sales, Retail	C	P*	P*
Warehousing Sales, Wholesale	—	C	P*
Business and Professional Offices			
Administrative and Professional Offices Involving no Retail Trade	P	P	P
Art Gallery	P	P	P
Financial Institution	P	P	P
Clinic, Medical or Dental, Acupuncture (<u>Not Acute and Urgent Care</u>)	P	P	P
Convention Centers	—	—	P
Government Offices	P	P	P
Medical Laboratory	—	P	P
Optician	P	P	P
Pharmacy	P	P	P
Radio/Television Studio (with transmitter)	—	C	C
Studio (without transmitter)	P	P	P
Studios for Professional Work or Teaching of Any Form Of Fine Art	P	P	P
Service Establishments			
Ambulance Service	P	P	P
Animal Hospital	M	P	C
Animal Hospital (w/ Boarding)	—	M	—
Assembly/Meeting Hall For, Private Clubs, Religious Services, or Similar Uses	C	C	C
Automobile Fueling Station	C	C	C
Automobile and Truck Rental, Two-Ton, Single Unit Maximum	—	C	C
Automobile/Vehicle Body and Fender Repair Shop	—	C	C

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(Additions shown in underline, deletions shown in ~~strikeout~~):

Automobile/Vehicle Repair	C	C	C
Automotive Custom Repair (includes lowering and lifting)	C	C	C
Automotive Stereo, Alarm and Upholstery Installation	C	M	M
Automobile Wash	—	M	M
Barber Shop or Beauty Parlor	P	P	P
Chemical substance abuse facility	C	C	C
Cleaners	P*	P*	P*
Clothing and Costume Rental Establishment	P	P	P
Community Care Facility	C	C	C
Community Center	C	C	C
Construction Trailer (Temporary Use Permit)	P*	P*	P*
Convalescent Hospital	M	M	C
Copying, Packing and Mailing Services	P	P	P
Day Care—Commercial	M	M	M
Day Care—Commercial (24-hour)	—	C	C
Depot—Bus	—	P*	P*
Depot—Railway, Park-and-Ride	—	P	P
Dressmaker or Millinery Shop	P	P	P
Equipment Rental	— **/—	— **/P*	P*
Fortune-Telling	P	P	P
Hospitals, <u>Acute, and Urgent Care</u>	— **/—	— **/M	M
Hotels	—	C	C
Laundromat, Self Service	P	P	P
Locksmith	P	P	P
Machine Shop	— **/—	— **/C	C
Masseur or Masseuse, Day Spa, Acupressure	—	C	C
Self-Storage Facility	—	C	C
Mortuaries	—	C	C
Library	P	P	P

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(Additions shown in underline, deletions shown in strikeout):

Museums	P	P	P
Motel	—	C	C
Music and Vocal Instruction	P	P	P
Nursing Home	M	M	C
Parks	P	P	P
Photographer	P	P	P
Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental	—	C	C
Picture Framing Store	P	P	P
Post office	M	M	M
Printer, Blueprint Shop	—	P	P
Private Schools	C	C	C
Public Utility Structures and Facilities	M	M	M
Publishing Establishments	—	P	P
Repair Shop for Household Appliances	<u>—</u> **/P	<u>—</u> **/P	P
Schools Such as Business Colleges, Music Conservatories, Dancing Schools, and Other Schools That Offer Training In Non-Industrial Professions	P	P	P
Stenographic Services	P	P	P
Swimming Pool, Commercial	P	P	P
Sign Shop in Enclosed Structure	—	P	P
Tailor	P	P	P
Telephone Answering Service or Exchange	P	P	P
Ticket Agency, Travel Bureau	P	P	P
Tire Shop	—	C	C
Truck Repair Service	—	—	—
Truck Storage Yard	—	—	—
Upholstery Shop	<u>—</u> **/—	<u>—</u> **/P	P
Wedding Chapel	P	P	P
Amusement Establishments			

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(Additions shown in underline, deletions shown in strikeout):

Amusement Enterprise for Children Including Pony Rides (No Stables), Merry-Go-Round, and The Like When Incidental To A Permitted Use	P	P	P
Amusement Park	<u>P**</u> /—	<u>P**</u> /C	C
Arcades—Pinball, Video, and the Like	<u>P**</u> /—	<u>P**</u> /C	C
Archery Range	<u>P**</u> /—	<u>P**</u> /C	C
Baseball; Batting Range	<u>P**</u> /—	<u>P**</u> /C	C
Bowling Alley	<u>P**</u> /C	<u>P**</u> /C	C
Boxing Arena	<u>P**</u> /—	<u>P**</u> /C	C
<u>Banquet hall</u>	<u>C**</u> /—	C	C
Golf, Driving Range, Miniature, Pitch and Putt	<u>P**</u> /—	<u>P**</u> /C	C
Gymnasiums, Health Spas, or Physical Culture Establishments Under 4,000 Square Feet in Floor Area	P	P	P
Gymnasiums, Health Spas, or Physical Culture Establishments Over 4,000 Square Feet in Floor Area	<u>P**</u> /C	<u>P**</u> /C	C
Nightclub	<u>C**</u> /—	C	C
Pool Hall, Billiard Center	C	C	C
Skating Rink, Roller or Ice	<u>P**</u> /C	<u>P**</u> /C	C
Smoking Lounge, Hookah Lounge, Vapor Lounge, E-Lounge (allowed only as a secondary use to a full-service restaurant)	C	C	C
Theater, Indoor	<u>P**</u> /C	<u>P**</u> /C	C
Indoor Playground/Recreation	P	P	P
Residential Uses			
Senior Housing	M	M	M
Multiple-Family Dwellings with an Area Plan			C
Other Uses			
Animal Kennel	—	C	C
Animals, Small—Keeping and Raising	P*	P*	P*
Antenna, Transmitting	C	C	C
Cemetery and Related Uses	—	M	C
Construction Trailer	P*	P*	P*
Home Occupation	P*	P*	P*

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(Additions shown in underline, deletions shown in ~~strikeout~~):

Homeless Shelters	—	—	—
Emergency Shelter Subject to the activation of an Emergency Operation Center	P	P	P
Metal Storage Containers (temporary storage only with a temporary use permit)	P*	P*	P*
Museum and Art Galleries	<u>P**</u> /—	<u>P**</u> /M	M
Parking Lots (not related to use on same property)	—	P	P
Parking Structures	—	P	P
Research and Development	—	P	P

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) *Alcohol beverage sales.* Any use that engages in on-site or off-site retail sales of alcohol beverages and that is required to operate under a State Alcohol 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 Alcohol Beverage Sales	
An application for a new ABC license	€
<u>Sit down restaurant (Bona fide Public Eating Place as Defined by the Department of Alcohol Beverage Control) for properties with frontage along Foothill Boulevard between Ilex Street to Maple Avenue</u>	<u>P</u>
<u>All other areas</u>	<u>C</u>
Any change in the type of existing ABC license with existing CUP	€
<u>Sit down restaurant (Bona fide Public Eating Place as Defined by the Department of Alcohol Beverage Control) for properties with frontage along Foothill Boulevard between Ilex Street to Maple Avenue</u>	<u>P</u>
<u>All other areas</u>	<u>C</u>
Any increase of floor area in an ABC licensed establishment	C
<u>Sit down restaurant (Bona fide Public Eating Place as Defined by the Department of Alcohol Beverage Control) for properties with frontage along Foothill Boulevard between Ilex Street to</u>	<u>P</u>

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(Additions shown in underline, deletions shown in strikeout):

<u>Maple Avenue</u>	
<u>All other areas</u>	<u>C</u>
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 alcohol 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.).

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

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

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.

*** The remaining portions of Section 30-492 shall remain unchanged

ARTICLE IX. OVERLAY DISTRICTS

DIVISION 11. ENTERTAINMENT CENTER OVERLAY DISTRICT

Sec. 30-663.4. Applicability.

The Entertainment Center Overlay District shall apply to all properties within the boundaries as depicted in the maps under Section 30-663.6 of this Division. The regulations established in this overlay district amend certain provisions of this Zoning and Development Code, as expressly set forth within this Division. Compliance with the Zoning and Development Code and the West End Specific Plan is required. Where inconsistencies arise between the Zoning and Development Code and the West End Specific Plan, the regulations of this overlay district and the West End Specific Plan shall govern.

Sec. 30-663.5. Purpose and intent.

- (a) The Entertainment Center Overlay District is intended to create entertainment destinations that attracts both residents and tourists, thereby enchanting the City’s economic vitality and cultural appeal. Targeting these Planning areas for commercial/entertainment development along with public art generates visits, foot traffic, economic activity and contribute to placemaking.
- (b) The standards and requirements are intended to provide direction to developers within the overlay district to encourage themed entertainment areas to create a sense of place where patrons visit and gather. The requirement of this overlay establishes uses that are conducive to commercial/entertainment along with City of Fontana/Route 66 branding while maintaining flexibility for individual expression and imaginative design solutions.

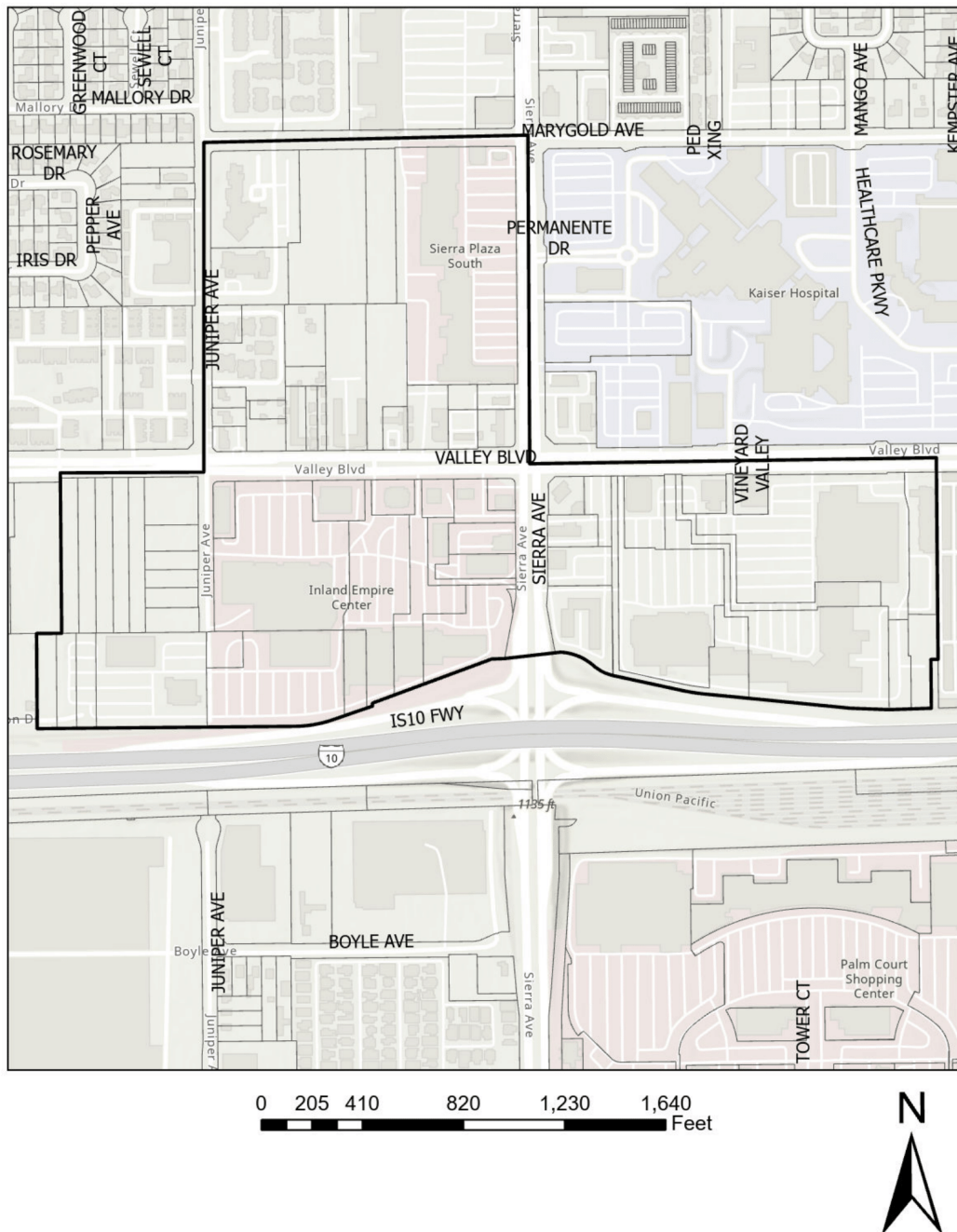
Sec. 30-663.6 Entertainment center overlay district boundary.

The maps entitled Planning Areas 1-3 is adopted as a part of this overlay district (Figures 1-3) and defines the boundaries of the three (3) planning areas.

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikethrough):

Figure 1:

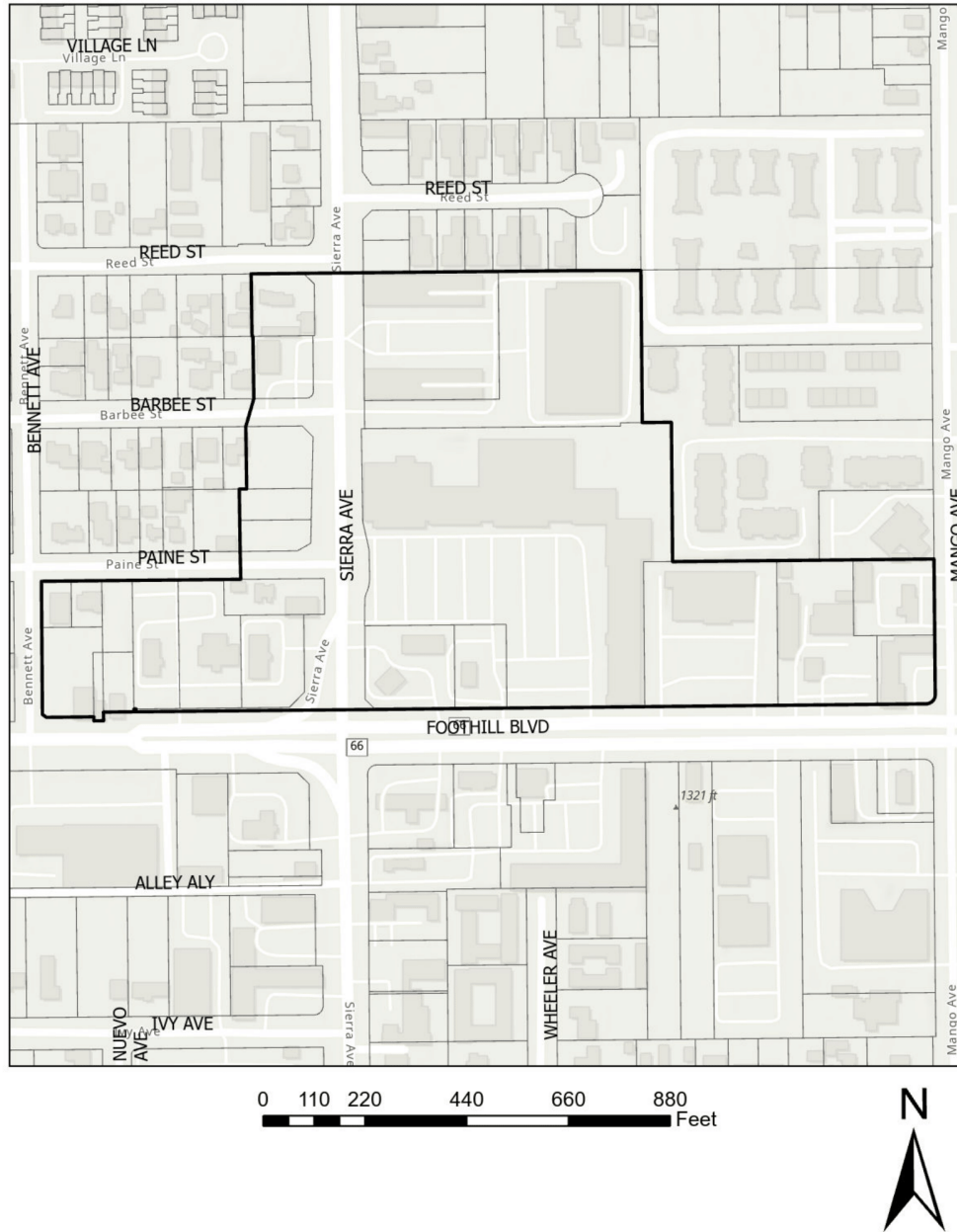
Planning Area 1
Valley Blvd & Sierra Ave



“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

Figure 2:

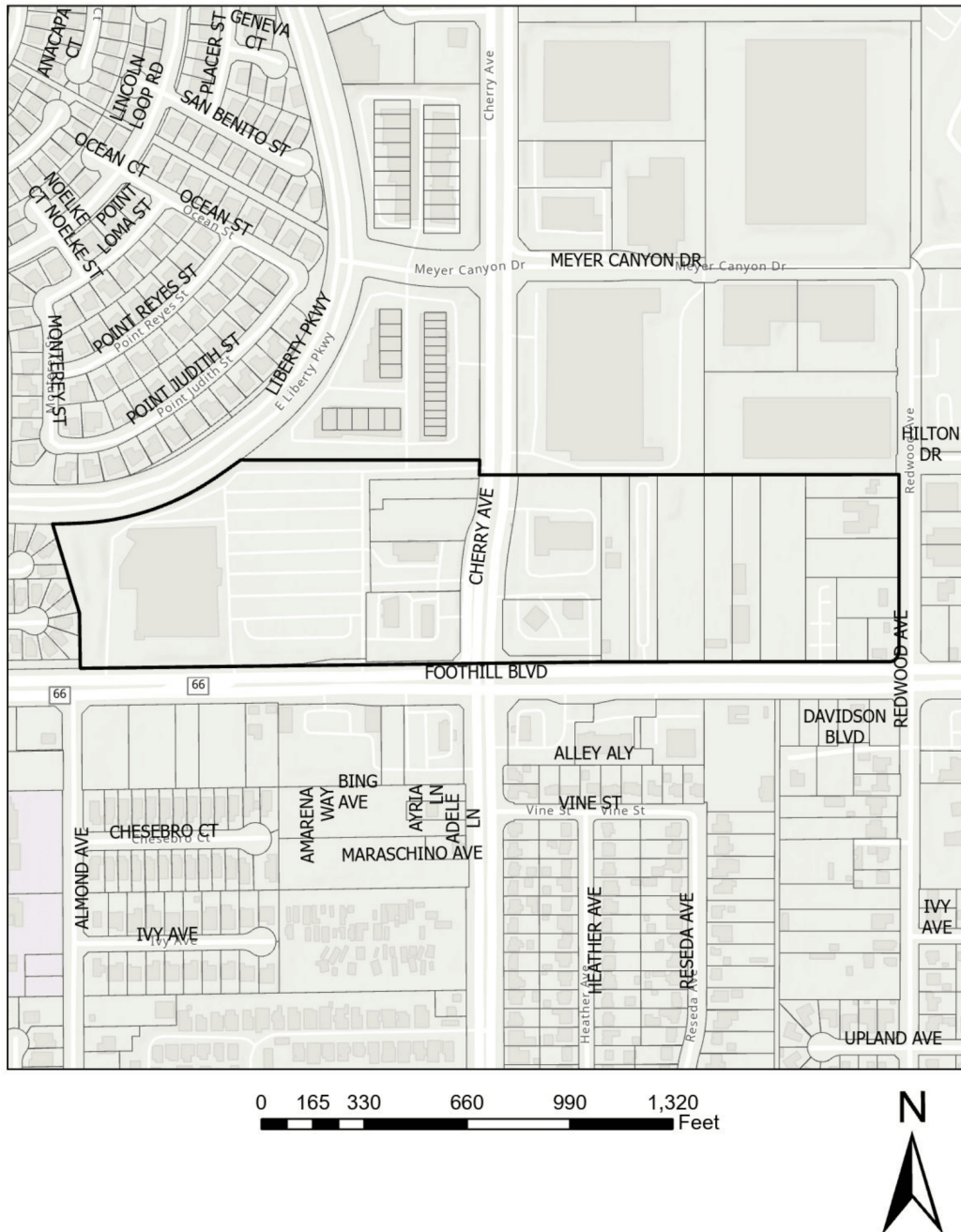
Planning Area 2
Foothill Blvd & Sierra Ave



“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

Figure 3:

Planning Area 3
Foothill Blvd & Cherry Ave



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AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

Sec. 30-663.7. Permitted uses.

- (1) Uses marked with an asterisk "*" indicate that the use is not permitted on the ground floor for building(s) that are developed with two or more floors.
- (2) Planning Area 1 Valley Boulevard and Sierra Avenue Areas.
 - a. Principal Permitted uses.
 1. Administrative & Professional Offices*
 2. Alcohol Beverage Sales
 - a. On-Site Sales (with sit down restaurant - Bona fide Public Eating Place)
 3. Antiques Retail Sales (excludes pawn shop and subleases)
 4. Art Gallery
 5. Bakery (with primary retail sales)
 6. Cannabis (See Chapter 33)
 7. Cigar Sales Only (excludes Smoke Shops)
 8. Florist
 9. Food Hall/Food Court
 10. Hotels
 11. Jewelry Sales and Repair (excludes Pawn Shops)
 12. Medical Services:
 - a. Acupuncture*
 - b. Counseling or Psychology*
 - c. Dermatology*
 - d. Hearing Aids*
 - e. Homeopathy*
 - f. Medical/ or Dental* (Excludes Acute Care, Surgery Centers, Urgent Care, and Hospitals)
 - g. Optometry Sales*
 - h. Physical Therapy*
 - i. Sports Therapy*
 13. Multi-Family/Mixed Use Development* (Only allowed if permitted by underlying zone)
 14. Museums and Galleries
 15. Personal Services:
 - a. Barber or Hair Salon*
 - b. Body Art (tattooing, body piercing, and/or permanent cosmetics)*

“EXHIBIT A”

**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):**

- c. Day Spa
 - d. Med Spa*
 - e. Nail Salon*
 - f. Skin Care*
16. Pet Sales and Supplies (without Outdoor Storage)
17. Recreation and Entertainment
- a. Batting Cages
 - b. Bowling
 - c. Billiards and Pool Halls
 - d. Commercial Recreation (i.e. Tennis, Go-Kart, Miniature Golf)
 - e. Escape Rooms
 - f. Game Rooms and Amusement Arcades
 - g. Health and Fitness Clubs
 - h. Hobby Supply Stores
 - i. Roller Hockey Facilities
 - j. Skating
18. Restaurant without Drive Thru Facilities (including Cafes, Ice Cream Shop, Confectionary/Dessert Shop, and Similar)
19. Retail Sales/General Merchandise
20. Sporting Goods and Equipment (excludes Gun Sales)
21. Studio:
- a. Art
 - b. Cooking Classes
 - c. Dance Classes
 - d. Martial Arts
 - e. Music School
 - f. Recording/Film*
 - g. Pilates, Yoga, Barre
22. Theatres (Live Stage and Movie) and Concert Halls
23. Other similar uses which the Director of Planning finds compatible with the permitted uses described herein, consistent with the purpose and intent of the planning area and not a of a type to affect adversely the use of adjoining properties. Application for determination of similar uses shall be submitted to the Planning Department for review and consideration.

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

b. Minor Use Permit uses.

