

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Resolution PC No. 2022-001

Tuesday, January 18, 2022

6:00 PM

Grover W. Taylor Council Chambers

Planning Commission

Cathline Fort, Chair

Raj Sangha, Vice Chair

Idilio Sanchez, Secretary

Matthew Gordon, Commissioner

Ralph Thrasher, Commissioner

Per California State mandate, face masks are required in all in-door settings effective December 15, 2021, through February 15, 2022. All members of the public will be asked to follow said mandate while in attendance of public meetings.

Welcome to a meeting of the Fontana Planning Commission.

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

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

CALL TO ORDER/ROLL CALL:

A. Call To Order/Roll Call:

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

PUBLIC COMMUNICATIONS:

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

A. Public Communications:

CONSENT CALENDAR:

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

wish to address the Planning Commission regarding any item on the Consent Calendar before the vote is taken?

A. Approval of Minutes

Approve the Regular Planning Commission Meeting Minutes of December 21, 2021.

CC-A Approval of Minutes of December 21, 2021.

[21-1104](#)

Attachments: [Draft Planning Commission Minutes of December 21, 2021](#)

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@fontana.org. 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 Amendments to the Zoning and Development Code (Chapter 30) of the City of Fontana Municipal Code to regulate urban lot splits and two-unit projects under Senate Bill 9.

[21-1103](#)

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2022-___; and forward a recommendation to the City Council to:

- 1. Determine that the project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act. and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA and direct staff to**

file the Notice of Exemption, and;

2. Approve Zoning Code Amendment (ZCA) 21-009 to amend the Zoning and Development Code (Chapter 30 of the Fontana Municipal Code) as shown in Exhibit A as referenced herein.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner

Attachments: [Attachment No. 1 - Planning Commission Resolution](#)
[Attachment No. 2 - Exhibit A SB 9 Code Amendment](#)
[Attachment No. 3 - Notice of Exemption](#)
[Attachment No. 4 - Public Hearing Notice](#)

PH-B Master Case No. 21-050; General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Code Amendment No. 21-004, Zoning Change No. 21-008- 6th Cycle Housing Element Update.

[21-1129](#)

RECOMMENDATION:

Based on the information contained in this staff report and attached Exhibits under separate cover, staff recommends that the Planning Commission adopt Resolution PC No. 2022-____, and forward a recommendation to the City Council to:

1. Determine that the project has been reviewed under a previous Final Environmental Impact Report (State Clearinghouse No. 2016021099), pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.10 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the City of Fontana General Plan Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2016021099) has been prepared.

2. Adopt a Resolution approving General Plan Amendment No. 21-002; and

3. Adopt a Resolution approving General Plan Amendment No. 21-007; and

4. Adopt an Ordinance approving Zone Change No. 21-008

5. Adopt an Ordinance approving Zone Code Amendment No. 21-004.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA, 92335

LOCATION:

City Wide

PROJECT PLANNER:

DiTanyon Johnson, Principal Planner
Cecily Session-Goins, Associate Planner

Attachments: [Attachment No. 1- Planning Commission Resolution](#)
[Attachment No. 2- Proposed Changes to the Zoning and Development Code \(Chapter No. 30\)](#)

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

DC-A Upcoming cases scheduled for City Council and Planning Commission. [21-1105](#)

An update of future City Council agenda items for January 25, 2022, February 8, 2022, February 22, 2022, March 8, 2022, and March 22, 2022 for the Planning Commission's information.

An update of future Planning Commission agenda items for February 1, 2022, February 15, 2022, and March 1, 2022 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 February 1, 2022 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1104
Agenda #: CC-A

Agenda Date: 1/18/2022
Category: Consent Calendar

FROM:
Planning

TITLE:
Approval of Minutes

RECOMMENDATION:
Approve the minutes of the Planning Commission Meeting of December 21, 2021.

DISCUSSION:
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of December 21, 2021. The draft minutes are attached to this report for the Planning Commission to review and approval.

MOTION:
Approve staff recommendation.



City of Fontana

Planning Commission

Minutes

Cathline Fort, Chair
Raj Sangha, Vice Chair
Idilio Sanchez, Secretary
Matthew Gordon, Commissioner
Ralph Thrasher, Commissioner

Tuesday, December 21, 2021 6:00 P.M. Grover W. Taylor Council Chambers

CALL TO ORDER/ROLL CALL:

A. Call to Order/Roll Call:

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, December 21, 2021. Vice Chair Sangha called the meeting to order at 6:02 p.m.

Present: Secretary Sanchez, Vice Chair Sangha, and Commissioner Gordon

Absent: Chair Fort and Commissioner Thrasher

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Commissioner Gordon, the Pledge of Allegiance was led by Secretary Sanchez.

PUBLIC COMMUNICATIONS:

A. Public Communications:

The following individual spoke during Public Comments: Elizabeth Sena.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of December 7, 2021.

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

The motion carried by the following vote:

Aye: Vice Chair Sangha, Secretary Sanchez, and Commissioner Gordon

Absent: Chair Fort, Commissioner Thrasher

PUBLIC HEARINGS:

PH- A Master Case No. 21-102; Variance No. 21-006 - A request to deviate from the sign code to allow an increase in height to 57 feet 2 inches and an increase in sign area to 332 square feet for a new pylon sign in a new commercial shopping center. Design Review Sign No. 21-070 - A request for site and architectural review of a new pylon sign that includes a digital screen and two (2) monument signs.

Vice Chair Sangha opened the Public Hearing Item.

Salvador Quintanilla, Associate Planner presented the staff report.

A recess was called due to technical difficulties at 6:08 p.m.

The meeting reconvened at 6:09 p.m.

Staff continued with their staff report and presentation.

The commission and staff discussed the variance request for this project.

The applicant, Gabe Gaffin, acknowledged that he had read and agreed to the Conditions of Approval.

The commission thanked the applicant for bringing his business to Fontana and expressed that he is happy to see the project being developed.

The architect, Richard Finkel, spoke regarding the height of the signage and the line of sight, as it pertains to the offramp near the project site. The commission discussed the variance request.

The Public Hearing was closed.

RECOMMENDATION:

Based on the information in this staff report staff and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution No. PC 2021-049 and;

1. Determine that the project is Categorically Exempt pursuant to Section No. 15332 (Class No. 32, In-Fill Development Project) of the CEQA, and direct staff to file a Notice of Exemption; and,
2. Approve Variance No. 21-006; and,
3. Approve Design Review Sign No. 21-070.

ACTION: Motion was made by Secretary Sanchez, seconded by Commissioner Gordon, and passed unanimously by a vote of 3-0 to adopt the Resolution presented. The motion carried by the following vote:

Aye: Vice Chair Sangha, Secretary Sanchez, Commissioner Gordon

Absent: Chair Fort, Commissioner Thrasher

PH- B Municipal Code Amendment (MCA) No. 21-001 for an amendment to Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and other environmental qualities for warehouse (industrial commerce center) developments throughout the city.

Vice Chair Sangha opened the Public Hearing Item.

Rina Leung, Senior Planner presented the staff report.

The commission and staff discussed the solar power requirement for this project.

The following individuals spoke in opposition of this project:

Bill Blankenship
Amparo Muñoz
Elizabeth Sena
Ana Gonzalez

The following individual spoke in favor of this project:

Andrea De Leon

The Public Hearing was closed.

The commission discussed owner's property rights and how the Code Amendment is a good document that will serve as guidelines for future developments.

RECOMMENDATION:

Based on the information contained in this staff report, staff recommends that the Planning Commission adopt Resolution PC No. 2021-050 and forward a recommendation to the City Council to:

- 1. Determine that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15061(B)(3) (the common-sense exemption) and, alternatively, pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA; and,**
- 2. Adopt an Ordinance approving Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article for "Industrial Commerce Centers Sustainability Standards" for warehouses throughout the city as shown in the Attachment No. 1 as referenced herein.**

ACTION: Motion was made by Secretary Sanchez, seconded by Commissioner Gordon, and passed unanimously by a vote of 3-0 to adopt the Resolution presented. The motion carried by the following vote:

Aye: Vice Chair Sangha, Secretary Sanchez, Commissioner Gordon

Absent: Chair Fort, Commissioner Thrasher

PH- C Master Case No. 20-054, Design Review Project No. 20-022, and Tentative Parcel Map No. 20250 (TPM No. 20-015) to consolidate forty-five (45) parcels into one (1) parcel of approximately 32.3 acres for the development of a speculative warehouse facility totaling approximately 705,735 square feet.

