

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Resolution PC No. 2022-013

Tuesday, May 17, 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

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 May 3, 2022.

Approve Consent Calendar Item as recommended by staff.

CC-A Approval of Minutes of May 3, 2022.

[21-1390](#)

Attachments: [Draft Planning Commission Minutes of May 3, 2022](#)

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 Master Case No. 22-034; Conditional Use Permit No. 22-011 - A request to operate a smoke, tobacco and vape shop in an approximate 1,500 square foot tenant space in the South Sierra shopping center.

[21-1392](#)

RECOMMENDATION:

Staff is requesting this item to be continued to a date uncertain.

APPLICANT:

Farid Elias
1513 Massaro Lane
San Bernardino, CA 92411

LOCATION:

10650 Sierra Avenue, Suite A (APN: 0255-191-35).

PROJECT PLANNER:

George Velarde, Assistant Planner

Attachments: [Memorandum to the Planning Commission](#)

PH-B Master Case No. 22-050, Zoning Code Amendment No. 22-003; 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. 22-003 amending Chapter 30 of the Fontana Municipal Code Article X, General Landscape Requirements.

[**21-1368**](#)**RECOMMENDATION:**

Based on the information contained in this staff report, 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 categorically exempt, respectively 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 Zoning Code Amendment (ZCA) No. 22-003 to amend Chapter 30, Article X (General Landscape Requirements) of the Municipal Code to update the citywide landscape as shown in the Attachment No. 1 as referenced herein.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, California 92335

LOCATION:

City Wide

PROJECT PLANNER:

Shannon J. Casey, AICP, Senior Engineer

Attachments: [Attachment No. 1 - Planning Commission Resolution](#)
[Attachment No. 2 - Planning Commission Ordinance](#)
[Attachment No. 3 - Public Hearing Notice](#)

PH-C Master Case No. 21-104, Conditional Use Permit No. 22-004, Administrative Site Plan No. 21-051 - a request to establish a Dutch Bros drive-through coffee shop of approximately 871 square feet with two (2) drive-through lanes at the South Highland Village shopping center. [21-1331](#)

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,

1. Find that the previously adopted Initial Study/Mitigated Negative Declaration for Master Case No. 15-018 approved by the Planning Commission October 6, 2015, has adequately identified the impacts associated with the project. No further review is required pursuant to Section No. 15162 of the California Environmental Quality Act and Section 6.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Determination; and,

2. Approve Conditional Use Permit No. 22-004 and Administrative Site Plan No. 21-051

APPLICANT:

Kimberly Raden
Armet Davis Newlove & Associates
1330 Olympic Blvd.
Santa Monica, CA 90404

LOCATION:

17010 South Highland Avenue (APN: 0240-121-37).

PROJECT PLANNER:

Alexia De La Torre, Assistant Planner

Attachments: [Attachment No. 1 - Vicinity Map](#)

[Attachment No. 2 - Site Plan](#)

[Attachment No. 3 - Elevations](#)

[Attachment No. 4 - Renderings](#)

[Attachment No. 5 - Planning Commission Resolution, Findings and Conditions of Approval](#)

[Attachment No. 6 - Notice of Determination](#)

[Attachment No. 7 - Notice of Public Hearing](#)

PH-D Master Case No. 22-049 and Municipal Code Amendment No. 22-004 - amendments to Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code) of the Municipal Code to establish standards and administrative procedures for conveyance maps, add language for density/replacement units to address Senate Bill 330, modify the land use table in the General Commercial (C-2) zoning district to allow truck sales with approval of a Conditional Use Permit (CUP), reduce required setbacks for residential accessory structures in the Single Family Residential (R-1) zoning district, extend the length of time for entitlement projects by providing a two-year time extension, and identifying inconsistencies and outdated language in the Zoning and Development Code. [21-1388](#)

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,

1. Determine that this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, because it has not potential for resulting in physical change in the environment, directly or indirectly. The Planning Commission further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; and,

2. Approve a resolution recommending that the City Council adopt an Ordinance for Municipal Code Amendment (MCA) No. 22-004 to amend Chapter 26 and Chapter 30 of the Municipal Code.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:
Citywide

PROJECT PLANNER:
George Velarde, Assistant Planner

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

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

DC-A Upcoming cases scheduled for City Council and Planning Commission. [21-1391](#)

An update of future City Council agenda items for May 24, 2022, June 14, 2022, and June 28, 2022 for the Planning Commission's information.

An update of future Planning Commission agenda items for June 7, 2022 and June 21, 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 Tuesday, June 7, 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 #: 21-1390
Agenda #: CC-A

Agenda Date: 5/17/2022
Category: Consent Calendar

FROM:
Planning

TITLE:
Approval of Minutes

RECOMMENDATION:
Approve the minutes of the Planning Commission Meeting of May 3, 2022.

DISCUSSION:
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of May 3, 2022. 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, May 3, 2022 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, May 3, 2022. Chair Fort called the meeting to order at 6:02 p.m.

Present: Chair Fort, Vice Chair Sangha, Secretary Sanchez, and
Commissioner Thrasher

Absent: Commissioner Gordon

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Secretary Sanchez, the Pledge of Allegiance was led by Vice Chair Sangha.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

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

Approve the Regular Planning Commission Meeting Minutes of April 5, 2022.

ACTION: A Motion was made by Vice Chair Sangha, seconded by Commissioner Thrasher, and passed unanimously by a vote of 4-0 to approve the Consent Calendar.

The motion carried by the following vote:

Aye: Chair Fort, Vice Chair Sangha, Secretary Sanchez, and Commissioner Thrasher

Absent: Commissioner Gordon

PUBLIC HEARINGS:

PH-A Master Case No. 21-121 - Design Review No. 21-044 - A proposal to construct a new multi-family development consisting of 23 two-story units and five (5) two-story accessory dwelling units on one (1) parcel of approximately 2.09 adjusted gross acres.

Chair Fort opened Public Hearing

Cecily Session-Goins, Associate Planner presented the staff report.

The commission and staff discussed the tower for the project.

The applicant and owner, Tasneem Awad, stated that she read and agreed to the Conditions of Approval.

The commission thanked the applicant for bringing this project to the city.

No one spoke in favor or opposition of this item.

The Public Hearing was closed.

RECOMMENDATION:

Based on the information contained within this staff report and subject to the attached findings, and conditions of approval, staff recommends that the Planning Commission adopt Resolution PC No. 2022 - 012: and,

1. Determine that the project is Categorically Exempt pursuant to Section No. 15332,

(Class No. 32, In-Fill) of the California Environmental Quality Act and Section No. 3-18 (Infill Projects) of the 2019 Local Guidelines for implementing the CEQA, and direct staff to file a Notice of Exemption; and,

2. Approve Design Review No. 21-044.

ACTION: Motion was made by Secretary Sanchez, seconded by Commissioner Thrasher, and passed unanimously by a vote of 4-0 to adopt the Resolution presented, with the modification requested. The motion carried by the following vote:

The motion carried by the following vote:

Aye: Chair Fort, Vice Chair Sangha, Secretary Sanchez, and Commissioner Thrasher

Absent: Commissioner Gordon

PH-B Master Case No. 20-099R1 - Specific Plan Amendment No. 21-001 and General Plan Amendment No. 21-006 - A request to receive comments on the Draft Supplemental Environmental Impact Report (Draft SEIR) for a General Plan Amendment and Specific Plan Amendment to modify the General Plan and Specific Plan land uses and comprehensive modification to the overall Ventana at Duncan Canyon Specific Plan.

Chair Fort opened Public Hearing.

Salvador Quintanilla, Associate Planner presented the staff report.

The commission and staff discussed Planning Area No. 10 and changes to the project as it pertains to less commercial and more residential. In addition, a brief discussion ensued regarding retail versus industrial. The commission also discussed the number of residential units within this recommended modification. A brief discussion took place regarding the height of the buildings and the reason for the increase in units. Staff also mentioned that the water company had general comments for the project and no opposition. Staff stated that one of the conditions for the sale of the property was to increase the density.

The commission and staff discussed the structure and infrastructure of the development, the increased amount of traffic surrounding this project, and future developments surrounding the area. Furthermore, the commission and staff discussed the Traffic Study for this project, as it pertains to taking in consideration the modifications. The commission discussed the flow through Duncan Canyon Road. Additionally, the commission and staff discussed the parking requirements for this project.

Jose Alire, Traffic Engineer from Urban Crossroads discussed the Traffic Study for the project. The Traffic Engineer and the commission also discussed the Traffic Study prior to the proposed modifications to the project. In addition, a discussion took place regarding bike lanes, pedestrian safety, and Americans with Disabilities Act (ADA) Compliance. A brief discussion also took place regarding opening an on and off ramp at Citrus Avenue; staff added to this discussion that the General Plan and Environmental Impact Report (EIR) are in place to capture the cumulative impacts for this type of project and surrounding projects, therefore the Traffic Study analyses buildout, and the roads are sufficient to handle traffic as projected. Staff also added that it is the decision of the California Department of Transportation (Caltrans) whether to do an on and off ramp at Citrus Avenue, but there are no plans for it now.

No one spoke in favor or opposition of this item.

The Public Hearing was closed.

The commission mentioned that comments for this project will be accepted until May 31, 2022.

Director of Planning Patty Nevins summarized the comments made by the Planning Commission.

The commission expressed their desire for a Welcome to Fontana bridge at the Duncan Canyon Overpass Bridge. Staff reminded the commission about the I-15 Logistics Center project in the near future, which will have a significant Fontana monument on that property that will be seen from travels going North and coming South on the 15 freeway.

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1. Open the public hearing on the Draft SEIR prepared for the Ventana at Duncan Canyon Specific Plan Amendment to receive comments from members of the public; and,**
- 2. Review and provide Planning Commission comments on the Draft SEIR; and,**
- 3. Direct staff to address comments received in the Final SEIR.**

UNFINISHED BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

No further communications were received.

COMMISSION COMMENTS:**A. Public Communication Remarks:**

Vice Chair Sangha thanked the staff for their staff reports and commented that there are a couple of good developments coming into town, and he is excited to see developers who continue to invest in the City of Fontana. He also commented that there are many community members who are excited about the Ventana project. He thanked everyone watching at home and wished everyone a good night.

Secretary Sanchez congratulated his daughter, who will be getting married on Memorial Day weekend. He thanked everyone for the opportunity to serve the city and community. He wished everyone a good night.

Chair Fort wished everyone a good evening and thanked everyone for their participation.

WORKSHOP:**A. None****ADJOURNMENT:**

By consensus, the meeting adjourned at 6:50 p.m. the next Regular Planning Commission Meeting on Tuesday, May 17, 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 17TH DAY OF MAY 2022.**

Cathline Fort
Chairperson



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1392
Agenda #: PH-A

Agenda Date: 5/17/2022
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 22-034; Conditional Use Permit No. 22-011 - A request to operate a smoke, tobacco and vape shop in an approximate 1,500 square foot tenant space in the South Sierra shopping center.

RECOMMENDATION:

Staff is requesting this item to be continued to a date uncertain.

APPLICANT:

Farid Elias
1513 Massaro Lane
San Bernardino, CA 92411

LOCATION:

10650 Sierra Avenue, Suite A (APN: 0255-191-35).

PROJECT PLANNER:

George Velarde, Assistant Planner

City of Fontana



Memorandum to the Planning Commission

TO: MEMBERS OF THE PLANNING COMMISSION

FROM: PATTY NEVINS, PLANNING DIRECTOR *PN*
GEORGE VELARDE, ASSISTANT PLANNER *GV*

DATE: MAY 17, 2022

SUBJECT: PUBLIC HEARING ITEM - A
MASTER CASE NO. 22-034
CONDITIONAL USE PERMIT NO. 22-011: A REQUEST BY THE
APPLICANT, FARID ELIAS, FOR A PROPOSED SMOKE SHOP
AND RETAIL SALES OF THEIR ACCESSORIES IN AN
APPROXIMATE 1,500 SQUARE FOOT TENANT SPACE IN THE
SOUTH SIERRA SHOPPING CENTER, 10650 SIERRA AVENUE,
SUITE A.

Staff is requesting this item be continued to a date uncertain.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1368
Agenda #: PH-B

Agenda Date: 5/17/2022
Category: Public Hearing

FROM:

Engineering

TITLE:

Master Case No. 22-050, Zoning Code Amendment No. 22-003; 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. 22-003 amending Chapter 30 of the Fontana Municipal Code Article X, General Landscape Requirements.

RECOMMENDATION:

Based on the information contained in this staff report, 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 categorically exempt, respectively 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 Zoning Code Amendment (ZCA) No. 22-003 to amend Chapter 30, Article X (General Landscape Requirements) of the Municipal Code to update the citywide landscape as shown in the Attachment No. 1 as referenced herein.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, California 92335

LOCATION:

City Wide

REQUEST:

A proposed Zoning Code Amendment (ZCA No. 22-00) to amend Chapter 30 of the Fontana Municipal Code, Article X, regarding General Landscape Requirements. The Planning Commission will review and forward a recommendation to the City Council for the proposed Zoning Code Amendment.

PROJECT PLANNER:

Shannon J. Casey, AICP, Senior Engineer

BACKGROUND INFORMATION:

In 2015, the City of Fontana adopted Ordinance No. 1734 amending Article IV of Chapter 28 of the Fontana Municipal Code regarding landscaping and water conservation. This ordinance is referred to as the Model Water Efficiency Landscape Ordinance (MWELo) and was mandated by the State of California. Adoption of this ordinance as required created inconsistencies with other landscaping policies and ordinances in effect at the time that were created or adopted prior to state-mandated water efficiency efforts.

In 2018, the City of Fontana was granted \$240,000 from the Southern California Association of Governments to complete an Urban Greening Landscape Plan.

In 2019 the Zoning and Development Code was updated to reflect the newly adopted Fontana Forward General Plan; however, Article X, General Landscape Requirements was not updated at that time

The Urban Greening Landscape Plan was completed in 2020 and included implementation measures to assist the City of Fontana to improve water efficiency, air quality, and to assist bringing regulatory consistency among existing landscape policies and ordinances. One recommended implementation measure is to update the Zoning and Development Code's landscape standards for consistency with water efficient landscape requirements and include a tree palette to assist residents and developers in choosing appropriate trees for Fontana's climate and maximize water efficiency.

PROJECT DESCRIPTION:

The proposed project is an amendment to the City's Zoning and Development Code to update Article X - General Landscape Requirements.

ANALYSIS:

The following is a summary of the amendments to Article X:

- A. Reorder of sections making the Article easier to navigate for residents, developers, and staff;
- B. Add definitions;
- C. Clarify limits when a landscape plan check is required;
- D. Provide consistency between the Article and other policies and ordinances including the adopted MWELo, Active Transportation Plan, Industrial Commerce Center Sustainability Ordinance, and others;
- E. Codify landscape related policies already in place such as MS4 Permit Low Impact Development (LID) measures, use of artificial turf, and Crime Prevention Through Environmental Design (CPTED) standards; and,
- F. Increase the City's tree canopy coverage

This proposed amendment fulfills one of the implementation measures recommended in the recently completed City of Fontana Urban Greening Landscape Plan. It is anticipated that proposed changes will facilitate water efficiency, an increased tree canopy, and assist in fulfilling goals already existing in other plans, policies, and ordinances relating to landscape design.

MOTION:

Approve Staff's Recommendation

ATTACHMENTS:

1. Planning Commission Resolution
2. Notice of Exemption
3. Public Hearing Notice

UNDER SEPARATE COVER:

1. Draft Tree Palette
2. Urban Greening Landscape Plan

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. 22-003 AMENDING CHAPTER 30 OF THE FONTANA MUNICIPAL CODE ARTICLE X, GENERAL LANDSCAPE REQUIREMENTS.

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

WHEREAS, on May 17, 2022, the Planning Commission received public testimony on Zoning Code Amendment (ZCA) No. 22-003 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, the Planning Commission carefully considered all information pertaining to the proposed Municipal Code Amendment, including the staff report, and all the information, evidence, and testimony presented at its public hearing on May 17, 2022; and

WHEREAS, the new General Plan includes policies and actions calling for numerous updates to the Municipal Code; and

WHEREAS, State law requires Zoning regulations to be consistent with the General Plan, and therefore updating the Municipal Code would contribute to consistency with the General Plan; and

WHEREAS, the Planning Commission finds that the proposed amendment to the Municipal Code is consistent and compatible with the General Plan, and that the updates directly implement General Plan goals, policies, objectives, the Housing Element policies, and the Zoning and Development Code; and

WHEREAS, the Planning Commission finds that the proposed amendment to Chapter No. 30 of 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 amendment to the Municipal Code (Exhibit "A") will not be detrimental to the public health, safety, and general welfare, and will not adversely affect the orderly development of property, and will better express the City's policies, and generally promote good land use planning and regulation.