1. Alcohol Beverage Sales
 - a. On-Site Sales: Bar, Lounge, or Nightclub (with or without Entertainment)
 - b. Off-Site Sales (no Tasting Room) No Convenience Store
 - c. On or Off-Site Sales (with Tasting Room) No Convenience Store
 - d. Micro-Brewery with tasting room
 - e. Micro-Winery with tasting room
 - f. Micro-Distillery (Spirits) with tasting room
2. Café (Cyber, Animal, Gaming)

c. Conditionally Permitted uses.

1. Cigar Lounge/Hookah Lounge/Smoking Room
2. Massage/Acupressure*
3. Nightclub
4. Public Assembly/Auditoriums/Meeting Halls/Religious facilities

(3) Planning area 2— Foothill Boulevard and Sierra Avenue

a. Principal Permitted uses.

1. Administrative & Professional Offices
2. Alcohol Beverage Sales
 - a. On-Site Sales (with sit down restaurant - Bona fide Public Eating Place)
3. Antiques Retail Sales (excludes Pawn Shop and subleases)
4. Art Gallery
5. Bakery (with primary retail sales)
6. Cannabis (See Chapter 33)
7. Cigar Sales only (excludes Smoke Shops)
8. Florist
9. Food Halls/Food Court
10. Hotels
11. Jewelry Sales and Repair (excludes Pawn Shops)
12. Medical Services:
 - a. Acupuncture

“EXHIBIT A”

AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30

(Additions shown in underline, deletions shown in strikeout):

- b. Counseling or Psychology
- c. Dermatology
- d. Hearing Aids
- e. Homeopathy
- f. Medical/ or Dental (Excludes Acute Care, Surgery Centers, Urgent Care, and Hospitals)
- g. Optometry Sales
- h. Physical Therapy
- i. Sports Therapy
- 13. Multi-Family/Mixed Use Development* (Only allowed if permitted by underlying zone)
- 14. Museums and Galleries
- 15. Personal Services:
 - a. Barber or Hair Salon
 - b. Body Art (tattooing, body piercing, and/or permanent cosmetics)*
 - c. Day Spa
 - d. Med Spa
 - e. Nail Salon
 - f. Skin Care
- 16. Pet Sales and Supplies (without outdoor storage)
- 17. Recreation and Entertainment
 - a. Batting Cage
 - b. Bowling
 - c. Billiards and Pool Halls
 - d. Commercial Recreation (i.e. Tennis, Go-Kart, Miniature Golf)
 - e. Escape Rooms
 - f. Game Rooms and Amusement Arcades
 - g. Health and Fitness Clubs
 - h. Hobby Supply Stores
 - i. Roller Hockey Facilities
 - j. Skating
- 18. Restaurant without Drive Thru Facilities (including Cafes, Ice Cream Shop, Confectionary/Dessert Shop, and similar)
- 19. Retail Sales/General Merchandise

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

20. Sporting Goods and Equipment (excludes Gun Sales)

21. Studio:

- a. Art
- b. Cooking Classes
- c. Dance Classes
- d. Martial Arts
- e. Music School
- f. Recording/Film
- g. Pilates, Yoga, Barre

22. Theatres (Live Stage and Movie) and Concert Halls

23. Other similar uses which the Director of Planning finds compatible with the permitted uses described herein, consistent with the purpose and intent of the planning area and not a of a type to affect adversely the use of adjoining properties. Application for determination of similar uses shall be submitted to the Planning Department for review and consideration.

b. Minor Use Permit uses.

1. Alcohol Beverage Sales

- a. On – Site Sales: Bar, Lounge, or Nightclub (with or without Entertainment)
- b. Off-Site Sales (no Tasting Room) No Convenience Store
- c. On or Off-Site Sales (with Tasting Room) No Convenience Store
- d. Micro-Brewery with tasting room
- e. Micro-Winery with tasting room
- f. Micro-Distillery (Spirits) with tasting room

2. Café (Cyber, Animal, Gaming)

c. Conditionally Permitted uses.

- 1. Cigar Lounge/Hookah Lounge/Smoking Room
- 2. Massage/Acupressure
- 3. Nightclub
- 4. Public Assembly/Auditoriums/Meeting Halls/Religious Facilities

(4) Planning area 3 — Foothill Boulevard and Cherry Avenue

a. Principal Permitted uses.

- 1. Administrative & Professional Offices
- 2. Alcohol Beverage Sales

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

- a. On-Site Sales (with sit down restaurant - Bona fide Public Eating Place)
- 3. Antiques Retail Sales (excludes Pawn Shop and subleases)
- 4. Art Gallery
- 5. Bakery (with primary retail sales)
- 6. Cannabis (See Chapter 33)
- 7. Cigar Sales Only (excludes smoke shops)
- 8. Florist
- 9. Food Hall/Food Court
- 10. Hotels
- 11. Jewelry Sales and Repair (excludes Pawn Shops)
- 12. Medical Services:
 - a. Acupuncture
 - b. Counseling or Psychology
 - c. Dermatology
 - d. Hearing Aids
 - e. Homeopathy
 - f. Medical/ or Dental (Excludes Acute Care, Surgery Centers, Urgent Care, and Hospitals)
 - g. Optometry Sales
 - h. Physical Therapy
 - i. Sports Therapy
- 13. Multi-Family /Mixed Use Development * (Only permitted if allowed by underlying zone)
- 14. Museums and Galleries
- 15. Personal Services:
 - a. Barber or Hair Salon
 - b. Body Art (tattooing, body piercing, and/or permanent cosmetics)
 - c. Med Spa
 - d. Nail Salon
 - e. Skin care
 - f. Day Spa
- 16. Pet Sales and Supplies (without Outdoor Storage)
- 17. Recreation and entertainment

“EXHIBIT A”

**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):**

- a. Bowling
 - b. Batting Cages
 - c. Billiards and Pool Halls
 - d. Commercial Recreation (i.e. Tennis, Go-Kart, Miniature Golf)
 - e. Escape Rooms
 - f. Game Rooms and Amusement Arcades
 - g. Health and Fitness Clubs
 - h. Hobby Supply Stores
 - i. Other Indoor or Outdoor Amusement (i.e., Go-Kart, Miniature Golf)
 - j. Roller Hockey Facilities
 - k. Skating
 - 18. Restaurant without Drive Thru Facilities (including Cafes, Ice Cream Shop, Confectionary/Dessert shop, and similar)
 - 19. Retail Sales/General Merchandise
 - 20. Sporting Goods and Equipment (excludes Gun Sales)
 - 21. Studio
 - a. Art
 - b. Cooking Classes
 - c. Dance Classes
 - d. Martial Arts
 - e. Music School
 - f. Recording/Film
 - g. Pilates, Yoga, Barre
 - 22. Theatres (Live Stage and Movie) and Concert Halls
 - 23. Other similar uses which the Director of Planning finds compatible with the permitted uses described herein, consistent with the purpose and intent of the planning area and not a of a type to affect adversely the use of adjoining properties. Application for determination of similar uses shall be submitted to the Planning Department for review and consideration.
- b. Minor Use Permit uses.
- 1. Alcohol Beverage Sales
 - a. On – Site Sales: Bar, Lounge, or Nightclub (with or without Entertainment)
 - b. Off-Site Sales (no Tasting Room) No Convenience Store
 - c. On or Off-Site Sales (with Tasting Room) No Convenience Store

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

- d. Micro-Brewery with tasting room
- e. Micro-Winery with tasting room
- f. Micro-Distillery (Spirits) with tasting room
- 2. Café (Cyber, Animal, Gaming)
- c. Conditionally Permitted uses.
 - 1. Cigar Lounge/Hookah Lounge/Smoking Room
 - 2. Restaurant Drive-Thru Food Establishment
 - 3. Massage/Acupressure
 - 4. Nightclub
 - 5. Public Assembly/Auditoriums/Meeting Halls/Religious Facilities

Sec 30-663.8. Public Art Purpose and intent.

- (1) Purpose and intent. Public art are key factors and an important aspect of creating and contributing to a sense of place and themed areas. The purposed and intent of public art is:
 - a. To promote an identity/sense of place for each planning area in the Entertainment Center Overlay District;
 - b. To preserve and enhance the appearance of Fontana a place to live and recreate and as an attraction to visitors who come to visit, shop, eat, or recreate; and
 - c. To set forth a coordinated theme for the overlay districts by requiring an Administrative Site Plan review.

Sec. 30-663.9. Public Art.

- (1) Public Art Definition. Artwork intended for public display and accessible to the general public prepared by an Artist. Decorative or functional elements which are designed by the building architect as opposed to an artist are not considered art. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch, or other structures intended for ornament or commemoration. Also included in this definition is any installation that is technological in nature or includes carvings, murals, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and can include clay, fiber, wood, metal, glass plastics, and other materials. Works of art shall be permanent.
- (2) Applicability: All development projects located within Entertainment Center Overlay District that is subject to a Design Review is required to provide Public Art or pay a public art fee.
- (3) Application Submittal Requirements. An Administrative Site Plan, Minor application is required for the installation of public art. The Administrative Site Plan, Minor application for the public art shall be submitted in conjunction with the Planning Entitlements to develop the site and completion of the

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in ~~strikeout~~):

public art shall be completed prior to Certificate of Occupancy. As a part of the applications the following items shall be submitted:

- a. Landscape and/or site plans indicating the location and orientation of the on-site artwork that integrates the artwork into the overall project design;
- b. A sample, model, photograph or drawings of the proposed on-site artwork;
- c. Material samples and finishes if appropriate;
- d. The artist's resume and portfolio of past work, which demonstrates competency with the materials and forms proposed for the on-site artwork proposal;
- e. A written statement by the artist describing the on-site artwork, as well as a discussion of the manner in which the proposed on-site artwork meets the findings established by 30-663.9(6);
- f. A maintenance plan for the maintenance of the on-site artwork; and
- g. Any such additional information or material as may be required by the Planning Director.

(4) Requirements for Public Art:

- a. Planning Area 1 — Valley Boulevard and Sierra Avenue Areas. Artwork in Planning Area 1 is required to contribute to Fontana historical agricultural or steel mill (Henry J. Kaiser's) themes.
- b. Planning area 2 — Foothill Boulevard and Sierra Avenue and Planning area 3 — Foothill Boulevard and Cherry Avenue. Artwork in Planning areas 2 and 3 shall incorporate a Route 66 theme.
- c. Public art can incorporate elements that also serve a specific function (such as fencing, railing, lighting, or gates) but in order to be considered public art, they must be designed by a professional visual artist and custom fabricated for the site and visible from public views.
- d. Materials, structural and surface components that are inherently resistant to theft, vandalism, weathering, and excessive maintenance or repair costs shall be utilized.
- e. Location: Public art must be located in areas clearly visible from the public street or sidewalk, in publicly accessible outdoor areas, or public accessible lobby areas.

(5) Disqualifying characteristics for Public Art:

- a. Directional elements such as super graphics or signage are not allowed except where these elements are: integral parts of the original artwork, executed by the artist in unique or limited editions, contribute to a Route 66/Fontana theme as required in the Planning areas as required in Section 30-663.10 (3)a and b.

“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

- b. Artwork that incorporates the tenant/business logos, branding, images, text or other elements that relate directly to a specific business’s or organization’s branding or marketing themes is not permitted.
- c. Art objects which are mass-produced and of standard design such as playground equipment, trellises, or fountain pieces are not permitted.
- d. Decorative or functional elements which are designed by the building architect as opposed to an artist are not permitted.
- e. Landscape design except where it is designed by an artist and is integral part of the artwork are not permitted.
- f. Temporary art exhibitions are not permitted.

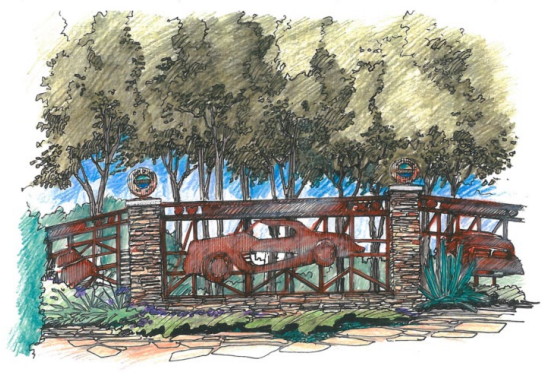
(6) Findings of Approval for Administrative Site Plan, Minor:

- a. The artist has demonstrated qualifications to complete the proposed on-site artwork with the highest professional standards.
- b. The artwork contributes to the themes and meetings the requirements of Sec. 30-663.9(4).
- c. There is sufficient public visibility and accessibility to the on-site artwork, and the proposed on-site artwork is compatible with and harmonious with the development project and surrounding environment.
- d. The proposed on-site artwork is durable and cost effective to maintain using ordinary methods of maintenance.
- e. The budget for the proposed on-site artwork and any in-lieu fees proposed by the applicant is equivalent to or exceeds the required program allocation.

(7) All property owners are responsible for maintaining the artwork in clean, undamaged condition for the lifetime of the artwork.

(8) Public art example:

a. **Figure 1:**



“EXHIBIT A”
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikeout):

Sec. 30-727. Design principles.

The following sign design principles shall be used as criteria for review and approval of design review sign applications by the responsible reviewing body:

- (1) *Architectural compatibility.* A sign (including its supporting structures, if any) shall be designed as an integral design element of a building's architecture and shall be architecturally compatible, including in terms of color and scale, with any building to which the sign is to be attached and with surrounding structures. Where more than one sign is provided, all signs shall be complementary to each other.
- (2) *Character context.* A sign shall be sensitive in context to nearby uses in terms of height, sign type, quality, and type of illumination, as well as other factors that may be defined by the Director of ~~Community Development Planning~~.
- (3) *Downtown character.* Where a sign is located within the boundaries of downtown, new signs shall contribute to an integrated appearance of the district. Character-defining treatments shall include:
 - a. Use of pedestrian-oriented projecting and suspended signs.
 - b. Use of floor inlay signs or graphic projection signs, which are allowed only in downtown.
 - c. Use of sign colors and materials that are coordinated with building architecture.
- (4) *Route 66 character.* ~~Where a sign is located on historic Route 66 (properties with frontage on Foothill Boulevard), new signs are encouraged to contribute to an integrated appearance of the district. Character-defining treatments shall include:~~ As part of the Design Review or Administrative Site Plan entitlement for development of properties located on the historic Route 66 (Foothill Boulevard), Route 66 themed signage shall be incorporated for one sign per property in the following locations:
 - Southeast Corner of Ilex Street and Foothill Boulevard
 - Properties at the intersection of Cherry Avenue and Foothill Boulevard
 - Properties north of the intersection of Beech Avenue and Foothill Boulevard
 - Properties at the intersection of Citrus Avenue and Foothill Boulevard
 - Properties at the intersection of Sierra Avenue and Foothill Boulevard
 - Properties at the intersection of Alder Avenue and Foothill Boulevard
 - Properties at the intersection of Maple Avenue and Foothill Boulevard

Character-defining treatments shall include:

- a. Sign design that is consistent with and reminiscent of historic Route 66 signage.
- b. Use of approved Route 66 logo on signs of at least 24 inches in height.
- c. Use of sign colors and materials that are coordinated with building architecture.
- d. Character-defining treatments can include Route 66 theme signage exceeding the maximum sign area, including height, with Planning Commission approval.

"EXHIBIT A"
AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30
(Additions shown in underline, deletions shown in strikethrough):



- (5) *Legibility.* Signs shall be designed to provide clear, legible information that indicates the proposed sign's purpose. The size and proportion of the elements of the sign's message—including logos, letters, icons and other graphic images—shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented toward pedestrians shall be smaller than those oriented toward motor vehicle drivers.
- (6) *Readability.* A sign message shall be easily recognized and designed in a clear, unambiguous, and concise manner so that a viewer can understand or make sense of what appears on the sign. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background to be easily read during both day and night.
- (7) *Visibility.* A sign shall be readily distinguishable from its surroundings so a viewer can easily see the information it communicates.
- (8) *Graphic interest.* Sign colors and materials shall be selected to contribute to legibility and design integrity.

NOTICE OF DETERMINATION

TO:	Office of Land Use and Climate Innovation State Clearinghouse <input checked="" type="checkbox"/> : P. O. Box 3044, Room 113 Sacramento, CA 95812-3044	FROM:	Public Agency/Lead Agency Name: City of Fontana Address: 8353 Sierra Ave, Fontana CA 92335 Contact: Rina Leung Phone: (909) 350-6555
			Email: rleung@fontanaca.gov
TO:	San Bernardino - County Clerk (Include County name) <input checked="" type="checkbox"/> Address: 222 W Hospitality Lane 1 st Floor, San Bernardino, CA 92415	Lead Agency (if different from above)	
		Address:	
		Contact:	
		Phone:	

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (If submitted to SCH): 2016021099
Project Title: Master Case No. 25-0011 and Municipal Code Amendment No. 25-001
Project Applicant (include address, telephone number and email address): Rina Leung (Senior Planner), Planning Department, City of Fontana, 8353 Sierra Avenue, Fontana, CA 92335, (909) 350-6555, rleung@fontanaca.gov
Specific Project Location – Identify street address and cross street or attach a map showing project site (preferably a USGS 15' or 7 ½' topographical map identified by quadrangle name): Citywide – City of Fontana
General Project Location (City and/or County): City of Fontana, County: San Bernardino
Project Description: A Municipal Code Amendment to establish an Entertainment Center Overlay District that includes three (3) Entertainment Center Planning Areas along with regulations. Other changes include revisions to the land use tables in Form Based Code (FBC) and Commercial Zoning Districts for parcels that have frontage

along Foothill Boulevard between Ilex Street to Maple Avenue and along Sierra Avenue from I-10 to Foothill Boulevard to: restrict certain auto/light industrial related uses, allow by right certain entertainment/recreational uses, modify regulations for Alcoholic Beverage Sales to allow by right for on-site alcoholic beverage sales license to restaurants, and modify the requirements for farmers markets. The amendment also revises the nonconforming provisions and include requirements for Route 66 signage on Foothill Boulevard. The Ordinance for this amendment - Master Case No. 25-0011 and Municipal Code Amendment No. 25-001 is exempt pursuant to Sections 15162, 15164, and 15183 the California Environmental Quality Act (CEQA) because this Municipal Code Amendment that establishes an Overlay along with modifications in the Zoning and Development Code that limits, modify, and clarifies uses in commercial areas, and requires public art along with branding/signage is consistent with the Fontana General Plan and General Plan Environmental Impact Report (FEIR) (State Clearinghouse [SCH] No. 2016021099) that was certified by City Council on November 13, 2018 and it anticipated the development of commercial/recreation uses in existing commercially designated areas

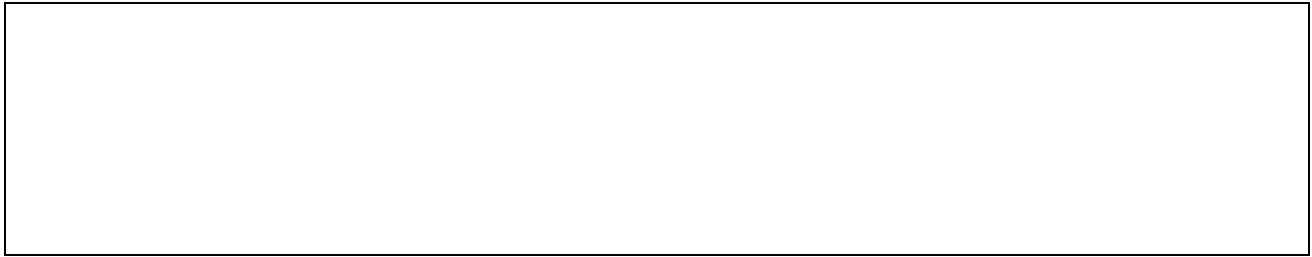
Identify the person or entity undertaking the project, including any private applicant, any other person undertaking an activity that receives financial assistance from the Public Agency as part of the project, and any person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the project.

This is to advise that the (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on **April 22, 2025** and has made the following determinations regarding the above described project:

1.	The project [<input type="checkbox"/> will <input checked="" type="checkbox"/> will not] have a significant effect on the environment.	
2.	<input checked="" type="checkbox"/>	An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency. Fontana General Plan and General Plan Environmental Impact Report (FEIR) (State Clearinghouse [SCH] No. 2016021099) was certified by City Council on November 13, 2018
	<input type="checkbox"/>	A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
	<input type="checkbox"/>	A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
3.	<input type="checkbox"/>	Mitigation measures [<input type="checkbox"/> were <input checked="" type="checkbox"/> were not]made a condition of the approval of the project.
4.	<input type="checkbox"/>	A Mitigation Monitoring or Reporting Plan [<input type="checkbox"/> was <input checked="" type="checkbox"/> was not] adopted for this project.
5.	<input type="checkbox"/>	A Statement of Overriding Considerations [<input type="checkbox"/> was <input checked="" type="checkbox"/> was not] adopted for this project.
6.	<input type="checkbox"/>	Findings [<input checked="" type="checkbox"/> were <input type="checkbox"/> were not] made pursuant to the provisions of CEQA.
This is to certify that the Final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to General Public at:		
	Custodian:	Location:

Date:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> DiTanyon Johnson Planning Manager
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Clerk's File Stamp:



Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.



CONTINUANCE OF NOTICE PUBLIC HEARING

- At the April 1, 2025 meeting, the Fontana Planning Commission continued the item to the meeting of April 15, 2025.

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. 25-0011: MUNICIPAL CODE AMENDMENT (MCA) NO. 25-001
Fontana Entertainment Center Overlay District (Nodes) and other Amendments to the Zoning and Development Code

The proposed project for a Municipal Code Amendment is to establish an Entertainment Center Overlay District that includes three (3) Entertainment Center planning areas (nodes) at key intersections (Nodes 1-3) to: restrict uses to entertainment/retail uses; modify requirements for Alcoholic Beverage Sales to allow by right for On-site alcoholic beverage sales licenses for restaurants (Bone fide Public Eating Place) and entertainment/recreational uses; include a requirement for public art; and include provisions for outdoor display. Other changes include revisions to the land use tables in Form Based Code (FBC) Districts (Downtown Gateway, Sierra Gateway, Route 66 Gateway, and Valley Gateway) and Commercial Zoning Districts to: restrict certain light industrial related uses; allow by right certain entertainment/recreational uses; modify regulations for Alcoholic Beverage Sales to allow by right for on-site alcoholic beverage sales licenses to restaurants (Bone fide Public Eating Place); and modify the requirements for farmers markets. The amendment also proposes to further restrict certain automobile related (auto sales, auto repair, auto washes, gas stations, and auto rentals) uses in the Sierra Gateway and Valley Gateway Districts in the FBC, revise the nonconforming provisions, and include requirements for Route 66 signage along Foothill Boulevard.

Environmental Determination:

The project is Exempt pursuant to Sections 15162, 15164, and 15183 of the California Environmental Quality Act (CEQA) Guidelines and Section 7 of the City of Fontana's 2019 Local Guidelines the proposed project that establishes an Overlay with planning areas and requirements along with modifications in the Zoning and Development Code that limits, modify, and clarifies uses in commercial areas, and requires branding/signage is consistent with the Fontana General Plan and General Plan Environmental Impact Report (FEIR) (State Clearinghouse [SCH] No. 2016021099) that was certified by City Council on November 13, 2018, and it anticipated the development of commercial/recreation uses.