Vice Chair Sangha opened the Public Hearing Item.

Paul Gonzales, Senior Planner presented the staff report.

The commission and staff discussed truck route on Cypress Avenue and appropriate signage, truck trips, truck access, stacking and stacking distance, as it pertains to overflow traffic onto Slover Avenue and Juniper Avenue.

The commission and staff discussed traffic, the exit point on Cypress Avenue, and truck traffic through Juniper Avenue and Slover Avenue.

A recess was called at 6:58 p.m.

The meeting reconvened at 7:07 p.m.

The commission and staff discussed signage for truck routes on Cypress Avenue.

The applicant, Michael Sizemore, stated that he has read and accepted the Conditions of Approval. In addition, he thanked Paul Gonzales and city staff. He also discussed additional improvements to the project such as solar panels, conduit infrastructure, green building system, and an addition of a traffic signal at the intersection of Slover Avenue and Juniper Avenue.

The commission and the applicant discussed distributing information to the employees and truck drivers addressing the "No Truck Route" on Cypress Avenue.

The following individuals spoke in opposition of this project:

Elizabeth Sena
Ana Gonzalez
Amparo Muñoz

The following individuals spoke in favor of this project:

Thomas Ruiz
Andrea De Leon
Cesar Victoria
Angel Esparza
Steve Beckett

The Public Comment was closed.

The commission spoke regarding the concerns addressed by the public, in addition, the commission commented on childcare and local employment opportunities.

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. 2021- 051, and;

- 1. Adopt a resolution to certify the EIR, adopt a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and a Statement of Facts and Findings, and direct staff to file a Notice of Determination; and,**

3. Adopt a resolution approving Tentative Parcel Map No. 20-015 and Design Review No. 20-022, subject to the attached Findings and Conditions of Approval.

ACTION: Motion was made by Commissioner Gordon, seconded by Secretary Sanchez, and passed unanimously by a vote of 3-0 to adopt the Resolution presented with the amended conditions. The motion carried by the following vote:

Aye: Vice Chair Sangha, Secretary Sanchez, Commissioner Gordon

Absent: Chair Fort, Commissioner Thrasher

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Director of Planning Patty Nevins stated that it has been a pleasure working with the Planning Commission and looks forward to working with them in the new year.

Deputy City Manager Phil Burum provided an updated on the Innovating Commerce Serving Communities (ICSC) Conference that took place in Las Vegas during the early days of December. He spoke to the visitors that showed an interest in retail and restaurants in the city and stated that he looks forward to attending the full conference in May.

COMMISSION COMMENTS:

A. Public Communication Remarks:

Secretary Sanchez stated that he appreciates everyone that comments on the various projects, whether for or against it, because this allows for him to see things from various perspectives such as a family man, business owner, and resident. He stated that the decisions are not easy to make, however, he has to be mindful and respectful of owner's property rights. In addition, He stated that he feels the commission, as a whole, is doing a good job in representing the community.

Secretary Sanchez wished everyone a Merry Christmas and Happy New Year.

Commissioner Gordon thanked all the public speakers and stated that listening to all the comments is vital to the commission and wants them to know that their comments are important, and they are being heard.

Commissioner Gordon thanked Rina Leung, Senior Planner for all her work on the new Sustainability Standards ordinance as this ordinance is important with the city's growth and future developments.

Commissioner Gordon stated that he wants to reassure tonight's speakers that their comments are being heard and that some of the questions he asked tonight come from previous public meetings or from previous projects. However, difficult decisions must be made based on the projects before them and following the code and other guidelines.

Commissioner Gordon spoke to the meeting introduction disclaimer stating that it was put in place due to the unreasonable behavior that has taken place in the past, and that is not to the community's standard. He also stated that as long as everyone comes to the meeting and conducts themselves appropriately there should not be a problem. Commissioner Gordon thanked the members of the Police Department that were present at the meeting, and who ensured that tonight's meeting took its course in an orderly fashion.

Commissioner Gordon wished everyone a Merry Christmas, Happy New Year, and stated that as the holidays are happy moments for some, they too are sad moments for others, and to be there for those that are hurting.

Vice Chair Sangha thanked the staff for their staff reports and their presentations. In addition, he thanked the Information Technology staff for fixing the technical challenges that were encountered during tonight's meeting.

Vice Chair Sangha thanked everyone for the opportunity to serve, and wished everyone a prosperous holiday and Merry Christmas.

Vice Chair Sangha requested that the meeting be adjourned in memory of Chair Fort's mother, Archie Granderson.

WORKSHOP:

A. None

ADJOURNMENT:

By consensus, the meeting adjourned at 7:40 p.m. to the next Regular Planning Commission Meeting on Tuesday, January 18, 2022, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Maria Torres
Administrative Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 18TH DAY OF JANUARY 2022.**

Raj Sangha
Vice Chairperson



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1103
Agenda #: PH-A

Agenda Date: 1/18/2022
Category: Public Hearing

FROM:

Planning Department

TITLE:

Amendments to the Zoning and Development Code (Chapter 30) of the City of Fontana Municipal Code to regulate urban lot splits and two-unit projects under Senate Bill 9

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2022-____; and forward a recommendation to the City Council to:

1. Determine that the project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act. and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Exemption, and;
2. Approve Zoning Code Amendment (ZCA) 21-009 to amend the Zoning and Development Code (Chapter 30 of the Fontana Municipal Code) as shown in Exhibit A as referenced herein.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

REQUEST:

Adopt a resolution recommending the City Council:

1. Determine that the project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act (CEQA) and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Exemption; and,
2. Adopt an Ordinance amending Chapter 30, Article II, Division 21 to add Subdivision IV to the City Municipal Code and amending Chapter 30, Article V, Division 4 to add Section 30-434.1 to regulate urban lot splits and two-unit projects under Senate Bill 9.

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner

BACKGROUND INFORMATION:

The California legislature recently passed, and Governor Newsom signed into law, Senate Bill 9 (“SB 9”). SB 9 went into effect on January 1, 2022 and requires the City to both: (1) allow any lot in a single-family residential zone to be split, roughly into halves, with resulting lots as small as 1,200 square feet and (2) allow any lot in a single-family residential zone to be developed with up to two single-family primary dwellings. SB 9 requires the City to approve eligible lot splits and two-unit projects ministerially (i.e., without discretionary review, conditions, or a hearing). Property owners can also utilize both of SB 9’s provisions, meaning that an SB 9 lot split may be followed with an SB 9 two-unit project on each of the two new lots, resulting in four total dwellings on what was formerly one single-family residential lot - all with only ministerial approval.

PROJECT DESCRIPTION:

Proposed ordinance regulating Senate Bill 9 urban lot splits and two-unit developments.

ANALYSIS:

SB 9 was signed by Governor Newsom on September 16, 2021 and became effective January 1, 2022. On December 14, 2021, the City of Fontana City Council adopted an urgency ordinance regulating urban lot splits and two-unit projects, ahead of the statewide implementation on January 1, 2022. The urgency ordinance is in place temporarily until a permanent ordinance is adopted. The proposed ordinance will codify the standards to address the regulations guided by SB 9. Staff will continue to evaluate the implementation of the standards and will propose amendments in the future as needed to address any unforeseen issues that arise.

SB 9 allows cities to impose objective zoning, subdivision, and design standards (collectively “objective development standards”). An objective standard is a regulation that does not involve personal or subjective judgment and that is verifiable by reference to an external and uniform benchmark or criterion (e.g., a height limit).

