8353 Sierra Avenue Fontana, CA 92335



Regular Agenda

Resolution PC No. 2022-037

Tuesday, September 20, 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 September 6, 2022.

CC-A Approval of Minutes of September 6, 2022.

21-1729

Attachments: Draft Planning Commission Minutes of September 6, 2022

Approve Consent Calendar Item as recommended by staff.

PUBLIC HEARINGS:

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

All Public Hearings will be conducted following this format:

(a) hearing opened (e) oral - favor

(b) written communication (f) oral - opposition

(c) council/staff comments (g) hearing closed

(d) applicant comments

PH-A Master Case No. 22-068; General Plan Amendment No. 22-006 and Zone Change No. 22-008 - A request to amend the general plan land use map and zoning district map in order to provide consistency and cohesiveness for parcels 0241-051-02, -13, -16 and -32 and development sites in the immediate vicinity.

<u>21-1694</u>

REQUEST:

Staff is requesting that this item be continued to the October 4, 2022 Planning Commission Meeting.

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner

Attachments: Memorandum to Planning Commission

PH-B Master Case No. 22-034 and Conditional Use Permit 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.

21-1382

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 the proposed project is exempt pursuant to Section 15301 Class 1, (Existing Facilities) of the California Environmental Quality Act (CEQA) and Section 3.22 of the 2019 Local Guidelines for implementing CEQA, and direct staff to file a Notice of Exemption; and,
- 2. Approve Conditional Use Permit No. 22-011.

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: Attachment No. 1 - Vicinity Map

Attachment No. 2 - Floor Plan

Attachment No. 3 - Resolution, Findings and Conditions of

Approval

Attachment No. 4 - Notice of Exemption

Attachment No. 5 - Notice of Public Hearing

PH-C Master Case No. 21-127; Tentative Tract Map No. 20431 (TTM No. 21-011) - a proposal to consolidate four lots totaling approximately 4.4 adjusted gross acres into one parcel for condominium purpose, and Design Review No. 20-050 - a proposal to construct a new 82-unit condominium complex within 27 two-story buildings totaling approximately 128,000 square feet.

<u>21-1647</u>

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 - : 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 Tentative Tract Map No. 20431 and Design Review No. 21-050.

APPLICANT:

MCO Development, Inc. One Venture, Suite 130 Irvine, CA 92618

LOCATION:

The project site is located on the west side of Cherry Avenue approximately 250-foot south of the southwest corner of the intersection of Foothill Boulevard and Cherry Avenue, the project site is otherwise identified as 8160, 8180, and 8194 Cherry Ave (APNs: 0230-051-39, -40, -41, and -42).

PROJECT PLANNER:

Jon S. Dille, Associate Planner

Attachments: Attachment No. 1 - Vicinity Map

Attachment No. 2 - Planning Commission Resolution, Findings,

and Conditions of Approval

Attachment No. 3 - Tentative Tract Map 20431

Attachment No. 4 - Project Plans

Attachment No. 5 - Notice of Exemption
Attachment No. 6 - Public Hearing Notice

PH-D Master Case No. 22-109 and Design Review Sign No. 22-041 - a request to establish a sign program for the Northgate Plaza located on approximately 7.04 acres.

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 the proposed project is exempt pursuant to Section 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, and

21-1618

direct staff to file a Notice of Exemption; and,

2. Approve Design Review Sign No. 22-041

APPLICANT:

Promotional Signs, Inc. 3301 S. Susan St. Santa Ana, CA 92704

LOCATION:

9630 Sierra Avenue and 16856 San Bernardino Avenue (APN: 0193-251-43 and -44)

PROJECT PLANNER:

Alexia De La Torre, Assistant Planner

Attachments: Attachment No. 1 - Vicinity Map

Attachment No. 2 - Project Plans

Attachment No. 3 - Planning Commission Resolution, Findings

and Conditions of Approval

Attachment No. 4 - Notice of Exemption

Attachment No. 5 - Notice of Public Hearing

PH-E Master Case No. 22-110 and Municipal Code Amendment No. 22-007 - Fontana Municipal Code amendment to Chapter 2 (Administration), (Chapters 9 (Environmental Protection and Resource Extraction) Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities).

RECOMMENDATION:

Based on the information in the staff report staff recommends that the Planning Commission adopt Resolution PC No. 2022-___; and,

1. Determine that this Ordinance is categorically exempted pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, 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

21-1699

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. 22-007 to amend Chapter 2, Chapter 9, Chapter 25, Chapter 26, Chapter 30, and Chapter 33 of the Municipal Code.

APPLICANT:

City of Fontana 8353 Sierra Avenue Fontana, CA 92335

LOCATION:

Citywide

PROJECT PLANNER:

Salvador Quintanilla, Senior Planner

Attachments: Attachment No. 1 - Planning Commission Resolution

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 21-1730 Commission.

An update of future City Council agenda items for September 27, 2022 and October 11, 2022 for the Planning Commission's information.

An update of future Planning Commission agenda items for October 4, 2022 and October 18, 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 October 4, 2022 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



8353 Sierra Avenue Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1729
Agenda #: CC-A
Agenda Category: Consent Calendar

FROM: Planning

TITLE:

Approval of Minutes

RECOMMENDATION:

Approve the minutes of the Planning Commission Meeting of September 6, 2022.

DISCUSSION:

The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of September 6, 2022. The draft minutes are attached to this report for the Planning Commission to review and approval.

MOTION:

Approve staff recommendation.