Location:

The Entertainment Center Overlay District (Planning Area (Node) 1 – Approximately 119 acres generally located at the intersection of Valley Boulevard and Sierra Avenue; Planning Area (Node) 2 – Approximately 27 acres generally located north of the intersection of Foothill Boulevard and Sierra Avenue; and Planning Area (Node) 3 - Approximately 37 acres generally located north of the intersection of Foothill Boulevard and Cherry Avenue (Maps of the nodes can be viewed at: www.fontanaca.gov/2610/Public-Hearing-Notices). Form Based Code (FBC - Downtown Gateway and Route 66 Gateway) and Commercial Zoning Districts revisions are generally located along Foothill Boulevard. Form Based Code (FBC - Sierra Gateway and Valley Gateway) revisions are generally located along Sierra Avenue from Randall Avenue to I-10 freeway and along Valley Boulevard between Cypress Avenue to Alder Avenue. Other changes and amendments to this Zoning and Development Code as described above in the project description are to be implemented Citywide.

Date of Hearing: April 1, 2025

Place of Hearing: City Hall Council Chambers

ATTACHMENT NO. 3



8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing: 6:00 PM

Should you have any questions concerning this project, please contact **Rina Leung, Senior Planner**, at (909) 350-6566 or email at rleung@fontanaca.gov.

ANY INTERESTED PARTY MAY APPEAR AND PRESENT ANY INFORMATION WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION IN THE PLANNING DEPARTMENT, CITY HALL. PLEASE CONTACT THE PLANNER LISTED ABOVE.

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

Publish: March 8, 2025
S.B. Sun Newspaper

AVISO DE AUDIENCIA PUBLICA

- En la reunión del 1 de abril de 2025, la Comisión de Planificación de Fontana continuó este proyecto para la reunión del 15 de abril de 2025.

En cumplimiento con la Sección No. 202 de la Acta de Americanos con Discapacidades de 1990 (42 USC Sec. 12132) y las reglas y regulaciones federales adoptadas en la implementación de esta, la agenda de esta audiencia estará disponible en formatos alternativos apropiados para las personas con una discapacidad. Si necesita asistencia especial para participar en esta audiencia, comuníquese con el Departamento de la Secretaría Municipal llamando al (909) 350-7602. La notificación deberá realizarse 48 horas antes de la audiencia para permitir que la Ciudad haga arreglos razonables para garantizar la accesibilidad a esta audiencia.

SE HA PROGRAMADO UNA AUDIENCIA PUBLICA ANTE LA COMISION DE PLANIFICACION DE LA CIUDAD DE FONTANA PARA LO SIGUIENTE:

MCN No. 25-0011; MCA No. 25-001 - Distrito de Área de Cobertura del Centro de Entretenimiento de Fontana (Puntos de interés) y otras Enmiendas al Código de Zonificación y Desarrollo.

El proyecto propuesto para una Enmienda al Código Municipal consiste en establecer un Distrito de Cobertura del Centro de Entretenimiento que incluye tres (3) áreas de planificación del Centro de Entretenimiento (puntos de interés) en intersecciones clave (Puntos de Interés 1-3) para: restringir los usos de entretenimiento/venta al por menor; modificar los requisitos para la venta de bebidas alcohólicas para permitir, por derecho, licencias de venta de bebidas alcohólicas para consumo en el lugar para restaurantes (Establecimiento Público de Comida de Buena Fe) y usos de entretenimiento/usos recreativos; incluir un requisito de arte público; e incluir disposiciones para exhibiciones al aire libre. Otros cambios incluyen revisiones a las tablas de uso de suelo en los Distritos de Form Based Code (FBC) (Downtown Gateway, Sierra Gateway, Route 66 Gateway, and Valley Gateway) y Distritos de Zonificación Comercial para: restringir ciertos usos relacionados con la industria ligera; permitir, por derecho, ciertos usos de entretenimiento/usos recreativos; modificar las regulaciones para la venta de bebidas alcohólicas para permitir, por derecho, licencias de venta de bebidas alcohólicas para consumo en el lugar para restaurantes (Establecimiento Público de Comida de Buena Fe); y modificar los requisitos para los mercados de agricultores. La enmienda también propone restringir aún más ciertos usos relacionados con automóviles (venta de automóviles, reparación de automóviles, lavados de automóviles, gasolineras y alquiler de automóviles) en los Distritos de Sierra Gateway y Valley Gateway en el FBC, revisar las disposiciones no conformes e incluir requisitos para la señalización de la Ruta 66 a lo largo de Foothill Boulevard.

ATTACHMENT NO. 3



Determinacion Ambiental: El proyecto está Exento de conformidad con las Secciones 15162, 15164 y 15183 de las Normas de la Ley de Calidad Ambiental de California (CEQA) y la Sección 7 de las Normas Locales de la Ciudad de Fontana de 2019. El proyecto propuesto, que establece una Cobertura del Centro con áreas de planificación y requisitos, junto con modificaciones en el Código de Zonificación y Desarrollo que limitan, modifican y aclaran los usos en áreas comerciales, y requiere la marca/señalización, es consistente con el Plan General de Fontana y el Informe de Impacto Ambiental del Plan General (FEIR) (Centro de Intercambio Estatal [SCH] No. 2016021099) que fue certificado por el Concejo Municipal el 13 de noviembre de 2018, y anticipó el desarrollo de usos comerciales/recreativos.

Ubicacion de la Propiedad: El Distrito de Cobertura del Centro de Entretenimiento (Área de Planificación (Puntos de Interes) 1 – de aproximadamente 119 hectareas generalmente ubicados en la intersección de Valley Boulevard y Sierra Avenue; Área de Planificación (Puntos de Interes) 2 – de aproximadamente 27 hectareas generalmente ubicados al norte de la intersección de Foothill Boulevard y Sierra Avenue; y Área de Planificación (Punto de Interes) 3 – de aproximadamente 37 hectareas generalmente ubicados al norte de la intersección de Foothill Boulevard y Cherry Avenue (los mapas de los puntos de interes se pueden ver en: www.fontanaca.gov/2610/Public-Hearing-Notices). Las revisiones de Form Based Code (FBC – Downtown Gateway y Route 66 Gateway) y los Distritos de Zonificación Comercial se encuentran generalmente a lo largo de Foothill Boulevard. Las revisiones de Form Based Code (FBC – Sierra Gateway y Valley Gateway) se encuentran generalmente a lo largo de Sierra Avenue desde Randall Avenue hasta la autopista I-10 y a lo largo de Valley Boulevard entre Cypress Avenue y Alder Avenue. Otros cambios y enmiendas a este Código de Zonificación y Desarrollo, como se describió anteriormente en la descripción del proyecto, se implementarán en toda la ciudad.

Fecha de Audiencia: 1 de abril de 2025

Lugar de Audiencia: Ayuntamiento de la Ciudad de Fontana, 8353 Sierra Avenue, Fontana, CA 92335

Hora de Audiencia: 6:00 p.m.

Si tiene alguna pregunta sobre este proyecto, comuníquese al (909) 350-6728 o por correo electrónico a planning@fontanaca.gov.

Cualquier persona o grupo interesado en aportar informacion lo puede hacer mediante a una carta o correo electronico dirigido a La Comision de Planificacion. La solicitud y la documentación Ambiental está disponible para inspección en las Oficinas de Ayuntamiento de la Ciudad de Fontana.

Si usted contradice ante el tribunal cualquier acción tomada con respecto a un tema de la Audiencia Publica, usted puede estar limitado a plantear solamente aquellas cuestiones que usted o alguien más planteo en la Audiencia Publica mencionada en este aviso o por correspondencia escrita a la Ciudad de Fontana antes de la fecha de la Audiencia establecida en este aviso.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 25-0107
Agenda #: PH-B

Agenda Date: 4/15/2025
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 25-0017; Municipal Code Amendment (MCA) No. 25-0003 - Consideration of an Ordinance amending Chapter 30 of the Fontana Municipal Code regarding group homes and boardinghouses.

RECOMMENDATION:

Staff recommends that the Planning Commission continue the item to the May 6, 2025 meeting.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

REQUEST:

A request for consideration of an Ordinance amending Chapter 30 of the Fontana Municipal Code regarding group homes and boardinghouses.

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 25-0160
Agenda #: PH-C

Agenda Date: 4/15/2025
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 24-0047: Tentative Tract Map No. 20686 (TTM No. 24-0013) and Design Review No. 24-0024 - A request to subdivide approximately one (1) acre into 12 lots and for the site and architectural approval of a new residential development consisting of 12 single-family dwellings and associated improvements, pursuant to a Categorical Exemption in accordance with CEQA Guidelines Section 15332.

RECOMMENDATION:

Based on the information contained in this staff report and subject to the attached Findings and Conditions of Approval; staff recommends that the Planning Commission adopt Resolution PC No. 2025- ; and,

1. Determine that the project is categorically exempt pursuant to Section No. 15332 (Class No. 32, Infill Development) of the California Environmental Quality Act, 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 Tentative Tract Map No. 20686 (TTM No. 24-0013); and,

3. Approve Design Review No. 24-0024.

APPLICANT:

Bryan Avilla
NewBridge Homes
500 Newport Center Drive, Suite 570
Newport Beach, CA 92660

LOCATION:

The project site is located on the west side of Laurel Avenue, south of Arrow Boulevard (APNs: 0246-121-71 and -72)

REQUEST:

Design Review No. 24-024 and Tentative Tract Map No. 24-013 - A request to subdivide approximately one (1) acre into 12 lots and for the site and architectural approval of a new residential development consisting of 12 single-family dwellings and associated improvements.

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner

BACKGROUND INFORMATION:

Land Use Table:

	General Plan	Zoning/Specific Plan	Existing Use
Site	Medium Density Residential (R-M)	Medium Density Residential (R-2)	Single-Family Dwelling and Vacant/Undeveloped
North	Medium Density Residential (R-M)	Medium Density Residential (R-2)	Single-Family Dwellings
South	Medium Density Residential (R-M)	Medium Density Residential (R-2)	Single-Family Dwellings
East	Single-Family Residential (R-SF)	Single-Family Residential (R-1)	Multi-Family Residential
West	Medium Density Residential (R-M)	Medium Density Residential (R-2)	Single-Family Dwelling

PROJECT DESCRIPTION:

Development Standards	Required	Proposed
Density:	5.1-12 du/ac	12 du/ac
Setbacks:		
Front:	15 feet minimum	15 feet
Side:	4 feet minimum	4 feet
Rear:	10 feet minimum	10 feet
Building Height:	35 feet maximum	26 feet

ANALYSIS:

The applicant, NewBridge Homes, is requesting that the Planning Commission approve Tentative Tract Map No. 24-0013 and Design Review (DRP) No. 24-0024 for development of a residential development consisting of 12 single-family homes and lots and associated on-site and off-site improvements on approximately one acre. The 12 homes range in size from 1,800 square feet to 2,896 square feet.

Design Review (DRP) No. 24-024:

The proposed single-family residential development will be comprised of 12 dwellings. Eight of the twelve homes will feature a casita that is integrated with the home.

The applicant proposes a Spanish style of architecture. The architectural features for the proposed buildings incorporate a light earth tone color palette with blue, green and tan accent colors to be used for entry doors, shutters, awnings and garage doors. The architectural style includes a smooth stucco finish, tile roof, shutters, awnings, decorative clay pipes, decorative metal accents, and Spanish tile accents.

Minor Planned Unit Development (PUD)

The proposed residential development is utilizing the provisions for Minor Planned Unit Developments (PUDs) as indicated in Section No. 30-326(2) of the Zoning and Development Code. The development meets or exceeds all requirements.

Minor PUDs are intended to encourage development of infill sites in the R-2 zoning district. Projects proposing a minor PUD are required to be no larger than three acres in size, located in an infill area (where at least 80% 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), and in the R-2 zoning district.

The provisions for Minor PUDs provide for development incentives such as reduced setbacks and lot dimensions, increased allowable lot coverage, etc. The developments are required to provide enhanced paving, landscaping, and unit entry and orientation.

Grading/Walls:

The project site is partially developed with a single-family dwelling. The remainder of the site is vacant and undeveloped. The existing single-family dwelling will be demolished as part of this project.

The applicant, NewBridge Homes, is requesting that the Planning Commission approve Tentative Tract Map No. 24-0013 and Design Review (DRP) No. 24-0024 for development of a residential development consisting of 12 single-family homes and lots and associated on-site and off-site improvements on approximately one acre. The 12 homes range in size from 1,800 square feet to 2,896 square feet.

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The provisions for Minor PUDs provide for development incentives such as reduced setbacks and lot dimensions, increased allowable lot coverage, etc. The developments are required to provide enhanced paving, landscaping, and unit entry and orientation.

Grading/Walls:

The project site is partially developed with a single-family dwelling. The remainder of the site is vacant and undeveloped. The existing single-family dwelling will be demolished as part of this project.

The topography of the Project Site is generally flat, with a less than two (2) percent gradient from north to south. The project plans indicate that a new six (6) foot high decorative masonry screen wall will be constructed along the western property line to replace existing fencing. Existing fencing on the northern and southern property lines will be replaced with combination low retaining wall/block wall. The combination walls will measure a maximum height of six feet from the property with the highest grade.

Site Access/Circulation/Parking:

Access to and from the project site will be provided from Laurel Avenue by a central drive aisle. The central drive aisle will be paved with pavers and scored concrete banding. Each home has a two- or three-car garage. Eight parking spaces are provided on-site for guests. Parking will not be permitted in the drive aisle.

Environmental:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines and Section No. 3.22 (Categorical Exemption) of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, the proposed Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section No. 15332 as a Class 32, In-Fill Development Project. The project site is considered Infill Development and meets the CEQA requirements of Infill: (1) The Project is consistent with the Medium Density Residential (R-M) designation of the General Plan and the Medium Density Residential (R-2) zoning district; (2) The Project Site is less than five (5) acres; (3) The Project Site has previously been developed, and is not within any known sensitive or threatened habitat area; (4) The Project will not have any significant effects related to traffic, noise, air quality, or water quality; and (5) There are adequate public services for the development of the proposed residential project. Further, none of the exceptions in CEQA Guidelines section 15300.2 apply to the project.

MOTION:

Approve staff's recommendation

ATTACHMENTS:

1. Vicinity Map

2. Project Plan Set
3. Planning Commission Resolution, Findings, and Conditions of Approval
4. Notice of Exemption
5. Public Hearing Notice



Project Site

VICINITY MAP

DATE: April 15, 2025
CASE: Master Case No. 24-074
 Tentative Tract Map No. 24-013
 Design Review No. 24-024



TRACT NO. 20686 APN 0246-121-71 & 0246-121-72

Laurel Avenue

FONTANA, CALIFORNIA

SHEET INDEX

CS COVER SHEET

CIVIL ENGINEER:

1 of 2 Conceptual Grading Plan

2 of 2 Conceptual Grading Plan

Tentative Tract Map 20686

Sewer Study

LANDSCAPE:

PM-1 Preliminary Landscape Plan

PM-2 Material Photos

ARCHITECTURE:

CS-0 to DD-3.1 Preliminary Submittal
Plans -see sheet index

OWNER

NH LAUREL LLC
500 Newport Center Drive, Ste 570
PH 949.344.2705
Contact Bryan Avilla
Email bavilla@newbridgehomes.com

CIVIL ENGINEER

ALLARD ENGINEERING
16866 Seville Avenue
Fontana, CA 92335
PH 909.356.1815
Contact Reynold Allard
Email reynoldallard@allardeng.com

LANDSCAPE ARCHITECT

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1488 Bloomfield
Sebastool, CA 92620
PH 949.237.8060
Contact Jesse Williams
Email williams-exterior-design.com

ARCHITECT/PLANNER

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1601 Dove Street, Suite 187
Newport Beach, CA 92660
PH (949) 851-9080
Contact Greg Bucilla / Rowena Brual
Email greg@bg-architecture.com

ARCHITECT:

**BUCILLA
GROUP
ARCHITECTURE**

ARCHITECTURE PLANNING INTERIOR DESIGN
HISTORIC PRESERVATION LEED VALUE ENGINEERING
1601 Dove Street, Suite 187, Newport Beach, Ca 92660
TEL 949.851.9080 info@bg-architecture.com
<https://www.bg-architecture.com>

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ATTEST TO ARCHITECTURAL ONLY

Project :

LAUREL AVENUE
Fontana, CA

Owner:

NH LAUREL LLC
500 Newport Center Drive,
Ste 570 Newport Beach, Ca

NO.	DATE	DESCRIPTION
	08/27/24	Prelim. Planning Submittal
	01/21/25	Planning Re-Submittal

PERMIT NO:
BD SUBM. DATE:
PLOT DATE: 08/27/24 DD PRELIM.
PLOT DATE:

Project Number :

BGA No. 22012

Sheet Title :

Sheet No. :

CS

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DO NOT SCALE THE DRAWINGS

01.21.2025

ASSESSOR'S PARCEL NO:

0246-121-71 & 0246-121-72

LEGAL DESCRIPTION

IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA BEING A SUBDIVISION OF A PORTION OF LOT 448 SEMI-TROPIC LAND AND WATER COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA

DEVELOPER:

NH LAUREL, LLC
500 NEWPORT CENTER DR. #570
NEWPORT BEACH, CA 92660
(949)344-2701

ENGINEER:

ALLARD ENGINEERING
16866 SEVILLE AVENUE
FONTANA, CALIFORNIA 92335
PHONE: (909) 356-1815

UTILITIES:

WATER:
FONTANA WATER COMPANY
15966 ARROW ROUTE
FONTANA, CA 92335
(909) 822-2201

SOLID WASTE:
BURRTEC
9820 CHERRY AVENUE
FONTANA, CA 92335
(909) 987-3717

GAS:
SOUTHERN CALIFORNIA GAS CO.
7000 INDIANA AVENUE
RIVERSIDE, CA 92506
(800) 427-2200

ELECTRIC:
SOUTHERN CALIFORNIA EDISON CO.
ROSEMEAD, CA 91770
(800) 655-4555

CABLE/TELEPHONE:
SPECTRUM
6461 PATS RANCH ROAD
JURUPA VALLEY, CA 91752
(888) 406-7063

CABLE/TELEPHONE:
AT&T
8052 LIMONITE AVENUE #101
RIVERSIDE, CA 92509
(951) 360-2142

CABLE/TELEPHONE:
FRONTIER COMMUNICATIONS
PO BOX 740407
CINCINNATI, OH 45274-0407
(877) 744-7083

SEWER:
CITY OF FONTANA-SEWER SERVICE
8353 SIERRA AVENUE
FONTANA, CA 92335
(909) 350-7670

RAW EARTHWORKS:

CUT: CY
FILL: 1,800 CY
AREA OF DISTURBANCE: 43,243 SF

AREA SUMMARY:

ADJUSTED GROSS: 1.03 AC

BASIS OF BEARINGS:

THE BEARINGS ARE BASED ON THE CENTERLINE OF VALENCIA AVENUE, HAVING A BEARING OF NORTH 89°59'45" EAST PER TRACT NO. 6022, M.B. 76/45.

BENCHMARK:

EASEMENT NOTES:

- (A) AN EASEMENT FOR STREET AND PUBLIC UTILITY PURPOSES PER INSTRUMENT RECORDED APRIL 28, 1960 IN BOOK 5124, PAGE 4 OF OFFICIAL RECORDS.
- (B) AN EASEMENT FOR AERIAL AND/OR UNDERGROUND ELECTRIC OF COMMUNICATION STRUCTUREX, AND INCIDENTAL PURPOSES, IN INSTRUMENT RECORDED SEPTEMBER 1, 1960 IN BOOK 5227 PAGE 516 OF OFFICIAL RECORDS.
- (C) PROPOSED EASEMENT FOR ROADWAY AND UTILITY PURPOSES.
- (D) PROPOSED SEWER EASEMENT IN FAVOR OF HOA.

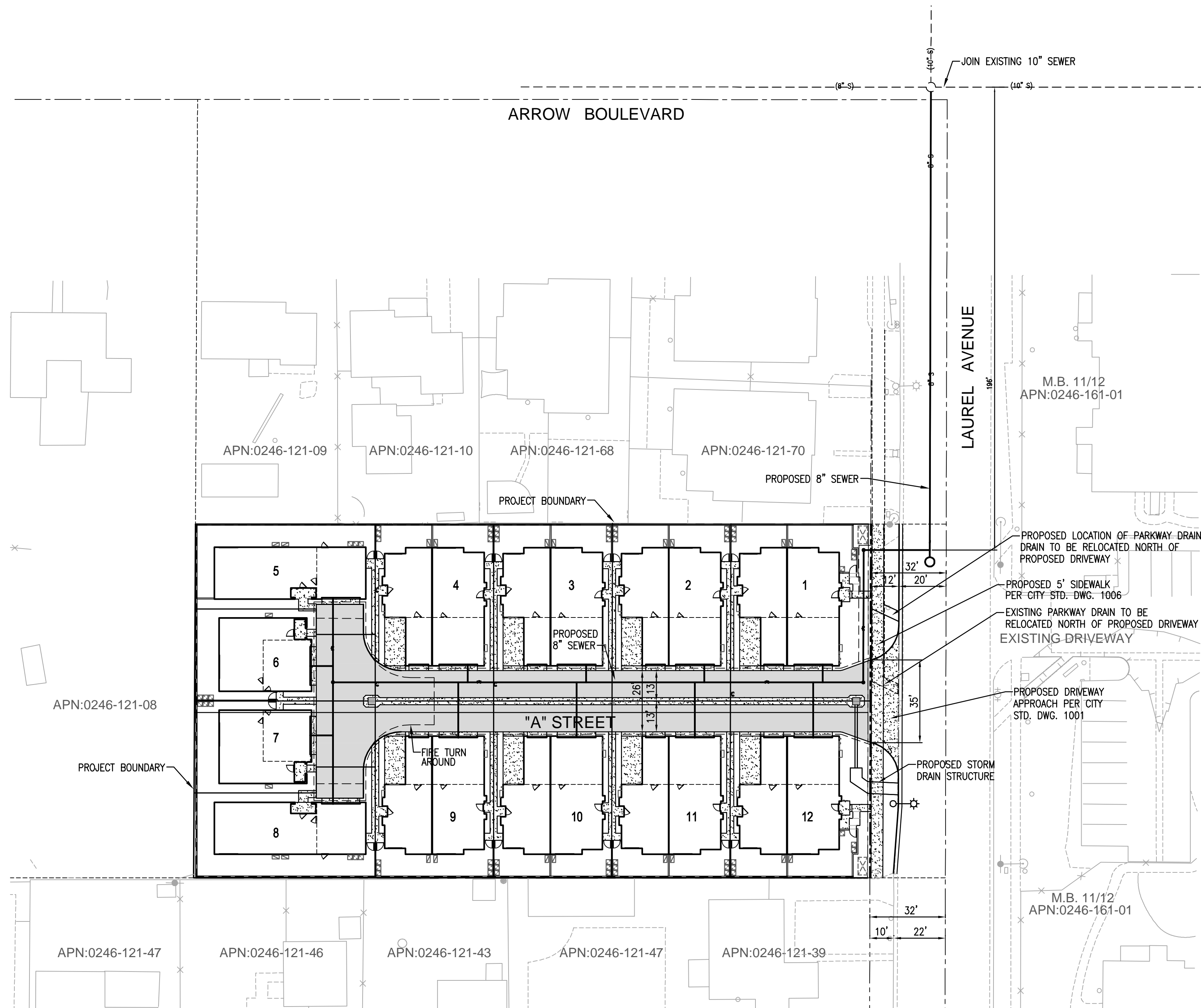
NOTES:

1. TOPOGRAPHY SHOWN WAS COMPILED FROM AERIAL PHOTOGRAPHY DATED AND ASSOCIATED DIGITAL DATA PREPARED BY INLAND AERIAL SURVEYS, INC.
2. HOMEOWNER'S ASSOCIATION TO MAINTAIN WATER QUALITY MANAGEMENT PLAN SYSTEMS & OPEN SPACE AREAS.