Generally, the proposed ordinance is written to allow the city to exercise as much local control over SB 9 projects as state law allows. Among other things, the ordinance includes regulations governing the following:

- Location (Single-family residential zone; not in sensitive, dangerous, historic areas; not on rental property (within last 3 years))
- Lot Size (2,400 square feet min to split; 1,200 square feet min for resulting)
- Lot Access (adjoin ROW)
- Unit Size (800 square feet max / du)
- Lot Coverage and Open Space (50 percent max and min, respectively)
- Unit Height (16 feet max, unless lot is smaller than 2,000 square feet)
- Setbacks (normal, except as necessary to allow two units at 800 square feet each; but no less than 4 feet side and rear)
- Use (residential-only, no short-term rental)
- Parking (one space, unless exempt by statute)
- Owner occupancy (three-year minimum on urban splits; permanent on two-unit projects)

- Architecture (must match other dwelling or dwellings on property; no direct lines of sight)
- Utilities (direct connections to service providers; all underground)
- Separate Conveyance Within a Lot (prohibited; no condos, no timeshares or separate-use co-ownerships)
- Deed Restriction (required; no short-term rental, non-residential use, or separate conveyance; development limited to SB 9 projects)

MOTION:

Recommend adoption of the ordinance to the City Council.

ATTACHMENTS:

1. Planning Commission Resolution
2. Exhibit A - SB 9 Code Amendment
3. Notice of Exemption
4. Public Hearing Notice

UNDER SEPARATE COVER:

None.

RESOLUTION PC NO. 2022-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF FONTANA, CALIFORNIA, RECOMMENDING THAT
THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING
ZONING CODE AMENDMENT (ZCA) NO. 21-009 AMENDING
CHAPTER 30 OF THE FONTANA MUNICIPAL CODE TO
REGULATE SENATE BILL 9 URBAN LOT SPLITS AND TWO-
UNIT DEVELOPMENTS**

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

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed Zoning Code Amendment, including the staff report, and all the information, evidence, and testimony presented at its public hearing on January 18, 2022; and

WHEREAS, on January 18, 2022, the Planning Commission received public testimony on Zoning Code Amendment (ZCA) No. 21-009 and determined that this project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act (CEQA) and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA.; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 (“SB 9”), which among other things, adds Government Code section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects; and

WHEREAS, SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects; and

WHEREAS, on December 14, 2021, the City Council adopted an urgency ordinance regulating Senate Bill 9 (SB 9) urban lot splits and two-unit developments; and

WHEREAS, the City desires to amend its local regulatory scheme to comply with Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9; and

WHEREAS, the Planning Commission finds that the proposed amendments to the Municipal (Zoning) Code are consistent and compatible with the General Plan, and that the updates are consistent with State law; and

WHEREAS, the Planning Commission finds that the proposed amendment to the Municipal Code will be in conformity with good land use practice and is intended to facilitate ease of use and understanding, as well as to establish appropriate development standards for the land use designations; and

WHEREAS, the Planning Commission finds that the proposed amendments to the Municipal Code (Exhibit “A”) will not be detrimental to the public health, safety, and general

ATTACHMENT NO. 1

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welfare, and will not adversely affect the orderly development of property, and will better express the City's policies, and generally promote good land use planning and regulation.

NOW, THEREFORE, the Commission RESOLVES as follows:

Section 1. Recitals. The above recitals are incorporated herein by reference.

Section 2. Based on the foregoing, the Planning Commission hereby recommends that the City Council determine this project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act. and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA; therefore, a Notice of Exemption has been prepared.

Section 3. Based on the foregoing, the Planning Commission hereby recommends that the City Council approve Zoning Code Amendment (ZCA) No. 21-009 to adopt an ordinance amending the Municipal Code related to the implementation of SB 9 as indicated in "Exhibit A" as referenced herein.

Section 4. 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 Community Development Department – Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

Section 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 18th day of January 2022.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Idilio Sanchez, 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 18th day of January 2022, by the following vote, to-wit:

ATTACHMENT NO. 1

Resolution PC No. 2022-_____

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

ATTACHMENT NO. 1

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EXHIBIT A

Amendments to Municipal Code

City of Fontana Zoning and Development Code Chapter 30.0, Article II, Division 21, is hereby amended to add Subdivision IV to read in its entirety as follows:

Subdivision IV. – State-Mandated Subdivisions

Sec. 30-304. - Urban Lot Splits

- (a) **Purpose.** The purpose of this section is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.
- (b) **Definition.** An “urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.
- (c) **Application.**
 - (1) Only individual property owners may apply for an urban lot split. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
 - (2) An application for an urban lot split must be submitted on the city’s approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
 - (3) The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.
- (d) **Approval.**
 - (1) An application for a parcel map for an urban lot split is approved or denied ministerially, by the Planning Director, without discretionary review.
 - (2) A parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this section. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements.

- (3) The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
 - (4) The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.
- (e) **Requirements.** An urban lot split must satisfy each of the following requirements:
- (1) **Map Act Compliance.**
 - (A) The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., "SMA"), including implementing requirements in this code, except as otherwise expressly provided in this section.
 - (B) If an urban lot split violates any part of the SMA, the city's subdivision regulations, including this section, or any other legal requirement:
 - (i) The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
 - (ii) The city has all the remedies available to it under the SMA, including but not limited to the following:
 - (I) An action to enjoin any attempt to sell, lease, or finance the property.
 - (II) An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - (III) Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - (IV) Record a notice of violation.
 - (V) Withhold any or all future permits and approvals.
 - (C) Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.
 - (2) **Zone.** The lot to be split is in a single-family residential zone. For purposes of this section, a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single residential dwelling on a lot.

(3) **Lot Location.**

- (A) The lot to be split is not located on a site that is any of the following:
- (i) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - (ii) A wetland.
 - (iii) Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - (iv) A hazardous waste site that has not been cleared for residential use.
 - (v) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - (vi) Within a 100-year flood hazard area, unless the site has either:
 - (I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - (vii) Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - (viii) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - (ix) Habitat for protected species.
 - (x) Land under conservation easement.
- (B) The purpose of subpart (e)(3)(A) above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)
- (4) **Not Historic.** The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor

may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

(5) **No Prior Urban Lot Split.**

- (A) The lot to be split was not established through a prior urban lot split.
- (B) The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.

(6) **No Impact on Protected Housing.** The urban lot split must not require or include the demolition or alteration of any of the following types of housing:

- (A) Housing that is income-restricted for households of moderate, low, or very low income.
- (B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
- (C) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
- (D) Housing that has been occupied by a tenant in the last three years.

(7) **Lot Size.**

- (A) The lot to be split must be at least 2,400 square feet.
- (B) The resulting lots must each be at least 1,200 square feet.
- (C) Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

(8) **Easements.**

- (A) The owner must enter into an easement agreement to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
- (B) Each easement must be shown on the tentative parcel map.
- (C) Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with subpart (d)(2) above.

- (D) If an easement is recorded and the project is not completed, making the easement moot, the property owner may request, and the city will provide, a notice of termination of the easement, which the owner may record.
- (9) **Lot Access.**
- (A) Each resulting lot must adjoin the public right of way.
 - (B) Each resulting lot must have frontage on the public right of way of at least 22 feet.
- (10) **Unit Standards.**
- (A) **Quantity.** No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 30-434.1 of this code, an ADU, or a JADU
 - (B) **Unit Size.**
 - (i) The total floor area of each primary dwelling that is developed on a resulting lot must be
 - (I) less than or equal to 800 square feet and
 - (II) more than 500 square feet.
 - (ii) A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.
 - (iii) A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.
 - (C) **Height Restrictions.**
 - (i) On a resulting lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.
 - (ii) On a resulting lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back

by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the setback.

- (iii) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.

- (D) **Lot Coverage.** The lot must comply with the lot coverage limit imposed by the underlying zoning. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

- (E) **Setbacks.**

- (i) **Generally.** All setbacks must conform to those objective setbacks that are imposed through the underlying zone.

- (ii) **Exceptions.** Notwithstanding subpart (e)(10)(E) above:

- (I) **Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

- (II) **800 sf; four-foot side and rear.** The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

- (iii) **Front Setback Area.** Notwithstanding any other part of this code, dwellings that are constructed after an urban lot split must be at least 22 feet from the front property lines. The front setback area must:

- (I) be kept free from all structures greater than three feet high;
 - (II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;
 - (III) allow for vehicular and fire-safety access to the front structure.