Planning Commission

Minutes

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

Tuesday, September 6, 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, September 6, 2022. Chair Fort called the meeting to order at 6:01 p.m.

Present: Chair Fort, Vice Chair Sangha, Secretary Sanchez,

Commissioners Gordon, and Thrasher

Absent: None

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

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

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of August 16, 2022.

ACTION: A Motion was made by Secretary Sanchez and seconded by Commissioner Thrasher and passed unanimously by a vote of 5-0 to approve the Consent Calendar.

The motion carried by the following vote:

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

and Thrasher

Absent: None

PUBLIC HEARINGS:

PH-A Master Case No. 22-036 and Design Review No. 22-019; A request for site and architectural review and approval for the construction of 249 single-family homes ranging in size from 1,905 square feet to 3,251 square feet in the Arboretum Specific Plan.

Chair Fort opened Public Hearing

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

The applicant, Adrian Hermanson, on behalf of Lennar Homes of California, stated that he read and agreed to the Conditions of Approval.

The commission and the applicant briefly discussed the modern design of the project and the commission thanked the applicant for bringing their project to the city.

No one spoke in favor or opposition of this item.

The Public Hearing was closed.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached findings, and conditions of approval, staff recommends that the Planning Commission adopt Resolution PC No. 2022 – 035; and,

1. Determine that the project has been reviewed under a previous Final Environmental Impact Report (State Clearing House No. (2006071109), pursuant to Section 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.10 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA

and direct staff to file the Notice of Determination; and,

2. Approve Design Review No. 22-019.

ACTION: Motion was made by Commissioner Gordon, seconded by Vice Chair Sangha, and passed unanimously by a vote of 5-0 to adopt Resolution PC No. 2022-035 and approve Master Case No. 22-036 and Design Review No. 22-019; A request for site and architectural review and approval for the construction of 249 single-family homes ranging in size from 1,905 square feet to 3,251 square feet in the Arboretum Specific Plan.

The motion carried by the following vote:

Aye: Chair Fort, Vice Chair Sangha, Secretary Sanchez, Commissioners Gordon

and Trasher

Absent: None

PH-B Master Case No. 21-017; Variance No. 21-002; Tentative Tract Map No. 20307 (TTM No. 21-001); Design Review No. 21-005 - A request for approval to subdivide an existing parcel comprised of approximately 2.03 acres into nine individual lots for single family development along with a variance to reduce the required lot depth for Lot Nos. 1, 2, 3, 7, 8, and 9, and to develop the proposed lots with nine single family homes.

Chair Fort opened the Public Hearing.

Rina Leung, Senior Planner and Nicole Campbell, Assistant Planner presented the staff report.

The commission and staff discussed the project's variance and the justification that will decrease the projects lot depth. A discussion also took place regarding the rental and fencing plan of the Accessory Dwelling Units.

The Commission and staff also discussed the Accessory Dwelling Units parking requirements and proximity to mass transit; staff also commented on additional use of parking for the project.

The applicant Omar J. Marroquin stated that he read and agreed to the Conditions of Approval.

Matt Slowik spoke and expressed concerns as it relates to the height of the fence on the southeast portion of the site and requested a Condition of approval to extend the height of the fence.

The Public Hearing was closed.

The commission and staff discussed adding a condition to the project to increase the height of walls on lots 8 and 9 to the maximum allowed by the code.

The Applicant Omar J. Marroquin agreed to the conditions that were suggested by staff.

Chair Fort re-opened the Public Hearing.

The following individuals commented on the project:

Bridget Scott

The Public Hearing was closed.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2022-036; and,

- Determine that the project is Categorically Exempt pursuant Section No. 15332, (Class No. 32, In-Fill) and Section No. 3-18 (In-Fill Projects of the 2019 Local Guidelines for implementing CEQA, and direct staff to file a Notice of Exemption;
- 2. Approve Variance No. 21-002;
- 3. Approve Tentative Tract Map 20307 (TTM No. 21-001);
- 4. Approve Design Review No. 21-005.

ACTION: Motion was made by Secretary Sanchez, seconded by Commissioner Thrasher, and passed unanimously by a vote of 5-0 to adopt Resolution PC No. 22-036 and approve Master Case No. 21-017; Variance No. 21-002; Tentative Tract Map No. 20307 (TTM No. 21-001); Design Review No. 21-005 - A request for approval to subdivide an existing parcel comprised of approximately 2.03 acres into nine individual lots for single family development along with a variance to reduce the required lot depth for Lot Nos. 1, 2, 3, 7, 8, and 9, and to develop the proposed lots with nine single family homes. This project was approved with the following addition: Condition No. 10 of the Tentative Tract Map and Condition No. 17 of the Design Review: The applicant shall increase the height of the block wall on the southeastern portion of the site to the maximum height that is permitted pursuant Section 30-464 of the Zoning and Development code. The height of the block wall shall be depicted on a plan and include the elevations of the site and the adjacent property to be reviewed and approved by the Director of Planning prior to the issuance of building permits.

The motion carried by the following vote:

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

DIRECTOR COMMUNICATIONS:

A. Director Communications: None

COMMISSION COMMENTS:

A. Public Communication Commission Comments:

Commissioner staff thanked staff for their reports and welcomed new staff member, Associate Planner Nicole Campbell.

Secretary Sanchez echoed comments that were previously mentioned and thanked the homeowner for their comments; wished everyone a happy belated Labor Day weekend.