UNDERGROUNDING NOTE:

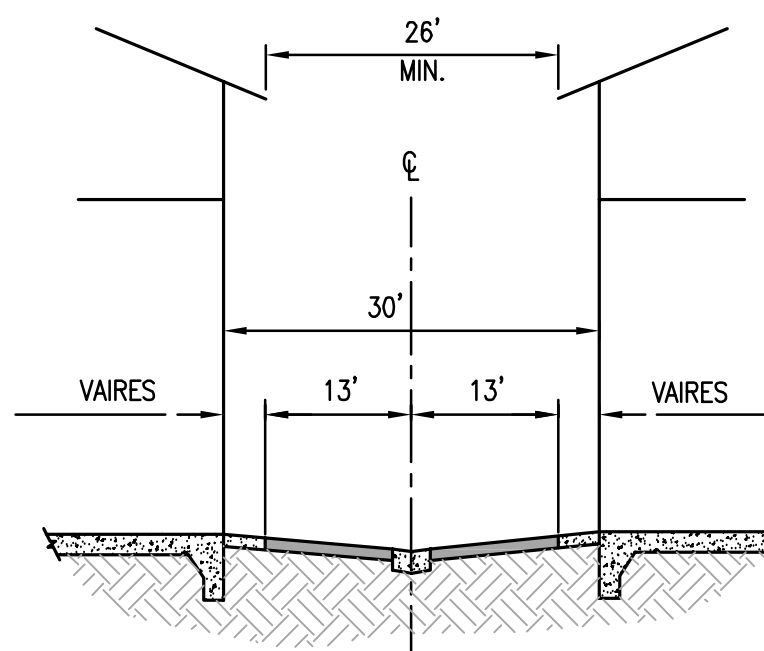
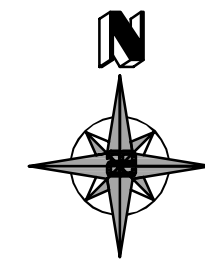
THIS PROJECT WILL MEET UNDERGROUNDING REQUIREMENTS BY RELOCATING EXISTING OVERHEAD UTILITY LINES ADJOINING THE PROJECT SITE AND ANY NECESSARY ADJACENT FACILITIES UNDERGROUND, AS DETERMINED BY THE UTILITY COMPANY.

CITY OF FONTANA
CONCEPTUAL GRADING PLAN

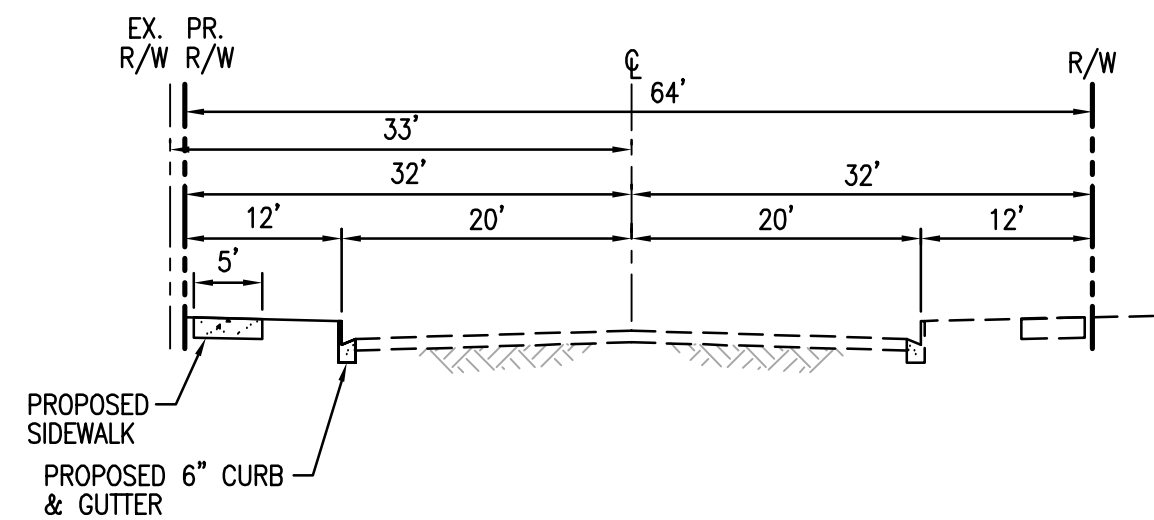


INDEX MAP

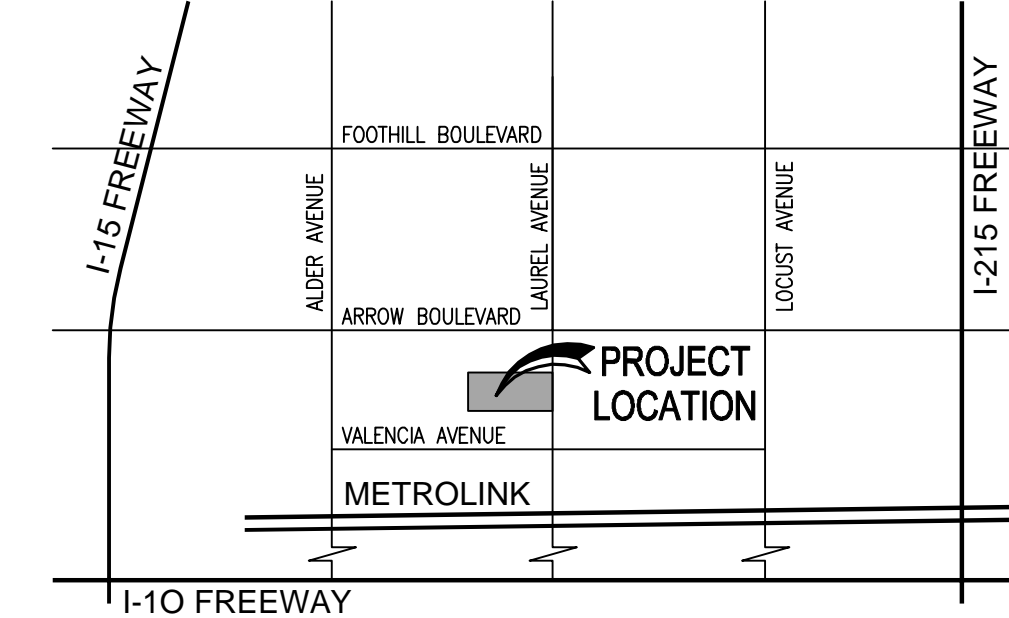
SCALE 1"=30'



PRIVATE DRIVE ISLE
NTS



LAUREL AVENUE
LOCAL STREET
NTS



LEGEND:

- 10 LOT NUMBER
1221.5 PAD ELEVATION
1% DRAINAGE FLOW
495 EXISTING CONTOURS
PROPOSED R/W
EASEMENT
SEWER LINE
WATER LINE
SD STORM DRAIN
RETAINING WALL
PROPOSED SLOPE (2:1 MIN)
PROPOSED CATCH BASIN
EASEMENTS AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DATE OF SURVEY: MARCH, 2020

ABBREVIATIONS:

- APN ASSESSOR'S PARCEL NUMBER
CL CENTERLINE
FG CONCRETE
FL FLOW LINE
FS FINISHED SURFACE
LS LANDSCAPE
MAX MAXIMUM
MIN MINIMUM
NO. NUMBER
NTS NOT TO SCALE

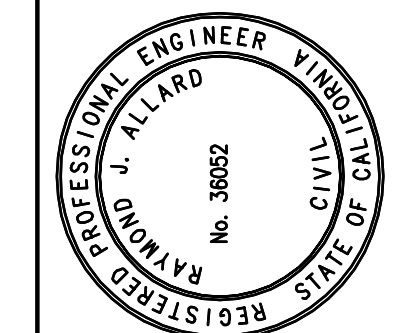
SHEET INDEX:

- SHEET 1 TITLE SHEET
SHEET 2 CONCEPTUAL GRADING PLAN

SHEET INDEX:

SHEET 1

Prepared For:
NH LAUREL LLC
500 NEWPORT CENTER DR. #570
NEWPORT BEACH, CA 92660
PHONE (949) 344-2701



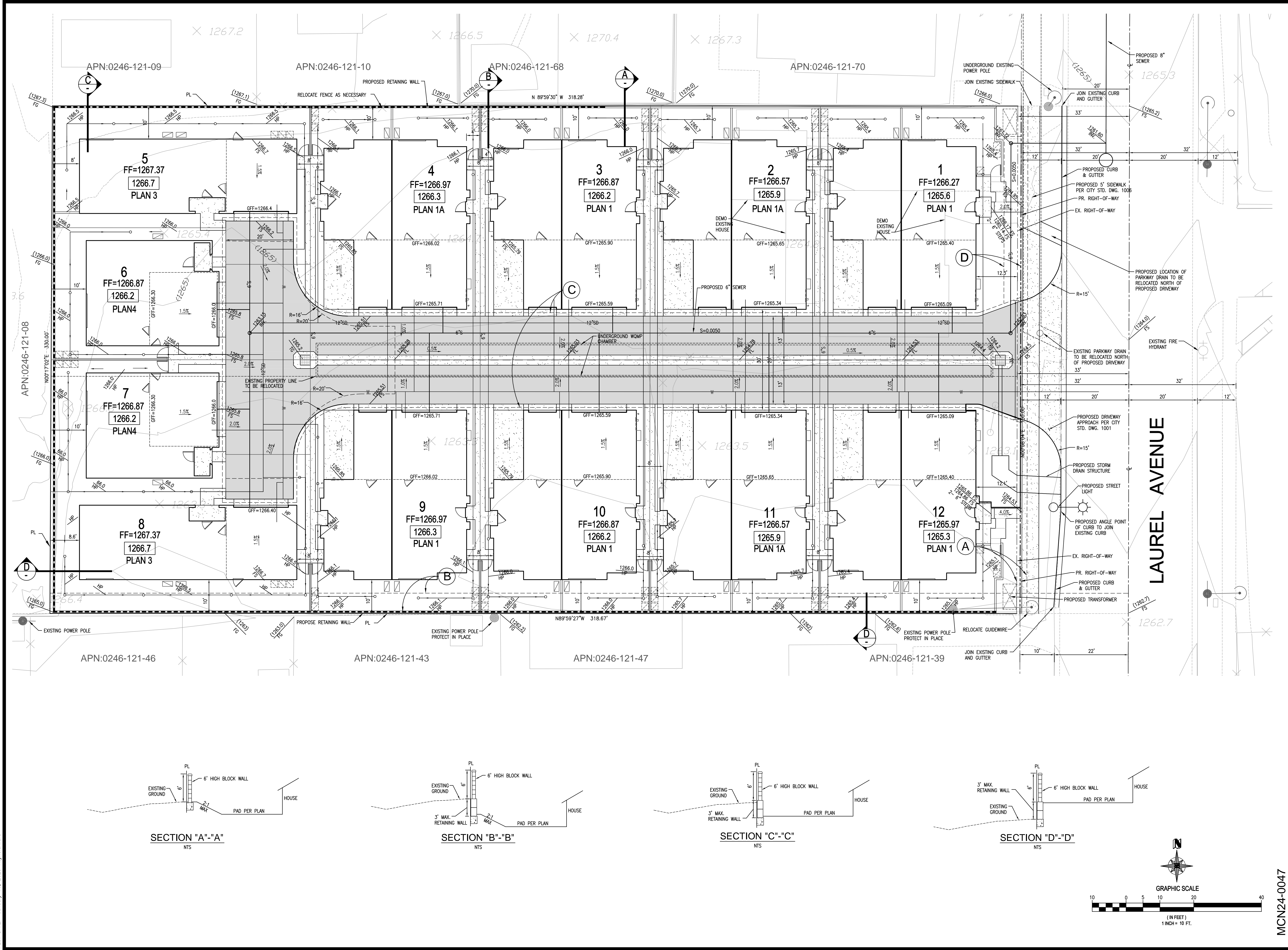
Prepared By:
ALLARD ENGINEERING
Civil Engineering - Land Surveying - Land Planning
16866 Seville Avenue
Fontana, California 92335
Phone (909) 356-1815
Raymond J. Allard
Raymond J. Allard, P.E. No. 30652

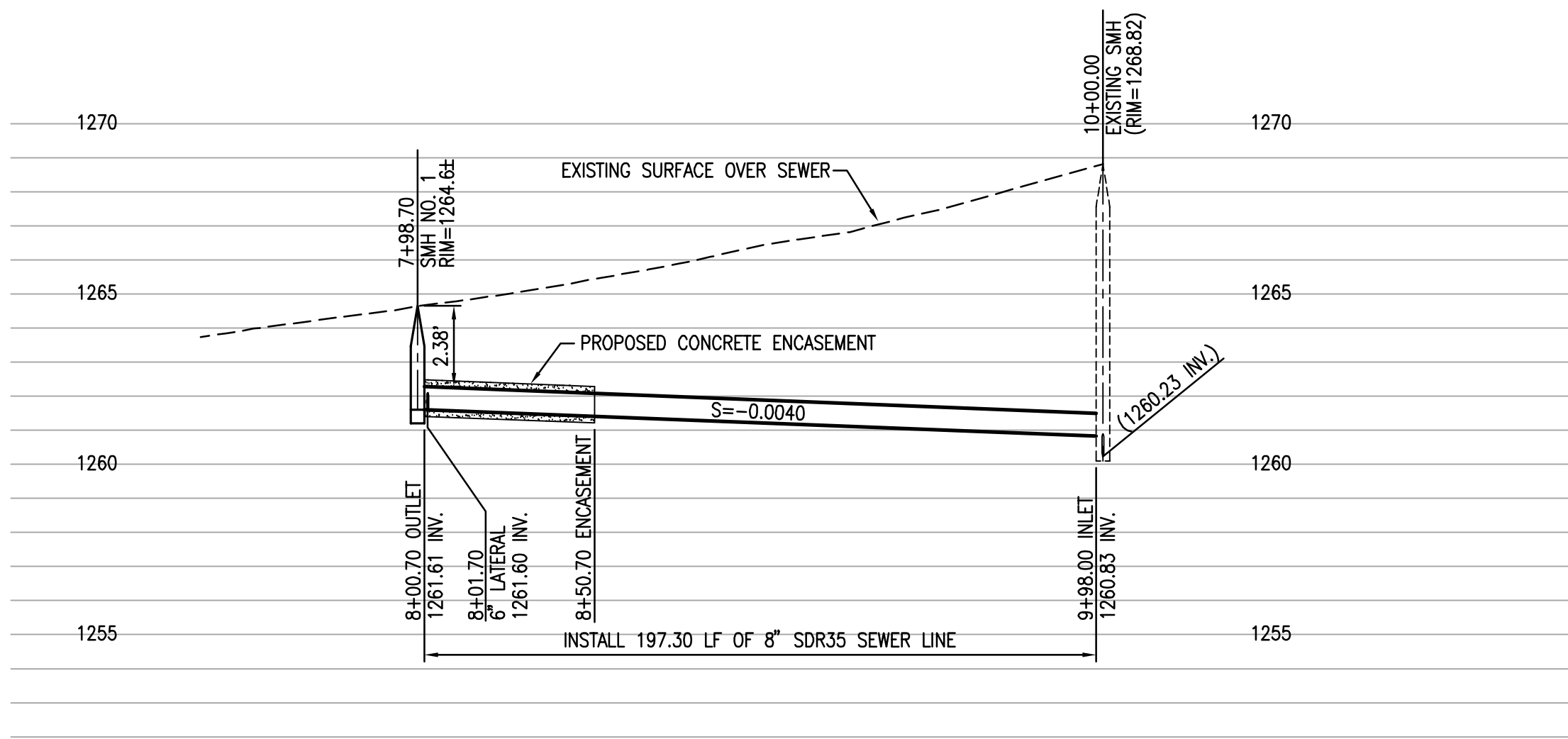
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SCALE	PER PLAN
DRAWN	AE
CHECKED	R.E.A.

CONCEPTUAL GRADING PLAN
TRACT NO. 20686
LAUREL AVENUE

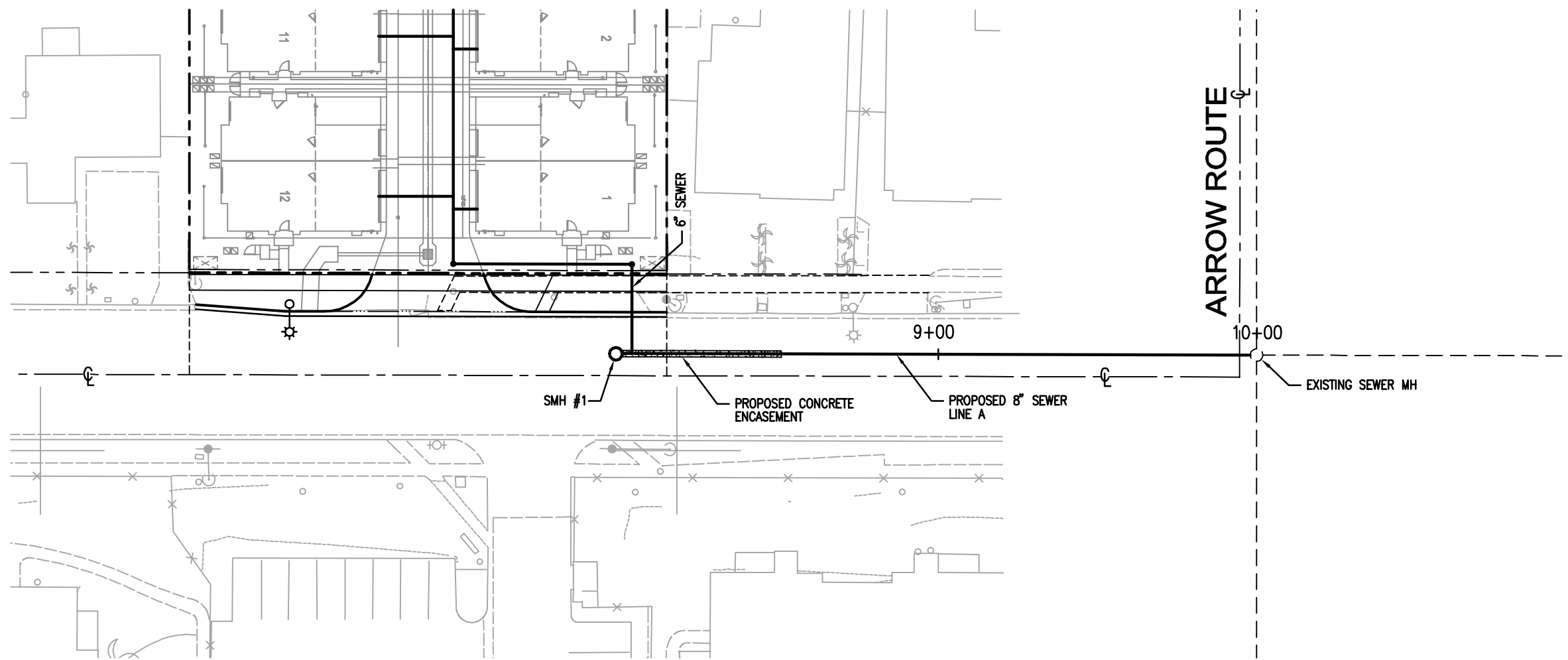
MCN24-0047

SHEET TITLE	PROJECT
SHEET NO.	1 OF 2

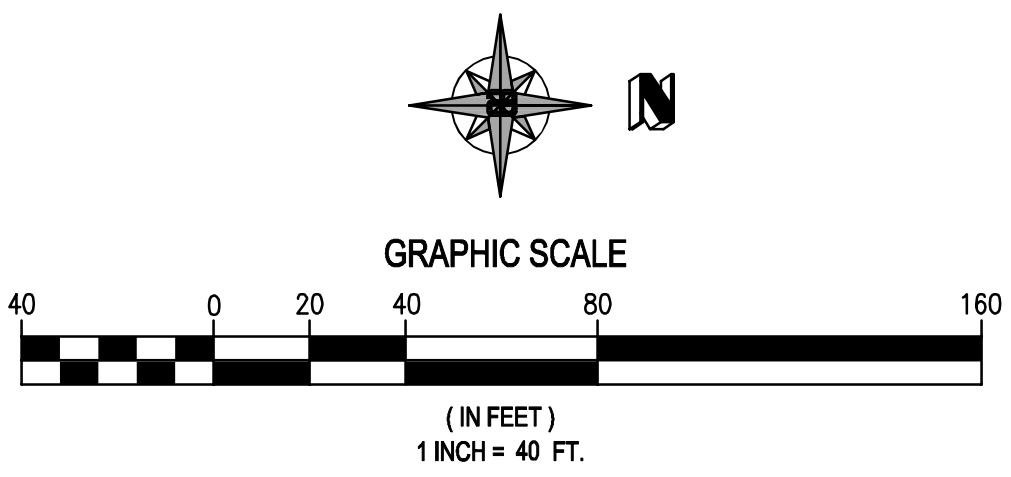
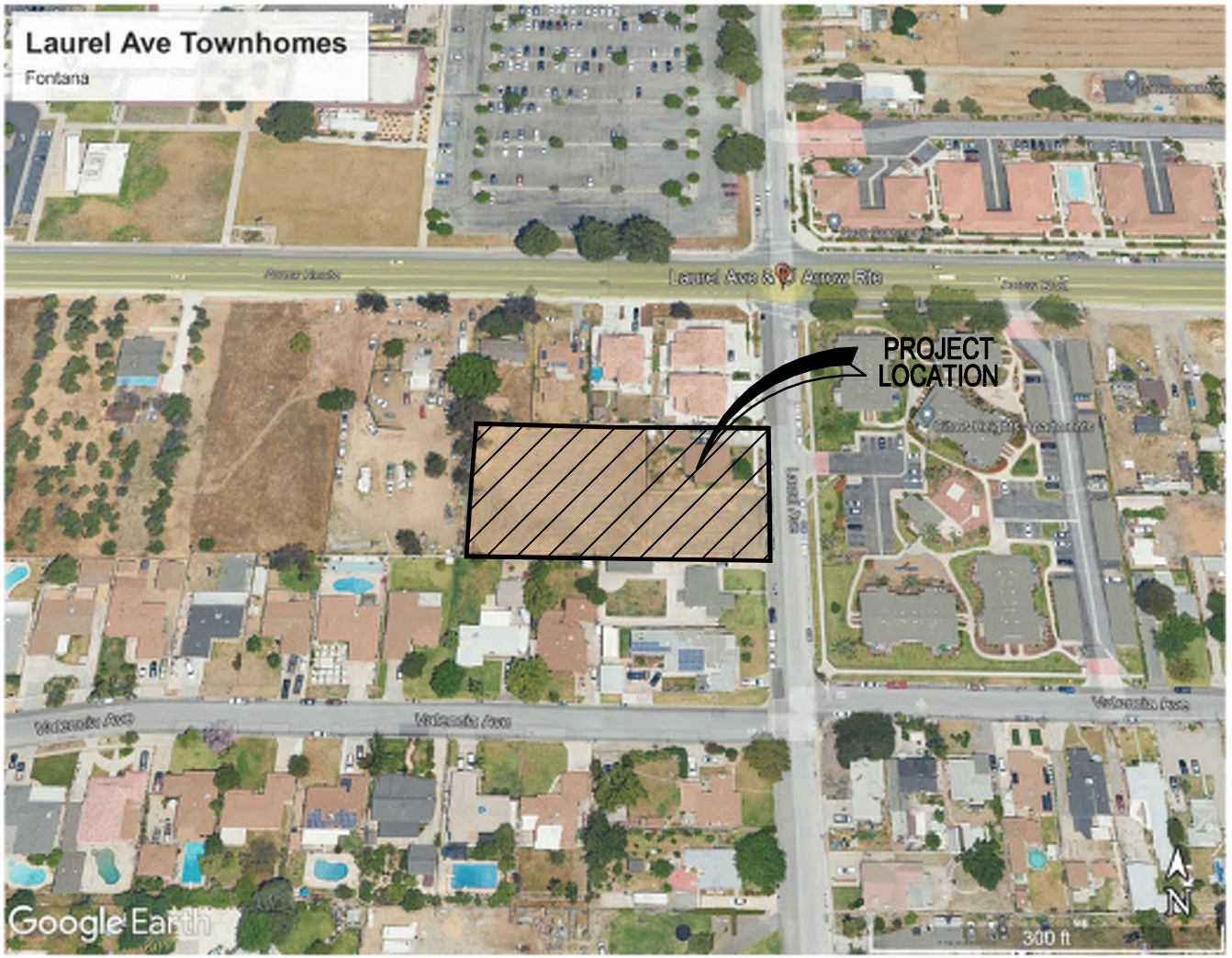