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. That the Planning Commission recommends that City Council adopt an ordinance approving Zoning Code Amendment (ZCA) No. 22-003 which amends the Municipal Code 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 Division, 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 17th day of May 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 17th day of May 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

ATTACHMENT NO. 1

ZONING AND DEVELOPMENT CODE

CHAPTER NO. 30

TABLE OF CONTENTS

ARTICLE X. - GENERAL LANDSCAPE REQUIREMENTS

Section No. 30-664 - Purpose.

Section No. 30-665 - Definitions.

Section No. 30-666 - Reserved.

Section No. 30-667 - General landscaping requirements.

Section No. 30-668 - Low Impact Development.

Section No. 30-669 - Residential Districts.

Section No. 30-670 - Commercial Districts

Section No. 30-671 - Industrial Districts

Section No. 30-672 - Landscaping in Parks, Community Facility Districts, Rights-of-Way parkways and medians

Section No. 30-673 - Rehabilitated Landscapes

Section No. 30-674 - Reserved

ARTICLE X. - GENERAL LANDSCAPE REQUIREMENTS

Section No. 30-664 - Purpose.

(A) This article establishes requirements and design guidelines for landscape development within the City. The requirements are intended to:

- Encourage harmonious landscape design;
- Ensure that all landscape development is responsive to the physical characteristics and nature of the site and its surrounding environment; and
- Ensure that the landscape incorporates water-efficiency standard design.

(1) *Plans and specifications required.* The following are required:

- a. Landscape grading and drainage plan
- b. Planting plan

- c. Irrigation plan
- d. Water Efficiency Landscape Worksheet
- e. Specifications and details

New landscaping of 500 square feet or more or rehabilitated (remove and replace) landscaping of 2,500 square feet or more require an application for plan check from the City of Fontana.

Landscape improvements per approved plans and specifications shall be completed and a final landscape inspection shall be completed prior to the issuance of the Certificate of Occupancy.

The Certificate of Occupancy may be permitted by the Planning Director or his/her designee on a case-by-case basis prior to final landscape inspection approval.

Section No. 30.665- Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Decorative hardscape shall mean materials used to enhance the landscape area which includes but are not limited to material such as cobble, rock, decomposed granite in combination with binding material, brickwork, gravel, pavers, water features, stamped concrete.

Drip Irrigation means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of the plants. Drip irrigation is considered a form of subsurface irrigation.

Established Landscape means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

Hardscape means any durable material (pervious and non-pervious). See “Decorative Hardscape” above.

Hydrozone means a portion of the landscaped area having plants with similar watering needs and rooting depth.

Impervious means any surface or material that does not allow the passage of water through the material and into the underlying soil.

Invasive Plant Species means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources.

Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and the United States Department of Agriculture (USDA) invasive and noxious weeds database.

Landscape Area means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance Calculation (as defined in FCC 28-93). The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes or other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscape Documentation Package means the documents required under FCC section 28-95 and FCC section 30-664 (a-e).

Landscape setbacks means the required distance between a property line and a structure or parking lot.

Line-of-Site means a straight line along which an observer has unobstructed vision.

Low Impact Development means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small scale hydrologic controls to more closely mimic pre-development hydrologic functions.

New Construction means for a new building with a landscape or other new landscape such as a park, parkway, parkway median, playground, or greenbelt without an associated building.

Open Space means any parcel, or part thereof, area of land designated or reserved for public or private use or enjoyment. An active open space contains recreational facilities such as swimming areas, courts, play equipment, game areas, playing fields and equipment required for recreational activities.

Overhead Irrigation means systems that deliver water through the air (e.g. sprinklers, pop-up heads, and rotors).

Overspray means the irrigation which is delivered beyond the target area.

Pervious means any surface or material that allows the passage of water through the material and into the underlying soil.

Rehabilitated Landscape means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of FCC Section 28-92, and the modified landscape area is equal to or greater than 2,500 square feet.

Sight Distance means the length of the roadway ahead that is visible to the roadway user per the American Association of State Highway and Transportation Officials (AASHTO) "A policy of geometric design of highways and streets" or as provided by this chapter.

Sight Triangle means the specified areas along intersection approach legs and across their included corners per AASHTO “A policy of geometric design of highways and streets,” or as provided by this chapter. These areas shall be clear of obstructions that may block a driver’s view of potentially conflicting vehicles.

Sensitive Receptor means any residence including private homes, condominiums, apartments, and living quarters, schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, prisons, and dormitories.

Special Landscape Area (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

Turf means a groundcover surface of mowed grass. Turf includes, but is not limited to, Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue and Tall fescue are cool season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm season grasses.

Water Efficient Landscape Ordinance means the local ordinance adopted by the City of Fontana as Ordinance No. 1743, FCC Article IV, Chapter 28, regarding landscaping and water conservation.

Section No. 30-666 – Reserved

Section No. 30-667 - General landscaping requirements.

(a) The following requirements and standards apply to all landscape areas:

- (1) *Summer and winter landscape design.* Landscaping and building architecture shall be designed to provide shade in the summer and allow sunlight in the winter.
- (2) *Scenic open space.* Scenic open space adjacent to a project or to a street shall be integrated into the landscape concept.
- (3) *Design.* Landscaped areas shall be used to frame, soften and enhance the quality of the environment to buffer buildings from noise or undesirable views and to break-up large expanses of parking. Trees, shrubs, and groundcovers shall be utilized in all planting areas.

(a) Landscaping shall be used alone or in conjunction with other features (e.g., open space buffer, topography) to reduce potential visual, light and glare conflicts.

(b) Landscaping shall be provided pursuant to the City's most current adopted standard specifications, which are available from the Engineering Department.

(c) All proposed trees shall be selected from the adopted City of Fontana Urban Greening Tree Palette available from the Planning Division and shall meet these minimum container and trunk caliper sizes:

- (i) Fifteen (15) Gallon: One-inch (1") Caliper trunk
- (ii) Twenty-four-inch (24") Box: One and one-half-inch (1-1/2") Caliper trunk
- (iii) Thirty-six-inch (36") Box: Two and one-half-inch (2-1/2") Caliper trunk
- (iv) If the caliper size cannot be met at the container size, then the container size shall be increased to meet the required caliper.

(d) Open spaces shall provide visual, harmonious and functional landscape design and access connection to the primary building entry.

(e) *Slope areas.* All slopes greater than four to one (25 percent) shall be landscaped.

(i) Groundcovers at 12 inches on center maximum, and one tree minimum of fifteen-gallon size trees with a minimum one-inch caliper trunk per each 300 square feet minimum of slope surface, and one shrub per 50 square feet of slope surface shall be provided. Hydro-seeding is permitted. Residential slopes in rear and side yards that are not over four-feet tall with a 4:1 slope are not required to be landscaped.

(ii) Slopes greater than 25% shall not be irrigated with an irrigations system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of the runoff and erosion must be confirmed during the irrigation audit.

(iii) *Control management plan slopes.* All slopes equal to or greater than two to one (2:1) shall require an erosion control management plan. The plan shall address soil stabilization, erosion control, drainage, irrigation system design and plant materials and the maintenance thereof. Slopes greater than two to one (2:1) are not allowed unless otherwise approved by the city.

- (f) *Turf*. Other than in Special Landscape Areas turf shall not exceed more than 35-percent (35%) of the total landscaped area, unless specified elsewhere in this article, and shall be valved separately in its own hydrozone. Turf shall be separated from walls, fences, and/or structures by a minimum five-foot (5') wide, fully landscaped planter(s) where allowed, and by a minimum three-foot wide (3'), fully landscaped planter(s) unless otherwise approved by the Planning Director.
- (g) *Artificial Turf*. Artificial turf may be used provided it meets the following minimum specifications:
- i. Pile Height: 1.5 inches
 - ii. Gauge: 5/8 inch
 - iii. Stitch Rate: 20/10 cm
 - iv. Face Weight: 52 oz.

The above standards may be modified with approval of the Planning Director.

(h) Irrigation

- (i) *Automatic Irrigation system*. All landscaped areas shall be provided with a subsurface and/or drip automatic irrigation system capable of complete coverage of the landscaped areas (head-to-head coverage). Water conservation techniques shall be incorporated into the design of the irrigation system and shall be designed to minimize run-off and other wasting of water. Projects are encouraged to incorporate reclaimed water (where available) and/or on-site capture and reuse systems.
- (ii) In areas where allowed, overhead irrigation (sprinklers, pop-up heads, rotors) shall have matched precipitation. Nozzles will be spaced at 50 percent of their diameter assuring 100 percent coverage. Sprinklers, rotors, and other overhead irrigation shall be installed a minimum of 24-inches from any impermeable surface unless the impermeable surface drains directly and completely to another landscaped area. Overhead irrigation is not allowed in planter areas less than 10-feet wide.
- (iii) Water velocity through pipe shall not exceed 6.2 feet per second.
- (iv) *Backflow preventer*. Backflow protection per local code shall be required on all irrigation systems, which are supplied by a potable water system.

- (v) Turf and shrub areas shall be valved separately.
- (vi) For residential developments where applicable, the main line shall be stubbed out and capped three feet (3') beyond side yard fence with three control wires minimum and one common wire from irrigation controller. They shall be installed in a round, six-inch (6") valve box
- (i) Asphalt paving and/or turf shall not abut buildings, structures, walls or fences unless otherwise approved by the Director of Planning.
- (j) Concrete curbing of six inches (6") minimum height shall be constructed to contain all landscape areas that abut to asphalt paving, except where decorative walls are provided. Curb cuts/openings shall be incorporated in the concrete curbing at locations that allow stormwater to drain to landscape areas.
- (k) *Invasive or destructive species.* Invasive plant species as defined by county agricultural agencies as noxious species are prohibited. In addition, Plant material known to have invasive or destructive root systems shall be avoided. Similarly, plants known to have messy and/or staining fruit and/or brittle limbs shall also be avoided., Lists of invasive plants are maintained at the California Invasive Plant Inventory and the United States Department of Agriculture (USDA) invasive and noxious weeds database.
- (l) *Native species encouraged.* Native drought-tolerant plant material shall be given preference.
- (m) *Root barriers.* Root barriers shall be installed when trees are located within six feet (6') of sidewalks, curbs, foundations, utility boxes or structures, and/or walls.
- (n) *Street trees.* All new developments shall provide street trees spaced on-center at a distance equal to the species mature canopy size. Each tree shall have a minimum size of 24-inch box size with a minimum one and one-half-inch caliper trunk. Tree species shall conform to the City of Fontana Urban Greening Tree Palette established by the Development Services Organization.
- (o) *Maintenance.* In accordance with Fontana Municipal Code Section 24-108, all landscaped and paved areas shall be maintained in a neat and orderly condition with healthy landscaping free of weeds and litter. Additionally, Irrigation systems shall be maintained in a fully operational

condition. All paved areas, walls and fences in landscaped areas shall be in good repair without broken parts, holes, potholes, or litter, etc.

(p) Sight Distance.

(i) Sight Distance shall be provided and maintained. Objects, such as plants, elevation changes, monument walls, garden and retaining walls and the terrain itself, shall not exceed 30 inches above the roadway and shall not interfere or obstruct the Line-of-Sight.

(ii) Sufficient right-of-way shall be dedicated to providing for all primary and secondary landscaped entry statements (including trees) with consideration to Sight Distance and maintain Line-of-Sight.

(III) Trees shall not be planted within the Sight Triangle. The plans shall show topographical information, shrub and tree species size and location, and also show the location of the irrigation controller and meter/backflow device.

(iv) It is the responsibility of the adjacent property owner to maintain the intersection site distance and line-of-site landscaping in good physical condition and appearance.

(q) All new developments providing landscaping shall conform to the Fontana Municipal Code, which pertains to water efficient landscape. (Landscape and Water Conservation Ordinance Fontana Municipal Code: Ch. 28, Article IV, Sections 28-91 through 28-115, FMC).

(r) *Adjacent to open space and/or high fire hazard areas.* Adjacent to identified high fire hazard areas and natural open spaces, two zones shall be established to protect structures from fire hazard. Unless an alternate Fire Protection Plan is approved by the City of Fontana Fire Agency the zones shall be as follows:

i. Zone 1 shall extend 25 to 50 feet from the building pad, driveways and similar surfaces and shall be planted with fire resistant vegetation.

ii. Zone 2 shall extend up to 100 feet from Zone 1. Fire resistant species are preferred, but native species may be maintained if the covering is thinned.

(4) *Existing tree preservation.*

(a) Existing tree preservation shall be subject to the provisions of Fontana Municipal Code Chapter 28, Article III, Preservation of Heritage, Significant, and Specimen Trees.

Section No. 30-668 -. Low Impact Development.

- (a) A minimum of two (2) of the following Low Impact Development standards shall be incorporated into all new development projects or rehabilitated landscaping to the maximum extent practical and shall be shown on all landscape plans:
 - (1) Curb cutouts to allow stormwater to drain to landscape areas (landscape areas shall be planted at two inches (2") below grade, including the required mulch layer);
 - (2) Precast permeable concrete in parking stalls, pedestrian paths, and above surface drainage (v-ditches);
 - (3) Tree Preservation;
 - (4) Vegetated swales, buffers, and strips;
 - (5) Bioretention and rain gutters;
 - (6) Roof Leader Disconnection from storm drain systems to landscape areas (landscape areas shall be planted at two inches (2") below grade, including the required mulch layer);
 - (7) Rain Barrels and Cisterns for capture and reuse; and,
 - (8) Other Low Impact Development standards may be approved subject to approval by the Planning Director.
- (b) All Low Impact Development standards used shall be consistent with any project specific Water Quality Management Plan.
- (c) All landscaping and grading plans shall be consistent with the associated Low Impact Development standards.

Section No. 30-669 Residential Districts.

- (a) *General.* In addition to the General Landscaping Requirements in Section 30-667, The following requirements shall apply except for Walkable Mixed-Use Districts:
 - (1) Single Family, and Residential Planned Unit Development Districts.
 - i. *Required landscape.* Landscaping shall be provided by the developer in all required front yards, side yards, and on corner lots including street parkway areas.

- ii. No more than 50 percent of the required front yard setback area may be covered by non-decorative hardscape features (e.g., concrete, asphalt, gravel, driveways, sidewalks, porches, etc.) Of the remaining 50 percent, no more than 25 percent may be covered by decorative hardscape features (e.g., brick, stone, fountains, ponds, etc.) and no more than 35 percent (35%) shall be covered by turf. If the original driveway exceeds 50 percent of the required front yard setback, no additional hardscape shall be permitted.
- iii. An automatic irrigation system shall be required for the front yard and side yard landscape area(s) including adjacent street parkways. Grouted cobble or other decorative hardscape may be permitted on corner lot side yards subject to approval of the Planning Director.
- iv. *Plant size and numbers.* All required landscaping materials shall not be less than the following quantities and sizes:
 - 1. *Required trees.* Not less than two 15-gallon trees with a minimum one-inch (1") caliper trunk or larger shall be provided for each residential lot. Additionally, not less than one 24-inch box tree shall be located within the adjacent street parkway. The two front yard trees shall be placed to maximize shade to the adjacent sidewalk and to provide shade to the house to increase energy efficiency in the summer. Corner lots will require additional street trees for each 30 linear feet of side yard.
 - 2. *Required shrubs.* Not less than one shrub shall be required for each nine square feet of planter area. Shrub sizes shall vary, with not less than 50 percent being a minimum of five-gallon in size.
 - 3. *Lawns.* Any proposed lawn areas of turf shall be sodded and shall not exceed 35 percent (35%) of the total landscape area per Section 30-669 (1) (ii).
 - 4. *Groundcover.* Groundcover shall be planted in such a way to result in substantial coverage of the area within one year of initial planting. To achieve this, groundcover shall be planted at a spacing equal to 80% of the maximum growth rate for each species as noted in the Sunset Western Garden Book

- v. *Walls.* Walls visible from the public right-of-way shall be constructed with decorative materials such as slump stone, split face or other decorative block as determined by the Planning Director. Any walls within a residential zone continuous for more than 50 feet along a collector or an arterial (as defined in the circulation element of the general plan) public street shall have a minimum ten-foot landscaped setback from the street right-of-way line. The ten-foot landscaped setback shall include 24-inch box evergreen trees with a minimum one and one-half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size, groundcover, and the decorative hardscape as determined by the Planning Director or his/her designee. Any solid masonry wall within 15 feet of a front or side property line shall be screened with any suitable combination of shrubs, trees, vines, or ornamental groundcovers to the satisfaction of the Planning Director or his/her designee.

- 1. Block walls located on side yards for corner lots shall be located a minimum five feet (5') from the street right-of-way and shall maintain a minimum five feet (5') between the wall and dwelling unit. The five-foot (5') area between the wall and street right-of-way shall be landscaped and irrigated in accordance with this Article.

(2) Medium Density Residential Districts

- i. *Required landscape.* Landscaping shall be provided by the developer in front yards, side yards, and on corner side yards including street parkway areas.
- ii. An automatic irrigation system shall be required for the front and side yard and corner side yard landscape area(s) including adjacent street parkways unless corner side yards are entirely of decorative hardscape.
- iii. *Trees.* One tree minimum for each 300 square feet of required yard area, including front yards, side yards, rear yards and common open space. Each tree shall have a minimum size of 24-inch box with a minimum one and one-half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size. Of the required trees, 20 percent shall be a minimum 36-inch box with a minimum two and one half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size or larger. City may require larger

box trees at the discretion of the City Planning Director/City Engineer or his/her designee.