Commissioner Gordon also thanked staff for their reports and welcome Associate Panner, Nicole Campbell to the team. Commissioner Gordon also thanked fellow commissioners for their guidance and support.

Vice Chair Sangha thanked staff for their staff reports; stated that it was nice to see new developments coming to the city and wished everyone a good night.

Chair Fort commented on the Accessory Dwelling Units and their administrative approval; thanked staff for their efforts towards the project and echoed the comments that were shared previously by fellow commissioners.

ADJOURNMENT:

By consensus, the meeting adjourned at 6:44 p.m. to the next Regular Planning Commission Meeting on Tuesday, September 20, 2022, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Susana Gallardo	
Administrative Assistant	

THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION ON THE 20th DAY OF SEPTEMBER 2022.

Cathline Fort	
Chairperson	



8353 Sierra Avenue Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1694 Agenda #: PH-A Agenda Date: 9/20/2022 Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 22-068; General Plan Amendment No. 22-006 and Zone Change No. 22-008 - A request to amend the general plan land use map and zoning district map in order to provide consistency and cohesiveness for parcels 0241-051-02, -13, -16 and -32 and development sites in the immediate vicinity.

REQUEST:

Staff is requesting that this item be continued to the October 4, 2022 Planning Commission Meeting.

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner



Memorandum to the **Planning Commission**

TO:

MEMBERS OF THE PLANNING COMMISSION

FROM:

PATTY NEVINS, PLANNING DIRECTOR []

CECILY SESSION-GOINS, ASSOCIATE PLANNER

DATE:

SEPTEMBER 20, 2022

SUBJECT: PUBLIC HEARING ITEM - A

MASTER CASE NO. 22-068; GENERAL PLAN AMENDMENT NO. 22-006; ZONE CHANGE NO. 22-008: A REQUEST TO AMEND THE GENERAL PLAN LAND USE MAP AND ZONING DISTRICT MAP IN ORDER TO PROVIDE CONSISTENCY AND COHESIVENESS FOR PARCELS 0541-051-02, -13, -16 AND -32

Staff is requesting that this item be continued to the October 4, 2022 Planning Commission meeting.



8353 Sierra Avenue Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1382Agenda Date: 9/20/2022Agenda #: PH-BCategory: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 22-034 and Conditional Use Permit 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:

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 the proposed project is exempt pursuant to Section 15301 Class 1, (Existing Facilities) of the California Environmental Quality Act (CEQA) and Section 3.22 of the 2019 Local Guidelines for implementing CEQA, and direct staff to file a Notice of Exemption; and,
- Approve Conditional Use Permit No. 22-011.

APPLICANT:

Farid Elias 1513 Massaro Lane San Bernardino, CA 92411

LOCATION:

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

REQUEST:

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.

PROJECT PLANNER:

George Velarde, Assistant Planner

File #: 21-1382 Agenda Date: 9/20/2022
Agenda #: PH-B Category: Public Hearing

ANALYSIS:

Land Use Designation:

	and Goo Beolghaloth		
	General Plan	Zoning /Overlay	Existing Land Use
Site:	Community Commercial (C-C)	Community Commercial (C-1)	South Sierra Shopping Center
North:	General Commercial (C-G)	General Commercial (C -2)	Sierra Square Shopping Center
South:	Community Commercial (C-C)	Community Commercial (C-1)	South Sierra Shopping Center
West:	Residential Planned Community (R-PC)	Residential Planned Community (R-PC)	Existing Residential
East:	Walkable Mixed Use and Corridor (WMXU-1)	Form Based Code (FBC) Transitional subdistrict	Vacant

PROJECT DESCRIPTION:

Request for Planning Commission review and approval of a Conditional Use Permit (CUP) No. 22-011 for a new smoke shop. If approved, the shop will operate out of the existing tenant space located at 10650 Sierra Avenue, Suite A within the South Sierra Shopping Center.

ANALYSIS:

The applicant is requesting to occupy the existing vacant space of approximately 1,500 square feet. As depicted on Attachments Nos. 1 and 2, the site is existing and there will be no additional square footage or expansion of the tenant space to accommodate this use.

Conditional Use Permit No. 22-011:

The applicant is proposing a smoke, tobacco and vape shop (smoke shop) which will operate in an existing tenant space totaling approximately 1,500 square feet specializing in the sale of smoke, tobacco, and vape products and their accessories. This includes cigarettes, pipe products and lighters. The hours of operation will be between 9 a.m. to 10 p.m., seven days a week and the proposed commercial use will not increase the number of required parking spaces within the complex.

The existing shopping center is developed and offers a variety of retail and service type uses. Adjacent and nearby uses include sit down and fast food restaurants, an Urgent Care/DOT Clinic, staffing services, armed forces career center, tattoo shop, nail salon, and other uses. Smoke and tobacco shops located in the Community Commercial zoning district are a conditionally permitted use. The premise of all Conditional Use Permits is that projects are reviewed to ensure the compatibility of adjacent uses and the separation of potential nuisance activities. The proposed smoke, tobacco and vape shop will meet the City's requirements and applicable Municipal Code

File #: 21-1382
Agenda #: PH-B
Agenda Date: 9/20/2022
Category: Public Hearing

regulations as well as special provisions outlined within the Community Commercial zoning district. Conditions of approval have been included to ensure compatibility and to address any security concerns associated with the proposed use.