LINE A



LAUREL AVENUE



Prepared By:
ALLARD ENGINEERING
Civil Engineering - Land Surveying - Land Planning
16866 Seville Avenue
Fontana, California 92335
Phone (909) 356-1815 Fax (909) 356-1795

Prepared For:
NewBridge Homes
500 NEWPORT CENTER DRIVE, SUITE 570
NEWPORT BEACH, CA 92660
(949) 344-2703

CITY OF FONTANA
SEWER STUDY
FONTANA LAUREL TOWNHOMES
TTM NO. 20686

CITY OF FONTANA

TENTATIVE TRACT MAP NO. 20686

OWNERS:

LAUREL INVESTORS, LLC
9410 SIERRA AVE.
FONTANA, CA 92335
(949) 344-2701

NH LAUREL, LLC
500 NEWPORT CENTER DR. #570
NEWPORT BEACH, CA 92660
(949) 344-2701

ENGINEER:

ALLARD ENGINEERING
16866 SEVILLE AVENUE
FONTANA, CALIFORNIA 92335
PHONE (909) 356-1815

DEVELOPER:

NH LAUREL, LLC
500 NEWPORT CENTER DR. #570
NEWPORT BEACH, CA 92660
(949) 344-2701

UTILITIES:

WATER:
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ARROW ROUTE
FONTANA, CA 92335
(909) 822-2201

GAS:
SOUTHERN CALIFORNIA GAS CO.
7000 INDIANA AVENUE
RIVERSIDE, CA 92506
(800) 427-2200

CABLE/TELEPHONE:
SPECTRUM
6461 PATS RANCH ROAD
JURUPA VALLEY, CA 91752
(888) 406-7063

CABLE/TELEPHONE:
FRONTIER COMMUNICATIONS
PO BOX 749407 CINCINNATI, OH
45274-0407
(877) 744-7083

SEWER:
CITY OF FONTANA-SEWER SERVICE
8353 SIERRA AVE FONTANA, CA 92335
(909) 350-7670

SOLID WASTE:
BURRTEC
9820 CHERRY AVENUE
FONTANA, CA 92335
(909) 987-3717

ELECTRIC:
SOUTHERN CALIFORNIA EDISON CO.
ROSEMEAD, CA 91770
(800) 655-4555

CABLE/TELEPHONE:
AT&T
8052 LIMONITE AVENUE #101
RIVERSIDE, CA 92509
(951) 360-1412

BENCHMARK:

BASIS OF BEARINGS:

THE BEARINGS ARE BASED ON THE CENTERLINE OF VALENCIA AVENUE, HAVING A BEARING OF NORTH 89°59'45" EAST PER TRACT NO. 6022, M.B. 76/45.

EASEMENTS:

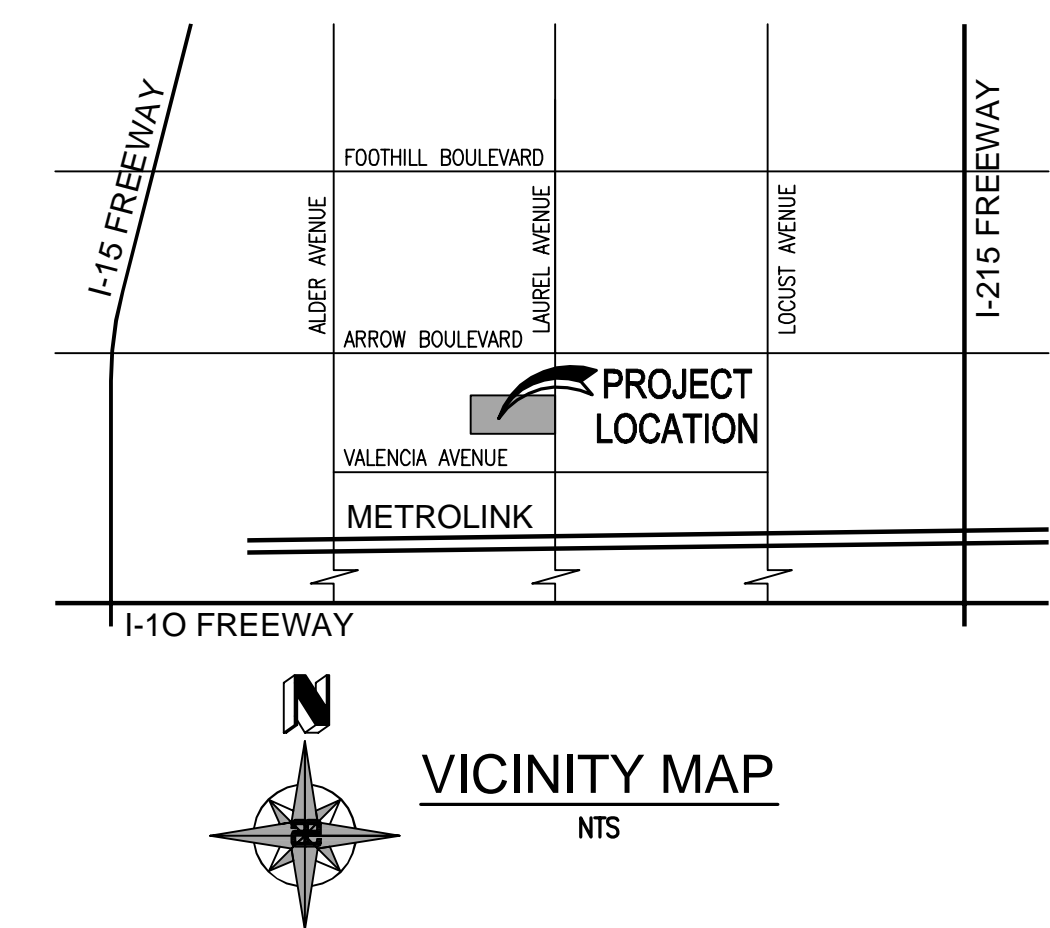
- (A) AN EASEMENT FOR STREET AND PUBLIC UTILITY PURPOSES PER INSTRUMENT RECORDED APRIL 28, 1960 IN BOOK 5124, PAGE 4 OF OFFICIAL RECORDS.
- (B) AN EASEMENT FOR AERIAL AND/OR UNDERGROUND ELECTRIC OF COMMUNICATION STRUCTURE, AND INCIDENTAL PURPOSES, IN INSTRUMENT RECORDED SEPTEMBER 1, 1960 IN BOOK 5227 PAGE 516 OF OFFICIAL RECORDS.
- (C) PROPOSED EASEMENT FOR ROADWAY AND UTILITY PURPOSES.
- (D) PROPOSED EASEMENT FOR SEWER PURPOSES IN FAVOR OF HOA.

AREA SUMMARY:

ADJUSTED GROSS: 1.03 ACRES

LEGEND:

- 10 LOT NUMBER
- PROPOSED R/W
- EASEMENT
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- (A) EASEMENTS AS SHOWN BY MAP ON,



LEGAL DESCRIPTION

PARCELS 1 AND 2 OF PARCEL MAP NO. 18193, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RECORDED AUGUST 17, 2022, AS SHOWN BY MAP ON FILE IN BOOK 259, PAGE 45 THROUGH 46 OF PARCEL MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

ASSESSOR'S PARCEL NO:

0245-121-71 & 0245-121-72

EXISTING ZONING:

MEDIUM DENSITY RESIDENTIAL (R-2)

EXISTING LAND USE:

RESIDENTIAL

ADJACENT LAND USE:

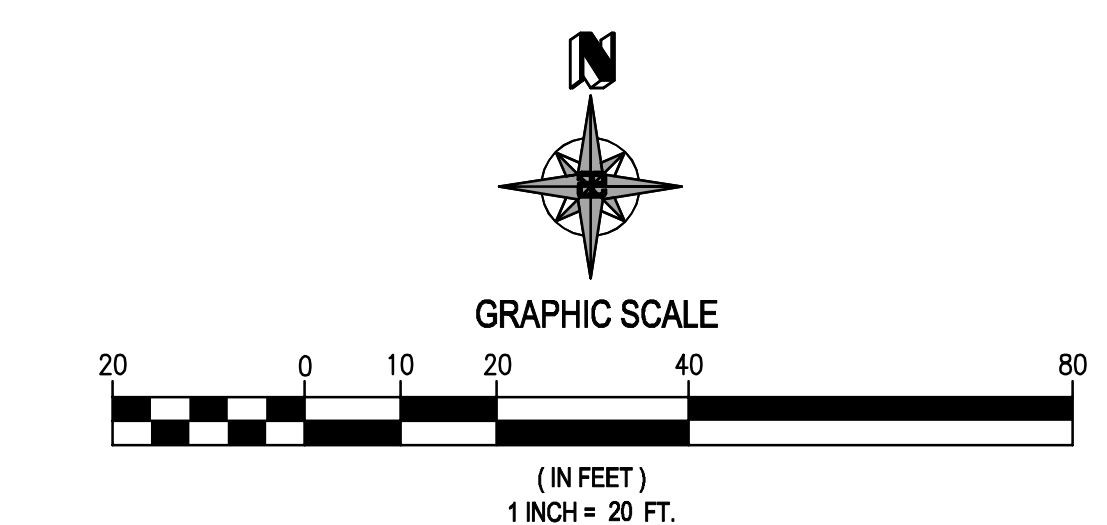
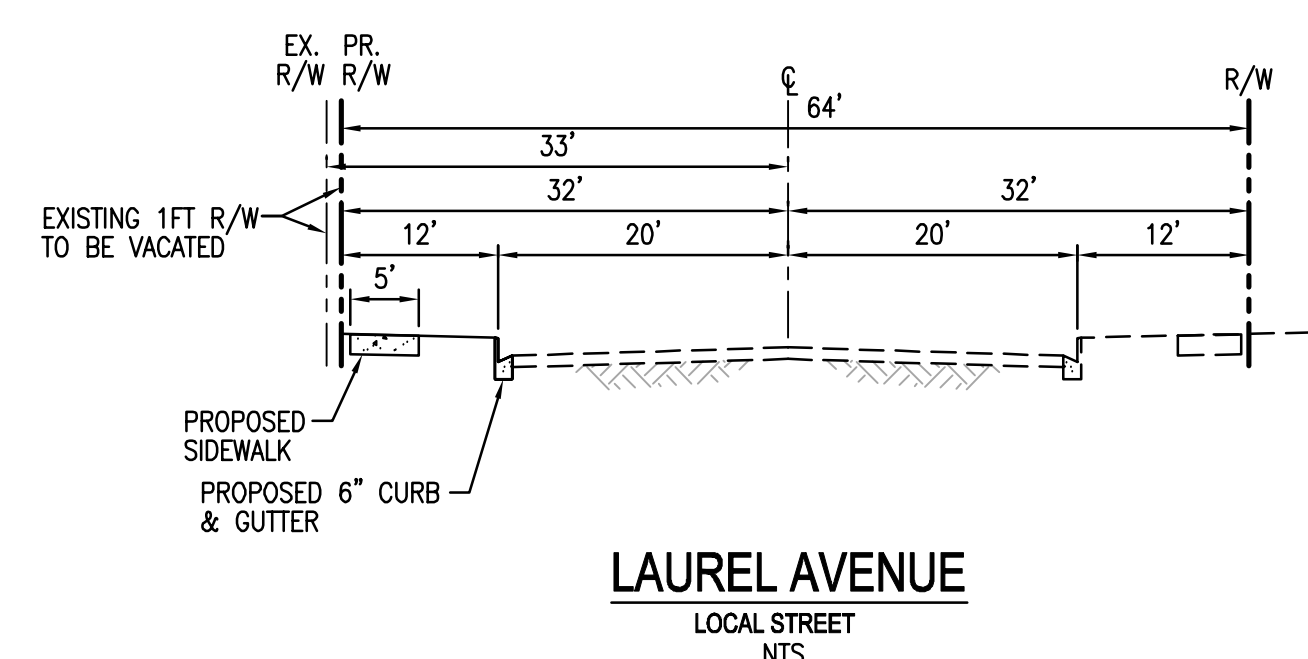
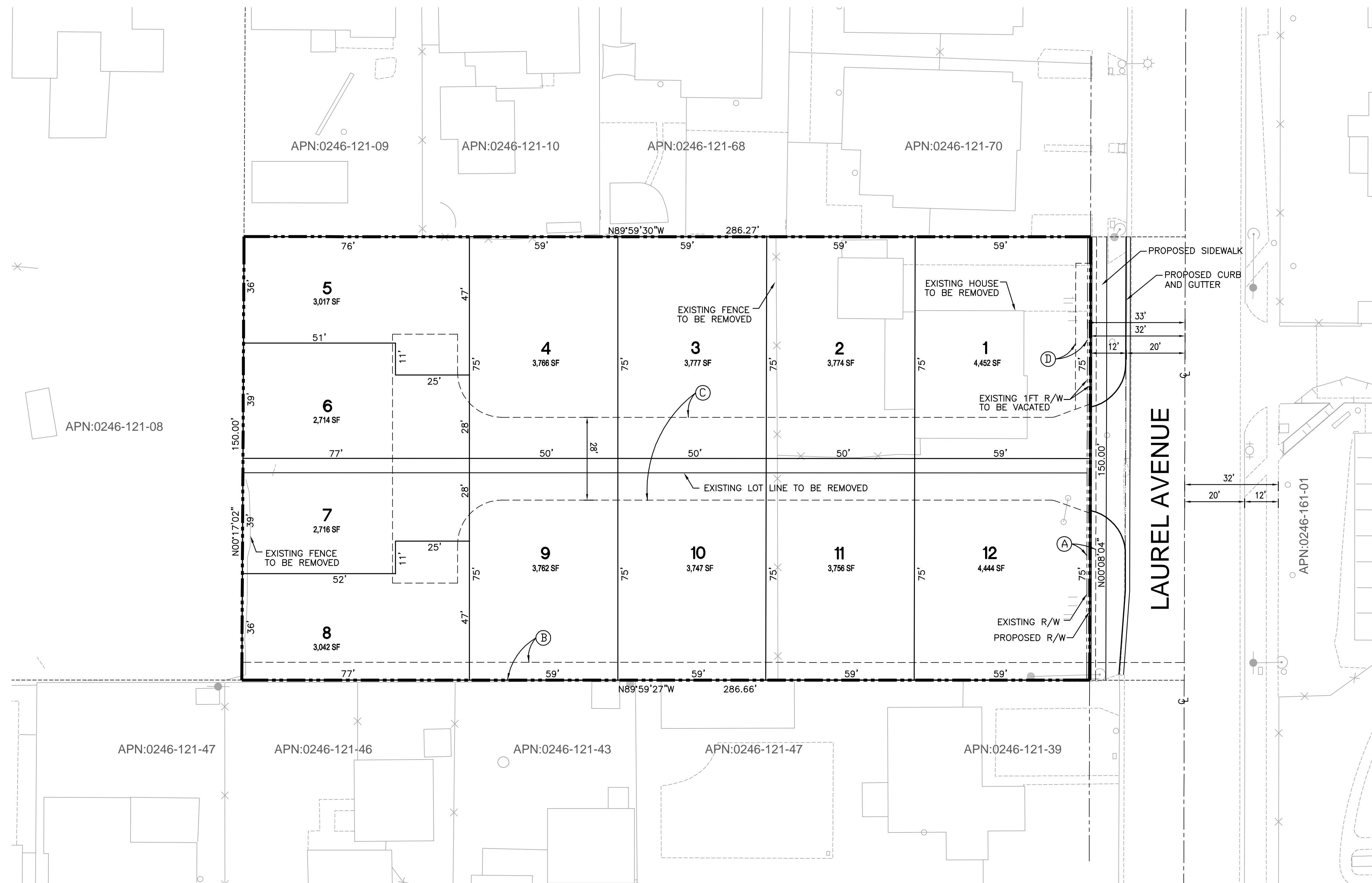
NORTH MEDIUM DENSITY RESIDENTIAL
SOUTH MEDIUM HIGH DENSITY RESIDENTIAL
EAST MEDIUM DENSITY RESIDENTIAL
WEST MEDIUM HIGH DENSITY RESIDENTIAL

PROPOSED LAND USE:

RESIDENTIAL

SCHOOL DISTRICT:

FONTANA UNIFIED SCHOOL DISTRICT
9680 CITRUS AVENUE,
FONTANA, CA 92335
(909) 357-7600

CITY OF FONTANA
TENTATIVE TRACT MAP NO. 20686

Prepared For:

NH LAUREL, LLC
500 NEWPORT CENTER DR. #570
NEWPORT BEACH, CA 92660
PHONE (949) 344-2701

Prepared By:

ALLARD ENGINEERING
Civil Engineering - Land Surveying - Land Planning
16866 Seville Avenue
Fontana, California 92335
Phone (909) 356-1815

Raymond J. Allard
Raymond J. Allard, R.C.E. 36052

10/21/24
Date



MCN24-0047

- A LOW SPREADING FOREGROUND SHRUBS <12"H
- B LOW MOUNDING SHRUB 24"-30"
- C LOW HEDGE 24"-30"
- A.S. ACCENT SHRUBS STRATEGICALLY PLACED
- E LARGE BACKGROUND SHRUB 42"-60"
- F VERTICALLY ACCENT SHRUB (TO ANNOUNCE ENTRY)

PLANT IMAGES



OLEA EUROPAEA 'SWAN HILL'
(MULTI)



ARBUTUS 'MARINA'



GINKGO BILOBA 'FAIRMONT'



CUPRESSUS 'TINY TOWER'



ACACIA PODALYRIIFOLIA



OLEA 'LITTLE OLLIE'



WESTRINGIA 'BLUE GEM'



ALOE STRIATA



AGAVE 'BLUE FLAME'



LAVANDULA 'MUNSTEAD'



PODOCARPUS 'ICEE BLUE'



ROSMARINUS 'TUSCAN BLUE'



RHAMNUS CALIFORNICA 'EVE CASE'



WESTRINGIA 'LOW HORIZON'



ACHILLEA MILLEFOLIUM



ELAEAGNUS PUNGENS



PENNISETUM SPATHIOLETUM



SENECIO MANDRALISCAE



PITTOSPORUM 'CREAM DE MINT'



HELIANTHEMUM 'THE BRIDE'



FEIJOA SELLOWIANA



VITEX TRIFOLIA 'PURPUREA'



CLYTOSTOMA CALLISTEGIOIDES



HARDENBERGIA 'HAPPY WANDERER'



AGROSTIS PALLENS

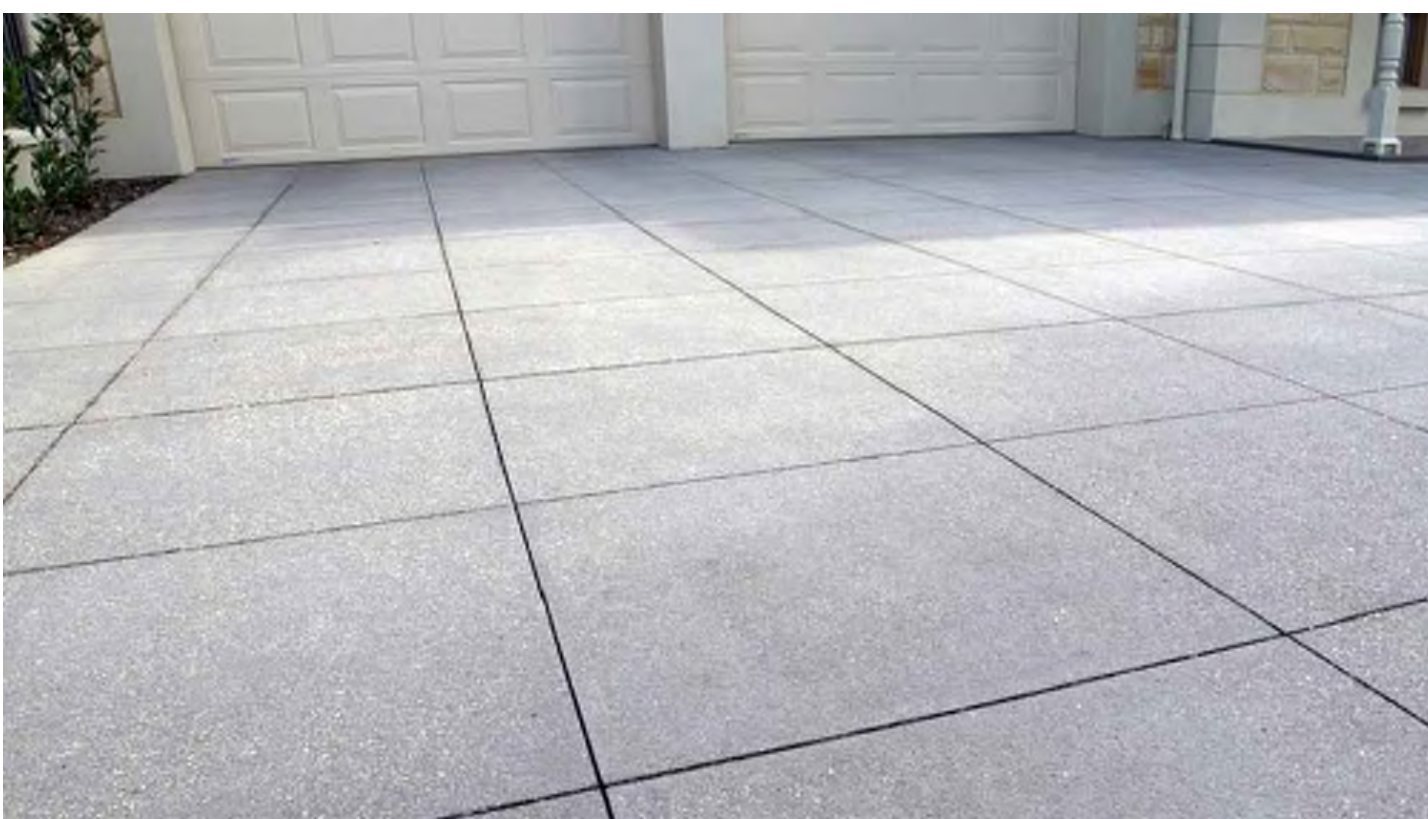


GEIERA PARVIFOLIA

HARDSCAPE FINISHES



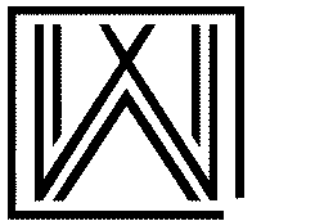
GRAY CONCRETE



SAWCUT SCORING



GRAY PAVERS



WILLIAMS
EXTERIOR DESIGN

williams-exterior-design.com

707-827-6069

MATERIAL PHOTOS

THIS PLAN DOES NOT COMMUNICATE
CONSTRUCTION METHODS OR MATERIALS AND
THEREFORE SHALL NOT BE USED FOR
CONSTRUCTION OR RECONSTRUCTION AS A
CONSTRUCTION PLAN OR TECHNICAL DOCUMENT.
DESIGNER'S FIELD OBSERVATIONS AND SMALL
ACTUAL FIELD CONDITIONS
THIS IS A CONCEPT PLAN AND NOT FOR
CONSTRUCTION.