1. *Street trees.* All new developments shall provide at least one tree of not less than 36-inch box size with a minimum two and two and one-half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size or for each 30 linear feet of street frontage, whichever is lessor. In parkways of inadequate width, existing street furniture, or driveways, the required street tree(s) shall be planted in the abutting yard area.
- iv. *Shrubs.* Three shrubs for each tree. Shrub sizes shall vary 50 percent five-gallon and 50 percent one-gallon.
- v. *Groundcover.* Groundcover shall be planted 12 inches on center so that coverage is achieved within one year of initial planting.
- vi. *Screening of exterior equipment.* All mechanical equipment, ground mounted equipment, utilities, and storage, shall be screened from adjoining properties and public rights-of-way by a visual barrier such as a decorative wall, fence, or landscape material to the satisfaction of the Planning Director or his/her designee. Where only landscaping is used for screening, it shall be planted with shrubs of sufficient size and density and spaced to provide a continuous dense screen.
- vii. *Parking areas.* Where a parking lot is provided in medium density residential developments, all common parking areas shall be designed and landscaped to break up a large single paved area and shall include predominantly fast-growing trees to create summer shade. All trees shall be no less than 24-inch box in size with a minimum one and one-half-inch caliper trunk. In addition, the following parking lot landscape standards shall be implemented:
 1. *Screening.* Parking areas shall be screened from streets through combinations of mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), landscaping, low profile walls and grade separations.
 2. *Perimeter planter.* A landscaped planter at least five feet wide, excluding overhang, curb and walkways, shall be

provided wherever a parking facility adjoins a side or rear property line.

3. *Landscape protection.* All landscaping shall be protected by concrete curbs of at least six inches in height. Finger and end of aisle planters on the parking space side shall have a decorative 18-inch-wide concrete surface measured from the face of curb. Finger aisle planters and end of aisle planters shall be a minimum of seven feet wide.

4. *End of aisles.* All parking areas shall provide a landscaped planter of a minimum width of five feet at the ends of all parking aisles with an additional decorative 18-inch-wide concrete surface to allow access to the parked vehicle. All planting areas shall have round corners instead of 90-degree corners and be shaped to permit vehicle turn movements.

5. *Trees required.* One tree shall be provided for each four parking stalls. Trees may be of a species that provides visibility to signage and storefronts.

6. *Parking area setbacks.* Consistent with general plan goals to provide attractive streetscapes, parking areas shall be setback from the public right-of-way as specified in Tables No. 30-464 A-C. The setback area shall be landscaped as required by the landscaping provisions of this article.

7. *Alternate design.* An alternate parking lot planter design may be approved if it exceeds the minimum criteria as specified herein, or otherwise meets the satisfaction of the City Planning Director and City Engineer or his/her designee.

- viii. *Walls.* Walls visible from the public right-of-way shall be constructed with decorative materials such as slump stone, split face or other decorative block as determined by the Planning Director or his/her designee. Any walls within a residential zone continuous for more than 50 feet along a collector or an arterial (as defined in the circulation element of the general plan) public street shall have a minimum ten-foot landscaped setback from the street right-of-way line. The ten-foot landscaped setback shall include 24-inch box trees with a minimum one and one-half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size, groundcover, and the decorative hardscape as determined by the Planning Director or his/her designee. Any solid masonry wall within 15 feet of a front or side property line shall be screened with any suitable combination of shrubs, trees,

vines, or ornamental groundcovers to the satisfaction of the Planning Director/City Engineer or his/her designee.

1. Block walls located on side yards for corner lots shall be located a minimum five feet from the street right-of-way and shall maintain a minimum five feet between the wall and dwelling unit. The five-foot area between the wall and street right-of-way shall be landscaped and irrigated in accordance with this Article.

(3) Multi-Family Residential Districts

- i. *Required landscape.* A minimum of 15 percent of the total site area, not including building footprint area, shall be landscaped to the satisfaction of the Planning Director/City Engineer or his/her designee. The percentage of landscape area shall be stated on the landscape plans. Landscaping shall be provided by the developer in all required front, side, and on corner setback areas including street parkways, and private and common open space areas, as required by the community development department.
 1. Setback areas.
 1. Front yard.
 - a. Setback areas designed with entrance stoops, or porches, shall contain a private landscape area with a 36 square-foot or larger open space area and one 24-inch box tree.
- ii. An automatic irrigation system shall be required for all landscape area(s).
- iii. *Trees.* One tree minimum for each 300 square feet of required landscape area, including front, side, and rear setback areas and common open space shall be provided. Each tree shall have a minimum size of 24-inch box with a minimum one and one-half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size. Of the total required trees, 20 percent shall be 36-inch box with a minimum two and one-half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size or larger. City may require larger box trees at the discretion of the City Planning Director/City Engineer or his/her designee.

1. *Street trees.* All new developments shall provide not less than one tree of not less than 36-inch box size with a minimum two-and one-half inch caliper trunk spaced apart by a distance equal to trees' mature canopy size along the street frontage. In parkways of inadequate width, the required street tree(s) shall be planted in the abutting yard area.
- iv. *Shrubs.* Three shrubs for each tree Not less than 50 percent of shrubs shall be five-gallon in size.
- v. *Groundcover.* Groundcover shall be planted 12 inches on center so that coverage is achieved within one year of initial planting.
- vi. *Common area open space.* Lawn areas of sodded turf shall not exceed 35 percent of the landscaped area except if it is part of an open play area as a required amenity. All other common area open space shall be landscaped in accordance with the General Landscape requirements of this chapter (FCC Section No. 30-667).
- vii. *Screening of exterior equipment.* All mechanical equipment, ground mounted equipment, utilities, and storage, shall be screened from adjoining properties and public rights-of-way by a visual barrier such as a decorative wall, fence, or landscape material to the satisfaction of the Planning Director/City Engineer or his/her designee. Where only landscaping is used for screening, it shall be planted with shrubs of sufficient size and density and spaced to provide a continuous dense screen.
- viii. *Parking areas.* All common parking areas in multi-family projects shall be designed and landscaped to break up a large single paved area and shall include predominantly fast-growing trees to create summer shade. All trees shall be a minimum of two 24-inch box size trees with a minimum one and one-half-inch caliper trunk. In addition, the following parking lot landscape standards shall be implemented:
 1. *Screening.* Parking areas shall be screened from streets through combinations of mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), landscaping, low profile walls and grade separations.

2. *Perimeter planter.* A landscaped planter at least five feet wide, excluding overhang, curb and walkways, shall be provided wherever a parking facility adjoins a side or rear property line.
 3. *Landscape protection.* All landscaping shall be protected by concrete curbs of at least six inches in height. Finger and end of aisle planters on the parking space side shall have a decorative 18-inch-wide concrete surface measured from the face of curb. Finger aisle planters, and end of aisle planters shall be a minimum of seven feet wide
 4. *End of aisles.* All parking areas shall provide a landscaped planter of a minimum width of five feet at the ends of all parking aisles with an additional decorative 18-inch-wide concrete surface to allow access to the parked vehicle. All planting areas shall have round corners instead of 90-degree corners and be shaped to permit vehicle turn movements.
 5. *Trees required.* One tree shall be provided for each four parking stalls. Trees may be of a species that provides visibility to signage and storefronts.
 6. *Parking area setbacks.* Consistent with general plan goals to provide attractive streetscapes, parking areas shall be setback from the public right-of-way as specified in Tables No. 30-464 A-C. The setback area shall be landscaped as required by the landscaping provisions of this article.
 7. *Alternate design.* An alternate parking lot planter design may be approved if it exceeds the minimum criteria as specified herein, or otherwise meets the satisfaction of the City Director of Community Development/City Engineer or his/her designee.
- ix. *Walls.* Walls visible from the public right-of-way shall be constructed with decorative materials such as slump stone, split face or other decorative block as determined by the Planning Director. Any walls within a residential zone continuous for more than 50 feet along a collector or an arterial (as defined in the circulation element of the general plan) public street shall have a minimum ten-foot landscaped setback from the street right-of-way line. The ten-foot landscaped setback shall include 24-inch box evergreen trees with a minimum one and one-half inch caliper trunk spaced apart by a distance equal to trees' mature canopy size, groundcover, and the decorative hardscape as determined by the Planning Director/City Engineer. Any solid masonry wall within 15 feet of a front or side property line shall be screened

with any suitable combination of shrubs, trees, vines, or ornamental groundcovers to the satisfaction of the Planning Director or his/her designee.

Section No. 30-670 - Commercial Districts

(a) *General.* In addition to the General Landscaping Requirements in Section 30-667, The following requirements shall apply in all commercial districts except Walkable Mixed-Use Districts:

- (1) *Landscaped area.* All required yards and setback areas, and all other portions of a lot not paved or occupied by a structure, shall be landscaped and irrigated with plant material. Decorative landscape features such as brick, stone, art, fountains, and ponds may be used within the landscaped area, provided such materials present an attractive setting consistent with the intent of these landscaping requirements. These decorative landscape features shall not exceed 15 percent of the entire landscape areas.
 - i. *Landscape setback.* A landscape setback shall be required between the front property line and the building or parking lot as described in Tables No. 30-492. B. . This area shall be landscaped with a combination of 24-inch box size trees with a minimum one and one-half inch caliper trunk, decorative hardscape, shrubs, and groundcover. Any decorative walls or fences shall be located behind the landscape setback.
- (2) A minimum of 15 percent of the total site area, not including building footprint area, shall be landscaped to the satisfaction of the Planning Director/City Engineer or his/her designee. The percentage of landscape area shall be stated on the landscape plans. Generally, landscaped areas shall be required to be planted so that shrubs and other plants present a dense appearance
- (3) *Required trees.* One tree shall be provided for every 300 square feet of landscape area. Tree size shall vary with a minimum 50 percent 24-inch box with a minimum one and one-half-inch caliper trunk or greater, 25 percent 15-gallon with one-inch caliper trunk or greater, and 25 percent minimum 36-inch box with a two- and one-half-inch caliper trunk or greater.
 - i. *Street trees.* All new developments shall provide evergreen tree of not less than 36-inch box size with a minimum two and one-half-inch caliper trunk spaced apart by a distance equal to the trees'

mature canopy size along the street frontage. In parkways of inadequate width, the required street tree(s) shall be planted in the abutting yard area.

- (4) *Required shrubs.* Shrub sizes shall vary 50 percent five-gallon and 50 percent one-gallon.
- (5) *Groundcover.* Groundcover shall be planted in such a way to result in substantial coverage of the area within one year of initial planting. To achieve this, groundcover shall be planted at a spacing equal to 80% of the maximum growth rate for each species as noted in the Sunset Western Garden Book
- (6) Turf is prohibited in all commercial districts.
- (7) An automatic irrigation system shall be required for all landscape area(s).
- (8) *Parking areas.* All common parking areas in commercial projects shall be designed and landscaped to break up a large single paved area to screen vehicles from view and to minimize the expansive appearance of parking areas and shall include predominantly fast-growing trees to create summer shade. All trees shall be a minimum of 24-inch box size with a minimum one and one-half-inch caliper trunk. In addition, the following parking lot landscape standards shall be implemented:
 - I. *Screening.* Parking areas shall be screened from streets through combinations of mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), landscaping, low profile walls and grade separations.
 - II. *Perimeter planter.* A landscaped planter at least five feet wide, excluding overhang, curb and walkways, shall be provided wherever a parking facility adjoins a side or rear property line.
 - III. *Landscape protection.* All landscaping shall be protected by concrete curbs of at least six inches in height. Finger and end of aisle planters on the parking space side shall have a decorative 24-inch-wide concrete surface measured from the face of curb. Finger aisle planters shall be a minimum of nine feet wide, and end of aisle planters shall be a minimum of seven feet wide. Finger and end of aisle planters shall be a minimum of seven feet wide as measured from the inside of the curb.

- IV. *End of aisles.* All parking areas shall provide a landscaped planter of a minimum width of five feet at the ends of all parking aisles. All planting areas shall have round corners instead of 90-degree corners and be shaped to permit vehicle turn movements.
 - V. *Trees required.* One tree shall be provided for each four parking stalls. Trees may be of a species that provides visibility to signage and storefronts.
 - VI. *Parking area setbacks.* Consistent with general plan goals to provide attractive streetscapes, parking areas shall be setback from the public right-of-way as specified in Tables No. 30-464 A-C. The setback area shall be landscaped as required by the landscaping provisions of this article.
 - VII. *Alternate design.* An alternate parking lot planter design may be approved if it exceeds the minimum criteria as specified herein, or otherwise meets the satisfaction of the City Director of Community Development/City Engineer or his/her designee.
- (9) All motels and hotels shall maintain an additional ten percent (10%) landscaped open space area more than the required 15 percent landscaping requirement, to the satisfaction of the Planning Director or his/her designee.
- (10) *Yard abutting residential district.* Unless an alternate Fire Protection Plan is approved by the City of Fontana Fire Agency, a landscaped strip shall be provided as a buffer along all yard areas abutting a residential district pursuant to Tables No. 30.492.B. This area shall contain a minimum of one tree for each 20 linear feet minimum of lot line and three shrubs for each tree.
- (11) *ADA (Americans with Disabilities Act).* ADA approved tree grates, compatible with the project's architecture, shall be provided in sidewalk tree wells. These street trees are to be irrigated by a separate valve.

Section No. 30-671 -. Industrial Districts

(a) *General.* In addition to the General Landscaping Requirements in Section 30-667, The following requirements shall apply in all industrial districts:

- (1) *Landscaped area requirement.* The total of all landscaped areas shall be no less than 15 percent of the total area of the property not covered by

buildings, structures, or areas used for outside storage or loading. All yards and setback areas, and all other portions of a lot not paved or occupied by a structure, or areas used for outside storage or loading, shall be landscaped with plant material and irrigated. Decorative landscape features such as brick, stone, art, fountains, and ponds may be used within the landscaped areas, provided such materials present an attractive setting consistent with the intent of these landscaping requirements. These decorative landscape features shall not exceed 15 percent of the entire landscape area.

- i. *Landscape setback.* A landscape setback shall be required between the front property line and the building and parking lots as described in Table No. 30-536.B, and Table No. 30-536.C. This area shall be landscaped with a combination of 24-inch box size trees with a minimum one and one-half inch caliper trunk, decorative hardscape, shrubs, and groundcover.
 - ii. Landscape setbacks along public rights-of-way shall incorporate undulating and variable height earth mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), and/or low garden walls, and/or five-gallon shrubs (minimum of four feet on-center) incorporated into the design to provide visual relief, to the satisfaction of the Planning Director or his or her designee. Any decorative walls or fences shall be located behind the landscape setback.
 - iii. For any Warehouse building larger than 400,000 square feet in size, a twenty-foot wide landscaping buffer shall be required, measured from the property line of all adjacent sensitive receptors. Trees shall be installed in automobile parking areas to provide at least 35% shade cover of parking areas within fifteen years. Trees shall be planted that are capable of meeting this requirement.
- (2) *Required trees.* One tree shall be provided for every 600 square feet of landscape area. Tree size shall vary with 90 percent 24-inch box with a minimum one and one-half-inch caliper or greater, and ten percent 36-inch box with a two- and one-half-inch caliper or greater.
 - i. *Street trees.* All new developments shall provide at least one trees of not less than 36-inch box size evergreen trees with a minimum two and one-half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size along the street frontage. In parkways of inadequate width, the required street tree(s) shall be planted in the abutting yard area.

- (3) *Required shrubs.* Shrub sizes shall vary with not less than 50 percent of shrubs five-gallon in size.
- (4) Groundcover shall be planted in such a way to result in substantial coverage of the area within one year of initial planting. To achieve this, groundcover shall be planted at a spacing equal to 80% of the maximum growth rate for each species as noted in the Sunset Western Garden Book.
- (5) Turf is prohibited in all industrial districts.
- (6) An automatic irrigation system shall be required for all the landscape area(s).
- (7) *Parking areas.* All common parking areas in industrial projects shall be designed and landscaped to break up a large single paved area and shall include predominantly fast-growing trees to create summer shade. All trees shall be a minimum of 24-inch box size with a minimum one and one-half-inch caliper trunk. In addition, the following parking lot landscape standards shall be implemented:
 - I. *Screening.* Parking areas shall be screened from streets through combinations of mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), landscaping, low profile walls and grade separations.
 - II. *Perimeter planter.* A landscaped planter at least five feet wide, excluding overhang, curb and walkways, shall be provided wherever a parking facility adjoins a side or rear property line.
 - III. *Landscape protection.* All landscaping shall be protected by concrete curbs of at least six inches in height. Finger and end of aisle planters on the parking space side shall have a 24-inch-wide concrete surface measured from the face of curb. Finger aisle planters shall be a minimum of nine feet wide, and end of aisle planters shall be a minimum of seven feet wide. Finger and end of aisle planters shall be a minimum of seven feet wide as measured from the inside of the curb.