MOTION:

Approve staff recommendation

ATTACHMENTS:

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





N



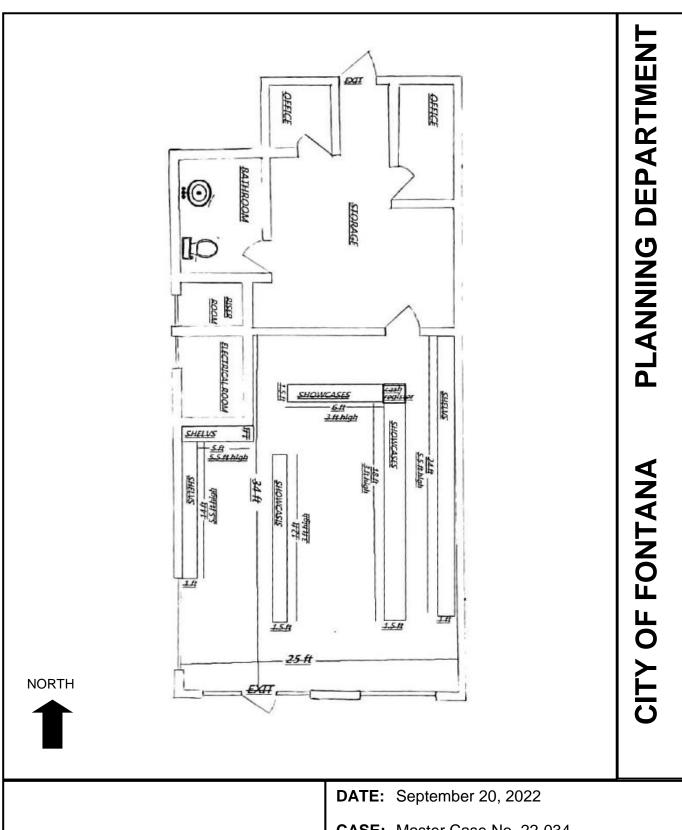
Project Site

VICINITY MAP

DATE: September 20, 2022

CASE: Master Case No. 22-034

Conditional Use Permit No. 22-011



SITE PLAN

CASE: Master Case No. 22-034

Conditional Use Permit No. 22-011

RESOLUTION PC NO. 2022-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 22-011 TO OPERATE A SMOKE, TOBACCO AND VAPE SHOP IN AN EXISTING TENANT SPACE LOCATED AT 10650 SIERRA AVENUE.

WHEREAS, the City of Fontana received an application on March 1, 2022 to review Conditional Use Permit (CUP) No. 22-011 to allow the applicant to operate a smoke, tobacco and vape shop in an existing tenant space located in Suite A of the South Sierra Shopping Center.

Applicant: Farid Elias

1513 Massaro Lane

San Bernardino, CA 92411

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

Site Area: 0.31 adjusted gross acres

WHEREAS, the subject site was annexed from San Bernardino County into the City of Fontana on November 23,1964; and

WHEREAS, the existing commercial complex was constructed in 2005; and

WHEREAS, the project site is located within the Community Commercial (C-1) zoning district and has a General Plan Land Use Designation of Community Commercial (C-C); and

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as **Exhibit "A"** for the Conditional Use Permit (CUP No. 22-011) incorporated herein; and

WHEREAS, the project is Categorically Exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities), and Section No. 3.22 of the Local 2019 Guidelines for Implementing the California Environmental Quality Act.

WHEREAS, the owners of property within 660 feet 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 September 9, 2022, posted at City Hall and onsite at the project site; and

WHEREAS, on May 17, 2022, Master Case No. 22-034 was originally noticed for public hearing with the Planning Commission; and staff requested that this item be continued to a date uncertain to further research the location requirements of smoke and vape shops; and

WHEREAS, on July 26, 2022, the City Council had adopted Ordinance No. 1898 reducing the buffer distance requirements for smoke and vape shops; and

WHEREAS, on September 20, 2022, a duly noticed public hearing on Conditional Use Permit No. 22-011, was held by the Planning Commission ("Commission") to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all the information, evidence, and testimony presented at its public hearing on September 20, 2022; and

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

NOW, **THEREFORE**, the Commission RESOLVES as follows:

<u>Section 1</u>. The City of Fontana Planning Commission hereby makes the following findings for CUP No. 22-011 in accordance with Section 30-150 "Findings for approval of Conditional Use Permits" 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.

Finding of Fact:

The request is to allow for a newly established smoke, tobacco and vape shop involved with the retail sales of smoke, tobacco and vape products and their accessories.

The proposed smoke shop will be located within the South Sierra Shopping Center located at 10650 Sierra Avenue (APN: 0255-191-35). The site currently has a general plan land use designation of Community Commercial (C-C) and a current zoning designation of Community Commercial (C-1). The proposed use is allowed with approval of a conditional use permit. The distance of smoke and vape shops is required to be a minimum distance of 600' from sensitive land uses. As such, the proposed smoke shop complies with these buffer requirements. Additionally, the use is required to comply with all other applicable provisions of the Zoning Code, Municipal Code, and General Plan.

Finding No. 2:

The site is physically suited for the type, density and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

Finding of Fact:

The establishment is within an existing and approved shopping center located in an area that has a variety of commercial and retail uses. The site is physically suited to accommodate the proposed use including access, utilities and parking. The existing commercial

23

center was designed to accommodate the proposed use and the tenant space meets all limitations set forth for smoke/tobacco shops.

Finding No. 3:

Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

Finding of Fact:

The project has been reviewed and potential adverse effects to health, safety, and general welfare have been mitigated through the conditions of approval as referenced herein regarding the operation of the proposed use.