- (F) **Parking.** Each new primary dwelling unit that is built on a lot after an urban lot split must have at least one off-street parking space per unit unless one of the following applies:

- (i) The lot is located within one-half mile walking distance of either
 - (I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or
 - (II) a site that contains
 - (ia) an existing rail or bus rapid transit station,
 - (ib) a ferry terminal served by either a bus or rail transit service, or
 - (ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- (ii) The site is located within one block of a car-share vehicle location.

(G) Architecture.

- (i) If there is a legal primary dwelling on the lot that was established before the urban lot split, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
- (ii) If there is no legal primary dwelling on the lot before the urban lot split, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
- (iii) All exterior lighting must be limited to down-lights.
- (iv) No window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- (v) If a dwelling is constructed on a lot after an urban lot split and any portion of the dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

- (H) **Landscaping.** Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:
 - (i) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.
 - (ii) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.
 - (iii) All landscaping must be drought-tolerant.
- (I) **Nonconforming Conditions.** An urban lot split may be approved without requiring a legal nonconforming zoning condition to be corrected.
- (J) **Utilities.**
 - (i) Each primary dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.
 - (ii) Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- (K) **Building & Safety.** All structures built on the lot must comply with all current local building standards. An urban lot split is a change of use.
- (11) **Fire-Hazard Mitigation Measures.**
 - (A) A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
 - (i) It must have direct access to a public right of way with a paved street and the ability to withstand 75,000 pounds of vehicle weight with a width of at least 40 feet. The public right of way must have at least two independent points of access for fire and life safety to access and for residents to evacuate.
 - (ii) All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.
 - (iii) All enclosed structures on the site must have fire sprinklers.

- (iv) All sides of all dwellings on the site must be within a 150-foot hose-pull distance from either the public right of way or of an onsite fire hydrant or standpipe.
 - (v) If the lot does not have a swimming pool, the lot must have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.
 - (B) Prior to submitting an application for an urban lot split, the applicant must obtain a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this subpart (e)(11). The city or its authorized agent must inspect the site, including all structures on the site, and certify as to its compliance. The certificate must be included with the application. The applicant must pay the city's costs for inspection. Failure to pay is grounds for denying the application.
- (12) **Separate Conveyance.**
- (A) Within a resulting lot.
 - (i) Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
 - (ii) Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
 - (iii) All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
 - (B) Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.
- (13) **Regulation of Uses.**
- (A) **Residential-only.** No non-residential use is permitted on any lot created by urban lot split.
 - (B) **No STRs.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.

- (C) **Owner Occupancy.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

(14) **Notice of Construction.**

- (A) At least 30 business days before starting any construction of a structure on a lot created by an urban lot split, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - (i) Notice that construction has been authorized,
 - (ii) The anticipated start and end dates for construction,
 - (iii) The hours of construction,
 - (iv) Contact information for the project manager (for construction-related complaints), and
 - (v) Contact information for the Building & Safety Department.
- (B) This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

(15) **Deed Restriction.** The owner must record a deed restriction, acceptable to the city, that does each of the following:

- (A) Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- (B) Expressly prohibits any non-residential use of the lots created by the urban lot split.
- (C) Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- (D) States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.

(f) **Specific Adverse Impacts.**

- (1) Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- (2) “Specific adverse impact” has the same meaning as in Gov. Code § 65589.5(d)(2): “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
- (3) The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

IN THE LAND USE TITLE:

City of Fontana Zoning and Development Code Chapter 30.0, Article V, Division 4, is hereby amended to add Section 30-434.1 to read in its entirety as follows:

Section 30-434.1 Two-unit Projects

- (a) **Purpose.** The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.
- (b) **Definition.** A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.
- (c) **Application.**
 - (1) Only individual property owners may apply for a two-unit project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
 - (2) An application for a two-unit project must be submitted on the city’s approved form.

- (3) The applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
 - (4) Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
 - (5) The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.
- (d) **Approval.**
- (1) An application for a two-unit project is approved or denied ministerially, by the Planning Director, without discretionary review.
 - (2) The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements.
 - (3) The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
 - (4) The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.
- (e) **Requirements.** A two-unit project must satisfy each of the following requirements:
- (1) **Map Act Compliance.** The lot must have been legally subdivided.
 - (2) **Zone.** The lot is in a single-family residential zone. For purposes of this section, a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single residential dwelling on a lot.
 - (3) **Lot Location.**
 - (A) The lot is not located on a site that is any of the following:
 - (i) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - (ii) A wetland.
 - (iii) Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

- (iv) A hazardous waste site that has not been cleared for residential use.
 - (v) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - (vi) Within a 100-year flood hazard area, unless the site has either:
 - (I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - (vii) Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - (viii) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - (ix) Habitat for protected species.
 - (x) Land under conservation easement.
- (B) The purpose of subpart (e)(3)(A) above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)
- (4) **Not Historic.** The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
- (5) **No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
- (A) Housing that is income-restricted for households of moderate, low, or very low income.
 - (B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.

- (C) Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - (D) Housing that has been occupied by a tenant in the last three years.
- (6) **Unit Standards.**
- (A) **Quantity.**
 - (i) No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
 - (ii) A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city’s ADU ordinance.
 - (B) **Unit Size.**
 - (i) The total floor area of each primary dwelling built that is developed under this section must be
 - (I) less than or equal to 800 square feet and
 - (II) more than 500 square feet.
 - (ii) A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.
 - (iii) A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.
 - (C) **Height Restrictions.**
 - (i) On a lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.
 - (ii) On a lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back

by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the setback.

- (iii) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a two-unit project.

- (D) **Demo Cap.** The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

- (E) **Lot Coverage.** This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

- (F) **Open Space.** This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

- (G) **Setbacks.**

- (i) **Generally.** All setbacks must conform to those objective setbacks that are imposed through the underlying zone.

- (ii) **Exceptions.** Notwithstanding subpart (e)(6)(G) above:

- (I) **Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

- (II) **800 sf; four-foot side and rear.** The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

- (iii) **Front Setback Area.** Notwithstanding any other part of this code, dwellings that are constructed under this section must conform to the front yard setback imposed by the underlying zoning. The front setback area must:

- (I) be kept free from all structures greater than three feet high;
 - (II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect;

- (III) allow for vehicular and fire-safety access to the front structure.
- (H) **Parking.** Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:
 - (i) The lot is located within one-half mile walking distance of either
 - (I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or
 - (II) a site that contains
 - (ia) an existing rail or bus rapid transit station,
 - (ib) a ferry terminal served by either a bus or rail transit service, or
 - (ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - (ii) The site is located within one block of a car-share vehicle location.
- (I) **Architecture.**
 - (i) If there is a legal primary dwelling on the lot that was established before the two-unit project, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
 - (ii) If there is no legal primary dwelling on the lot before the two-unit project, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
 - (iii) All exterior lighting must be limited to down-lights.
 - (iv) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

- (v) If any portion of a dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
- (J) **Landscaping.** Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:
 - (i) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.
 - (ii) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.
 - (iii) All landscaping must be drought-tolerant.
- (K) **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected.
- (L) **Utilities.**
 - (i) Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.
 - (ii) Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- (M) **Building & Safety.** All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the city's current code.
- (7) **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
 - (A) It must have direct access to a public right of way with a paved street and the ability to withstand 75,000 pounds of vehicle weight, with a width of at least 40 feet. The public right of way must have at least two independent points of access for fire and life safety to access and for residents to evacuate.