PROJECT
TITLE

RESIDENCES

LAUREL AVE.
FONTANA, CA

DESCRIPTION

NO. DATE

SHEET

MATERIAL
PHOTOS
PM-2

DATE 01.16.2025

BUCILLA
GROUP
ARCHITECTURE

ARCHITECTURE PLANNING INTERIOR DESIGN
HISTORIC PRESERVATION LEED VALUE ENGINEERING
601 Dove Street, Suite 187, Newport Beach, Ca 92660
TEL 949.851.9080 info@bg-architecture.com
<https://www.bg-architecture.com>

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ATTEST TO ARCHITECTURAL ONLY

Project :

LAUREL AVENUE
Fontana, CA

Owner:

NH LAUREL LLC
500 Newport Center Drive,
Ste 570 Newport Beach, Ca

[illegible]

Project Number :

BGA No. 22012

Sheet Title :

COVER SHEET

Sheet No. :

CS-0

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Laurel Avenue

FONTANA, CALIFORNIA

INDEX

ARCHITECTURAL

CS-0	COVER SHEET
CS-1.0	Aerial View
CS-2.0	View from Laurel Avenue
CS-3.0	Drive Aisle View
CS-4.0	Interior Court View
SP-1.0	Site Development Plan
DD - 1.0	P1 & Casita - Floor Plan
DD - 1.1	P1 & Casita - Wrap Elevations
DD - 2.0	Plan 2 - Floor Plan
DD - 2.1	Plan 2 - Wrap Elevations
DD - 3.0	Plan 3 - Floor Plan
DD - 3.1	Plan 3 - Wrap Elevations



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CONCEPTUAL IMAGE
View from Laurel Avenue

ARCHITECT:

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TEST TO ARCHITECTURAL ONLY

Project :

AUREL AVENUE
Fontana, CA

Owner:

WH LAUREL LLC
100 Newport Center Drive,
Suite 570 Newport Beach, Ca

[illegible]

PERMIT NO:

SUBM. DATE:

OT DATE: 08/27/24 DD PRELIM.

NOT DATE:

ject Number :

GA No. 22012

Sheet Title :

CONCEPTUAL IMAGES

Sheet No. :

CS-2

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Project :

owner:

D. DATE	DESCRIPTION
08/27/24	Prelim. Planning Submittal
01/21/25	Planning Re-Submittal

[illegible]

D SUBM. DATE:

LOT DATE:

BGA No. 22012

CONCEPTUAL IMAGES

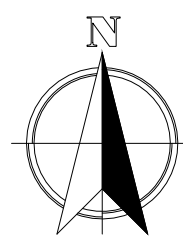
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SITE DEVELOPMENT PLAN

SCALE 3/32" = 1'-0"

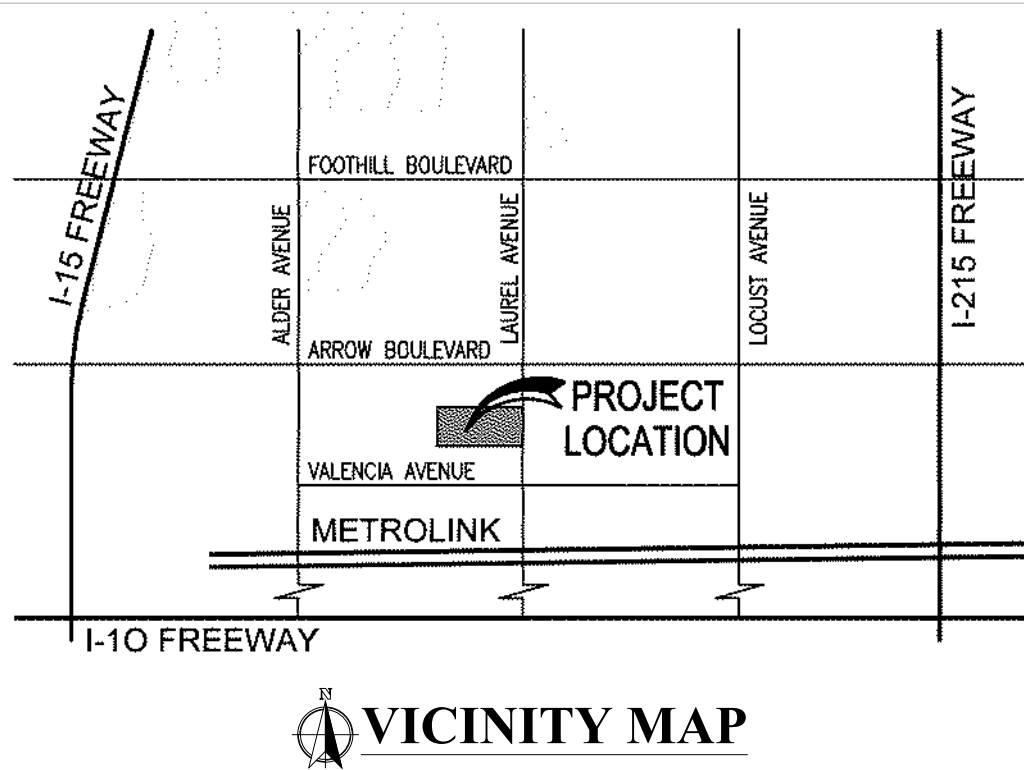


SITE DATA

Acres 1.03
Units 12 UNITS
DU/AC 12

PARKING

Garage 2@12 = 24
Garage 1@ 8 = 8
Open Parking = 8
Guest on street = 4
Total 44 (3.6/unit)



ARCHITECT:

**BUCILLA
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Project :

LAUREL AVENUE
Fontana, CA

Owner:

NH LAUREL LLC
500 Newport Center Drive,
Ste 570 Newport Beach, Ca

NO.	DATE	DESCRIPTION
	08/27/24	Prelim. Planning Submittal
	01/21/25	Planning Re-Submittal

PERMIT NO:

BD SUBM. DATE:

PLOT DATE: 08/27/24 DD PRELIM.

PLOT DATE:

Project Number :

BGA No. 22012

Sheet Title :

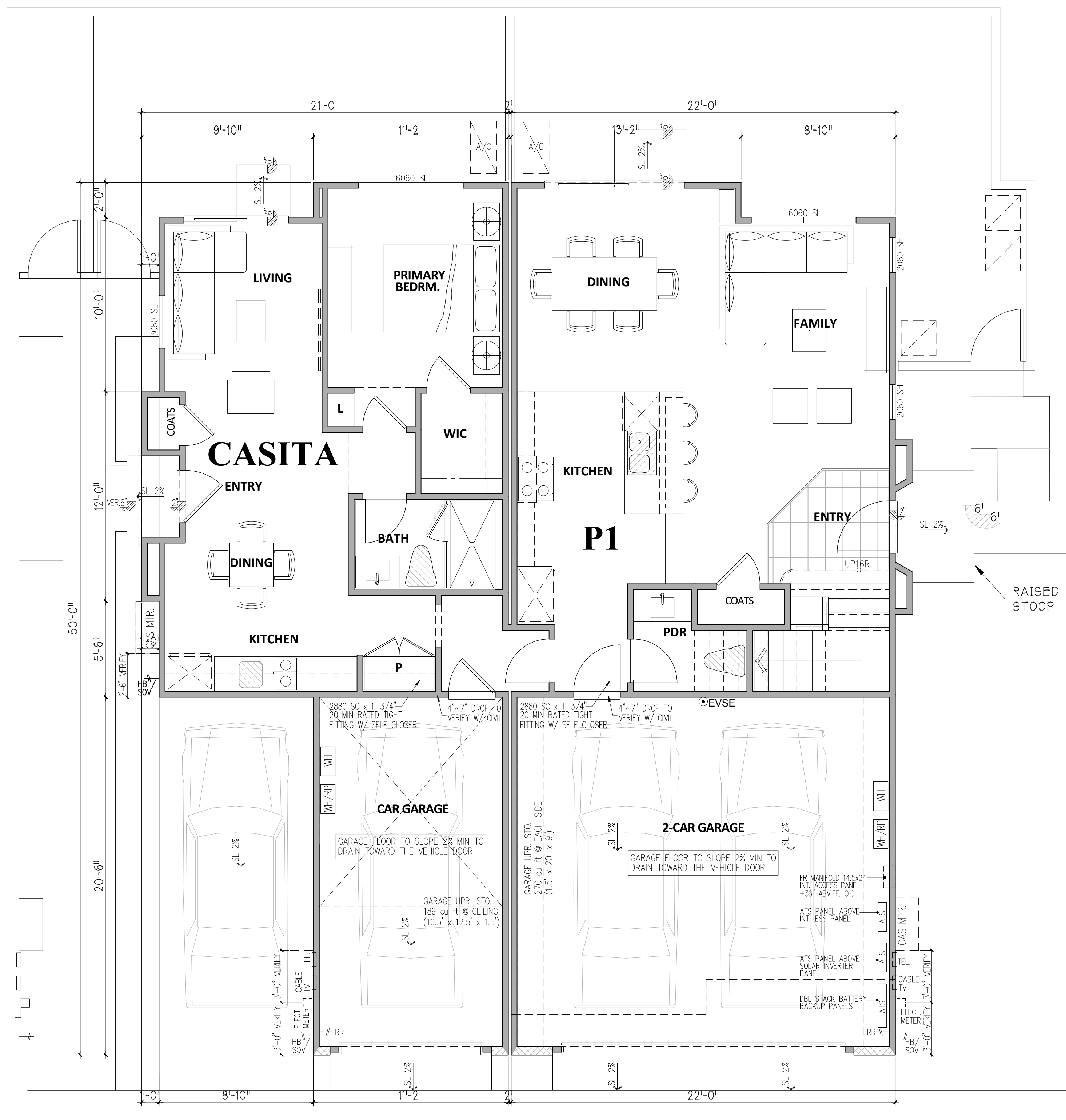
SITE DEV. PLAN

Sheet No. :

SP - 1.0

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01.21.2025



FIRST FLOOR

1F .	620 SF
CASITA .	583 SF

P1 & CASITA FLOOR PLAN

SCALE 1/4" = 1'-0"

P1	=	2322 SF
CASITA	=	574 SF



SECOND FLOOR

2F - 1702 SF

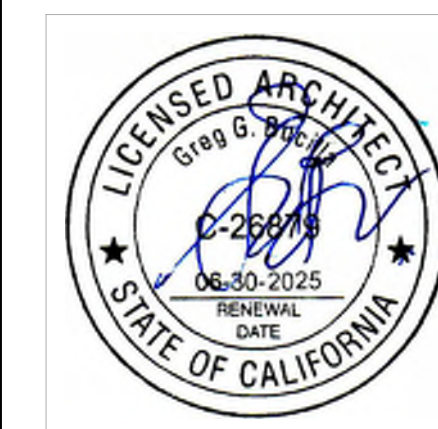
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Project :

LAUREL AVENUE
Fontana, CA

Owner:

NH LAUREL LLC
500 Newport Center Drive,
Ste 570 Newport Beach, Ca

[illegible]

Project Number :

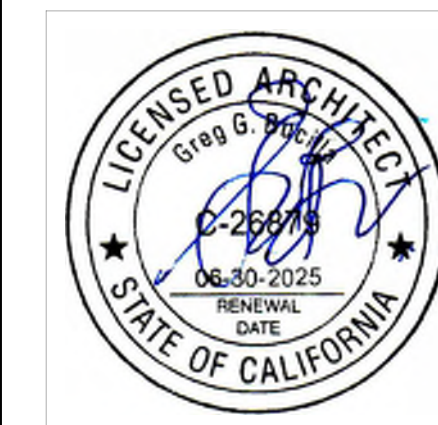
BGA No. 22012

Sheet Title :

P1 & CASITA FLOOR PLAN

Sheet No. :

DD-1.0



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Project :

LAUREL AVENUE
Fontana, CA

Owner:

NH LAUREL LLC
500 Newport Center Drive,
Ste 570 Newport Beach, Ca

[illegible]

Project Number :

BGA No. 22012

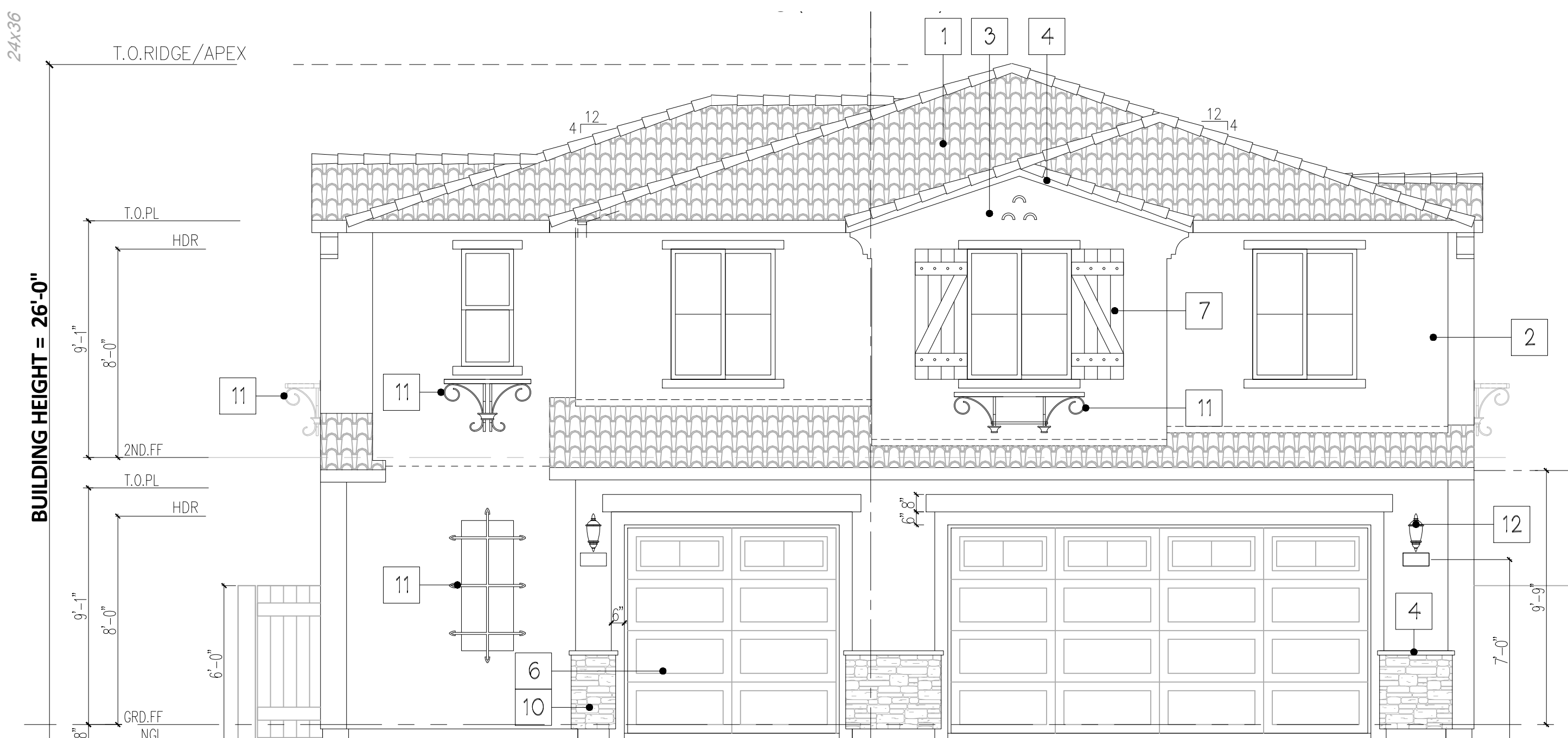
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P1 & CASITA ELEVATIONS

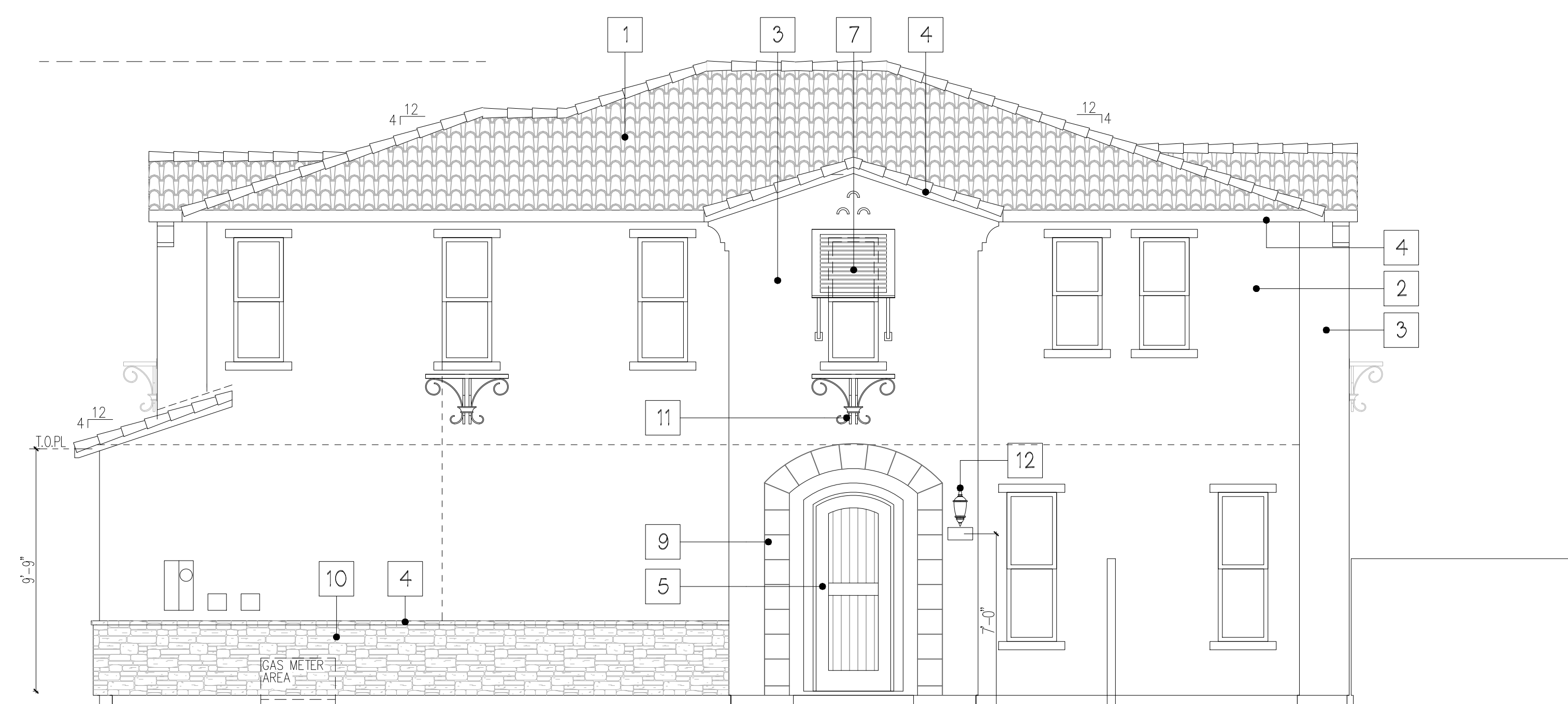
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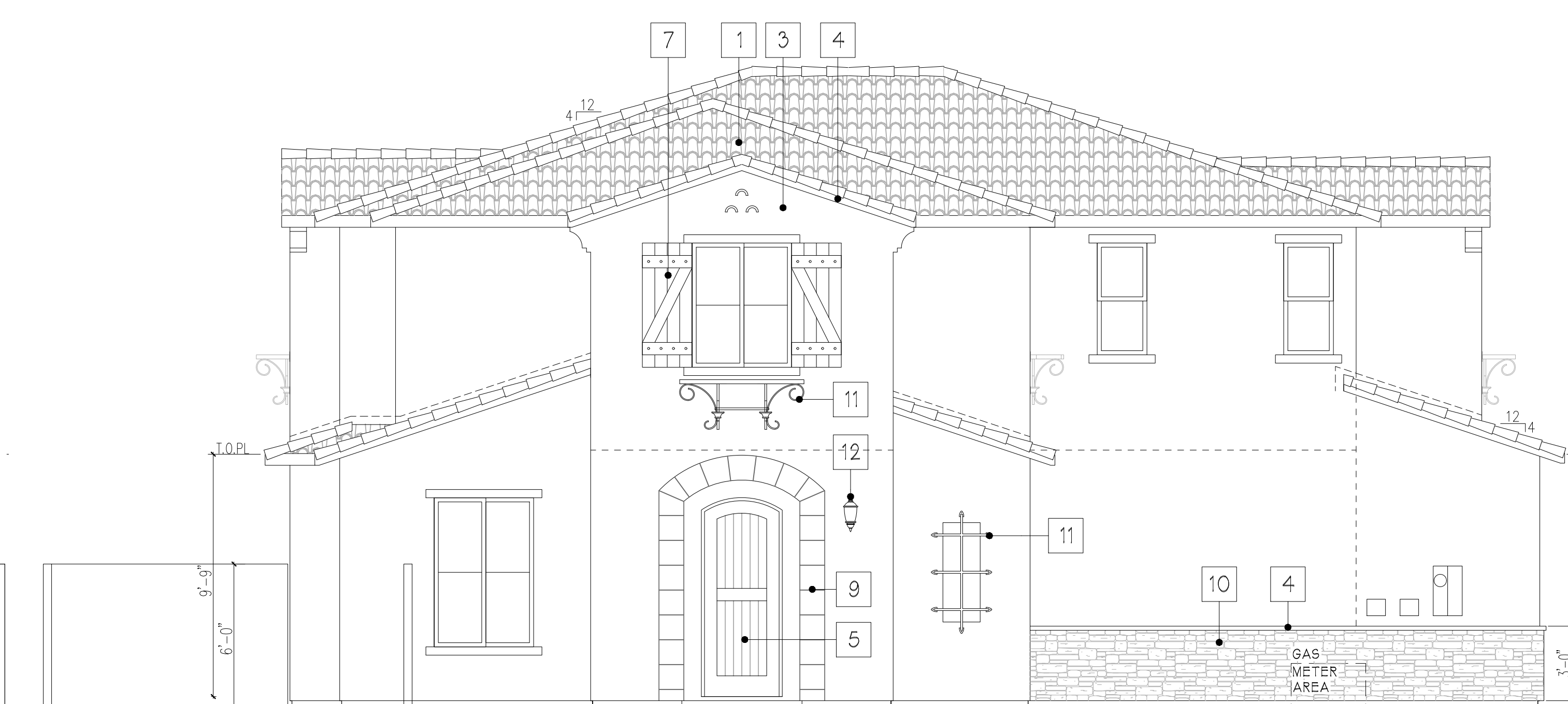
ELEVATION (D)