Granting the permit would not be detrimental to the public interest, health, safety, convenience or welfare or materially injurious to persons, property, or improvements in the vicinity in which the project is located in that all activities will take place in an enclosed building and the commercial center in which it is located was designed for retail establishments and should not negatively affect the other property owners and tenants in the surrounding area.

<u>Section 2</u>. Based on the foregoing, the City of Fontana Planning Commission determines that this project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA.

<u>Section 3.</u> Based on the foregoing, the City of Fontana Planning Commission hereby approves the Conditional Use Permit (CUP) 22-011 for tobacco shop at 10650 Sierra Avenue (APN: 0255-191-35) subject to the findings listed above and the conditions of approval referenced in Exhibit "A".

Section 4. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

<u>Section 5</u>. 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 20th day of September 2022.

Cathline Fort, Chairperson

City of Fontana

Page 3 of 9 24

Resolution PC No. 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 20th day of September 2022, by the following vote, to-wit:

AYES: NOES:	
ABSENT:	
ABSTAIN:	
Idilio Sanchez, Secretary	

Page 4 of 9 25

EXHIBIT "A"



CITY OF FONTANA CONDITIONS OF APPROVAL

PROJECT: Master Case (MCN) No. 22-034 **DATE:** September 20, 2022

Conditional Use Permit (CUP) No. 22-011

LOCATION: 10650 Sierra Avenue (APN: 0255-191-35).

PLANNING:

1. This conditional use permit is conditional upon the permittee proceeding with good faith intent to commence upon the proposed use within two (2) years after the effective date of the approval, or such other period specified as a condition of approval.

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

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

The City of Fontana and the applicant acknowledge that the City would not have approved this project if the City were to be liable to applicant in damages under or with respect to all or any part of this application or this condition of approval.

Page 5 of 9

26

Accordingly, applicant shall not sue the City for damages or monetary relief for any matter arising from or related to this condition of approval. Applicant's sole and exclusive remedy shall be limited to declaratory/injunctive relief, mandate, and/or specific performance.

- 3. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until all of the following have occurred:
 - a. All requirements of the Fontana Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
- 4. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
- 5. At any time, the Director of Planning may bring a status report to the Planning Commission identifying impacts or failure to comply with conditions resulting from the Conditional Use Permit approval. Such status report may contain a police report regarding calls for service at the location. Nothing herein shall modify or limit the City's authority to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety, and welfare.
- 6. The approved set of Conditions of Approval shall be posted at all times at a visible location behind the cashier's counter in the facility and shall remain legible at all times.
- 7. All Signs shall be reviewed under a separate Design Review Sign Application.
- 8. In addition to sign identifying the business, no sign shall be placed in or upon the window of any structure utilized for commercial purposes in the upper or lower one third of the total transparent area of any window. Window signage shall be limited to 25 percent of the total window and clear door area. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the adjacent sidewalk or entrance to the premises.
- 9. The utility show cases in the center of the store shall not exceed four (4) feet in height so as not to hinder natural surveillance of the storefront.
- 10. The hours of operation shall not exceed 9 a.m. to 10 p.m., seven days a week.
- 11. No persons under the age of 21 shall be permitted within the business. All entry doors shall include signage stating all persons must be 21 or older to enter.

27

- 12. Employees engaged in the sale or distribution of any tobacco products or tobacco paraphernalia shall be at least 21 years of age.
- 13. Any and all products and materials of a sexual nature typically associated with an adult-oriented business, are not permitted.
- 14. The sale of food or beverages is not permitted.
- 15. No distribution of free or low-cost tobacco, tobacco products or paraphernalia, as well as coupons for said items, shall be permitted.
- 16. The sale of single cigarettes is not permitted.
- 17. The premises shall not provide, offer, allow or otherwise authorize, any type of delivery of merchandise, products or accessories.
- 18. The premises shall not operate as a cannabis dispensary. The premises shall not offer for sale: cannabis, cannabis infused items, or items infused with "THC" or Tetrahydrocannabinol, or "CBD" or Cannabidiol, which exceeds the state and/or federal legal limit of "THC" or Tetrahydrocannabinol.
- 19. Any item containing "CBD", or Cannabidiol, that exceeds the state and/or federal legal limit of "THC" or Tetrahydrocannabinol, is prohibited on the premises.
- 20. Signs shall comply with all City of Fontana sign requirements. No more than 25% of each storefront window and clear doors shall bear advertising, signage, window treatments or tint of any sort. Window signage, advertising, tint and/or window treatments shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the public sidewalk or entrance to the premises (this applies to all windows and doors of this location).
- 21. Electronic window signs and/or self-illuminated window signs are not permitted.
- 22. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the Federal Drug Administration Tobacco Control Laws and the California Stake Act, the California Bureau of Cannabis Control and all conditions of the City of Fontana's Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.
- 23. On a regular and reasonable basis, litter shall be removed daily from the premises, including adjacent public sidewalks and all parking areas under the control of the business owner/management and staff. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
- 24. The business owner/management and staff shall comply with the City False Alarm Ordinances.