- (B) All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.
 - (C) All enclosed structures on the site must have fire sprinklers.
 - (D) All sides of all dwellings on the site must be within a 150-foot hose-pull distance from either the public right of way or of an onsite fire hydrant or standpipe.
 - (E) If the lot does not have a swimming pool, the lot must have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.
- (8) **Separate Conveyance.**
- (A) Primary dwelling units on the lot may not be owned or conveyed separately from each other.
 - (B) Condominium airspace divisions and common interest developments are not permitted within the lot.
 - (C) All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
- (9) **Regulation of Uses.**
- (A) **Residential-only.** No non-residential use is permitted on the lot.
 - (B) **No STRs.** No dwelling unit on the lot may be rented for a period of less than 30 days.
 - (C) **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.
- (10) **Notice of Construction.**
- (A) At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - (i) Notice that construction has been authorized,
 - (ii) The anticipated start and end dates for construction,
 - (iii) The hours of construction,

- (iv) Contact information for the project manager (for construction-related complaints), and
 - (v) Contact information for the Building & Safety Department.
- (B) This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.
- (11) **Deed Restriction.** The owner must record a deed restriction, acceptable to the city, that does each of the following:
 - (A) Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
 - (B) Expressly prohibits any non-residential use of the lot.
 - (C) Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
 - (D) If the lot is not created by an urban lot split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
 - (E) States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.
- (f) **Specific Adverse Impacts.**
 - (1) Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 - (2) "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

- (3) The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

(g) **Remedies.**

If a two-unit project violates any part of this code or any other legal requirement:

- (1) The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
- (2) The city may:
 - (A) Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - (B) Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - (C) Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - (D) Record a notice of violation.
 - (E) Withhold any or all future permits and approvals.
 - (F) Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

NOTICE OF EXEMPTION

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

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

1. Project Title: **Master Case No. 21-117 and Zoning Code Amendment No. 21-009**
2. Project Location - Specific: Citywide
3. (a) Project Location - City: **Fontana, CA 92335**
(b) Project Location - County: **San Bernardino**
4. Description of nature, purpose, and beneficiaries of Project: **Amendment to the Zoning and Development Code (Chapter 30) of the Fontana Municipal Code to regulate urban lot splits and two-unit projects under Senate Bill 9.**
5. Name of Public Agency approving project: **City of Fontana**
6. Name of Person or Agency carrying out project: **City of Fontana-Planning Department**
8353 Sierra Avenue
Fontana, CA 92336
7. Exempt status: (Check one)
 - (a) _____ Ministerial project.
 - (b) _____ Not a project.
 - (c) _____ Emergency Project.
 - (d) ☒ **X** Categorical Exemption. State type and class number: exemption pursuant to Section No. 15061(b)(3) ("common sense" exemption) of the California Environmental Quality Act (CEQA), and Section No. 3.07 of the Local 2019 Guidelines for Implementing the California Environmental Quality Act.
 - (e) _____ Declared Emergency.
 - (f) _____ Statutory Exemption. State Code section number: _____
 - (g) _____ Other. Explanation: _____
8. Reason why project was exempt: **The proposed amendments to Chapter 30 of the Fontana Municipal Code do not have a direct potential for impacts on the built environment.**
9. Contact Person: **Cecily Session-Goins, Associate Planner** Telephone: **(909) 350-6723**

Date Received for Filing:

Rina Leung
Senior Planner

(Clerk Stamp Here)



NOTICE OF PUBLIC HEARING

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

In compliance with Section 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. 21-117 and Zoning Code Amendment No. 21-009

Amendments to the Zoning and Development Code (Chapter 30) of the City of Fontana Municipal Code to regulate urban lot splits and two-unit projects under Senate Bill 9.

The Planning Commission will review and forward a recommendation to the City Council on the proposed project.

Environmental Determination: This project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act. and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA.

Location of Property: Citywide

Date of Hearing: January 18, 2022

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

Time of Hearing: 6:00 pm

Should you have any questions concerning this project, please contact Cecily Session-Goins, Associate Planner, at (909) 350-6723 or by email at csgoins@fontana.org

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



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



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1129
Agenda #: PH-B

Agenda Date: 1/18/2022
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 21-050; General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Code Amendment No. 21-004, Zoning Change No. 21-008 - 6th Cycle Housing Element Update.

RECOMMENDATION:

Based on the information contained in this staff report and attached Exhibits under separate cover, staff recommends that the Planning Commission adopt Resolution PC No. 2022-____, and forward a recommendation to the City Council to:

1. Determine that the project has been reviewed under a previous Final Environmental Impact Report (State Clearinghouse No. 2016021099), pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.10 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the City of Fontana General Plan Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2016021099) has been prepared.
2. Adopt a Resolution approving General Plan Amendment No. 21-002; and
3. Adopt a Resolution approving General Plan Amendment No. 21-007; and
4. Adopt an Ordinance approving Zone Change No. 21-008
5. Adopt an Ordinance approving Zone Code Amendment No. 21-004.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA, 92335

LOCATION:

City Wide

REQUEST:

A request to recommend that the City Council approve:

1. General Plan Amendment No. 21-002- A request to amend Chapter 5 (Housing Element) of the 2015-2035 General Plan and adopt the 2021-2029 6th cycle Housing Element
2. General Plan Amendment No. 21-007- A request to update the General Plan land use map to change the general plan land use designation on multiple properties through the City to Multi-Family Medium/High Residential (R-MFMH), Multi-Family High Residential (R-MFH), and designate the boundary for the “R-4 Overlay” to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).
3. Zone Change No. 21-008- A request to update the Zoning District Map to change the zoning on multiple properties through the City to Multi-Family Medium/High Residential (R-4), Multi-Family High Residential (R-5) and designate the boundary for the “R-4 Overlay” to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).
4. Zone Code Amendment No. 21-004-A request to amendment Chapter 30 (Development Code) of the Municipal Code to establish an “R-4 Overlay” to allow for additional housing at the R-4 densities.

PROJECT PLANNER:

DiTanyon Johnson, Principal Planner
Cecily Session-Goins, Associate Planner

BACKGROUND INFORMATION:

The entitlements requested support required updates to the City’s General Plan Housing Element.

A. Previous Approvals:

- The 2015-2035 General Plan was approved by City Council on November 13, 2018.
- The 2013-2021 Housing Element was approved by the City Council February 11, 2014.

B. Workshops and Public Outreach:

A variety of workshops and public outreach events were conducted to inform the public about the Housing Element update and gather input. These included:

- On July 8, 2020, a joint City Council and Planning Commission study session was held to engage the Councilmembers and Commissioners on the Housing Element Update process, timeline, and State law requirements.
- On October 7, 2020, a virtual community workshop was held for the public.
- An online community survey gathered feedback from October 6 to November 23, 2020.

- On April 27, 2021 a joint City Council and Planning Commission study session was held to provide an update on the status of the Housing Element.
- On, April 20, 2021, an Administrative Draft Copy of the Form-Based Code was provided to the Planning Commission.
- On May 24, 2021, a second community workshop was held virtually to provide information on the Public Review Draft, which was release on May 19, 2021.
- Property owner letters regarding the zone changes were provided on June 14, 2021, and November 9, 2021.

ANALYSIS:

General Plan Amendment No. 21-002:

As previously mentioned, the proposed general plan amendment is a request to amend Chapter 5 (Housing Element) of the 2015-2035 General Plan and adopt the 2021-2029 6th cycle Housing Element to incorporate goals, policies and actions which demonstrate the City's ability to accommodate its fair share of affordable housing for this planning period.

The California State Legislature mandates that all cities and counties adopt a comprehensive General Plan that will serve as the long-term plan for the physical development of the county or city, including a mandatory Housing Element which must be updated every eight years and is required by State law to be certified by the State of California's Department of Housing and Community Development (HCD). State law identifies information required to be included in the Housing Element; this information includes a Regional Housing Needs Assessment (RHNA). The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan. RHNA quantifies the need for housing within each jurisdiction during specified planning periods. Ultimately, the Department of Housing and Community Development and the Southern California Associated Government (SCAG) developed a process allocating a certain amount of units to each jurisdiction within their region based number of statistical information. The RHNA for the City of Fontana is 17,519 units.

Furthermore, the RHNA quantifies the need for housing within each jurisdiction during specified planning periods ("cycles"). The current planning period ("Sixth cycle") is for the years 2021-2029. The RHNA identifies existing and future housing needs resulting from population, employment and household growth.