- IV. *End of aisles.* All parking areas shall provide a landscaped planter of a minimum width of five feet at the ends of all parking aisles. All planting areas shall have round corners instead of 90-degree corners and be shaped to permit vehicle turn movements.
- V. *Trees required.* One tree shall be provided for each four parking stalls. Trees are not required for semi-truck parking. Trees may be of a species that provides visibility to signage and storefronts.
- VI. *Parking area setbacks.* Consistent with general plan goals to provide attractive streetscapes, parking areas shall be setback from the public right-of-way as specified in Tables No. 30-464 A-C. The setback area shall be landscaped as required by the landscaping provisions of this article.
- VII. *Alternate design.* An alternate parking lot planter design may be approved if it exceeds the minimum criteria as specified herein, or otherwise meets the satisfaction of the City Planning Director or his/her designee.

- (8) *Buffering and Screening of Adjacent Uses.* A minimum ten-foot-wide landscape perimeter buffer shall be required when directly adjacent to any sensitive receptors. The perimeter buffer area shall include, at a minimum, a solid decorative wall(s) of at least eight feet in height and trees as described in (i) below:
 - i. Trees shall be used as part of the solid screen buffering treatment. Trees used for this purpose shall be evergreen, drought tolerant, minimum 36-inch box, and shall be spaced no greater than 40-feet on center. The property owner shall maintain these trees for the duration of ownership, ensuring any unhealthy or dead trees are replaced timely as needed.
- (9) *ADA (Americans with Disabilities Act).* ADA approved tree grates, compatible with the project's architecture, shall be provided in sidewalk tree wells. These street trees are to be irrigated by a separate valve.
- (10) Open spaces shall be integrated into the vehicular and pedestrian circulation systems as a primary focus and destination.

Section No. 30-672 Landscaping in Public Parks, Community Facility Districts, Rights-of-Way Parkways, and Medians.

(a) *General.* In addition to the General Landscaping Requirements in Section 30-667, The following requirements shall apply in all developer installed public parks, community facility districts, and rights-of-way parkways and medians :

(1) All development of landscaping within parks, community facility districts, and parkways and medians with public rights-of-ways shall follow the adopted Engineering Department Standard Landscape Specification Manual and the Park Design Standards where applicable.

(2) *Automatic Irrigation system.* All landscaped areas shall be provided with a subsurface and/or drip automatic irrigation system capable of complete coverage of the landscaped areas (head-to-head coverage) per City of Fontana Department of Engineering specifications. Water conservation techniques shall be incorporated into the design of the irrigation system and shall be designed to minimize run-off and other wasting of water. Projects are encouraged to incorporate reclaimed water (where available) and or *on-site capture* and reuse systems. Overhead irrigation (sprinklers, pop-up heads, rotors) are prohibited in planter areas less than 10-feet wide.

(3) Community facility district tract boundaries and parkways shall be fully landscaped with a combination of trees, shrubs, groundcover, and decorative hardscape.

i. *Street trees.* Unless an alternate Fire Protection Plan is approved by the City of Fontana Fire Agency all new developments shall provide trees of not less than 36-inch box size evergreen trees with a minimum two- and one-half-inch caliper trunk spaced apart by a distance equal to trees' mature canopy size along the street frontage. In parkways of inadequate width the required street tree(s) shall be planted in the abutting yard area.

ii. Decorative hardscape shall not exceed 50 percent of the total landscape area. The following types of hardscape are allowed:

1. Grouted Cobble;
2. Rocks larger than 18 inches in diameter;
3. Compacted and unyielding decomposed granite or any loose rock material less than one-inch in diameter;
4. Brick or other decorative pavers;

5. Decorative stamped colored concrete (scored colored concrete may be allowed with Planning Department approval); and,
 6. Artificial turf subject to Section 30-667 (a) (3) (f).
- iii The following materials are not considered hardscape:
1. Mulch (unless it is used as a weed barrier in combination with ground cover);
 2. Loose rock one-inch diameter or larger;
 3. Succulents (other than ice plant);
 4. Structures and other ornamentation (statues, fountains, arbors, lighting, etc.) in parkways and medians (may be allowed in parks with approval of the Planning Division and Department of Public Works).
- (4) All block wall and wrought iron fencing shall be located behind landscape setback area(s) and outside the public rights-of-way.
- (5) Location of sidewalk(s) shall be determined by the Community Development Department, Engineering Division.
- (6) ADA (Americans with Disabilities Act). ADA approved tree grates, compatible with the project's architecture, shall be provided in sidewalk tree wells. These street trees are to be irrigated by a separate valve.
- (7) All turf areas shall be separated from shrub areas by a four by six-inch concrete mow strip or two by four-inch redwood header board. The concrete mow strip or redwood header board shall include openings to allow stormwater to drain throughout the landscaped area.
- i. Turf is prohibited in all landscape medians.
- (8) Intersection Sight Distance.
- i. Sight Distance shall be provided and maintained. Objects, such as plants, elevation changes, monument walls, garden and retaining walls and the terrain itself, shall not exceed 30 inches above the roadway and shall not interfere or obstruct the Line-of-Sight.
 - ii. Sufficient right-of-way shall be dedicated to provide for all primary and secondary landscaped entry statements (including trees) with consideration to Sight Distance and maintain Line-of-Sight.
 - iii. Trees shall not be planted within the Sight Triangle. The plans shall show topographical information, shrub and tree species size and location, and show the location of the irrigation controller and meter/backflow device.

- iv. It is the responsibility of the adjacent property owner to maintain the intersection site distance and line-of-site landscaping in good physical condition and appearance.

Section No. 30-673 - Rehabilitated Landscapes

- (a) Rehabilitated landscape greater than 2,500 square feet shall have a landscape documentation plan approved by the City and subject to all applicable provisions of this ordinance.

Section No. 30-674 -Reserved



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 No. 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. 22-050 and Zoning Code Amendment (ZCA) No. 22-003

A proposed Zoning Code Amendment (ZCA No. 22-003) to amend Chapter 30 of the City of Fontana Municipal Code, Article X, regarding General Landscape Requirements. The Planning Commission will review and forward a recommendation to the City Council for the proposed Zoning Code Amendment.

**Environmental
Determination:**

This project is categorically exempt, respectively 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.

Location:

Citywide

Date of Hearing:

May 17, 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 Shannon J. Casey, AICP, Senior Engineer, at (909) 350-6523 or scasey@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. PLEASE CONTACT THE ENGINEER LISTED ABOVE.

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

Publish: May 6, 2022



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1331
Agenda #: PH-C

Agenda Date: 5/17/2022
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 21-104, Conditional Use Permit No. 22-004, Administrative Site Plan No. 21-051 - a request to establish a Dutch Bros drive-through coffee shop of approximately 871 square feet with two (2) drive-through lanes at the South Highland Village shopping center.

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,

1. Find that the previously adopted Initial Study/Mitigated Negative Declaration for Master Case No. 15-018 approved by the Planning Commission October 6, 2015, has adequately identified the impacts associated with the project. No further review is required pursuant to Section No. 15162 of the California Environmental Quality Act and Section 6.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Determination; and,
2. Approve Conditional Use Permit No. 22-004 and Administrative Site Plan No. 21-051

APPLICANT:

Kimberly Raden
Armet Davis Newlove & Associates
1330 Olympic Blvd.
Santa Monica, CA 90404

LOCATION:

17010 South Highland Avenue

REQUEST:

Conditional Use Permit No. 22-004 - a request to establish a drive-through coffee shop of approximately 871 square feet with two (2) drive-through lanes.

Administrative Site Plan No. 21-051 - a proposal to construct an approximately 871 square foot coffee shop with two drive-through lanes along with associated site improvements on an approximately .45 acre building pad site.

PROJECT PLANNER:

Alexia De La Torre, Assistant Planner

BACKGROUND INFORMATION:

Land Use Designation:

	<u>General Plan</u>	<u>Zoning /Overlay</u>	<u>Existing Land Use</u>
Site:	C-C (Community Commercial) Auto Center Overlay	The Corner Planning Area, Walnut Village Specific Plan Planning Area 2, Auto Center Overlay	Vacant
North:	I-210 Freeway	N/A	I-210 Freeway
South:	C-C (Community Commercial) Auto Center Overlay Walnut Village Specific Plan	Planning Area 2, Auto Center Overlay The Corner Planning Area, Walnut Village Specific Plan	Vacant
East:	C-C (Community Commercial) Auto Center Overlay Walnut Village Specific Plan	The Corner Planning Area, Walnut Village Specific Plan Planning Area 2, Auto Center Overlay	Jack in the Box
West:	C-G (General Commercial) Auto Center Overlay	C-2 (General Commercial) Planning Area 4, Auto Center Overlay	Raising Canes

PROJECT DESCRIPTION:

A. Site Area: Approximately 19,609 square feet (0.45 ac)
B. Building/Unit Analysis:

Total Area: Approximately 871 square feet

C. Parking Analysis:
Vehicle Spaces (For commercial center) Required: 472 Spaces
Provided: 476 spaces

D. Landscaping:
Minimum Required: 15 percent (2,941 square feet)
Proposed: 29 percent (5,724 square feet)

ANALYSIS:

The proposed project is for the development of an 871 square foot drive-through coffee shop (Dutch Bros) on a vacant parcel of approximately 19,609 square feet. The proposed coffee shop will be drive-through only and pick up only; the exterior of the building will have a pedestrian walk-up window for taking orders. The project site is the remaining vacant parcel at the Highland Village shopping center. At the time of the approval of the shopping center, the approved Design Review was conditioned to require the Planning Commission's approval of an Administrative Site Plan application for the remaining pads to ensure quality and consistency of architecture. The applicant is requesting that the Planning Commission consider approving the Dutch Bros drive through coffee shop for the Highland Village shopping center.

Administrative Site Plan 21-051

The building is aesthetically and architecturally pleasing and compatible with the commercial center. The style, materials, and colors are similar to the other approved buildings within the commercial center and with existing commercial buildings and centers in the vicinity. The architecture includes stucco, stone, veneer, and varying roof lines. Decorative exterior lighting fixtures will be complimentary to the proposed building and existing center. A porte cochere will be incorporated to cover a big portion of the drive-through window area as well as the outdoor pedestrian window. The porte cochere will contain stucco and stone veneer to provide a consistent appearance with the building.

Conditional Use Permit 22-004

The coffee shop is proposed to operate as a drive-through only with a pedestrian walk-up outdoor window to alleviate traffic. Regarding the drive-through lane, the layout of the site is designed to create the best possible flow and maximum of queuing of vehicles possible to minimize the potential impact of stacking onto adjacent properties or public roads. The dual drive-through lane includes enough space to fit approximately 21 cars within the drive-through lanes alone; this exceeds the minimum code requirement of a minimum of 132 feet of stacking distance. The drive-through lane also includes a bypass/exit lane that allows customers to bypass/exit the lane if they receive their order early, thus allowing the drive-through line to move up. Dutch Bros provides on-site staff that has the sole responsibility of directing traffic as well as dedicated staff to take orders, receive payments and deliver drinks outside. In the event that there is an overflow of vehicles, Dutch Bros. prepared a traffic operational plan detailing where cars will stack to avoid disrupting the overall shopping center traffic.

MOTION:

Approve staff recommendation

ATTACHMENTS:

1. Vicinity Map
2. Site Plan
3. Elevations
4. Renderings
5. Planning Commission Resolution, Findings, and Conditions of Approval
6. Notice of Exemption
7. Notice of Public Hearing

UNDER SEPARATE COVER:

1. 11" x 17" plans



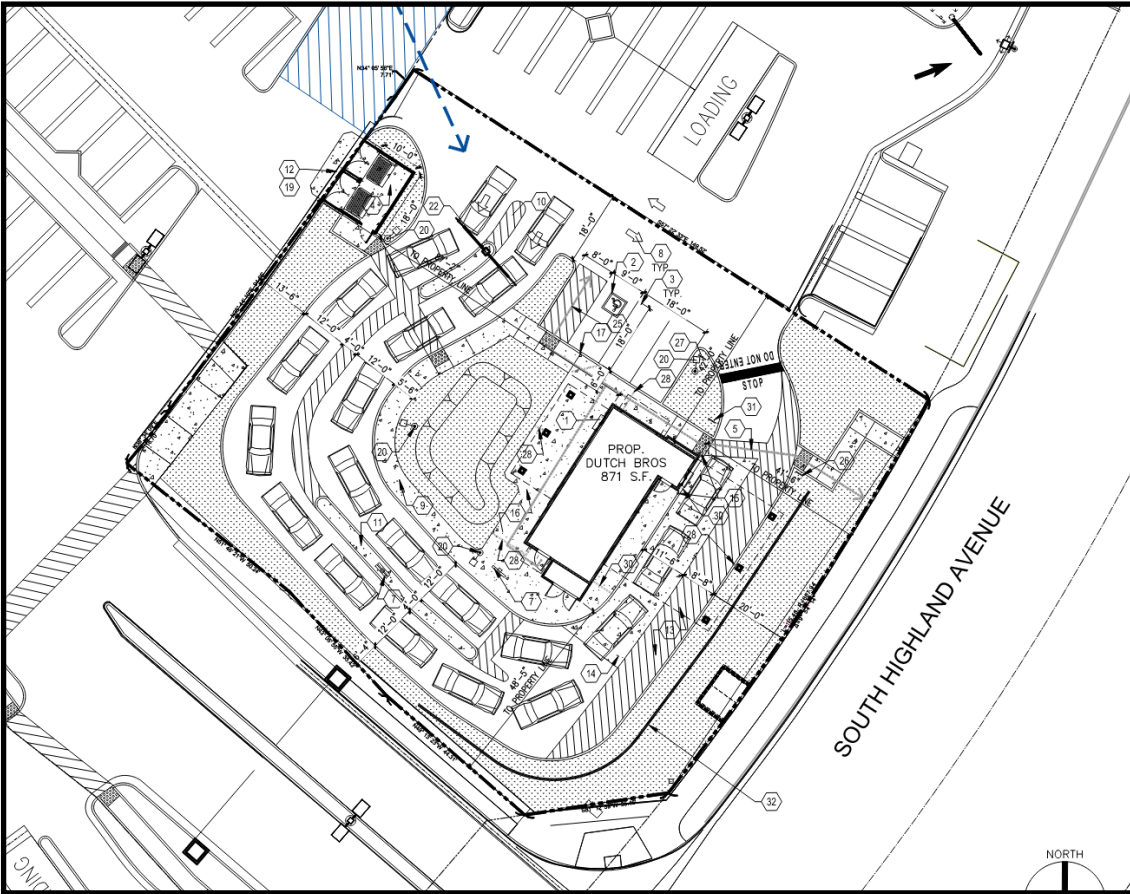
Project Location

CITY OF FONTANA PLANNING DEPARTMENT

VICINITY MAP

DATE: May 17, 2022

CASE: Master Case No. 21-104
Administrative Site Plan No. 21-051
Conditional Use Permit No. 22-004



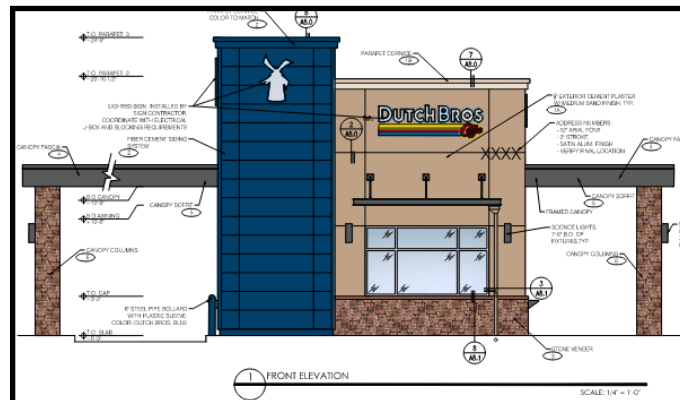
CITY OF FONTANA PLANNING DEPARTMENT

Site Plan

DATE: May 17, 2022

CASE: Master Case No. 21-104
Administrative Site Plan No. 21-051
Conditional Use Permit No. 22-004

CITY OF FONTANA



Elevations

DATE: May 17, 2022

CASE: Master Case No. 21-104
Administrative Site Plan No. 21-051
Conditional Use Permit No. 22-004



CITY OF FONTANA PLANNING DEPARTMENT

Renderings

DATE: May 17, 2022

CASE: Master Case No. 21-104
 Administrative Site Plan No. 21-051
 Conditional Use Permit No. 22-004

RESOLUTION NO. PC 2022-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 22-004 AND ADMINISTRATIVE SITE PLAN NO. 21-051, A REQUEST FOR SITE AND ARCHITECTURAL REVIEW TO CONSTRUCT A 871 SQUARE FOOT DRIVE-THROUGH COFFEE SHOP WITHIN A COMMERCIAL CENTER AT THE NORTHEAST CORNER OF SIERRA AVENUE AND SOUTH HIGHLAND AVENUE.