Page 7 of 9 28

- 25. Graffiti abatement by the business owner/management and staff shall be immediate and ongoing at the business premises, but in no event shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/management and staff shall notify the City within 24 hours (at 909.350-GONE) of any graffiti elsewhere on the property not under the business owner/management and staff's control so that it may be abated by the property owner and/or the City's Graffiti Enforcement Team.
- 26. The business owner, management and employees of the business shall be required to prevent loitering in front of the store, and in the parking lot of the site. The management and employees of the business shall regularly police the area under its control to prevent the loitering of persons about the premises. A prominent, permanent sign or signs stating "NO LOITERING" shall be posted at the front entrance and on the exterior near the rear door and shall be clearly visible to patrons of the business. Generally, the signs should be 24 inches in length and 14 inches in width with the print of sufficient size to make them clearly readable.
- 27. A digital video surveillance system is required at the premise. It is recommended to be an internet-based system and shall be maintained in proper working order at all times. The surveillance video/visual media shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours.
- 28. The exterior of the business (front and rear), including adjacent public sidewalks and all parking lots under the control of the licensee, shall be illuminated during the hours of darkness, at all entrances, sidewalks or parking surfaces, at a minimum of one foot candle of light.
- 29. No electronic arcade or amusement games are permitted within the business at any time.
- 30. In the event the Planning Department or the Police Department determine that security problems occur, the applicant, at its own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested and directed by the Planning Department or the Police Department.
- 31. The approved set of Conditions of Approval, and the State of California Tobacco license shall be posted at all times at a visible location behind the cashier's counter in the business and shall remain legible at all times.
- 32. Signage shall be placed on the building indicating that the premises are under surveillance.
- 33. The operation of the business shall not violate any federal, state, or local laws or ordinances. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.

END OF CONDITIONS

Page 9 of 9

30

NOTICE OF EXEMPTION

TO:	Clerk of the Board of Supervisor County of San Bernardino 385 N. Arrowhead Avenue, 2nd San Bernardino, CA 92415-013	Floor	FROM: City of Fontana Planning Department 8353 Sierra Avenue Fontana, CA 92335
	Project Title:	Master Case No. 22-03 Conditional Use Permit	
	Project Location - Specific:	·	Suite A (APN: 0255-191-35) Sity: Fontana, CA 92337 County: San Bernardino
1.			ect: Conditional Use Permit No. 22-011 is an existing, approximate 1,500 square foot
2.	Name of Public Agency approvir	ng project: <u>City of F</u>	- Contana
3.	Name of Person or Agency carry CA 92337	ving out project: Farid Elia	as, 10650 Sierra Avenue Suite A, Fontana,
4.	(Class No. 1, Existing No. 3.22 of the local (e) Declared Emergency	g Facilities) of the Califor CEQA guidelines. ′. State Code section nur	number: Exempt under Section No. 15301 nia Environmental Quality Act and Section mber:
5.		d at an existing multi-t	approval of a CUP to establish a smoke, enant commercial complex. There is no
6.	Contact Person: George Velard	le, Assistant Planner 1	Telephone: <u>(909) 350-6569</u>
	te Received for Filing: erk Stamp Here)	Rina L Senior	eung Planner
(0)	on otamp more		

ATTACHMENT NO. 4



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 No. (MCN) 22-034/Conditional Use Permit (CUP) No. 22-011: A request to operate a smoke, tobacco and vape shop in an approximate 1,500 square foot tenant space in the existing South Sierra shopping center.

Environmental Determination:

This project qualifies for a categorical exemption pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local

Guidelines for implementing CEQA.

<u>Location of</u> 10650 Sierra Avenue, Suite

Property: A (APN: 0255-191-35)

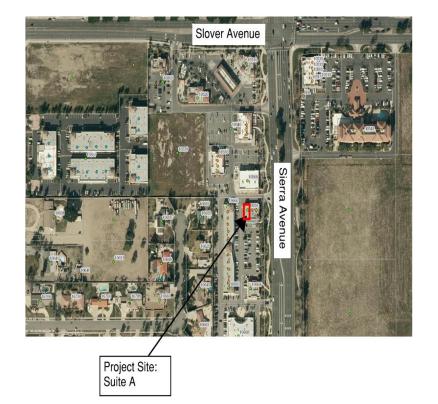
Date of Hearing: September 20, 2022

Place of City Hall Council Chambers

Hearing: 8353 Sierra Avenue

Fontana, CA 92335

Time of Hearing: 6:00 P.M.





Should you have any questions concerning this project, please contact George Velarde, Assistant Planner, at (909) 350-6569. E-mail: 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.



8353 Sierra Avenue Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1647Agenda Date: 9/20/2022Agenda #: PH-CCategory: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 21-127; Tentative Tract Map No. 20431 (TTM No. 21-011) - a proposal to consolidate four lots totaling approximately 4.4 adjusted gross acres into one parcel for condominium purpose, and Design Review No. 20-050 - a proposal to construct a new 82-unit condominium complex within 27 two-story buildings totaling approximately 128,000 square feet.

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 - _____: and,

- 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 Tentative Tract Map No. 20431 and Design Review No. 21-050.

APPLICANT:

MCO Development, Inc. One Venture, Suite 130 Irvine, CA 92618

LOCATION:

The project site is located on the west side of Cherry Avenue approximately 250-foot south of the southwest corner of the intersection of Foothill Boulevard and Cherry Avenue, the project site is otherwise identified as 8160, 8180, and 8194 Cherry Ave (APNs: 0230-051-39, -40, -41, and -42).

REQUEST:

Tentative Tract Map No. 20431 is a proposal to consolidate four lots into one parcel for condominium purpose totaling approximately 4.4 adjusted gross acres.

Design Review No. 20-050 is a proposal for site and architectural review for a new 82-unit condominium complex within 27 two-story buildings totaling approximately 128,000 square feet, with two-bedroom units and three-bedroom units, ranging in size from 1,172 square feet to 1,672 square feet and various amenities.