The table below displays the RHNA allocation for the 2021-2029 planning period.

| <i>RHNA (2021-2029)</i> | |
|--|---------------------|
| <i>Income Category</i> | <i>Units</i> |
| <i>Very Low (50% AMI and below)</i> | 5,109 |
| <i>Low (50% - 80% AMI)</i> | 2,950 |
| <i>Moderate Income (80% to 120% AMI)</i> | 3,035 |
| <i>Above Moderate (120% AMI and above)</i> | 6,425 |
| <i>TOTAL</i> | 17,519 |

The primary revisions made as part of the Sixth Cycle Housing Element Update include the following:

- ***Community Profile:*** Updates were made to reflect current data on population, demographics, employment trends, household characteristics, along with affordable housing and homeless prevention projects. Much of the data was derived from the Census and American Community Survey, Department of Finance, Department of Economic Development and other locally available data.
- ***Constraints:*** A variety of governmental and non-governmental factors can constrain the development of housing. The Draft Housing Element provides an analysis of non-governmental (market conditions, cost of land, access to financing), governmental (land use controls, fees, procedures, regulations) and environmental (seismic, fire and flood hazards) conditions constraints to the development of housing.
- ***Affirmatively Furthering Fair Housing:*** All Housing Elements due on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing Final Rule of April 23, 2020. The City developed a Draft Analysis of Impediments to Fair Housing for the years 2020-2024, the purpose of this document is to affirmatively further fair housing opportunities. The Housing Element utilizes local, state and federal data to further understand existing local contributing factors to fair housing issues.
- ***Goals, Policies and Programs:*** The majority of the goals, policies, and programs have remained the same since the 5th Cycle Housing Element. Some have been updated to reflect current practice and new strategies have been provided, such as express permitting for ADU plans and targeted outreach to local developers and stakeholders. Additionally, the policy plan identifies the three key rezone strategies to accommodate the City's RHNA allocation. The proposed rezone strategies will be discussed further in the report.
- ***Land Inventory:*** The most significant update included in the Sixth Cycle Draft Housing Element is the identification of sites to accommodate the Regional Housing Needs Assessment (RHNA). Housing Element Law does not require a jurisdiction to build housing units, but rather to identify and analyze specific sites that are available and suitable for residential development to accommodate the RHNA. In general, the City's draft site inventory includes potential sites within existing entitled specific plans, the downtown form-based code district, and near schools, transit access and essential retail throughout the City.

- **Public Participation:** The City's first draft of the Housing Element Update was released on May 19, 2021, for a 30-day public review period, which ended on June 18, 2021. About 80 written comments were received and uploaded to the City's Housing Element Update webpage. All comments received are discussed in Appendix C of the Draft Housing Element. Public comments ranged from the need for support for the document, a general need for affordable housing, support for special needs and senior housing and general questions and comments regarding the site selection. Based on a careful review of the comment letters, edits were incorporated into the Second Draft (see attached) prior to resubmittal to HCD.

General Plan Amendment No. 21-007:

The proposed General Plan Amendment is to update the General Plan land use map to change the general plan land use designation on approximately 170 properties throughout the city to Multi-Family Medium/High Residential (R-MFMH) and Multi-Family High Residential (R-MFH). These proposed changes to the General plan land use map are needed to create more opportunities to satisfy the City's RHNA allocation at the low and very low income category, which are accommodated through densities at the 30 du/ac or higher range. The changes to the General Plan land use map (Exhibit B attached under separate cover) also include the establishment of an "R-4 Overlay" to allow the potential of development at the R-MFH density of 24.1 du/ac to 39 du/ac within a certain boundary. All these changes are shown as part of Exhibit "B" and are required in order to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). The R-MFMH density would allow for a maximum of 39 dwellings per acre and the R-MFH would allow for a maximum of 50 dwelling units per acre. Combined, the total land use changes and rezones would satisfy the remaining RHNA need for the low and very low-income category. **Table A** below displays the total unit capacity on existing zoning in Fontana, the total capacity through the identified rezones and the percentage of units above the RHNA identified to create a buffer for the 2021-2029 planning period.

| Table A: Site Capacity and Rezones to Accommodate RHNA | | | | |
|---|-------------------------------|--------------|------------------|-----------------------|
| | Extremely Low/Very Low Income | Low Income | Moderate Income* | Above Moderate Income |
| RHNA (2021-2029) | 5,109 | 2,950 | 3,035 | 6,425 |
| Total Potential Capacity Based on Existing GP and Zoning and ADUs | 5,528 | | 4,430 | 8,283 |
| Rezoned Site Capacity | 4,298 | | 0 | 3,043 |
| **Total Units (All Categories) | 9,826 | | 4,430 | 11,326 |
| % Above RHNA allocation | 22% | | 46% | 76% |

**The existing site capacity and proposed rezones would provide the potential for 25,582 housing units which satisfy the City's RHNA number of 17,519 housing units.

Zone Change Amendment No 21-008:

The proposed zone change is to update the Zoning District Map to change the zoning on approximately 160 properties throughout the City to Multi-Family Medium/High Residential (R-4) and Multi-Family High Residential (R-5) consistent with the associated General Plan amendment on these sites. The changes to the Zoning district map also includes the establishment of an "R-4 Overlay" to allow the potential of development at the R-4 density of 24.1 du/ac to 39 du/ac within a certain boundaries. The changes are shown as part of Exhibit "C" and are required to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). The R-4 density would allow for a maximum of 39 dwellings per acre and the R-5 would allow for a maximum of 50 dwelling units per acre. Combined, the total rezones would satisfy the City's unmet low and very low RHNA allocation. The sites identified for rezone to R-4 and -R5 could accommodate an estimated 6,862 units.

Zone Code Amendment No. 21-004:

The proposed zone code amendment is to amend Chapter 30 (Zoning and Development Code) of the Municipal Code to establish an "R-4 Overlay" to allow for additional housing at the R-4 densities as seen in Attachment No. 2 to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). The proposed overlay is optional to the property owners within the boundary. If a property owner wishes to take advantage of the R-4 overlay they would be required to follow the R-4 development standards that are currently in the Zoning and Development Code.

Staff submitted a draft of the Housing Element to HCD on October 22, 2021. On December 21, 2021, HCD provided written correspondence indicating that the draft element addressed many statutory requirements; however, revisions were necessary to fully comply with State Housing Element Law. Subsequently, the Draft Housing Element has been revised to address HCD's comments of December 21, 2021 and the revised draft element has been resubmitted to HCD.

Although the Housing Element has not been certified by HCD it is recommended that the Planning Commission forward a recommendation to the City Council for the adoption of the Housing Element and the associated entitlements. Staff believes that the most recent revisions address HCD's remaining concerns and the requirements of state law. The adoption is recommended due to new housing element requirements set forth in Assembly Bill (AB) 1398. The new law states that jurisdictions that fail to adopt a substantially compliant housing element within 120 days of the statutory deadline of October 15, 2021, will have a shortened time frame of one year from the statutory deadline of October 15, 2021 to complete the required associated rezoning actions, instead of the current three years. If the Draft Housing Element is recommended for approval by the Planning Commission, staff anticipates taking the Draft Housing Element and associated changes before the City Council on February 8, 2022. With a recommendation of approval by the Planning Commission and approval by the City Council of the Draft Housing Element and associated applications, any minor changes that are requested by HCD to the Draft Housing Element could be made by the Director of Planning consistent with the goals and policies of the City of Fontana General Plan.

MOTION:

Accept staff's recommendation

ATTACHMENTS:

Attachment No. 1- PC Resolution

Attachment No. 2- Language for the "R-4 Overlay"

UNDER SEPARATE COVER:

Exhibit A-Draft Housing Element

Exhibit B-General Plan land use map showing up-zoning

Exhibit C-Zoning Map showing up-zoning

Exhibit D-Addendum to the General Plan EIR

RESOLUTION PC NO. 2022-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ADDENDUM TO THE CITY OF FONTANA GENERAL PLAN EIR AND DIRECT STAFF TO FILE THE NOTICE OF DETERMINATION AND ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT 21-002, ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. 21-007, ADOPT AN ORDINANCE APPROVING ZONE CHANGE NO. 21-004, AND ADOPT AN ORDINANCE APPROVING ZONING CODE AMENDMENT NO. 21-008.