CASITA FRONT ELEV. (B)



ELEVATION (C)



P1 FRONT ELEV. (A)

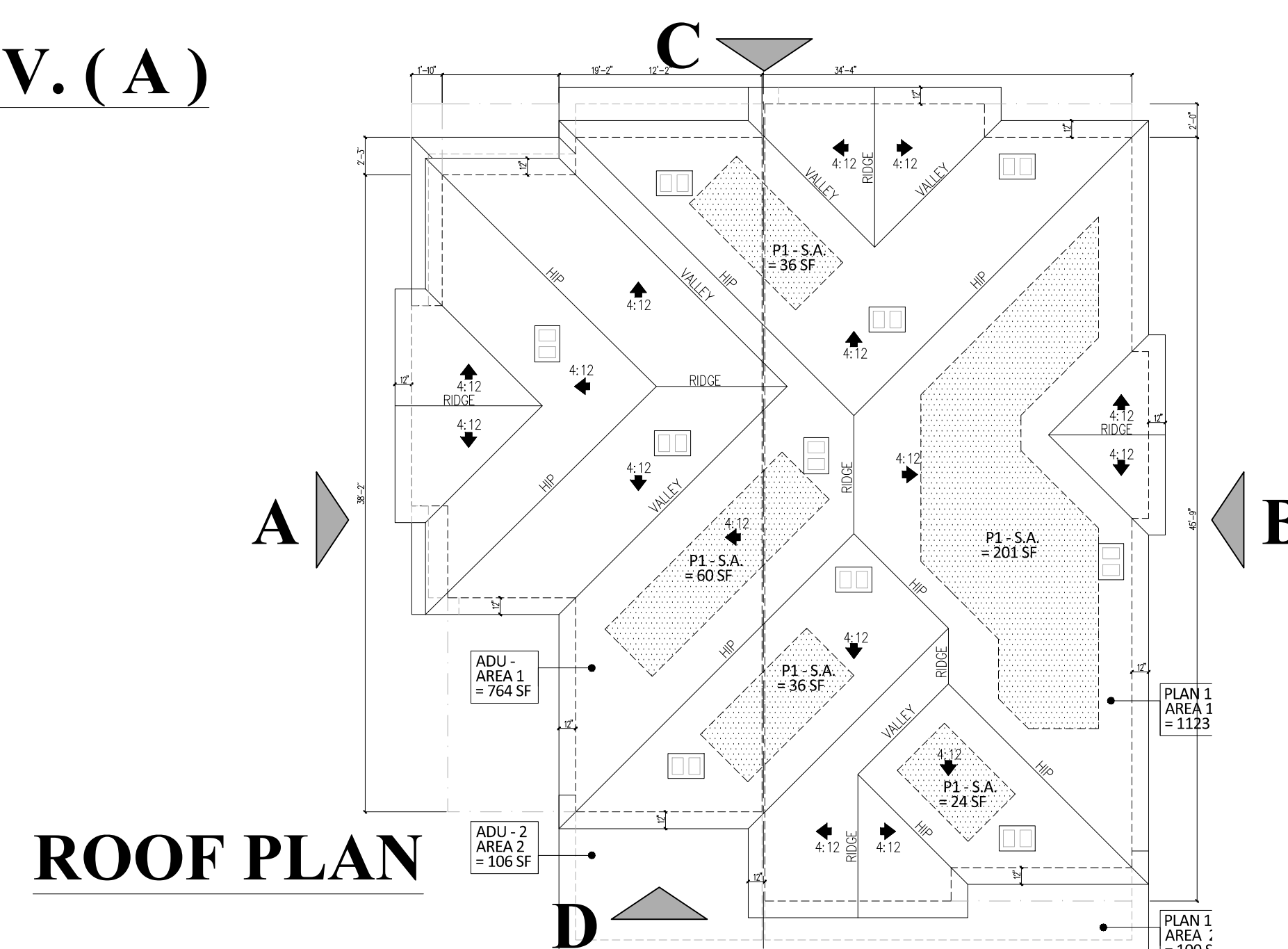
Spanish Colonial

Design Element

- | | |
|----|--------------------------------|
| 1 | Roof |
| 2 | Primary Stucco |
| 3 | Accent Stucco |
| 4 | Fascia Bd & Trim |
| 5 | Front Door |
| 6 | Garage Door |
| 7 | Shutter |
| 8 | Gate |
| 9 | Tile Surround (8x8 Decorative) |
| 10 | Stone Accent |
| 11 | WI Accent |
| 12 | Ext Light |

P1 & CASITA ELEVATIONS

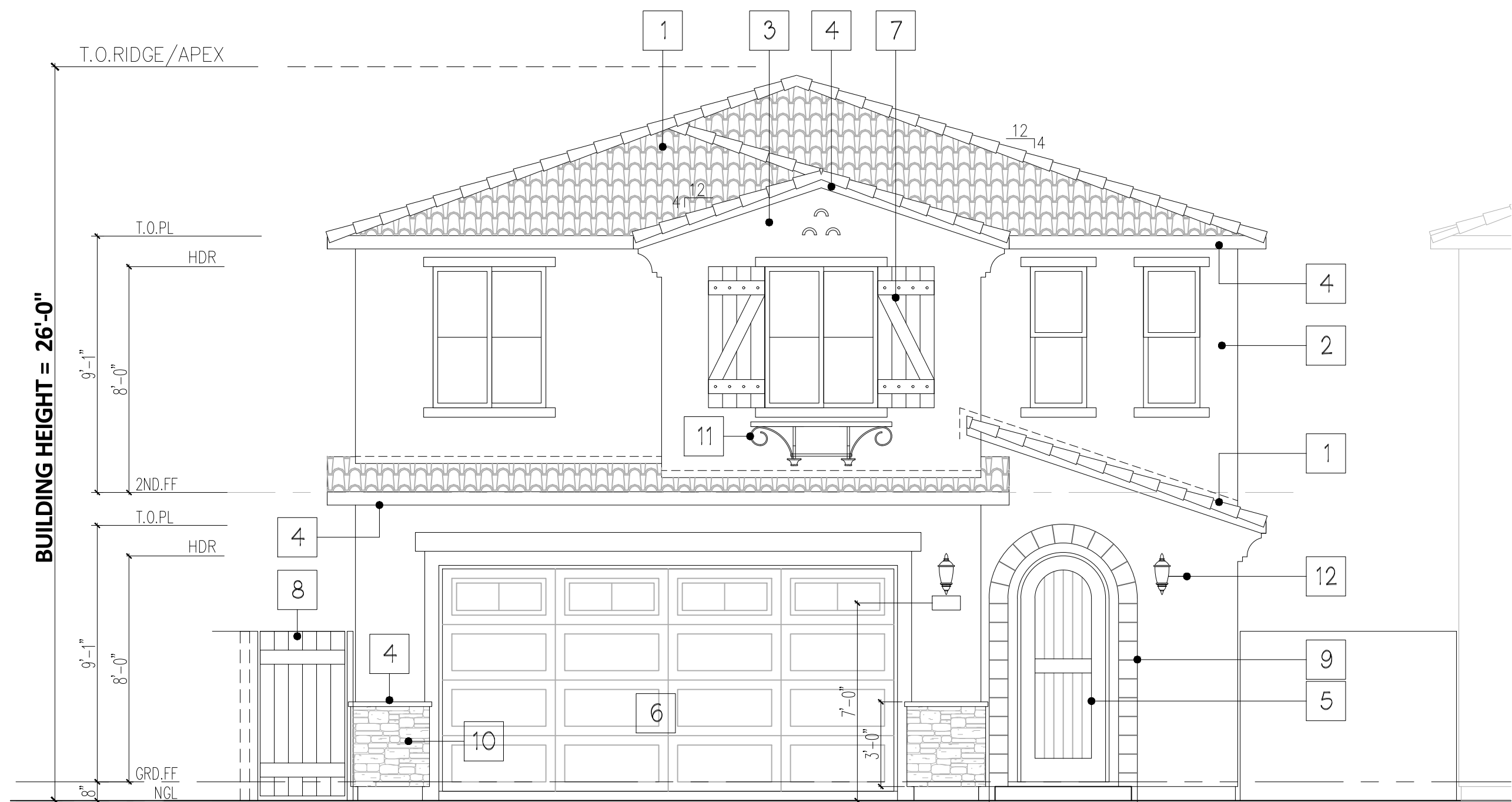
SCALE 1/4" = 1'-0"



ROOF PLAN



SCALE 1/4" = 1'-0"



FRONT ELEV.



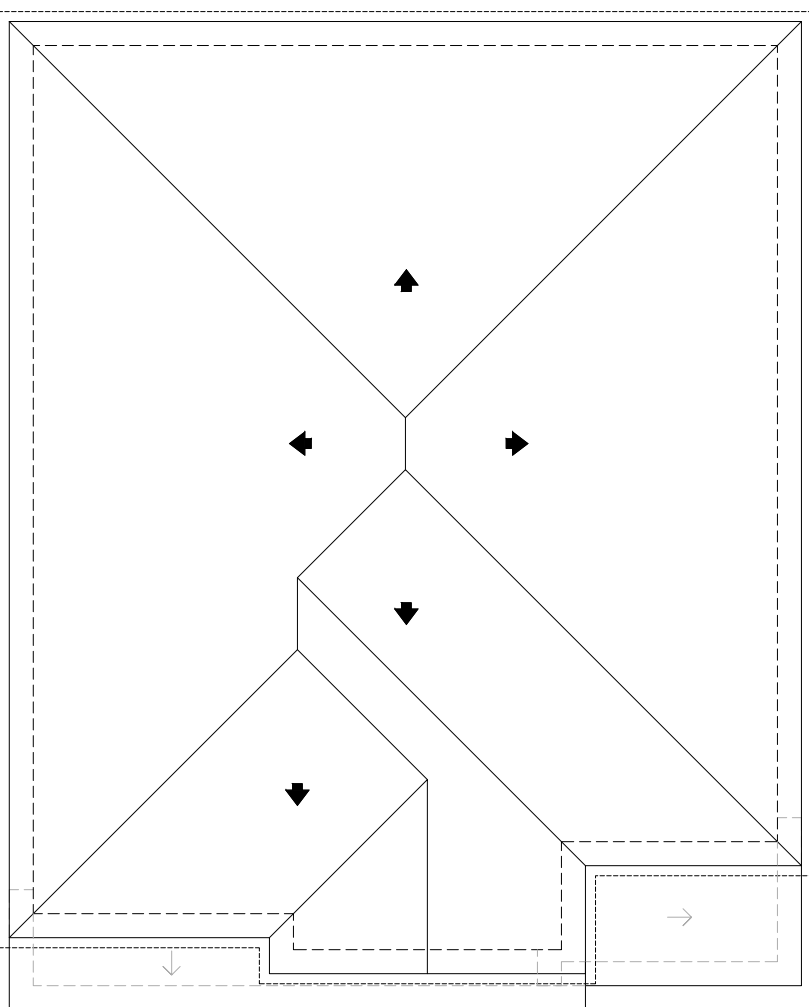
REAR ELEV.



LEFT SIDE ELEV.



RIGHT SIDE ELEV.



ROOF PLAN

Spanish Colonial

Design Element

- 1 Roof
- 2 Primary Stucco
- 3 Accent Stucco
- 4 Fascia Bd & Trim
- 5 Front Door
- 6 Garage Door
- 7 Shutter / Gate
- 8 Front Door
- 9 Garage Door
- 10 Stone Accent
- 11 WI Accent
- 12 Ext Light
- 13 WI Accent

P2 ELEVATIONS

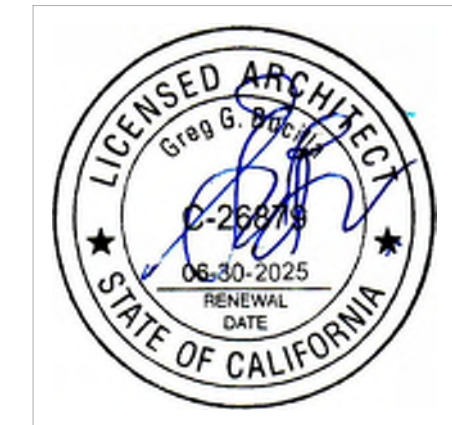
SCALE 1/4" = 1'-0"

ARCHITECT:

BUCILLA GROUP ARCHITECTURE

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Project :

LAUREL AVENUE
Fontana, CA

Owner:

NH LAUREL LLC
500 Newport Center Drive,
Ste 570 Newport Beach, Ca

NO.	DATE	DESCRIPTION
08/27/24	Prelim.	Planning Submittal
01/21/25	Planning	Re-Submittal

PERMIT NO:
BD SUBM. DATE:
PLOT DATE: 08/27/24 DD PRELIM.
PLOT DATE:

Project Number :

BGA No. 22012

Sheet Title :

P2
ELEVATIONS

Sheet No. :

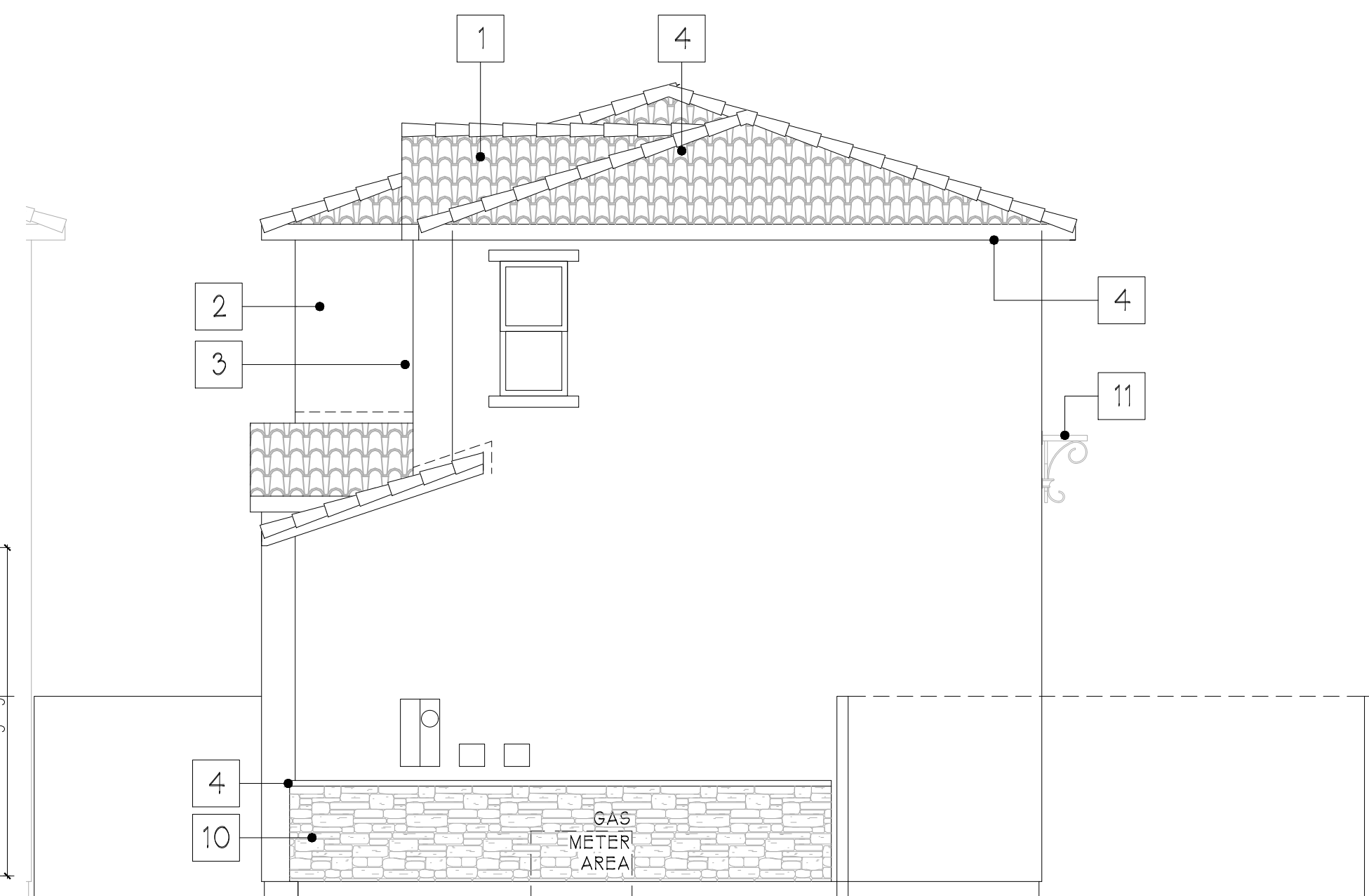
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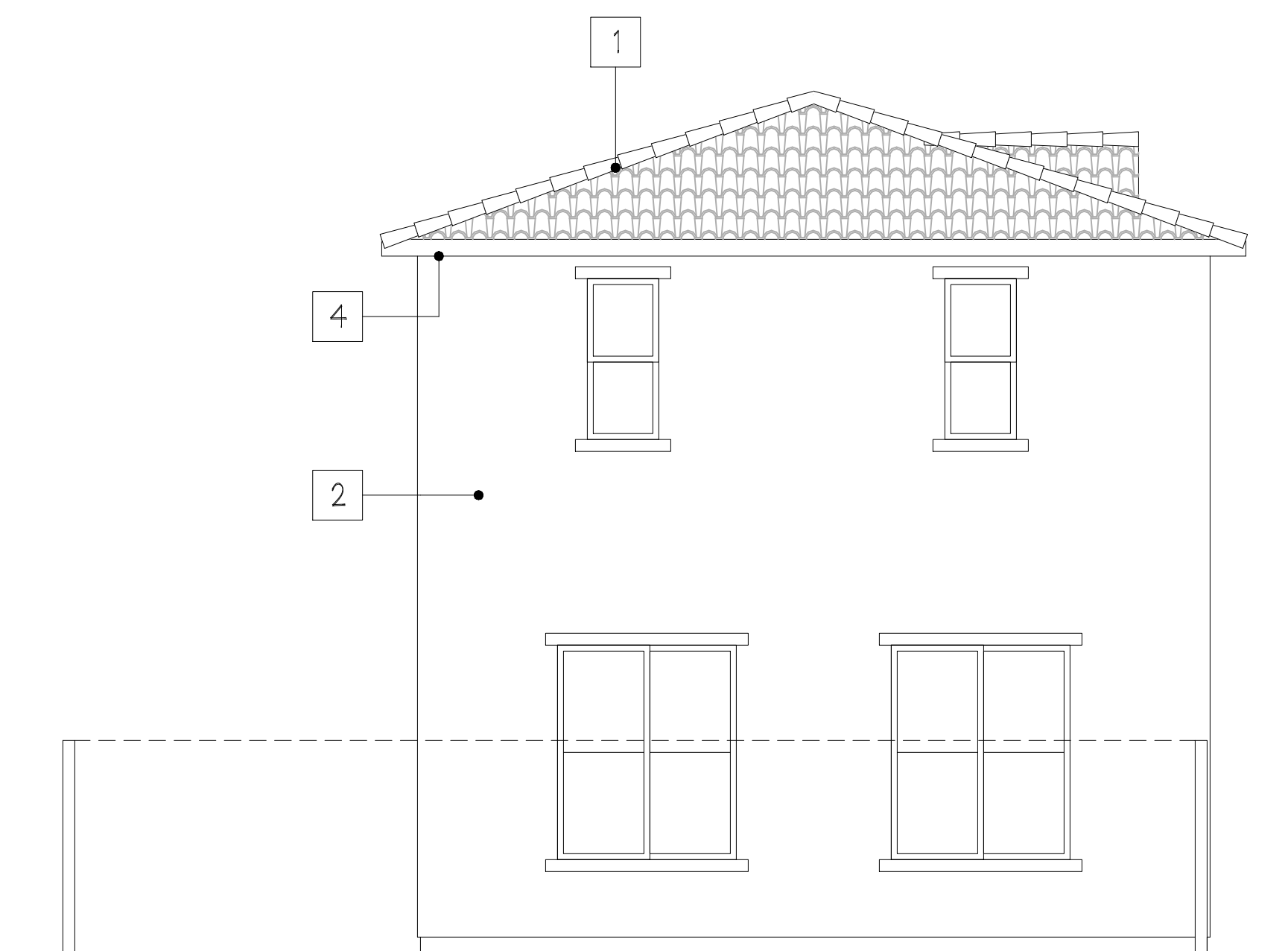
01.21.2025



SCALE 1/4" = 1'-0"



RIGHT SIDE ELEV.

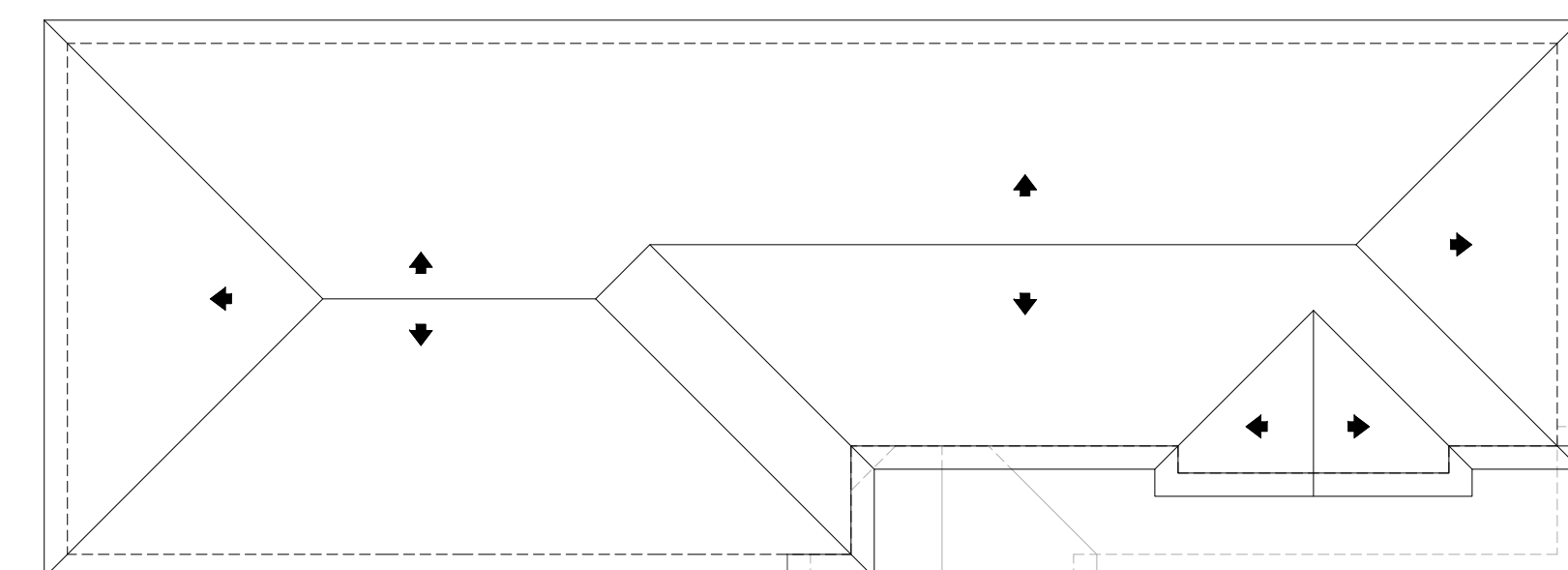


LEFT SIDE ELEV.