PROJECT PLANNER:

Jon S. Dille, Associate Planner

File #: 21-1647 Agenda Date: 9/20/2022
Agenda #: PH-C Category: Public Hearing

BACKGROUND INFORMATION:

Land Use Designations:

	General Plan Designation	Zoning and District	Existing Land Use
Site:	*WMXU-1	Form-Base Code (FBC)/ Route 66 Gateway District	Two Single Family Homes
North:	*WMXU-1	Form-Base Code (FBC)/ Route 66 Gateway District	Commercial/Retail
South:	County of San Bernardino	County of San Bernardino	Hacienda Mobile Park
East:	*R-SF	Residential-Single Family (R-1)	Single-Family Homes
West:	*R-SF	Residential-Single Family (R-1)	Single-Family Homes
	*(WMXU-1), Walkable Mixed-Use Downtown and Corridors		
	*(R-SF) Residential-Single Family		

As stated previously, the project site is identified as 8160, 8180, and 8194 Cherry Ave (APNs: 0230-051-39, -40, -41, and -42). Two of these parcels have been developed with what is known as single-family dwellings which would be demolished; the remaining two parcels are vacant.

PROJECT DESCRIPTION:

Development Standards	Required	Proposed
Density	18 to 39 du/ac	18 du/ac
Setbacks		
Front:	10-foot maximum	10'-0"
Side:	10-foot maximum	9'-6"
Rear:	5-foot minimum	12'-5"
Building Height:	1 to 24 stories	Two Story (28'-3")
Parking:	Two Plus Bedrooms	
Per Unit	1.5	Two-Car Garage (164 total)
Guess Spaces	None	53 Open Parking Spaces

ANALYSIS:

The applicant MCO Development, Inc. is requesting that the Planning Commission review and approve a Tentative Tract Map and a Design Review proposal to develop a new 82-unit condominium complex within 27 two-story buildings totaling approximately 128,000 square feet, with two-bedroom units and three-bedroom units, which range in size from 1,172 square feet to 1,672 square feet within the Route 66 Gateway District of the Form-Base Code (FBC) Zoning District of the Walkable Mixed-Use Downtown and Corridors (WMXU-1) General Plan land use area.

File #: 21-1647 Agenda Date: 9/20/2022
Agenda #: PH-C Category: Public Hearing

Tentative Tract Map No. 20431:

The proposed project includes a tentative tract map to consolidate existing lots into one lot for condominium purposes and to develop an 82-unit multi-family detached alley loaded condominium project over one (1) parcel of approximately 4.4 adjusted gross acres.

Design Review No. 20-050:

The proposed project includes a new 82-unit condominium complex comprised of 27 two-story buildings totaling approximate 128,000 square feet with two-bedroom units and three -bedroom units, which range in size from 1,172 square feet to 1,672 square feet.

The project consists of 16 two-bedroom units and 66 three-bedroom units with three different floor plan lay-outs:

PLAN NO.	Type 1	Type 2	Type 3
SIZE	1,172 sq. ft.	1,650 sq. ft.	1,672 sq. ft.
NO. BDRMS	2-Bed	3-Bed	3-Bed
NO. BATHS	2-Bath	3-Bath	2-Bath
DEN/OFFICE	N/A	N/A	70 sq. ft.
GARAGE	424 sq. ft.	428 sq. ft.	416 sq. ft.
OPEN SPACE	100-178 sq. ft.	135-238 sq. ft.	150-230 sq. ft.
PORCH/BALCONY	27 sq. ft./ 9 sq. ft.	28 sq. ft./ 11 sq. ft.	22 sq. ft./ N/A

Architecture

The applicant proposes a Spanish/Mediterranean architectural style. The building will reflect light earth tone colors and a reddish accent color. This architectural style includes a smooth stucco finish, barrel tile low pitched roofs, arched openings, and covered porches and balconies. There are added architectural feature like: exposed wood corbels, window trim, and decorative iron work. The development will comply with the required setbacks and will not exceed the maximum height or maximum lot coverage. All other applicable development standards specified in the Zoning and Development Code have been met.

Amenities/Open Space

The amenities include stationary play equipment, benches, out-door sofa, out-door dining table and chairs, gas fired built-in barbeque, steel framed trellis, firepit, and seating pods located throughout the project site.

In addition to the proposed amenities, each unit has adequate private open space directly accessible from the private unit. Seventy-seven of the 82 units have a small private open space area from 100 square feet to 238 square feet. Each private yard area is secured with a fence and an emergency access gate for fire access.

Grading/Walls

The grading of the properties has a less than a two-percent gradient with limited retaining at the

File #: 21-1647 Agenda Date: 9/20/2022
Agenda #: PH-C Category: Public Hearing

northwest and southwest corners.

The project plans indicate a six-foot tall tubular steel fence with pilasters and vehicular gates along the street frontage of Cherry Avenue. Along the remaining three property lines the plans indicate a six-foot tall split-face wall with no need for retaining.