WHEREAS, the City of Fontana received an application on October 25, 2021, for an Administrative Site Plan and Conditional Use Permit, to approve the site and architectural review to construct a 871 square foot restaurant with a drive-through within a commercial center.

Project Applicant: Kimberly Raden
 Armet Davis Newlove & Associates
 38 Executive Park, Suite 310
 Irvine, CA 92614

Project Location: The project site is located in a commercial center at the northeast corner of Sierra Avenue and South Highland Avenue
 (APN: 0240-121-37)

Site Area: 19,609 square feet (0.45 Ac)

WHEREAS, the subject site was annexed from San Bernardino County into the City of Fontana on October 8, 1981 (ANN0102); and

WHEREAS, the site was made a part of the Walnut Village Specific Plan and given the land use designation of “The Corner” in January of 1983 and the establishment of the Auto Center Overlay District on October, 4, 2005; and

WHEREAS, the proposal is to establish a 871 square foot drive-through coffee shop with a dual drive through lane at the Highland Village shopping center; and

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as Exhibit “A” and “B” for the Conditional Use Permit No. 22-004 and Administrative Site Plan No. 21-051; and

WHEREAS, Staff has determined the previously adopted Initial Study/Mitigated Negative Declaration for Master Case No 15-018 approved by the Planning Commission October 6, 2015, has adequately identified the impacts associated with the project. No further review is required pursuant to Section No. 15162 of the California Environmental Quality Act and Section No. 6.22 of the 2019 Local Guidelines for Implementing CEQA; and

WHEREAS, the owners of property within 660 feet of the boundaries of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the local *Fontana Herald* newspaper on May 6, 2022, posted at City Hall and at the project site; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on May 17, 2022; and

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

NOW, THEREFORE, the Commission RESOLVES as follows:

Section 1. The City of Fontana's, Planning Commission hereby makes the following findings for Conditional Use Permit No. 22-004 in accordance with Section 30-150 "Findings for approval" of the Fontana Zoning and Development Code:

Finding No. 1: **The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, Municipal Code, General Plan, any applicable specific plan or area plan, and City regulations/standards.**

Findings of Fact: This project, as proposed, is a request for the Planning Commission to review and approve the site and architectural design for the construction of an 871 square foot fast food restaurant with a drive-thru on an approximately 19,609 square foot parcel in a multi-tenant commercial center (Highland Village). The General Plan designation for the project site is C-C (Community Commercial) with the Auto Center Overlay and Walnut Village Specific Plan. The land designations encourage a variety of retail, restaurant and drive-through uses to service the surrounding housing communities. The proposed use is an allowable use with all applicable zoning districts, and it complies with all applicable provisions of the Zoning and Development Code, Municipal Code, General Plan, Walnut Village Specific Plan, and the Auto Overlay.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, is physically suited for the site. There is proper access and

availability to utilities. The necessary improvements to create a safe and functional project are being implemented. The developer is providing a two-lane drive-through to meet and exceed performance criteria and development standards. In addition there will be a bypass/exit lane to allow customers who receive their order early to exit the drive-through lane. The proposed building has been reviewed by Planning, Engineering, Building and Safety, Police Department, and County Fire Prevention for site circulation, access, and safety. The project meets or exceeds the standards of the Walnut Village Specific Plan and Auto Center Overlay.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, would not be detrimental to the public interested, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity. The site is currently vacant, and the development of this project would complete the final improvements needed to complete the Highland Village shopping center. Specific improvements such as providing a dual drive-through lane and a bypass/exit lane will maintain a safe and convenient traffic flow. The developer provided a traffic operation plan prior to approval detailing where cars would stack in the event that there is an overflow of traffic in the driveway lanes. Staff has determined that the proposed traffic operations plan will be effective.

Section 2. The City of Fontana's, Planning Commission hereby makes the following findings for Administrative Site Plan No. 21-051 in accordance with Section 30-81 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: This project, as proposed, is a request for the Planning Commission to review and approve the site and architectural design for the construction of an 871 square foot fast food restaurant with a drive-through on an approximately 19,609 square foot parcel in a multi-tenant commercial center (Highland Village Shopping Plaza). The General Plan designation for the project site is C-C (Community Commercial) with the Auto Center Overlay and Walnut Village Specific Plan. The proposed project, is consistent with the goals and policies of the General Plan and applicable provisions of the Auto Center Overlay land use area by providing supporting commercial uses that support the Auto Center. The project meets or exceeds the

standards of the Walnut Village Specific Plan and the Auto Center Overlay.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1 will make the remaining improvements on site to the complete the Highland Village shopping center. The commercial center has three (3) access points along South Highland Avenue, sidewalks, drainage, and grading to provide a safe and well-designed project. The proposed project will bring a well-known use to the shopping center that will stimulate economic growth within the shopping center. In efforts to promote a safe and desirable development, the developer will provide a dual drive-through lane. In addition, the applicant has provided a traffic operational plan in the event that additional stacking is needed for high demand times. The Dutch Bros company is known for dedicating staff to take orders, payments, and deliver orders outside to increase movement of the drive-through. The design of the drive-through includes a bypass/exit lane for customers who receive their orders advance—allowing the line to move forward.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, has been determined to be aesthetically and architecturally pleasing and compatible with the surrounding area and commercial center, while also providing a development that has been designed with features (appropriate architectural, landscaping, and exterior lighting) consistent with the Community Commercial and Auto Center Overlay districts. The primary exterior finish is stucco with stone veneer, modern metal awnings, and cornices at the top of the parapet walls. The building will complement the pad buildings in the Highland Village commercial center.

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

Findings of Fact: The proposed development and improvements complies with the Fontana City Code. The commercial center has three (3) access

points along South Highland Avenue, sidewalks, drainage, and grading to provide a safe and well-designed project. The developer is preparing the site with a dual drive-through lane, as well as a bypass/exit lane to reduce traffic concerns with the drive-through. In addition, the developer has provided a traffic operational plan detailing where cars will stack in the event that there is an overflow of vehicles. The site is currently vacant, and the project will make the remaining improvements on site to complete the shopping center. The proposed building has been reviewed by Planning, Engineering, Building and Safety, Police Department, and County Fire Prevention for site circulation, access, and safety. The project meets or exceeds the standards of the Walnut Village Specific Plan and the Auto Center Overlay.

Section 3. Based on the foregoing, the City of Fontana's Planning Commission hereby approves Conditional Use Permit No. 22-004 and Administrative Site Plan No. 21-051.

Section 4. Based on the foregoing, the City of Fontana Planning Commission hereby finds that the previously adopted Initial Study/Mitigated Negative Declaration has adequately identified the impacts associated with the project pursuant to Section 15162 of the California Environmental Quality Act and Section 6.22 of the 2019 Local Guidelines for Implementing CEQA, and directs staff to file a Notice of Determination, approve Conditional Use Permit (CUP) No. 22-004 and approve Administrative Site Plan 21-051 subject to the conditions of approval as shown in the attached **Exhibits "A" through "B"** for the construction of a 871 square foot drive-through coffee shop.

Section No. 5. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department– Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

Section No. 6. 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 17th day of May 2022.

City of Fontana

Cathline Fort, Chair

Resolution No. PC 2022-_____

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 17th day of May 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Conditional Use Permit No. 22-004
Master Case No. 21-104

DATE: May 17, 2022

LOCATION: The project site is located within the commercial center located at the northeast corner of Sierra Avenue and South Highland Avenue.

PLANNING DEPARTMENT:

1. This approval is for Conditional Use Permit No. 22-004, to allow the proposed 871 square foot coffee shop to operate a drive-thru, as approved by the Planning Commission on May 17, 2022.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - a. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy (C of O) or other document evidencing the City's final inspection and acceptance of the work.
 - b. All requirements of the Fontana Municipal Code shall be complied with.
 - c. All other Conditions of Approval imposed by this project have been fulfilled.
3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety, or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section No. 30-31 of the Municipal Code.
4. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana

shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

5. This Conditional Use Permit shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
6. The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project, and shall abate any graffiti at the project within 48 hours of appearance of such graffiti.
7. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of the Planning Department or his/her designee.
8. All signs shall be reviewed under a separate Design Review Sign application.
9. There shall be a maximum of two (2) menu boards on site.
10. Operation of the drive-thru shall not result in stacking of vehicles on the public streets at any time.
11. Operation of the drive-thru shall not result in stacking of vehicles in such a manner that would result in obstruction to any access aisle of parking spaces for other tenants in the retail center, or the main drive aisles for the retail center.
12. The landlord shall stipulate in the lease for the tenant using the drive-thru land that should conflicts occur between vehicles parking and/or circulating in the parking areas and vehicles queuing for the drive-thru, staff of the drive-thru operation shall provide traffic control, take orders ahead of the menu boards, and/or utilize all require methods to eliminate those conflicts.

13. Staff of the drive-thru operation shall direct vehicles, take orders ahead of the menu boards, or utilize other methods to ensure there are no conflicts between cars parking and queuing for the drive-thru.
14. The applicant shall adhere to the approved traffic operations plan in the event that cars stack up outside of the designated drive-through lane.
15. In the event that the City decides that the approved traffic operations plan is not effective, the applicant shall cooperate with the City to make modifications to the back up traffic plan as necessary and implement operational changes on site should there be any impacts with stacking of vehicles within the shopping center and/or within the public right of way in South Highland Avenue.

EXHIBIT "B"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Administrative Site Plan No. 21-051
Master Case No. 21-104

DATE: May 17, 2022

LOCATION: The project site is located within the commercial center located at the northeast corner of Sierra Avenue and South Highland Avenue.

PLANNING DEPARTMENT:

1. This approval is for Administrative Site Plan No. 21-051 to construct an 871 square foot drive-through coffee shop as approved by the Planning Commission on May 17, 2022.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until all of the following have occurred:
 - A. All requirements of the Fontana Municipal Code shall be complied with.
 - B. All Conditions of Approval imposed on this project have been fulfilled.
 - C. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's final inspection and acceptance of the work.
3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
4. This Administrative Site Plan shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
5. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of

Community Development or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the residential structure until corrections are approved in writing by all appropriate staff.

6. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

7. All signs shall be reviewed under a separate Design Review Sign application.
8. There shall be a maximum of two (2) menu boards on site.
9. This project will comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
10. Color combinations and color schemes for commercial buildings approved with an Administrative Site Plan application by the Planning Commission shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Community Development. The Director of Community Development shall have the authority to refer minor hue color changes to the original approving body for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.

11. Bicycle parking racks or secured bicycle lockers shall be provided for this development. Bicycle racks or lockers shall be provided at a rate of one bicycle parking space per 20 automobile parking spaces with a minimum of a two-bike rack.
12. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the general plan.
13. All roof-mounted equipment shall be screened from view of adjacent properties and public rights-of-way by a parapet in height equal or greater to the installed unit with colors and materials that complement the building architecture, as approved by the Director of Community Development.
14. Prior to the issuance of a Certificate of Occupancy, the applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Community Development.
15. All Commercial buildings shall provide refuse collection areas (AB 1327). Design plans shall be submitted and approved prior to construction and shall meet the following design requirements:
 - A. The trash enclosure shall be of an adequate size to contain a refuse and recycling bin and provide convenient accessibility for the collection of these materials. Standard bin sizes for commercial establishments are 7'L x 4'W x 5'H.
 - B. Collection areas must adequately protect recyclable materials from the harmful effects of the weather (FMC 24-12, AB 1327 [1993])
 - C. Enclosures for both refuse and vacuum equipment shall conform to the city design requirements, including the trellis. The roof material shall aesthetically match the tile roofing used within the shopping center.
16. All Conditions of Approval from Design Review No. 15-002, Design Review No. 15-002R1, and Design Review No. 15-002R2 that are applicable to the current project shall remain in effect.
17. The construction contractor shall use the following source controls at all times:
 - a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
 - b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.

- d. Have only necessary equipment onsite.
 - e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 - f. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - g. Temporarily enclose localized and stationary noise sources.
 - h. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
18. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of the Planning Department or his/her designee.
19. Historic Archaeological Resources
- a. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
 - b. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
 - c. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American

archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

20. Operation of the drive-thru shall not result in stacking of vehicles on the public streets at any time.
21. Operation of the drive-thru shall not result in stacking of vehicles in such a manner that would result in obstruction to any access aisle of parking spaces for other tenants in the retail center, or the main drive aisles for the retail center.
22. The landlord shall stipulate in the lease for the tenant using the drive-thru land that should conflicts occur between vehicles parking and/or circulating in the parking areas and vehicles queuing for the drive-thru, staff of the drive-thru operation shall provide traffic control, take orders ahead of the menu boards, and/or utilize all require methods to eliminate those conflicts.
23. Staff of the drive-thru operation shall direct vehicles, take orders ahead of the menu boards, or utilize other methods to ensure there are no conflicts between cars parking and queuing for the drive-thru.
24. The applicant shall adhere to the approved traffic operations plan in the event that cars stack up outside of the designated drive-through lane.
25. In the event that the City decides that the approved traffic operations plan is not effective, the applicant shall cooperate with the City to make modifications to the back up traffic plan as necessary and implement operational changes on site should there be any impacts with stacking of vehicles within the shopping center and/or within the public right of way in South Highland Avenue.

PRIOR TO ISSUANCE OF GRADING PERMIT

26. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
27. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

28. Development fees and Planning Division final inspection fee must be paid prior to Certificate of Occupancy.

ENGINEERING:

29. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
30. The Applicant shall obtain design and plan approval from all utility providers having jurisdiction over the on-site and off-site utilities. Completion of all undergrounding of on-site and off-site utilities is required by Section 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
31. The Applicant shall maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to issuance of final certificate of occupancy by the City.
32. The Applicant shall make modifications as necessary and implement operational changes in the field should there be any impacts with stacking of vehicles within the public right of way in South Highland Avenue.

PRIOR TO ISSUANCE OF GRADING PERMIT

33. The Applicant shall submit and gain approval of a complete Water Quality Management Plan report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

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

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

36. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
37. The Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.
38. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
39. The Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency

Landscape Ordinance (Ordinance 1743, FCC Section 28).

40. All sewers and storm drains shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Storm drain video shall include main lines and laterals. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. Videos to be inspected and approved by City Inspection. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
41. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water Best Management Practice transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

BUILDING & SAFETY:

42. Shall comply with the latest adopted edition of the following codes as applicable:
 - A. California Building Code
 - B. California Residential Code
 - C. California Electrical Code
 - D. California Mechanical Code
 - E. California Plumbing Code
 - F. California Energy Code
 - G. California Fire Code
 - H. California Green Building Standards Code
43. Automatic fire suppression systems shall be installed in all new construction per Article II, Chapter 11 of the Code of the City of Fontana. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
44. The applicant shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.
45. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
46. The applicant shall comply with the following grading Requirements:

- A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-off.
 - B. All drainage water shall drain via approved methods, to an approved location – public street, public drainage system, etc.
 - C. Drainage water shall not cross over a public sidewalk. Drainage water may however cross under a sidewalk if an approved drainage structure is used.
 - D. No water course or natural drainage shall be obstructed.
 - E. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
 - F. Drainage water shall not pass from an ‘improved’ type of drainage structure to an ‘unimproved’ type of drainage structure (e.g., concrete swale to slag or dirt swale) unless otherwise approved by the Building Official.
 - G. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to, and approved by Building & Safety.
The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.
 - H. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
 - 47. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
 - 48. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
 - 49. All proposed drainage structures; and
 - 50. Any proposed and/or required walls or fencing.
51. The applicant shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

52. The following items shall be completed and/or submitted to Building & Safety – as applicable – prior to the issuance of building permits for this project:
- A. Precise grading plans shall be approved
 - B. Rough grading completed
 - C. Compaction certification
 - D. Pad elevation certification
 - E. Rough grade inspection signed off by a City Building Inspector

ENVIRONMENTAL CONTROL:

Prior to Certificate of Occupancy or Permit Approval

- 53. All commercial facilities conducting activities listed below shall submit an Industrial Wastewater Discharge Permit application to the Public Works Department, Environmental Control (FMC 23-218).
- 54. All restaurants or other food processing facilities (FMC23-218).
- 55. All facilities maintained for processing, filtering, softening or conditioning of water (FMC 23-218).

Prior to the Issuance of Construction Permits

- 56. Any facility proposing the discharge of non-domestic wastewater to the sanitary sewer shall demonstrate in the plan check process, through the submittal of detailed plans showing pretreatment facilities and operating procedures, that the user will pretreat wastewater to a level required to comply with FMC 23-136 - Concentration Limitations and/or FMC 23-138 – Applicability of Federal Categorical Pretreatment Standards, and/or any other applicable standard as established (FMC 23-186).
- 57. All commercial or industrial facilities within the following categories must install a gravity separation interceptor to comply with the requirements of the Fontana Municipal Code (FMC Section 23-190) unless the requirement is modified by a variance issued by the Public Works Manager.
- 58. All restaurants or other food processing facilities (FMC 23-163). Conditional waivers for the grease interceptor requirement may be granted by the Public Works Manager in accordance with section 23-52 for those restaurants or food processing facilities determined not to have adverse effects on the Publicly Owned Treatment Works (POTW).