WHEREAS, a request was made to recommend approval to the City Council for General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Change Amendment No. 21-004, Zoning Code Amendment No. 21-008 as detailed below:

1. General Plan Amendment No. 21-002 to amend Chapter 5 (Housing Element) of the 2015-2035 General Plan and adopt the 2021-2029 6th cycle Housing Element
2. General Plan Amendment No. 21-007 to update the General Plan land use map to change the general plan land use designation on multiple properties through the City to Multi-Family Medium/High Residential (R-MFMH), Multi-Family High Residential (R-MFH) and the creation of an “R-4 Overlay” boundary to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).
3. Zone Code Amendment No. 21-008 to update the Zoning District Map to change the zoning on multiple properties through the City to Multi-Family Medium/High Residential (R-4) and Multi-Family High Residential (R-5) to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).
4. Zone Code Amendment No. 21-004-A request to amend Chapter 30 (Development Code) of the Municipal Code to establish an “R-4 Overlay” to allow for additional housing at the R-4 densities.

Project Applicant: City of Fontana, Planning Department

Project Location: City Wide

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

WHEREAS, The California State Legislature mandates that all cities and counties adopt a comprehensive General Plan that will serve as the long-term plan for the physical development of the county or city, including a mandatory Housing Element which must be updated every eight years and is required by State law to be certified by the State of California's Department of Housing and Community Development (HCD). The 6th cycle Housing Element incorporate goals, policies and actions which demonstrate the City's ability to accommodate its fair share of housing for this planning period; and,

WHEREAS, Additionally, a Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan. The RHNA quantifies the need for housing within each jurisdiction during specified planning periods. The current planning period ("cycle") is for the years 2021-2029. The RHNA identifies existing and future housing needs resulting from population, employment, and household growth. Moreover, the RHNA allows communities to anticipate growth, so that collectively the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses social equity, and fair share housing needs; and,

WHEREAS, the City's share of the regional housing need is 17,519 units as provided by the Southern California Associated of Governments (SCAG) and establishes the number of potential units based on income category that the City will accommodate during the 6th Cycle from 2021 to 2029; and,

WHEREAS, on June 25, 2021, the City submitted the Draft Housing Element to the California Department of Housing and Community Development (HCD) for the review and comment, in accordance with State housing law; and,

WHEREAS, on August 24, 2021 HCD provided written correspondence indicating that the draft element addressed many statutory requirements; however revisions will be necessary to comply with State Housing Element Law; and,

WHEREAS, on October 22, 2021 the City submitted the Draft Housing Element to the California Department of Housing and Community Development (HCD) for the review and comment, in accordance with State housing law; and,

WHEREAS, on December 21, 2021 HCD provided written correspondence indicating that the draft element addressed many statutory requirements; however, revisions were necessary to comply with State Housing Element Law; and,

WHEREAS, the Draft Housing Element has been revised to address HCD's comments of December 21, 2021 as described in the Planning Commission staff report dated January 18, 2022, in compliance with State law. The revised Draft Housing

Element has been resubmitted to HCD and any minor changes to the Draft Housing Element that are requested by HCD, given the adoption of this ordinance and minor changes can be made by the Director of Planning, where consistent with the goals and policies of the City of Fontana General Plan; and,

WHEREAS, the Planning Commission finds that the proposed update to the Zoning and Development Code, General Plan map (Exhibit B) and Zoning Map (Exhibit C) is compatible with the general objectives of the General Plan, and that both updates directly implement General Plan policy, thereby enhancing consistency between the General Plan, Zoning and Development Code and Zoning Map; and

WHEREAS, General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Change Amendment No. 21-004, Zoning Code Amendment No. 21-008 are consistent with the goals and policies of the General Plan; and,

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

WHEREAS, on January 18, 2022, the Planning Commission received a staff report and all the information, evidence, and public testimony and considered General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Change Amendment No. 21-004, and Zoning Code Amendment No. 21-008; and,

WHEREAS, the Planning Commission finds that the proposed update to the Zoning and Development Code, the General Plan Map, and the Zoning Map will be in conformity with good land use practice and is intended to facilitate ease of use and understanding, as well as to establish appropriate development standards land use designations; and,

WHEREAS, the Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all the information, evidence, and testimony presented at its public hearing on January 18, 2022; 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 incorporated herein by reference.

Section 2. Compliance with California Environmental Quality Act. The Planning Commission has reviewed and considered the City of Fontana General Plan EIR and Addendum, any oral or written comments received, and the administrative record prior to making any decision on the Proposed Project. The Planning Commission finds that the Addendum and City of Fontana General Plan EIR contain a complete and accurate reporting of all of the environmental impacts associated with the Project. The Planning Commission further finds that the Addendum has been completed in compliance with

the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not limited to, the City of Fontana General Plan EIR, the Addendum, and all related information presented to the Planning Commission, the Commission finds that the Projects necessitate only minor modifications to the City of Fontana General Plan EIR. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the City of Fontana General Plan EIR is the appropriate document for each project.

The Planning Commission further finds that the preparation of a subsequent or supplemental EIR is not required for the proposed Projects because the Projects:

- A. Will not result in substantial changes that would require major revisions of the City of Fontana General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. Will not result in substantial changes with respect to the circumstances under which the Proposed Projects are developed that would require major revisions of the City of Fontana General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. Does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the City of Fontana General Plan EIR documents were certified showing any of the following:
 - (i) The proposed Project would have one or more significant effects not discussed in the EIR;
 - (ii) That significant effects previously examined would be substantially more severe than shown in the EIR;
 - (iii) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such measures; and
 - (iv) That mitigation measures or alternatives considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

Section 4. Findings on Environmental Impacts. Having considered the Addendum, the administrative record, the City of Fontana General Plan EIR and all written and oral evidence presented to the Planning Commission, the Commission finds that all environmental impacts of the applications have been addressed within the City of Fontana General Plan EIR and the Addendum. The Planning Commission finds that no new or additional mitigation measures or alternatives are required. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Projects may result in any significant environmental impacts beyond those analyzed in the City of Fontana General EIR. The Planning Commission finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Projects and reflects the independent judgment and analysis of the Planning Commission.

Section 5. Adoption of the Addendum to the City of Fontana General Plan EIR. The Planning Commission hereby recommends to the City Council adopt the Addendum to the EIR for the City of Fontana General Plan (SCH No. 2016021099) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 6. Recitals. The above recitals are incorporated herein by reference.

Section 7. The City of Fontana Planning Commission hereby makes the following findings for General Plan Amendment No. 21-002 in accordance with Section 30-31 "Purpose" of the Fontana Zoning and Development Code:

Finding No. 1: **The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.**

Findings of Fact: The proposed general plan amendment is a request to amend Chapter 5 (Housing Element) of the 2015-2035 General Plan and adopt the 2021-2029 6th cycle Housing Element to incorporate goals, policies and actions which demonstrate the City's ability to accommodate its fair share of affordable housing for this planning period.

The California State Legislature mandates that all cities and counties adopt a comprehensive General Plan that will serve as the long-term plan for the physical development of the county or city, including a mandatory Housing Element which must be updated every eight years and is required by State law to be certified by the State of California's Department of Housing and Community Development (HCD).

Moreover, the RHNA allows communities to anticipate growth, so that collectively the region and subregion can grow in ways

that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses fair share housing needs.

Finding No. 2: The proposal substantially promotes the goals of the General Plan.

The proposed update to the General Plan, Zoning and Development Code, General Plan map (Exhibit B) and Zoning Map (Exhibit C) promotes the goals the General Plan. Additionally, the updates directly implement General Plan policy, thereby enhancing consistency between the General Plan, Zoning and Development Code and Zoning Map.

Section 8. The City of Fontana Planning Commission hereby makes the following findings for General Plan Amendment No. 21-007 in accordance with Section 30-31 “Purpose” of the Fontana Zoning and Development Code:

Finding No. 1: The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.

Findings of Fact: The proposed General Plan Amendment is to update the General Plan land use map to change the general plan land use designation on approximately 167 properties throughout the city to Multi-Family Medium/High Residential (R-MFMH) and Multi-Family High Residential (R-MFH). The changes to the General Plan land use map also include the establishment of an overlay to allow the potential of development at the R-MFH density of 24.1 du/ac to 39 du/ac within a certain boundary. All these changes are shown as part of Exhibit “B” and are required in order to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG)).

Section 9. The City of Fontana Planning Commission hereby makes the following findings for Zone Change No. 21-008 in accordance with Section 30-40 “Purpose” of the Fontana Zoning and Development Code:

Finding No. 1: The Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety, or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.