Design Element

- | | |
|----|--------------------------------|
| 1 | Roof |
| 2 | Primary Stucco |
| 3 | Accent Stucco |
| 4 | Fascia Bd & Trim |
| 5 | Front Door |
| 6 | Garage Door |
| 7 | Shutter |
| 8 | Gate |
| 9 | Tile Surround (8x8 Decorative) |
| 10 | Stone Accent |
| 11 | WI Accent |
| 12 | Ext Light |

SCALE 1/4" = 1'-0"



ROOF PLAN

B UCILLA
G ROUP
A RCHITECTURE

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Project :

LAUREL AVENUE
Fontana, CA

NH LAUREL LLC
500 Newport Center Drive,
Ste 570 Newport Beach, Ca

[illegible]

BGA No. 22012

P3 ELEVATIONS

DD-3.1

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RESOLUTION NO. PC 2025-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING TENTATIVE TRACT MAP NO. 20686 (TPM NO. 24-013) AND DESIGN REVIEW NO. 24-024 TO SUBDIVIDE APPROXIMATELY ONE (1) ACRE INTO 12 LOTS AND FOR THE SITE AND ARCHITECTURAL APPROVAL OF A NEW RESIDENTIAL DEVELOPMENT CONSISTING OF 12 SINGLE-FAMILY DWELLINGS AND ASSOCIATED IMPROVEMENTS LOCATED ON THE WEST SIDE OF LAUREL AVENUE, SOUTH OF ARROW BOULEVARD (APNS: 0246-121-71 AND -72), PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332 AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.

WHEREAS, the project site is located on the west side of Laurel Avenue, south of Arrow Boulevard and identified as Assessor's Parcel Numbers ("APNs") 0246-121-71 and -72 ("Project Site"), was annexed from San Bernardino County into the City of Fontana on September 18, 2006; and

WHEREAS, on June 26, 2024, the City of Fontana (City") received a Tentative Tract Map (TTM No. 24-013) and Design Review (DRP No. 24-024) from NewBridge Homes ("Applicant"), for the development of 12 single-family dwellings on 12 new parcels, at the Project Site; and

WHEREAS, the Project site has a General Plan Land Use designation of Medium Density Residential (R-M) and is located within the Medium Density Residential (R-2) zoning district, which allows for such projects; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the Project is Categorically Exempt pursuant to CEQA Guidelines Section No. 15332 (Class No. 32, Infill Development) and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the CEQA as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the project development occurs within city limits on a project site of less than five acres substantially surrounded by urban uses; the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; the site can be adequately served by all required utilities and public services, and none of the exceptions in CEQA Guidelines Section 15300.2 apply; and

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

WHEREAS, the Conditions of Approval are attached hereto as **Exhibit "A"** for Tentative Tract Map No. 24-0013 and **Exhibit "B"** for Design Review No. 24-0024; and

WHEREAS, all of the notices required by statute and the Fontana Municipal Code

(FMC) have been given as required; and

WHEREAS, the owners of property within 660 feet of the Project Site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the newspaper on April 4, 2025, and simultaneously displayed at City Hall and at the Project Site; and

WHEREAS, on April 15, 2025, a duly noticed public hearing on TTM No. 24-0013 and DRP No. 24-0024, 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 April 15, 2025, the Planning Commission carefully considered all information, evidence and testimony presented at its public hearing on TTM No. 24-0013 and DRP No. 24-0024; and

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

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

Section 1. Recitals. The above recitals are true, correct and incorporated herein by this reference.

Section 2. CEQA. The Planning Commission hereby determines that the Project is categorically exempt pursuant to Section No. 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). The Project site is considered Infill as: (1) The Project is consistent with the Medium Density Residential (R-M) General Plan Land Use Designation and the Medium Density Residential (R-2) zoning designation; (2) The Project Site is less than five (5) acres and is substantially surrounded by urban uses; (3) The Project Site has previously been developed and is not within any known sensitive or threatened habitat area; (4) The Project will not have any significant effects related to traffic, noise, air quality, or water quality; and (5) There are adequate public services for the development of the residential project. The Planning Commission further determines that none of the exceptions in CEQA Guidelines Section 15300.2 apply to the Project and directs Staff to file a Notice of Exemption.

Section 3. Tentative Tract Map Findings. The Planning Commission hereby makes the following findings for TTM No. 24-013 in accordance with Section 26-55 "Hearing; criteria for approval" of the Fontana Zoning and Development Code:

Finding No. 1: The proposed map is consistent with the city's general plan and any applicable specific plan.

Findings of Fact: Tentative Tract Map No. 20686 (TTM No. 24-013) is a request to subdivide two parcels into 12 parcels for the purpose of single-family

development. The parcels are inclusive of an access easement to be used as the vehicular access for the site. This meets the minimum development standards for the R-2 zoning district and the requirements of Minor Planned Unit Developments.

The lots, as proposed, comply with the City of Fontana's Subdivision Sections of the Municipal Code (Chapter 26) and the Zoning and Development Code (Chapter 30). The project is consistent with the General Plan Land Use Designation for the Project Site, which is Medium Density Residential (R-M). The R-M General Plan Land Use Designation allows for a density of up to 12 dwelling units per acre, which is the density of the project. The site is not within any specific plan.

Finding No. 2: The design or improvements of the proposed subdivisions are consistent with the general plan and any applicable specific plan.

Findings of Fact: The design of the proposed subdivision, is consistent with the General Plan and the site is not within a specific plan. Street improvements to Laurel Avenue include curb, gutter, and sidewalks. The street improvements conform to the requirements of the General Plan. This project is required to connect to the City's sewer system. Additionally, this project has been reviewed by the Engineering Department and the San Bernardino County Fire Department and has been determined to be in compliance with all applicable codes and regulations.

Finding No. 3: The site is physically suitable for the type and density of development proposed.

Findings of Fact: The project site, shape and topography is suitable for this type and density of development. The project site is approximately 1.0 adjusted gross acres and accommodates the subdivisions of 12 single-family parcels, including the provision of curb, gutter and sidewalks. The project site is currently developed with one single-family dwelling and is surrounded by single-family dwellings on the north, south and east. Multi-family dwellings are located on the opposite side of Laurel Avenue. All street improvements will be constructed pursuant to applicable building, zoning, and fire code standards.

Finding No. 4: The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: The design of the subdivision and the proposed improvements complies with the City of Fontana's Municipal code requirements, conditions of approval (referenced herein), and will not have any impact on the environment or substantial or avoidable injury to fish,

wildlife, or their habitat. Moreover, the site is completely surrounded by development and would not support sensitive wildlife. This project qualifies for a Categorical Exemption pursuant to Section 15332, (Class No. 32, Infill Development) of the California Environmental Quality Act (CEQA).

Finding No. 5: The design of the subdivision or the type of improvements will not cause serious public health problems.

Findings of Fact: The design of the subdivision complies with the City of Fontana's Municipal Code requirement and the improvements associated with the subdivision such as street, curb, gutter, and sidewalk are required to be constructed and have been design as part of this project pursuant to the Zoning and Development Code and the Engineering Department's requirements. Additional improvements such as water and sewer connect will be completed pursuant to applicable standards. Therefore, this project shall promote public health, safety and welfare of the surrounding community and will not cause public health problems.

Finding No. 6: The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Findings of Fact: The design of the subdivision and the associated improvements will not conflict with an access easements acquired by the public. The proposed subdivision will be accessed from Laurel Avenue. Currently there are no other public access easements through or within the Project site.

Section 4. Design Review Findings. The Planning Commission hereby makes the following findings for DRP No. 24-024 in accordance with Section 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: The project is for the construction of 12 single-family dwellings on 12 lots, which is consistent with the General Plan designation for the Project Site, which is R-M. The R-M land use designation accommodates single-family detached and attached housing as well as multi-family residential development.

The project is located within the R-2 zoning district. The single-family residential development will meet all zoning and development standards set forth in the Fontana Municipal Code, including the required density range. Twelve single-family dwellings on a 1.0-acre

site yields a density of 12 dwelling units/acre. This density is within the 5.1 to 12 dwelling units per acre range required by R-2 zoning district. The project is not within a specific 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 sidewalks, drainage, and grading, will provide a safe and well-designed project. Additionally, the development meets all setback, height, landscaping, design, parking, access, and safety requirements.

The site improvements have been reviewed by the City of Fontana Fire, Building and Safety, and Engineering Departments. Street lighting and on-site lighting have been included to provide ample visibility at night. Enhanced landscaping has been incorporated to create an attractive atmosphere on the project site.

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 has been designed to enhance and complement the surrounding neighborhood. The architectural theme for the project is described as “Spanish.” The result is a high-quality architectural design appropriate and desirable for the surrounding neighborhood. The development will enhance the character of the surrounding neighborhood through appropriate attention to aesthetics and design.

Architectural relief utilized for the buildings consists of decorative window treatments, decorative lighting, varied roof lines, architectural “pop-outs,” and other features appropriate to the style. The use of a variety of colors and materials such as stucco finish and stone veneer further adds architectural diversity to each building. The project enhances the surrounding neighborhood by incorporating architectural style that complements the surrounding area. Additionally, landscaping will utilize a variety of plants and trees to complement the architecture of the building and the development as a whole. The project has been reviewed by the Engineering, Building and Safety and Fire Departments for safety. During the project review process, the plans were evaluated to ensure that the project is well-designed.

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

Findings of Fact The development complies with the City of Fontana Zoning and Development Code. Improvements including sidewalks, drainage, and grading, which will provide a safe and well-designed neighborhood.

The Project Site improvements have been reviewed by the Fire, Building and Safety, and 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.

Section 5. Approvals. Based on the foregoing, the Planning Commission hereby approves DRP No. 24-024 subject to the Findings and the Conditions of Approval attached hereto as “**Exhibit A**”, and TTM No. 24-013 subject to the Finding and Conditions of Approval attached hereto as “**Exhibit B**” and incorporated herein by this reference.

Section 6. 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 7. Certification. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Section 8. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 9. 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 15th day of April 2025.

City of Fontana

Idilio Sanchez, Chair

ATTEST:

I, Joseph Armendarez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 15th day of April 2025, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joseph Armendarez, Secretary

Exhibit "A"



CITY OF FONTANA

CONDITIONS OF APPROVAL

PROJECT: Master Case No. 24-047
Tentative Tract Map No. 24-013

DATE: April 15, 2025

LOCATION: The project site is located on the west side of Laurel Avenue, south of Arrow Boulevard (APNs: 0246-121-71 and -72)

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. This Design Review 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 Division inspection, has commenced within this period.
3. 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.

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. The Director of Planning, or his/her designee, shall have the authority for minor architectural changes focusing on items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Design Review.
6. 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 ½ inch thick, or as determined by the Director of Planning.
7. If solar panel systems are installed on the roof of any residential structure, the installation shall be on top or above the approved roof tile. If a solar panel system is flush-mounted to the roof, matching roof tiles shall be replaced immediately upon removal of the solar panels.
8. 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.

9. 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.
10. 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.
11. 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(b)(7) of the Fontana City 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.
- 12. This project shall comply with all applicable provisions, regulations and development standards of the Fontana Municipal Code.
- 13. The current Development fees must be paid prior to issuance of building/construction permits.
- 14. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours.
- 15. All landscaping shall be adequately maintained at all times.
- 16. Applicant shall pay all applicable service fees pursuant to the Fontana Municipal Code.
- 17. 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.
- 18. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
- 19. 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.
- 20. The applicant shall provide up-lighting on the perimeter and up-light proposed trees to the satisfaction of the Director of Planning and his/her designee.

PRIOR TO ISSUANCE OF GRADING PERMIT

- 21. 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

22. Development fees and the Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
23. 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:

24. 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.
25. 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.
26. 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

27. 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.
28. The Applicant shall submit and gain approval of a final drainage study prepared in accordance with the County of San Bernardino Hydrology Manual and Fontana Master Plan of Drainage.

PRIOR TO MAP RECORDATION

29. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms. The cost estimate for determining the security amount shall be based on approved public improvement plans.
30. The Applicant shall submit a Community Facility District (CFD) maintenance map that meets Engineering requirements for size and format as required for the development showing the CFD boundary and maintenance requirements, obtain approval of the map and complete the first public hearing for formation of the CFD.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

31. The Applicant shall record all right-of-way dedications, easements, reciprocal access

agreement as required for the development.

32. 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, 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

33. Complete all public improvements required of the project. Underground utilities required of the project. Ensure streetlights are energized and operating properly.
34. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. The Applicant/Developer shall provide a copy of the streetlight electric bill.
35. Slurry seal roads effected by the development as directed by the inspector. Slurry seal limits may extend past the project frontage to address existing striping/pavement markings that conflicts with new striping/pavement markings, repair trenches, and other areas as determined by the inspector.
36. The Surveyor of Record 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.
37. The Surveyor of Record shall set survey monuments as required by the map and corner records must be recorded with the County. The Surveyor of Record shall notify the City in writing that monuments have been set in accordance with the recoded subdivisions map and he/she has been paid in full for doing so.
38. 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 Ordinance (Ordinance 1743, FCC Section 28)
39. All sewers 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 DVD 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.
40. 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 DVD 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.

41. 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 Best Management Practices transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

BUILDING AND SAFETY:

42. 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
43. 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.
44. 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.
45. 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.
46. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
47. 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.

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.

- I. 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.
- 48. The applicant shall be required to obtain permits for the removal and/or demolition of structures.
- 49. 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

50. 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

FIRE DEPARTMENT:

51. **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.
52. **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.
53. **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.
54. **Street Signs.** Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code Chapter 5 & SBCoFD Standard A-2.
55. **Fire Lanes.** The applicant shall submit a site plan to the Fire Department for review and approval of 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.
56. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
57. **Water Improvement Plan:** The applicant shall submit "Water Improvement Plans" to Fontana Fire Prevention. W.I.P. to include site plan, existing & proposed PUBLIC fire

hydrant locations, building construction type and largest building square footage. 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.

58. **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.
59. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9 & SBCoFD Standard F-1.
60. **Fire Sprinkler-NFPA #13D.** An automatic life safety fire sprinkler system complying with NFPA 13D 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-2.
61. **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
62. **Fire Alarm, Manual or Automatic.** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. 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, SBCFD Standard F-5, & NFPA 72.
63. **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.
64. **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.

65. **Spark Arrestor.** An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with Fire Department requirements. California Fire Code Chapter 6.

Exhibit “B”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 24-047
Design Review No. 24-024

DATE: April 15, 2025

LOCATION: The project site is located on the west side of Laurel Avenue, south of Arrow Boulevard (APNs: 0246-121-71 and -72)

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. This Design Review 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 Division inspection, has commenced within this period.
3. 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.

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. The Director of Planning, or his/her designee, shall have the authority for minor architectural changes focusing on items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Design Review.
6. 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.
7. 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.
8. Historic Archaeological Resources
 - D. 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.
- E. 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.
 - F. 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.
9. The construction contractor will use the following source controls at all times:
- F. 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(b)(7) of the Fontana City Code.
 - G. 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.
 - H. 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.
 - I. Have only necessary equipment onsite.
 - J. 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:
 - 3. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - 4. Temporarily enclose localized and stationary noise sources.
10. This project shall comply with all applicable provisions, regulations and development standards of the Fontana Municipal Code.
11. The current Development fees must be paid prior to issuance of building/construction permits.

12. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours.
13. All landscaping shall be adequately maintained at all times.
14. Applicant shall pay all applicable service fees pursuant to the Fontana Municipal Code.
15. 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.
16. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
17. 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 ½ inch thick, or as determined by the Director of Planning.
18. 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.
19. The applicant shall provide up-lighting on the perimeter and up-light proposed trees to the satisfaction of the Director of Planning and his/her designee.

PRIOR TO ISSUANCE OF GRADING PERMIT

20. 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

21. Development fees and the Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
22. 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:

23. 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.

24. 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.
25. 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

26. 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.
27. The Applicant shall submit and gain approval of a final drainage study prepared in accordance with the County of San Bernardino Hydrology Manual and Fontana Master Plan of Drainage.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

28. The Applicant shall record all right-of-way dedications, easements, reciprocal access agreement as required for the development.
29. 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, 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

30. Complete all public improvements required of the project. Underground utilities required of the project. Ensure streetlights are energized and operating properly.
31. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. The Applicant/Developer shall provide a copy of the streetlight electric bill.
32. Slurry seal roads effected by the development as directed by the inspector. Slurry seal limits may extend past the project frontage to address existing striping/pavement markings that conflicts with new striping/pavement markings, repair trenches, and other areas as determined by the inspector.
33. The Surveyor of Record 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.

34. The Surveyor of Record shall set survey monuments as required by the map and corner records must be recorded with the County. The Surveyor of Record shall notify the City in writing that monuments have been set in accordance with the recoded subdivisions map and he/she has been paid in full for doing so.
35. 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 Ordinance (Ordinance 1743, FCC Section 28)
36. All sewers 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 DVD 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.
37. 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 DVD 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.
38. 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 Best Management Practices transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

BUILDING AND SAFETY:

39. 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
40. 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.

41. 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.
42. 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.
43. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
44. 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.

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.

- I. 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.
45. The applicant shall be required to obtain permits for the removal and/or demolition of structures.
46. 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

47. 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

FIRE DEPARTMENT:

48. **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.
49. **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.

50. **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.
51. **Street Signs.** Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code Chapter 5 & SBCoFD Standard A-2.
52. **Fire Lanes.** The applicant shall submit a site plan to the Fire Department for review and approval of 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.
53. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
54. **Water Improvement Plan:** The applicant shall submit "Water Improvement Plans" to Fontana Fire Prevention. W.I.P. to include site plan, existing & proposed PUBLIC fire hydrant locations, building construction type and largest building square footage. 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.
55. **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.
56. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9 & SBCoFD Standard F-1.
57. **Fire Sprinkler-NFPA #13D.** An automatic life safety fire sprinkler system complying with NFPA 13D 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-2.

58. **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
59. **Fire Alarm, Manual or Automatic.** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. 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, SBCFD Standard F-5, & NFPA 72.
60. **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.
61. **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.
62. **Spark Arrestor.** An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with Fire Department requirements. California Fire Code Chapter 6.



NOTICE OF EXEMPTION

TO: Office of Land Use and Climate Innovation <input checked="" type="checkbox"/> State Clearinghouse P. O. Box 3044, Room 113 Sacramento, CA 95812-3044	FROM: Name: City of Fontana (Public Agency) Address: 8353 Sierra Ave, Fontana CA 92335 Telephone: 909-350-6656
<input checked="" type="checkbox"/> Clerk of the Board of Supervisors or County Clerk (Include County name) Address:	

1. Project Title:	Master Case No. 24-047; Tentative Tract Map No. 24-013 and Design Review No. 24-024
2. Project Applicant (include address, telephone number and email address):	Bryan Avilla, NewBridge Homes 500 Newport Center Dr., Suite 570 Newport Beach, CA 92660
3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	The project site is located on the west side of Laurel Avenue, south of Arrow Boulevard (APNs: 0246-121-71 and -72)
4. (a) Project Location – City: Fontana	(b) Project Location – County: San Bernardino
5. Description of nature, purpose, and beneficiaries of Project:	Site and architectural review and approval of a new residential development consisting of 12 single-family homes on 12 parcels and associated on-site and off-site improvements.
6. Name of Public Agency approving project:	City of Fontana
7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public	Bryan Avilla, NewBridge Homes 500 Newport Center Dr., Suite 570 Newport Beach, CA 92660

Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	
8. Exempt status: (check one)	
(a) <input type="checkbox"/> Ministerial project.	(Pub. Resources Code § 21080(b)(1); State CEQA Guidelines § 15268)
(b) <input type="checkbox"/> Not a project.	State CEQA Guidelines 15050(c)(2)-(3)
(c) <input type="checkbox"/> Declared Emergency	(Pub. Resources Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
(d) <input type="checkbox"/> Emergency Project.	(Pub. Resources Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))
(e) <input checked="" type="checkbox"/> Categorical Exemption. State type and section number:	Exempt under Section 15332, Class 32 (Infill Development) of the California Environmental Quality Act
(f) <input type="checkbox"/> Statutory Exemption. State Code section number:	
(g) <input type="checkbox"/> Other. Explanation:	
9. Reason why project was exempt:	The proposed Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section No. 15332 (Class No. 32 – Infill Development). The project meets the CEQA requirements of Infill: (1) The Project is consistent with the Medium Density Residential (R-M) designation of the General Plan and the Medium Density Residential (R-2) zoning district; (2) The Project Site is less than five (5) acres; (3) The Project Site has previously been developed, and is not within any known sensitive or threatened habitat area; (4) The Project will not have any significant effects related to traffic, noise, air quality, or water quality; and (5) There are adequate public services for the development of the proposed residential project.

10. Lead Agency Contact Person: Telephone:	Cecily Session-Goins, Associate Planner 909-350-6723
11. If filed by applicant: Attach Certificate of Determination (Form "B") before filing.	
12. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, the date of the public hearing was: April 15, 2025	

Date:

Signature

Name: Rina Leung

Title: Senior Planner

☒ Signed by Lead Agency

☐ Signed by Applicant

Date Received for Filing:

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

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. 24-0047;
Design Review Project (DRP) No. 24-00244 & Tentative Tract Map 20686 (TTM No. 24-0013)**

A request to subdivide approximately one (1) acre into 12 lots and for the site and architectural approval of a new residential development consisting of 12 single-family dwellings and associated improvements.

**Environmental
Determination:**

This project is Categorically Exempt pursuant to Section No. 15332 (Class 32 – Infill Development) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA.

**Location of
Property:**

West side of Laurel Avenue, south of Arrow Boulevard
(APNs: 0246-121-71 and -72)

**Date of
Hearing:**

April 15, 2025

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 Cecilly Session-Goins, Associate Planner, at (909) 350-6723 or by email: csgoins@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.

ATTACHMENT NO. 5



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

Publish date: April 4, 2025



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 25-0163
Agenda #: DC-A

Agenda Date: 4/15/2025
Category: Director Comments

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



MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning *PN*

RE: Agenda for Upcoming City Council Items

DATE: April 15, 2025

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

<u>CITY COUNCIL APRIL 22, 2025</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. 2 nd Reading – Adoption of Ordinance No. 1966 MCN#24-073; MCA#24-006 Amendment to Municipal Code regarding Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)	Cecily Session-Goins	Consent Calendar

<u>CITY COUNCIL MAY 13, 2025</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. On-Call CEQA Planning Firm List Citywide	Rina Leung	Consent Calendar



MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning *PN*

RE: Agenda for Upcoming Planning Commission Items

DATE: April 15, 2025

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

<u>PLANNING COMMISSION MAY 6, 2025</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. MCN#25-0020; MCA#25-0005 Code Amendment - Objective Design Standards Citywide (Continued from PC meeting of 04/01/2025)	Cecily Session-Goins	Public Hearing
2. MCN#24-0074; DRP#24-0039 30 Townhomes Multi-Family Residential 15918 Merrill Avenue	Cecily Session-Goins	Public Hearing
3. MCN#24-0090; DRP#24-0043; TPM#24-0030 Ventana PA 2 – Flex Building, Office and Indoor Self-Storage (Subdivide 1 parcel into 4 parcels)	Alexia Barberena	Public Hearing