NOTICE OF DETERMINATION

TO: X County Clerk, County of
San Bernardino

____ Office of Planning and Research

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

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

Project Title: Master Case No. 21-104, Conditional Use Permit No. 22-004, Administrative Site Plan No. 21-051

State Clearinghouse Number: 2009091089

Name of Person or Agency carrying out project: Alexia De La Torre – Assistant Planner. City of Fontana (Lead Agency) 8353 Sierra Avenue, Fontana, CA 92335.

Project Location: 17010 South Highland Avenue (APN: 0240-121-37)

Project Description: The request is to build a new 871 square foot drive-through coffee shop with two (2) drive-through lanes at the existing South Highland Village shopping center.

Project Proponent & Address: Armet Davis Newlove & Associates, 1330 Olympic Blvd., Santa Monica, CA 90404

Contact Name & Phone: Kimberly Raden – (805) 796-9537

This is to certify that on May 17th, 2022, the Planning Commission of the City of Fontana approved the above-described project along with the previously adopted Initial Study/Mitigated Negative Declaration for MCN15-018 approved by the Planning Commission on October 6, 2015, and made the following determinations:

1. The project ____ will X will not have a significant effect on the environment.
2. An Initial Study/Mitigated Negative Declaration was previously prepared and approved and fully analyzed the effects of the project. The Initial Study/Mitigated Negative Declaration thoroughly analyzed and discussed all potential environmental impacts. None of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent EIR or MND have occurred. Additionally, this action does not include any additional impacts beyond those impacts already disclosed in the previous Initial Study/Mitigated Negative Declaration and no further environmental review is required.
3. Mitigation measures X were ____ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations ____ was X was not adopted for this project.
5. Findings X were ____ were not made pursuant to the provisions of CEQA.
6. The location and custodian of the documents which comprise the record of proceedings for the Addenda are specified as follows:

Custodian: City of Fontana, Planning Department

Location: 8353 Sierra Avenue, Fontana, CA 92335

DiTanyon Johnson
Principal Planner

Date Received for Filing



FONTANA
CALIFORNIA

NOTICE OF PUBLIC HEARING

SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION O PROYECTO, FAVOR DE COMUNICARSE AL (909) 350-6728.

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

Master Case (MCN) No. 21-104, Conditional Use Permit (CUP) No. 22-004, Administrative Site Plan (ASP)

21-051: A request to establish a Dutch Bros drive-through coffee shop of approximately 871 square feet located within the Highland Village shopping center.

**Environmental
Determination:**

An Initial Study (IS) and Mitigated Negative Declaration (MND) were previously prepared for the project and were certified by the Planning Commission on October 6, 2015. The Initial Study (IS) and Mitigated Negative Declaration (MND) serve as the environmental document for this project pursuant to Section No. 15162 (Form-J) of the California Environmental Quality Act (CEQA). No new additional impacts beyond what was anticipated in the EIR mentioned above were identified and an addendum was prepared for the project.

**Location of
Property:**

17010 South Highland Avenue (APN:
0240-121-37)

Date of Hearing:

May 17, 2022

Place of Hearing:

City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing:

6:00 P.M.



Approximate Location



Should you have any questions concerning this project, please contact Alexia De La Torre, Assistant Planner, at (909) 350-6568. E-mail: adelatorre@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. 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 #: 21-1388
Agenda #: PH-D

Agenda Date: 5/17/2022
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 22-049 and Municipal Code Amendment No. 22-004 - amendments to Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code) of the Municipal Code to establish standards and administrative procedures for conveyance maps, add language for density/replacement units to address Senate Bill 330, modify the land use table in the General Commercial (C-2) zoning district to allow truck sales with approval of a Conditional Use Permit (CUP), reduce required setbacks for residential accessory structures in the Single Family Residential (R-1) zoning district, extend the length of time for entitlement projects by providing a two-year time extension, and identifying inconsistencies and outdated language in the Zoning and Development Code.

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,

1. Determine that this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, because it has not potential for resulting in physical change in the environment, directly or indirectly. The Planning Commission further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; and,
2. Approve a resolution recommending that the City Council adopt an Ordinance for Municipal Code Amendment (MCA) No. 22-004 to amend Chapter 26 and Chapter 30 of the Municipal Code.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

REQUEST:

A Municipal Code Amendment (MCA) No. 22-004 for amendments to Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code) of the Municipal Code to establish standards and administrative procedures for conveyance maps, modify the land use table in the General Commercial (C-2) zoning district to allow truck sales with approval of a Conditional Use Permit (CUP), reduce required setbacks for residential accessory structures in the Single Family Residential (R-1) zoning district, extend the length of time for entitlement projects by providing a two-year time extension and correct inconsistencies and outdated language in the Zoning and Development Code; and add language for No Net Loss replacement units to address Senate Bill 330.

PROJECT PLANNER:

George Velarde, Assistant Planner

BACKGROUND INFORMATION:

The City of Fontana Zoning and Development Code regulates the development of commercial, industrial, and residential projects, and development-related projects conform to meet code requirements and suit the needs of the community. Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code) were evaluated and revised to provide updated standards, explore flexibility in site design regulations and address time saving effectiveness. This code amendment includes adding language to provide for finance and conveyance maps to allow property owners to subdivide for finance purposes; adds provisions to permit truck sales in certain areas of the General Commercial (C-2) zoning district due to existing compatible uses; reduces setbacks for residential accessory structures in the Single-Family (R-1) zoning district; revises entitlement extension periods and corrects text inconsistencies; and addresses Senate Bill (SB) 330 to facilitate replacement sites.

PROJECT DESCRIPTION:

Click or tap here to enter text.

ANALYSIS:

The City initiated Municipal Code Amendment No. 22-004 to update sections of Chapter 26 for Subdivisions and Chapter 30 of the Zoning and Development Code. The following is a brief summary of the revisions. A detailed comprehensive list of all the proposed amendments are provided as part of Exhibit A of the Planning Commission Resolution (Attachment No. 1).

Revise Chapter 26 and Chapter 30: This amendment includes a text change to include a provision for finance and conveyance maps. Finance and conveyance maps would allow property owners to subdivide parcels to be sold individually without having to meet the requirements for lot dimensions and sizes. Finance and conveyance maps would not be allowed to be used for site development.

Revise Chapter 30, Article VI, Division 3: Truck and trailer sales were previously permitted within the C-2 zone under the former Zoning and Development Code prior to the adoption and implementation of the Fontana General Plan update with approval of a Conditional Use Permit. This code update allows truck and trailer sales in the General Commercial (C-2) zoning district with approval of a Conditional Use Permit (CUP) application. Special use regulations are included to offset and reduce any potential impacts associated with the land use. Truck and trailer sales would only be permitted in this zoning district with direct street access to Valley Boulevard.

Revise Chapter 30, Article V, Division 4: Currently the City requires a minimum 10' rear setback and minimum 5' side setback for patios including detached, attached, and enclosed patios in the Single-Family (R-1) zone. This amendment includes a provision for detached, single story, patios of 200 square feet or less, similar to that allowed for sheds that are 200 square feet or less, to be a minimum of 3' from the rear and side property lines.

Revise Chapter 30, Article II, Divisions 10-13 and 15: This code update modifies the language throughout the zoning and development code to eliminate inconsistencies regarding time extensions request for projects. Due to time sensitivity of many projects, this two-year time extension request provision would allow applicants to work directly with City staff to have their project completed in a timely manner.

Additionally, this update establishes the “Director” position and replaces “Community Development Director” as mentioned throughout the Zoning and Development code. The “Director” shall be defined as the Director of Planning of the City.

Further, the Director’s Determination application states “No application shall be considered by the Planning Commission until the application is determined to be completed and all required fees have been paid to the City. This update refines the language and replaces “Planning Commission” with “Director” as mentioned herein to clarify the inconsistencies of the correct approving body.

Add Article XV to Chapter 30: The proposed Municipal Code Amendment would establish “No Net Loss” provisions to provide that, concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, replacement units in the form of a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, the proposed changes will ensure that there is no net loss of residential capacity within the City, as required by Senate Bill 330. The Municipal Code Amendment would create a No Net Loss/Density Bonus Program available to developers of residential housing dwelling units within residentially zoned districts.

Staff will continue to evaluate the Zoning and Development Code as inconsistencies and opportunities are identified.

MOTION:

Approve staff recommendation

ATTACHMENTS:

1. Planning Commission Resolution and Exhibit A
2. Notice of Exemption
3. Notice of Public Hearing

UNDER SEPARATE COVER:

No Attachments Under Separate Cover

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 MUNICIPAL CODE AMENDMENT (MCA) NO. 22-004 AMENDING CHAPTERS 26 AND 30 OF THE FONTANA MUNICIPAL CODE. UPDATES TO CHAPTER 26 INCLUDE THE ADDITION OF PROVISIONS PERTAINING TO FINANCE AND CONVEYANCE MAPS, UPDATES TO CHAPTER 30 TO ALLOW TRUCK SALES WITHIN THE GENERAL COMMERCIAL ZONING DISTRICT ALONG VALLEY BOULEVARD WITH A CONDITIONAL USE PERMIT, INCREASING THE DURATION OF TIME EXTENSIONS FOR ENTITLEMENT PROJECTS FROM ONE TO TWO YEARS, REDUCING REQUIRED SETBACKS FOR ACCESSORY STRUCTURES WITHIN THE SINGLE-FAMILY ZONING DISTRICT, ADDING LANGUAGE TO PROVIDE FOR NO NET LOSS REPLACEMENT UNITS TO ADDRESS SENATE BILL (SB) 330, AND CORRECTION OF CERTAIN INCONSISTENCIES AND OUTDATED LANGUAGE.

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

WHEREAS, a notice of the public hearing was published in the local newspaper on Friday, May 6, 2022 and posted at City Hall; and

WHEREAS, on May 17, 2022, the Planning Commission received public testimony on Municipal Code Amendment (MCA) No. 22-004 and determined that this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, because it has not potential for resulting in physical change in the environment, directly or indirectly. The Planning Commission further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed Municipal Code Amendment, including the staff report, and all the information, evidence, and testimony presented at its public hearing on May 17, 2022; and

WHEREAS, the new General Plan includes policies and actions calling for numerous updates to the Municipal Code; and

WHEREAS, State law requires Zoning regulations to be consistent with the General Plan, and therefore updating the Municipal Code would contribute to consistency with the General Plan; and

WHEREAS, the Planning Commission finds that the proposed amendment to the Municipal Code is consistent and compatible with the General Plan, and that the updates directly implement General Plan goals, policies, objectives, the Housing Element policies, and the Zoning and Development Code; and

WHEREAS, the Planning Commission finds that the proposed amendment to Chapters 26 and 30 of 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 amendment to the Municipal Code (Exhibit “A”) will not be detrimental to the public health, safety, and general welfare, and will not adversely affect the orderly development of property, and will better express the City’s policies, and generally promote good land use planning and regulation.

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 Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, because it has not potential for resulting in physical change in the environment, directly or indirectly. The Planning Commission further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; therefore, a Notice of Exemption has been prepared.

Section 3. That the Planning Commission recommends that the City Council adopt an ordinance approving Municipal Code Amendment (MCA) No. 22-004 which amends the Municipal Code as indicated in “Exhibit A’ and 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 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.

ATTACHMENT NO. 1

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 17th day of May, 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 17th day of May 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

Exhibit A
Municipal Code Amendment No. 22-004
Modifications to Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code)

1. Revise Chapter 26 and Chapter 30 as follows:

Chapter 30 Changes:

**a. Modifications to ARTICLE II – ADMINISTRATIVE PROCEDURES;
DIVISION 4. – HEARING BODIES AND NOTIFICATION:**

TABLE No. 30-22							
Project Type	Reviewing Bodies					Appeal Body	
	DAB	<u>DP</u>	PR	PC	CC	P C	C C
Administrative Site Plan, Amendment	X	X				X	
Administrative Site Plan, Major	X	X				X	
Administrative Site Plan, Minor	X	X				X	
Administrative Site Plan, Modification	X	X				X	
Area Plan	X			Xa	X		
Certificate of Appropriateness					X		
Conditional Use Permit	X			X			X
Conditional Use Permit Amendment	X			X			X
Conditional Use Permit Modification	X			X			X
Density Bonus	X			Xa	X		
Design Review	X			X			X
Design Review, Amendment	X			X			X
Design Review, Modification	X			X			X
Design Review, Signs		X				X	
Director's Determination		X				X	
Development Agreements				Xa	X		
Development Agreements, Amendment				Xa	X		
General Plan Amendments	X			Xa	X		
Home Occupation Permit		X				X	
Lot Line Adjustment		X				X	
Minor Use Permit	X	X				X	
Minor Use Permit, Amendment	X	X				X	
Minor Use Permit, Modification	X	X				X	
Parcel Maps, Tentative	X	X				X	
<u>Finance and Conveyance Maps</u>	<u>X</u>	<u>X</u>					
Parcel Maps, Final		X				X	

ATTACHMENT NO. 1

Park Review	X		Xb	X			X
Specific Plan, Amendment	X			Xa	X		
Temporary Use		X		X			
Tract Maps, Tentative	X			X	X		
Tract Maps, Final					X		
Variances	X			X	X		
Variances, Administrative	X	X				X	
Time Extension, Parcel Map		X				X	
Time Extension, Tract Map				X			X
Time Extension, Projects	X	X				X	
Development Code and Zoning District Map, Amendment	X			Xa	X		

b. Modifications and additions to ARTICLE II – ADMINISTRATIVE PROCEDURES, DIVISION 21.-MAPPING: TENTATIVE PARCEL MAP, TENTATIVE TRACT MAP, AND LOT LINE ADJUSTMENT:

DIVISION 21. - MAPPING: TENTATIVE PARCEL MAP, TENTATIVE TRACT MAP, AND LOT LINE ADJUSTMENT AND FINANCE AND CONVEYANCE MAPS

Subdivision V. - Finance and Conveyance Maps

Sec. 30-302.2 – Finance and Conveyance Maps

- (a) Purpose. The purpose and intent is to provide procedures for the implementation of Government Codes relative to Finance and Conveyance Maps. Specific procedures as outlined in Division 21 of this article and Chapter 26; the administrative procedures are herein.
- (b) Authority. The Director of Planning is authorized to approve or deny finance and conveyance map applications.
- (c) Application. An application for a finance and conveyance map shall be filed with the Planning Department in a manner prescribed by the Director of Planning.
- (d) Development Advisory Board (DAB) review. All application for a Finance and Conveyance Map shall be reviewed by the Development Advisory Board (DAB) to provide recommendation for the project. The recommendation should be incorporated into the project prior to moving forward to the approval body.

ATTACHMENT NO. 1

- (e) Findings for approval. The Director of Planning shall make the findings identified in Chapter 26 before granting approval of a finance and conveyance map application.
- (f) Noticing. Notice of hearings for Finance and Conveyance Maps shall be as set forth in Division 4, of this article herein.
- (g) Hearing. Upon receipt of a complete application for the project a time and place for the hearing before the Director of Planning shall be set.
- (h) Appeal. The decision of the Director of Planning shall be final unless an appeal is filed. An appeal could be made to the Planning Commission as set forth in Division 5, of this article herein.
- (i) Time limitations. Each finance and conveyance map approval granted under this article shall become null and void pursuant to the time limitation identified in Chapter 26.

Chapter 26 Changes:

a. ADD ARTICLE 5: FINANCE AND CONVEYANCE MAPS AND RENUMBER EXISTING ARTICLES:

26-256 General

This article shall govern the filing and processing of tentative maps for finance and/or conveyance purposes. Applications for finance and/or conveyance maps may only be accepted under one of the following criteria:

- (a) The site to be subdivided by the map is already developed, and the proposed map will not create legal building sites upon which new development may occur; or
- (b) A future map for development purposes must be processed in order for any development on the site the property to occur, and this fact is clearly stated on the face of the map; or
- (c) The zoning for the property covered by the map does not permit any development.

26-257 Filing Form

Financing and conveyance maps (collectively referred to as "financing maps") are filed with the Planning Department as specified in Section 30-305.

- (a) Application. Each land divider shall file with the planning department a parcel map application in form, format and content and with the requisite number of parcel maps in accordance with the planning commission adopted submittal requirements established pursuant to section 30-305.
- (b) Filing fees. At the time of filing of the parcel map, the land divider shall pay to the city a filing fee in an amount to be fixed by resolution of the city council.
- (c) Form. Every parcel map filed with the planning department shall adhere to the requirements specified in the parcel map application in effect at the time of submittal.

26-258 Submittal Requirements

The form, content and supplementary information that must accompany a financing and conveyance map application shall conform to the requirements for tentative maps set forth in Section 26-217 except as hereafter provided.