Findings of Fact: This zone change is to update the Zoning District Map to change the zoning on approximately 158 properties throughout the City to Multi-Family Medium/High Residential (R-4) and Multi-Family High Residential (R-5). The changes to the Zoning district map also include the establishment of an overlay to allow the potential of development at the R-4 density of 24.1 du/ac to 39 du/ac within a certain boundary. The changes are shown as part of Exhibit "C" and are required to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG)).

Section 10. The City of Fontana Planning Commission hereby makes the following findings for Zone Code Amendment No. 21-004 in accordance with Section 30-40 "Purpose" of the Fontana Zoning and Development Code:

Finding No. 1: **The Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety, or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.**

Findings of Fact: This zone code amendment is to amend Chapter 30 (Development Code) of the Municipal Code to establish and overlay to allow for additional housing at the R-4 densities to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG)). These changes are consistent with the Draft Housing Element and will further promote housing opportunities for property owners.

Section 11. The Planning Commission hereby recommends approval of General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Code Amendment No. 21-004, Zoning Change No. 21-008, subject to the Findings listed in Sections 7 through 10. Based on the foregoing, the City of Fontana Planning Commission recommends that the City Council adopts a resolution adopting the Addendum to the City of and direct staff to file the Notice of Determination and approving General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Code Amendment No. 21-004, Zoning Change No. 21-008 subject to the findings as indicated herein.

Section 12. 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 13. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 18th day of January 2022.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Idilio Sanchez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on this 18th day of January, 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

Proposed Changes to Chapter 30 (Zoning and Development Code) for the “R-4 Overlay”

Sec. 30-622. - Overlay districts.

- (a) *Medical center overlay district.* A district that may overlay any medical center complex.
- (b) *Utility corridor overlay district.* A district that is intended to provide for appropriate development within or near those areas containing easements for public utilities.
- (c) *Hillside overlay district.* A district that protects the public health and safety, minimizes environmental impacts, and requires development to conform to the natural topography of hillside areas.
- (d) *Auto center overlay district.* A district that is intended to promote new car and truck sales adjacent to the 1-210 Freeway.
- (e) *Warehousing distribution/logistics overlay district (Sierra Avenue).* A district that provides for the limited, well planned and orderly development of warehousing distribution/logistics uses on properties within the light industrial (M-1) zone as provided for in [Section 30-532](#) et seq. Unlike other overlay districts in this division, this overlay identifies a geographic area where such uses may be allowed subject to a separate zone change request to establish the overlay on one or more parcels eligible to receive it.
- (f) *Valley business park overlay district.* The intent of the Valley business park overlay is to provide for a well-planned and orderly development of business park and warehousing distribution uses on parcels within the M-1 zone located on designated areas within the adopted overlay that are generally located on the south side of Valley Boulevard.
- (g) *Emergency shelter overlay district.* A district that provides for seamless incorporation of emergency, supportive, and transitional housing opportunities on specific properties within the light industrial (M-1) zoning district to house individuals at risk of homelessness with such needs for no more than a six-month period, as required by Government Code § 65583(a)(4) and 65583(a)(5).
- (h) **(R-4) overlay district.** The intent of the R-4 overlay district is to provide areas for the potential development at the Multi-Family Residential (R-4) density of 12.1 du/ac to 24 du/ac for multi-family development/ affordable housing in close proximity to transit routes

ATTACHMENT NO. 2

Page 1 of 3

and convenience uses in recognition of the need for affordable housing.

DIVISION 10. – R-4 OVERLAY DISTRICT

Sec. 30-663.1. – R-4 overlay district regulations.

- (a) **Applicability.** The provisions of this division shall apply to the parcels specified in Figure 1.

Figure 1



- (b) **Relation to underlying zoning.** The R-4 overlay district is a flexible designation that is intended to apply as an alternative to the provisions of the underlying zoning.
- (c) **Intent.** The intent of the R-4 overlay district is to provide areas for the potential development of affordable housing in close proximity to transit routes and convenience uses in recognition of the need for affordable medium/high density housing.

Sec 30-663.2 – Uses Permitted.

- (a) Any use permitted in the underlying zoning district shall be permitted along with any use listed in Table 30-453 (Uses Permitted Within Mixed Use Development Projects).

Sec. 30-663.3. – General development standards and design guidelines.

- (a) General. The development standards and design guidelines applicable to the R-4 overlay shall be consistent with the development standards and design guidelines referenced to R-4 as stated in Section 30-445, Section 30-446, Section 30-447, Section 30-448, Section 30-449, Section 30-450, Section 30-451, Section 30-452, Section 30-453, Section 30-454, Section 30-455, and Section 30-456 of this Code.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1105
Agenda #: DC-A

Agenda Date: 1/18/2022
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: January 18, 2022

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

| <u>CITY COUNCIL JANUARY 25, 2022</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
|--|-----------------------|-------------------------|
| 1. 2 nd Reading – Adoption of Ordinance No. _____ Amendments to Municipal Code Chapter 11 – Fire Prevention | Patty Nevins | Consent Calendar |
| 2. AMD#21-001 Industrial Commerce Centers Sustainability Standards Ordinance | Rina Leung | Public Hearing |
| 3. MCN#21-032; TPM#21-006; ZCA#21-001; AGR#21-003; CUP#21-004; CUP#21-005; CUP#21-006; DRP#21-010; DRS#21-018 Citrus Crossroads Shopping Center NEC of Citrus Ave. and South Highland Ave. | Paul Gonzales | Public Hearing |
| 4. Urgency Ordinance Amending Sections 13-27 and 13-30 of the Municipal Code Amending the Enforcement Authority Regarding the Environmental Health Code | Patty Nevins | Public Hearing |

Agenda for Upcoming City Council Items
Page 2 of 2

| CITY COUNCIL FEBRUARY 8, 2022 | PLANNER | PLACEMENT |
|--|----------------------|------------------|
| 1. MCN#21-117; ZCA#21-009 Adoption of an Ordinance to Amend the Zoning and Development Code (Chapter 30) Senate Bill (SB) 9 | Cecily Session-Goins | Public Hearing |
| 2. MCN#21-063; GPA#21-003; ZCA#21-005; SPA#21-006 TTM#21-002; DRP#21-024 107 Attached Townhomes SWC of Mango Ave. and South Highland Ave. | Alejandro Rico | Public Hearing |
| 3. MIS#21-020 Certificate of Appropriateness for a Junior ADU Addition 8350 Mango Ave. | Salvador Quintanilla | Public Hearing |
| 4. MCN#21-050; ZCA#21-004; GPA#21-002 6 th Cycle Housing Element Update 2021-2029 | DiTanyon Johnson | Public Hearing |

| CITY COUNCIL FEBRUARY 22, 2022 | PLANNER | PLACEMENT |
|---------------------------------------|----------------|------------------|
|---------------------------------------|----------------|------------------|

No items listed for this meeting, as of the date of this memo.

| CITY COUNCIL MARCH 8, 2022 | PLANNER | PLACEMENT |
|-----------------------------------|----------------|------------------|
|-----------------------------------|----------------|------------------|

No items listed for this meeting, as of the date of this memo.

| CITY COUNCIL MARCH 22, 2022 | PLANNER | PLACEMENT |
|------------------------------------|----------------|------------------|
|------------------------------------|----------------|------------------|

No items listed for this meeting, as of the date of this memo.



MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning *PN*

RE: Future Planning Commission Agenda Items

DATE: January 18, 2022

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

| <u>PLANNING COMMISSION FEBRUARY 1, 2022</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
|--|-----------------------|-------------------------|
| 1. MCN#21-097; TPM#20468; DRP#21-020 An approx. 229,014 square foot Logistics and Distribution Facility 13814 Jurupa Avenue | Alejandro Rico | Public Hearing |
| <u>PLANNING COMMISSION FEBRUARY 15, 2022</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
| 1. MCN#20-082; SPA#21-003 SWIP Specific Plan Amendment Clean Up SWIP Planning Area | Rina Leung | Public Hearing |
| <u>PLANNING COMMISSION MARCH 1, 2022</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
| 1. MCN#21-061; DRP#21-023; TPM#20407 (21-012) Approx. 308,000 square foot Commerce Center 14801 Slover Ave. | George Velarde | Public Hearing |