- (a) Notwithstanding the requirements set forth in Section 26-217, the Director of Planning or designee may waive the following requirements in writing if requested in advance by the applicant:
 - (1) internal streets and access ways within the boundary of the map (with concurrence of the City Engineer);
 - (2) dimensions and location of sidewalks and common areas;
 - (3) soils and geology report;
 - (4) energy conservation statement;
 - (5) regional housing needs statement; and/or
 - (6) other submittal requirements set forth in Chapter 26, Subdivisions, or the Subdivision Map Act, provided, the City Engineer determines in advance, in his/her professional judgment, that the proposed map continues to comply with the spirit and intent of the Subdivision Map Act, and Chapter 26.
- (b) The following statement must be clearly printed on the face of the proposed financing map: "FOR FINANCE AND CONVEYANCE PURPOSES ONLY."
- (c) If a future map is required for any development, the face of the map must include the following additional statement: "THIS MAP DOES NOT CREATE A LEGAL BUILDING SITE. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY."

26-259 Review Procedure

- (a) Criteria. The Director of Planning shall base their decision to approve, conditionally approve, or disapprove the proposed financing map on the information required under this article, and any additional information reasonably necessary to determine that the property covered by the map can be feasibly developed under the existing zoning and general plan designations for the site. At a minimum, the Director of Planning should examine the following:
 - (1) Does the parcel (or parcels) of land have access from a public road, or is access both feasible and required by a condition of approval for the proposed map?
 - (2) Do the parcel lines conflict with any public easements?
 - (3) Are there any physical constraints or other issues which may affect the feasibility of future development on the site (e.g. vehicular access, utility service extensions)? If necessary in order to adequately evaluate the map, additional technical studies (e.g. access study) should be required prior to finding the application complete.
 - (4) Does the map provide sufficient information on future uses and feasibility of future uses to ensure consistency with the general plan and zoning designations for the site?
 - (5) Is the site suitable for the future permitted or proposed uses?

- (6) Does the map provide sufficient information on the subdivision design and future improvements to evaluate its potential impact on the environment in compliance with the California Environmental Quality Act?
 - (7) Does the map provide sufficient information to evaluate and ensure that the subdivision design will not cause future conflicts with public easements?
 - (8) Is there sufficient information on the subdivision design and future improvements to enable the City to determine whether the map complies with applicable water quality standards?
- (b) Findings. The Director of Planning must make the following findings to approve financing and conveyance maps.
- (1) That the proposed map is consistent with applicable general plan, specific plans and the municipal code.
 - (2) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - (3) That the site is physically suitable for the type of development.
 - (4) That the site is physically suitable for the proposed density of development.
 - (5) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
 - (6) That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
 - (7) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
- (c) Mandatory Conditions of Approval. In addition to the standard subdivision conditions of approval applied to all maps for development purposes, the following conditions of approval shall apply to all financing maps:
- (1) Any submittal requirements which were waived in connection with the financing map in accordance with the definition listed below shall be submitted concurrently with the first discretionary application for development of the site covered by the map (i.e. with an application for a future map, a conditional use permit, or specific plan).
 - (2) This map is approved for financing and land conveyance purposes only. No applications for building or grading permits shall be accepted for the parcel or parcels created by this map until a future map/conditional use permit/specific plan/or other entitlement for development has been approved by the City.

b. Renumber Articles:

ARTICLE ~~V~~VI. - STORM DRAINAGE BENEFIT AREA FEES

ARTICLE VII. - REVERSION TO ACREAGE AND COMBINING PARCELS

ATTACHMENT NO. 1

2. Revise Chapter 30, Article VI, Division 3 Related to Truck and Trailer Sales

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

ATTACHMENT NO. 1

Garden Furniture and Supplies Store	P*	P*	P*
Glass or Mirror Store	P	P	P
Grocery, Fruit, Vegetable, Meat, Fish, Poultry, or Delicatessen Store,	P	P	C
Hardware Store	P*	P*	P*
Hobby Supplies Store	P	P	P
Home Furnishing Store	P	P	P
Household Appliance Store	P	P	P
Ice Cream Store	P	P	P
Ice Storage Locker (if not more than five-ton capacity)	P	P	P
Interior Decorating Shop	P	P	P
Jewelry and Coin Store	P	P	P
Liquor Store	C	C	C
Micro-Brewery	—	C	C
Newsstand	P	P	P
Novelties Store	P	P	P
Nursery, Plant (includes statuary sales)	P*	P*	P*
Paint and Wallpaper Shop	P	P	P
Pawn Shop	—	C	C
Pet Boarding	—	M	—
Pet Shop	P	P	P
Plumbing Supply Store	—	P	P
Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales)	P	P	P
Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted.	P*	P*	P*
Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted.	C*	C*	C*
Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. (See Section No. 30-492 For Alcoholic Beverage Sales)	C	C	C
Restaurant, Drive-Thru and Take Out	P*	P*	P*

ATTACHMENT NO. 1

Secondhand Store	—	P	P
Shoe Store	P	P	P
Smoke/Tobacco Shop and Vape Shop	C	C	C
Sporting Goods Store	P	P	P
Swap Meet (Indoor/outdoor)	—	—	—
Tattoo Establishments	P*	P*	P*
Trailer and Mobile Home Sales and Rental	—	P*	C
<u>Truck and Trailer Sales</u> <u>(Valley Boulevard only)</u>	<u>=</u>	<u>C</u>	<u>=</u>
<u>Wholesale Auto Sales (requires one stall)</u>	C	C	—
Warehousing Sales, Retail	C	P*	P*
Warehousing Sales, Wholesale	—	C	P*

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

4. Truck and Trailer Sales

- a. Truck and trailer sales and associated accessory repair shall only be located fronting Valley Boulevard within the General Commercial (C-2) zoning district.
- b. The use must be on a stand-alone parcel with a building on the same parcel associated with the business.
- c. All display of truck or truck and trailer shall be set back behind landscaped areas and shall not be located on required parking areas.
- d. The entire area used for display purposes shall be surfaced with asphalt or an equally serviceable hard pavement surface. The surface shall be maintained in good condition.
- e. Outdoor display areas shall be maintained in a neat and orderly condition.
- f. All parts, accessories, etc. shall be stored within a fully enclosed structure.
- g. No amplified speaker systems shall be used outside.
- h. All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way.
- i. Only ancillary repair shall occur within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way or freeway.

- j. **Off-street parking requirements shall adequately accommodate all on-site uses including showroom, office, parts and service areas, as well as employee and customer parking.**

3. Revise Chapter 30, Article V, Division 4 Related to Accessory Structure Setbacks

Table No. 30-434 Residential Development Standards						
	R-E	R-1	R-2	R-2	R-3	R-PC
Maximum permitted number of dwelling units per adjusted gross acre	2.0	5.0	7.6 detached	12.0 attached or multi-family	12.0-24.0	3.0
Lot Dimensions, Lot Size, and Lot Coverage						
Minimum width @ required front setback	80-foot	60-foot	50-foot	N/A	N/A	70-foot
Minimum width @ front P/L	80-foot	60-foot	50-foot	200-foot	200-foot	70-foot
Minimum flag lot frontage @ front P/L	N/A	N/A	N/A	N/A	N/A	N/A
Minimum depth	150-foot	100-foot	90-foot	300-foot	300-foot	100-foot
Minimum lot size (sq. ft.) (r)	21,780	6,000 with an average of 7,200	5,000 with an average 5,445	5 acres	5 acres	10,000
Maximum lot coverage (as a percent of adjusted gross acreage of total site)	45%	45%	50%	50%	50%	45%
Single-Family Minimum Dwelling Unit Size						
Minimum dwelling unit size (sq. ft.), one-story	2,000	1,200	1,200	Multi-Family Minimum Dwelling Sizes below	Multi-Family Minimum Dwelling Sizes below	2,000
Minimum dwelling unit size (sq. ft.), two-story (e)	2,000	1,200	1,200	Multi-Family Minimum Dwelling Sizes below	Multi-Family Minimum Dwelling Sizes below	2,000
Minimum dwelling unit size (sq. ft.) in-fill development, one- and two-story (e)	N/A	1,200	1,200	N/A	N/A	N/A

ATTACHMENT NO. 1

Minimum dwelling unit size (sq. ft.) affordable/ density, one- and two-story	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus
Multiple-Family Minimum Dwelling Size (Standard)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	N/A
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	N/A
Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	N/A
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	N/A
Multiple-Family Minimum Dwelling Size (Seniors)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	550 sq. ft.
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	700 sq. ft.
Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	900 sq. ft.
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	1,000 sq. ft.
Multiple-Family Minimum Dwelling Size (Affordable)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	N/A
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	N/A
Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	N/A
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	N/A
Maximum Building Heights						
Single-Family	35-foot	35-foot	35-foot	N/A	N/A	35-foot
Multi-Family	N/A	N/A	N/A	55-foot	55-foot	N/A
Single-Family Setbacks Building to P/L						
Front	30-foot	22-foot	22-foot	N/A	25-foot	25-foot
Side, Interior Two Story	15-foot	5-foot min./15-foot aggregate	5-foot	N/A	5-foot min./15-foot aggregate	5-foot min./20-foot aggregate
Side, Interior Single-Story	15-foot	5-foot	5-foot	N/A	N/A	5-foot min./20-

ATTACHMENT NO. 1

						foot aggregate
Side, Corner lot	15-foot	10-foot	10-foot	N/A	10-foot	15-foot
Rear	30-foot	20-foot	20-foot	N/A	20-foot	20-foot
Single-Family General Patio and Enclosed Patio Setbacks						
Rear	15-foot	10-foot	6-foot	6-foot	10-foot	15-foot
Side	15-foot	See (3)	5-foot	N/A		
Single-Family one-story open sided patios of 200 square feet and less. See Note (3).						
Rear		3-foot	3-foot	3-foot		
Side		3-foot	3-foot	3-foot		

Notes:

- (1) Minimum width of cul-de-sac lots and "knuckles" shall be 42 linear feet as measured at the property line. The Planning Commission may reduce this minimum requirement provided the applicant submits the tentative tract map and design review concurrently along with a plotting exhibit (showing the footprint and driveway of each dwelling unit located on a cul-de-sac or knuckle) demonstrating parking compliance to the satisfaction of the Director of Community Development.
- (2) For single-family residential lots, the Planning Commission may vary the minimum lot width or depth by ten percent for particular lots, due to unique or special circumstances, and/or parcel of unusual configuration. For lots located on a cul-de-sac or knuckle, the lot depth can be calculated by averaging both side property lines provided the average is not less than the specified lot depth for that zoning district.
- (3) Side setbacks for patios in the R-1, R-2, and R-PC shall be consistent (equal to or greater) with the side setbacks for any existing dwelling unit, **excepting that for one-story open sided detached patio covers of 200 square feet or less in R-1, R-2, and R-PC, the setback shall be no less than three feet to the rear property line and no less than three feet to the interior side property line.**
- (4) Each dwelling unit built within any residential zoning district shall provide a minimum one-half bath ("powder room"), consisting of at least a water closet (toilet) and sink, on the first or ground floor when such first or ground floor contains habitable living space.

5. Revise Chapter 30, Article II, Divisions 10-13 and 16

Section No. 30-85 - Time Limitations

Each Administrative Site Plan approval granted under this Section shall become null and void two (2) years after the date of approval; unless:

1. The appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within this period.
2. **A one time (2) year extension may be granted by the Director of Planning provided there are no changes to the originally approved site plan and elevations.**

~~A one-time one (1) year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations.~~

Section No. 30-95 - Time limitations.

Each Administrative Site Plan, Minor approval granted under this Section shall become null and void two (2) years after the date of approval; unless:

1. The appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within this period.
2. **A one time (2) year extension may be granted by the Director of Planning provided there are no changes to the originally approved site plan and elevations.**

~~A one-time one (1) year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations.~~

Section No. 30-105 - Time limitations.

Each Administrative Site Plan Amendment approval granted under this Section shall become null and void two (2) years from the date of original approval; unless:

1. The appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within this period.
2. **A one time (2) year extension may be granted by the Director of Planning provided there are no changes to the originally approved site plan and elevations.**

~~A one-time one (1) year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations.~~

Section No. 30-115 - Time limitations.

Each Administrative Site Plan, Modification approval granted under this Section shall become null and void two (2) years after the date of approval; unless:

1. The appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within this period.
2. **A one time (2) year extension may be granted by the director of Planning provided there are no changes to the originally approved site plan and elevations.**

~~A one-time one (1) year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations.~~

Section No. 30-124 - Time limitations.

Each Design Review approval granted under this Article shall become null and void two (2) years after the date of approval, unless:

1. The appropriate permits have been obtained and construction, defined permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within the two (2) years period.
2. A vesting tentative tract or parcel map is approved concurrently with the Design Review item. In such cases, the Design Review approval period shall be valid pursuant to the time limits prescribed by Division No. 11, of this Article herein.
3. **Any valid Design Review in effect at the date of adoption of this Section shall remain valid for a period of two (2) years from the date of that design review approval. A one (1) time two (2) year extension may be granted by the Director of Planning provided there are no changes to the originally approved site plan and elevations. An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.**

~~Any valid Design Review in effect at the date of adoption of this Section shall remain valid for a period of two (2) years from the date of that design review approval. A one (1) time one (1) year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations. An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.~~

Section No. 30-133 - Time limitations.

Each Design Review, Amendment approval granted under this Article shall become null and void two (2) years from the date of original approval, unless:

1. The appropriate permits have been obtained and construction, defined permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within the two (2) years period.
2. A vesting tentative tract or parcel map is approved concurrently with the design review item. In such cases, the design review approval period shall be valid pursuant to the time limits prescribed by Division No. 11.

3. Any valid Design Review, Amendment in effect at the date of adoption of this Section shall remain valid for a period of two (2) years from the date of that design review approval. A one (1) time two (2) year extension may be granted by the Director of Planning provided there are no changes to the originally approved site plan and elevations. An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.

~~Any valid Design Review, Amendment in effect at the date of adoption of this Section shall remain valid for a period of two (2) years from the date of that design review approval. A one (1) time one (1) year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations. An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.~~

Section No. 30-144 - Time Limitations.

Each Design Review, Modification approval granted under this Article shall become null and void two (2) years from the date of approval, unless:

1. The appropriate permits have been obtained and construction, defined permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within the two (2) years period.
2. A vesting tentative tract or parcel map is approved concurrently with the Design Review item. In such cases, the design review approval period shall be valid pursuant to the time limits prescribed by Division No. 11.

3. **Any valid Design Review, Modification in effect at the date of adoption of this Section shall remain valid for a period of two (2) years from the date of that design review approval. A one (1) time two (2) year extension may be granted by the Director of Planning provided there are no changes to the originally approved site plan and elevations. An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.**

~~Any valid Design Review, Modification in effect at the date of adoption of this Section shall remain valid for a period of two (2) years from the date of that design~~

ATTACHMENT NO. 1

~~review approval. A one (1) time one (1) year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations. An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.~~

Section No. 30-154 - Time limitations.

Any Conditional Use Permit granted pursuant to the provisions of this division is conditional upon the permittee proceeding with a good faith intent to commence upon the proposed use within two (2) years months after the effective date of the approval. No permittee shall obtain any right solely by reason of such conditional use permit issuance, unless and until such good faith intent to commence upon the proposed use is evidenced. Evidence of a good faith intent to commence upon the proposed use shall consist solely of the following, as applicable:

1. For a Conditional Use Permit for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the Conditional Use Permit has commenced within such time period.
2. In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the conditional use permit item, the final map has been recorded within such time period.
3. In addition, for a Conditional Use Permit for which a building permit is required to comply with any condition of the conditional use permit, all appropriate building permits have been obtained and construction (defined as permit obtainment, commencement of construction of the primary building on-site, and successful completion of the first Building and Safety Division inspection) has commenced within such time period.
4. An extension of up to two (2) years beyond the initial time period provided in subparagraph (a) may be granted by the Director of Planning upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Department for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Planning's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.

~~An extension of up to one (1) year beyond the initial time period provided in subparagraph (a) may be granted by the Director of Community Development upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Division for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Community Development's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.~~

Section No. 30- 164 - Time Limitations.

Any Conditional Use Permit Amendment granted pursuant to the provisions of this division is conditional upon the permittee proceeding with a good faith intent to commence upon the proposed use within two (2) years months after the effective date of the approval. No permittee shall obtain any right solely by reason of such conditional use permit issuance, unless and until such good faith intent to commence upon the proposed use is evidenced. Evidence of a good faith intent to commence upon the proposed use shall consist solely of the following, as applicable:

1. For a Conditional Use Permit Amendment for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the Conditional Use Permit Amendment has commenced within such time period.
2. In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the Conditional Use Permit Amendment item, the final map has been recorded within such time period.
3. In addition, for a Conditional Use Permit Amendment for which a building permit is required to comply with any condition of the conditional use permit, all appropriate building permits have been obtained and construction (defined as permit obtainment, commencement of construction of the primary building on-site, and successful completion of the first Building and Safety Division inspection) has commenced within such time period.
4. **An extension of up to two (2) years beyond the initial time period provided in subparagraph (a) may be granted by the Director of Planning upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Department for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Planning's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.**

~~An extension of up to one (1) year beyond the initial time period provided in subparagraph (a) may be granted by the Director of Community Development upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Division for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Community Development's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.~~

Section No. 30- 173 - Time Limitations.

Any Conditional Use Permit Modification granted pursuant to the provisions of this division is conditional upon the permittee proceeding with a good faith intent to commence upon the proposed use within two (2) years months after the effective date of the approval. No permittee shall obtain any right solely by reason of such Conditional Use Permit Modification issuance, unless and until such good faith intent to commence upon the proposed use is evidenced.

Evidence of a good faith intent to commence upon the proposed use shall consist solely of the following, as applicable:

1. For a Conditional Use Permit Modification for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the conditional use permit has commenced within such time period.
2. In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the conditional use permit item, the final map has been recorded within such time period.
3. In addition, for a Conditional Use Permit Modification for which a building permit is required to comply with any condition of the conditional use permit, all appropriate building permits have been obtained and construction (defined as permit obtainment, commencement of construction of the primary building on-site, and successful completion of the first Building and Safety Division inspection) has commenced within such time period.
4. **An extension of up to two (2) years beyond the initial time period provided in subparagraph (a) may be granted by the Director of Planning upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Department for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Planning's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.**

~~An extension of up to one (1) year beyond the initial time period provided in subparagraph (a) may be granted by the Director of Community Development upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Division for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Community Development's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.~~

Section No. 30-182 - Time Limitations

Any Minor Use Permit granted pursuant to the provisions of this division is conditional upon the permittee proceeding with a good faith intent to commence upon the proposed use within two (2) years after the effective date of the approval. No permittee shall obtain any right solely by reason of such minor use permit issuance, unless and until such good faith intent to commence upon the proposed use is evidenced. Evidence of a good faith intent to commence upon the proposed use shall consist solely of the following, as applicable:

1. For a Minor Use Permit for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the Minor Use Permit has commenced within such time period.
2. In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the minor use permit, the final map has been recorded within such time period.

ATTACHMENT NO. 1

3. In addition, for a Minor Use Permit for which a building permit is required to comply with any condition of the minor use permit, all appropriate building permits have been obtained and construction (defined as permit obtainment, commencement of construction of the primary building on-site, and successful completion of the first Building and Safety Division inspection) has commenced within such time period.
4. **An extension of up to two (2) years beyond the initial time period provided in subparagraph (a) may be granted by the Director of Planning upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Department for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Planning's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.**
~~An extension of up to an additional one (1) year beyond the initial time period provided in subparagraph (a) may be granted by the Director of Community Development upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit should submit a written request to the Planning Division for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Community Development's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.~~

Section No. 30-201 - Time Limitations.

Any Minor Use Permit Modification granted pursuant to the provisions of this division is conditional upon the permittee proceeding with a good faith intent to commence upon the proposed use within two (2) years after the effective date of the approval. No permittee shall obtain any right solely by reason of such minor use permit issuance, unless and until such good faith intent to commence upon the proposed use is evidenced. Evidence of a good faith intent to commence upon the proposed use shall consist solely of the following, as applicable:

1. For a Minor Use Permit Modification for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the Minor Use Permit has commenced within such time period.
2. In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the minor use permit, the final map has been recorded within such time period.
3. In addition, for a Minor Use Permit Modification for which a building permit is required to comply with any condition of the minor use permit, all appropriate building permits have been obtained and construction (defined as permit obtainment, commencement of construction of the primary building on-site, and successful completion of the first Building and Safety Division inspection) has commenced within such time period.
4. **An extension of up to two (2) years beyond the initial time period provided in subparagraph (a) may be granted by the Director of Planning upon a showing by the applicant of unavoidable delay not caused by the applicant. An**

ATTACHMENT NO. 1

applicant for an extension of this time limit must submit a written request to the Planning Department for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Planning's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.

~~An extension of up to an additional one (1) year beyond the initial time period provided in subparagraph (a) may be granted by the Director of Community Development upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit should submit a written request to the Planning Division for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Community Development's decision shall be made to the Planning Commission as set forth in Division 4, herein.~~

Section No. 30-225 – Application

Applications for Director's Determination shall be filed with the Planning Division upon such forms and accompanied by such data, information, and fees as may be required by the Planning Division, to insure a full presentation of the facts. No application shall be considered by the **Director of Planning Planning Commission** until the application is determined to be complete and all required fees have been paid to the City.

In reaching a determination that a use not specifically listed in this chapter may be permitted or conditionally permitted in each of the various zones, the Director shall make the following specific findings in writing:

1. That the proposed use is consistent with the applicable general plan map and text, the zoning district, and all other provisions of the Zoning and Development Code.
2. That the proposed use will be compatible with other permitted and conditionally permitted uses in the zoning district and that there will be no reasonably foreseeable adverse effect to other surrounding properties or their permitted uses.
3. That the proposed use will be organized, designed, constructed, operated and maintained so as to be compatible with the character of the zoning district and surrounding zoning districts as intended by the General Plan and Zoning and Development Code.
4. The proposed use is of a type, character, size, scale and nature which is compatible, conforming and otherwise harmonious with other like and similar uses, especially as related to operational characteristics such as services offered, goods, products, hours of operation, traffic and noise generation, and any other characteristic which by its existence provides factual information pertinent to the Director's Determination.

6. Add Article XV to Chapter 30

Article XV No Net Loss Program

Sections:

30-965 Purpose and authority.

30-966 Definitions.

30-967 Requirements.

30-968 Types of Bonuses and Incentives Allowed.

30-969 Development Standards.

30-970 Processing of No Net Loss Program Requests.

30-971 No Net Loss Program Density Bonus Agreement.

30-972 Implementation.

30-973 Fee

Sec. 30-965 - Purpose and authority

The City desires to ensure its compliance with Senate Bill 330 (SB330) and establish a no Net Loss Program for certain residential projects. This Chapter provides, concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, the proposed Section will ensure that there is no net loss of residential capacity within the City as required by SB330.

On October 9, 2019, the California Legislature adopted SB330 which, among other things, adopted Government Code Section 66300, declared a housing crisis in the State of California and imposed certain requirements designed to streamline the construction of new housing, and prevent the loss of existing housing and land available for future residential use, unless the city concurrently changes the development standards, policies, and conditions applicable to other areas of the affected jurisdiction to ensure no net loss in residential capacity. SB330 became effective on January 1, 2020.

Sec. 30-966 - Definitions.

Except as otherwise expressly set forth herein, the following words and terms as used in this Chapter shall have the following meanings:

Density Bonus. A density increase of up to those percentages above the otherwise maximum residential density as specified in this Chapter.

Density Bonus Housing Agreement. A legally binding agreement between a developer of a Housing Development and the City containing such terms and conditions as determined by the City Attorney, which ensures that the requirements of this Chapter are satisfied.

Density Bonus Units. Those residential units granted pursuant to the provisions of this Chapter, that exceed the maximum residential density for the development site and that are available in the Unit Bank.

Housing Development. Construction projects consisting of five or more residential units or Lots, including single-family and multifamily, that are proposed to be constructed pursuant to this Chapter.

Lot. (1) a Lot when shown as a delineated Lot of land with a number or other designation on a parcel map or tract map and not to be used for the common benefit of other Lots recorded in the Office of the County Recorder of San Bernardino County and legally created under the Subdivision Map Act ; (2) a Lot of land held under separate ownership from adjacent property that constitutes a legal lot under applicable Law.

Maximum Residential Density. The maximum number of residential units permitted by the City's General Plan Land Use Element and Zoning and Development Code, applicable to the subject property at the time an application for the construction of a Housing Development is deemed complete by the City, excluding the additional units permitted by this Chapter.

Director of Planning. The Director of Planning of the City.

Unit Bank. The number of units available to the No Net Loss Program as a result of a change of zone from a residential use to a less intensive residential use or a non-residential use. The Director of Planning, or his or her designee, shall have the sole authority to administer and maintain the Unit Bank balances, credits and availability as he or she determines, which determination shall be final.

Sec. 30-967 - Requirements.

The City shall grant a density bonus through the No Net Loss Program to projects which meet the following criteria:

A. The project is on a parcel of at least one acre, or the applicant is processing an application concurrently with a parcel merger of two or more Lots or more which will create a Lot of not less than one-acre.

B. The project takes place in one of the following residential zones in the City:

a. Residential Estate (R-E)

b. Single-Family Residential (R-1)

c. Medium-Density Residential (R-2)

d. High-Density Residential (R-3)

e. Multi-Family/Medium-High Residential (R-4)

f. Multi-Family/High Residential (R-5)

g. Residential Planned Community (R-PC)

C. In determining the number of Density Bonus Units to be granted pursuant to this Section, the maximum allowable residential density for the site shall be calculated as follows:

a. Multiplying the maximum density allowed under the applicable zoning designation and multiplying the result by 1.2 for a 20 percent density bonus. If the result, including the density bonus, contains a fraction of a unit, the number of allowable units shall be determined by rounding down to the nearest whole number if the fraction is below 0.5. Calculations containing fractions of 0.5 or above shall be rounded up.

b. Density bonuses in the No Net Loss Program can be combined with other density bonus programs as established in Article II, Division 25 – Density Bonus of the Fontana Municipal Code.

c. In no case shall the number of No Net Loss/Density Bonus Units awarded under the No Net Loss Program exceed the number of units in the Unit Bank.

d. In no case shall the number of No Net Loss/Density Bonus Units approved by the City Council to be available in the Unit Bank exceed 1,200 units.

D. City Council approval, concurrent with approval of any change of zone from a residential use to a less intensive residential use or a non-residential use, is required for transfer of units into the No Net Loss/Density Bonus Unit Bank.

E. A No Net Loss/Density Bonus Agreement shall be required for any project seeking a density bonus as part of the No Net Loss Density Bonus Program.

F. The Planning Department shall publish the available number of units available in the Unit Bank on the Planning Department's page on the City's website.

Sec. 30-968 - Types of Bonuses Allowed.

A. Density Bonus. The density bonus allowed by this Chapter shall consist of those density increases specified in Section 30-967 above the maximum residential density applicable to the site as of the date of the project land use permit application.

B. Mixed use zoning allows the Housing Development to include nonresidential uses. Approval of mixed-use activities in conjunction with the No Net Loss program is permissible if authorized

elsewhere under the Fontana Municipal Code and subject to those requirements. A density bonus will be granted only for the residential portion of a mixed use development.

Sec. 30-969 - Development Standards.

All development standards for the base zone and/or overlay district shall be met. Granting of a density bonus does not constitute approval of or grounds for modification or waiver of any development standard or other requirement of the Fontana Municipal Code.

Sec. 30-970 - Processing of No Net Loss Program Requests.

An Application which proposes to change a land use designation or zoning ordinance to a less intensive use may request concurrent approval by the City Council to transfer the unit reduction to a No Net Loss Density Bonus Bank for the purpose of complying with SB330.

An Application which proposes to utilize units available in the No Net Loss Density Bonus Unit Bank shall submit an application for any No Net Loss program project in conjunction with the permit and entitlement application submittal package required for the project. A density bonus request pursuant to this Chapter shall be processed as part of the greater application for development. The process for obtaining preliminary approval of the Density Bonus Housing Agreement, shall be as follows:

A. Filing. An applicant proposing a Housing Development pursuant to this chapter shall submit an application for a Density Bonus Housing Agreement as part of the submittal of any formal request for approval of a Housing Development. The application, whether a pre-application or a formal application, shall include:

1. A brief description of the proposed Housing Development, including the total number of units, and Density Bonus Units proposed;

2. The zoning and General Plan designations and assessor's parcel number(s) of the project site;

3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways, and parking layout; and

4. If an additional incentive or program available under the Fontana Municipal Code or the Housing Element is requested, a description of why the additional incentive or program is applicable to the Density Bonus Units.

5. Any additional information and submittal requirements as noted on the Master Planning Application.

B. Review of No Net Loss Density Bonus Program Request.

1. Within 90 days of receipt of the application for a No Net Loss Program the City shall provide to an applicant a letter, which identifies project issues of concern, and the procedures for compliance with this Chapter.

Sec. 30-971 - No Net Loss Program Density Bonus Agreement.

A. The terms of the draft density bonus agreement (Agreement) shall be reviewed and revised as appropriate by the Director of Planning and the City Attorney who shall formulate a recommendation to the project's approval authority for final approval.

B. At a minimum, the Agreement shall include the following:

1. The total number of units proposed within the Housing Development;

2. A schedule for completion and occupancy of the units;

3. A description of remedies for breach of the Agreement by either party; and

4. Any other provisions to ensure implementation and compliance with this chapter and other density bonus provisions established in Division 25 of the Fontana Municipal Code, as applicable, including but not limited to:

a. A description of the household income group to be accommodated by the Housing Development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;

b. The location, unit sizes (square feet), and number of bedrooms of density bonus units; and,

c. Tenure of use restrictions for density bonus units.

Sec. 30-972 - Implementation.

A. The provisions of this Chapter shall be administered by the Planning Department.

B. Projects requesting density bonus through the No Net Loss Program are subject to processing through the requirements in this Chapter.

Sec. 30-973 - Fee.

The City Council has set by resolution application fees for the submissions required by this Chapter. The fees set by the resolution of the City Council with regards to this section shall not exceed the amount reasonably necessary for the City to perform the services provided under this Chapter.

NOTICE OF EXEMPTION

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

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

Project Title: Master Case No. 22-049
Municipal Code Amendment No. 22-004

Project Location - Specific: Citywide
(a) Project Location - City: Fontana, CA
(b) Project Location - County: San Bernardino

1. Description of nature, purpose, and beneficiaries of Project: Municipal Code Amendment No. 22-004 is a request to update Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code by providing updated standards, explore flexibility in site design regulations and address time saving effectiveness. Additional updates include identifying inconsistencies, outdated language and formatting.
2. Name of Public Agency approving project: City of Fontana
3. Name of Person or Agency carrying out project: City of Fontana
4. Exempt status: (Check one)
 - (a) ☐ Ministerial project.
 - (b) ☐ Not a project.
 - (c) ☐ Emergency Project.
 - (d) ☒ Categorical Exemption. State type and class number: Exempt under 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.
 - (e) ☐ Declared Emergency.
 - (f) ☐ Statutory Exemption. State Code section number: _____
 - (g) ☐ Other. Explanation: _____
5. Reason why project was exempt: This project is a citywide code update to Chapter 26 and Chapter 30 of the Fontana Municipal Code. There is no associated development with this project.
6. Contact Person: George Velarde, Assistant Planner Telephone: (909) 350-6569

Date Received for Filing: _____

Rina Leung
Senior Planner

(Clerk Stamp Here)

ATTACHMENT NO. 2



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 No. 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. 22-049 and Municipal Code Amendment No. 22-004: Update to the City of Fontana Municipal Code for amendments to Chapter 26 Subdivisions and Chapter 30 Zoning and Development Code to provide updated standards, flexibility in site design regulations, and address time saving effectiveness. Updates to Chapter 26 include the addition of provisions pertaining to subdivision and conveyance maps. Updates to Chapter 30 to allow Truck Sales within the General Commercial C-2 Zoning District along Valley Boulevard with a Conditional Use Permit (CUP) application, modify the recommended distance requirement for new Alcoholic Beverage Control (ABC) licenses, reduce required setbacks for residential accessory structures within the Single-Family R-1 Zoning District, and add language for density bonuses/replacement units to address Senate Bill 330 no net loss provisions. The Planning Commission will review and forward a recommendation to the City Council for the proposed project.

**Environmental
Determination:**

This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, because it has not potential for resulting in physical change in the environment, directly or indirectly. The Planning Commission further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Location: Citywide

Date of Hearing: May 17, 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 George Velarde, Assistant Planner, at (909) 350-6569 or gvelarde@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. PLEASE CONTACT THE PLANNER LISTED ABOVE.

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

Publish:
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City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1391
Agenda #: DC-A

Agenda Date: 5/17/2022
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: May 17, 2022

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

<u>CITY COUNCIL MAY 24, 2022</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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No items listed for this meeting, as of the date of this memo.

<u>CITY COUNCIL JUNE 14, 2022</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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No items listed for this meeting, as of the date of this memo.

<u>CITY COUNCIL JUNE 28, 2022</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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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: Agenda for Upcoming Planning Commission Items

DATE: May 17, 2022

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

<u>PLANNING COMMISSION JUNE 7, 2022</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. MCN#22-033; CUP#22-010 Well Relax Massage Establishment 13451 Baseline Ave.	Jon Dille	Public Hearing
1. MCN#21-047; DRP#21-019; TTM No. 20546 (TPM No. 22-003) 8 Unit Condominiums 16385 Valencia Ave.	George Velarde	Public Hearing
<u>PLANNING COMMISSION JUNE 21, 2022</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
1. MCN#18-097R1; DPR#21-032 12 SFR with 12 Detached ADUs and 4 Jr. ADUs 8893 Encinitas Ave.	Jon Dille/ Nicole Campbell	Public Hearing