Environmental:

This project qualifies for a Categorical Exemption pursuant to Section No. 15332, (Class No. 32, In-Fill Development Project) of the California Environmental Quality Act (CEQA) and Section No. 3-18 (Infill Projects) of the 2019 Local Guidelines for Implementing CEQA. This project site is considered In-Fill Development and meets the CEQA requirement of In-Fill Projects as follows: 1) The project is consistent with the Walkable Mixed-Use Downtown and Corridors (WMXU-1) General Plan land use designation; 2) The project site is approximately 4.4 adjusted gross acres (less than 5 acres); 3) The project site is not within any known sensitive or threatened habitat area; 4) The project will not have a significant effect relating to traffic, noise, air quality, or water quality; and 5) There are adequate public utilizes and service for the development of the proposed 82-unit condominium complex project.

MOTION:

Approve staff's recommendation.

ATTACHMENTS:

Attachment No. 1 - Vicinity Map

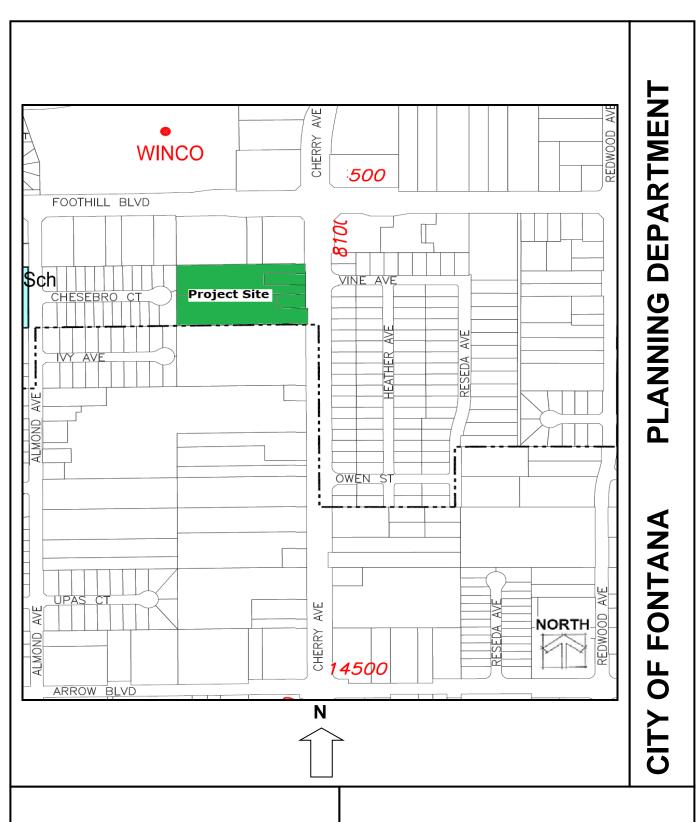
Attachment No. 2 - P.C. Resolution, Findings, and Conditions of Approval

Attachment No. 3 - Tentative Tract Map No. 20431

Attachment No. 4 - Project Plans

Attachment No. 5 - Notice of Exemption

Attachment No. 6 - Notice of Public Hearing



VICINITY MAP

DATE: September 20, 2022

CASE: Master Case No. 21-127

Tentative Tract Map No. 20431 (TTM

No. 21-011)

Design Review No. 21-050

RESOLUTION PC NO. 2022-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING TENTATIVE TRACT MAP NO. 20431 (TTM NO. 21-011) AND DESIGN REVIEW NO. 21-050 FOR SITE AND ARCHITECTURAL REVIEW TO ESTABLISHMENT A NEW 82-UNIT CONDOMINIUM COMPLEX ON A 4.4 ACRE PROJECT SITE LOCATED AT 8160, 8160, AND 8194 CHERRY AVE (APNS: 0230-051-39, -40, -41, AND -42).

WHEREAS, the City of Fontana received an application on December 15, 2021, for a Tentative Tract Map for condominium purposes and Design Review for site and architectural review to establish a 82-unit condominium complex on a 4.4 adjusted gross acre project site (APNs 0230-051-39, -40, -41, and -42) within the Route 66 Gateway subdistrict of the Form-Base Code (FBC) Zoning District.

Project Applicant: MCO Development, Inc.

One Venture, Suite 130

Irvine, CA 92618

Project Location: 8160, 8180, and 8194 Cherry Ave (APNs: 0230-051-39, -40, -41,

and -42).

Site Area: Approximately 4.4 adjusted gross acres

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

WHEREAS, the proposal is for the establishment of a condominium map and the architecture and design review of 82 condominiums; and

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

WHEREAS, Conditions of Approval have been prepared and attached hereto as **Exhibit "A"** for Tentative Tract Map No. 20431 (TTM No. 21-011) and **Exhibit "B"** for Design Review No. (DR No. 21-050); and

WHEREAS, the project qualifies for a Categorical Exemption pursuant to Section No. 15332, Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act; and

WHEREAS, the subject site includes four parcels, which two are developed with a single-family dwelling, the houses will be demolished as part of the project development, and the parcels were annexed from San Bernardino County into the City of Fontana on September 15, 2005, (Annexation No. 161, LAFCO No. 2968); and

WHEREAS, pursuant to the City of Fontana's Zoning and Development Code, residential projects of five units or more require approval of a Design Review by the Planning Commission; and

WHEREAS, pursuant to Article III of the Zoning and Development Code, a multi-family housing project up to 39 dwelling units per acre is a permitted use and requires approval of a Design Review application for the review a by the Planning Commission; and

WHEREAS, the owners of property within 660 feet 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 September 9, 2022, posted at City Hall and at the project site; and

WHEREAS, on September 20, 2022, a duly noticed public hearing on Tentative Tract Map No. 20431 (TTM No. 21-011) and Design Review No. 21-050 was held by the Planning Commission to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto; 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 September 20, 2022; and

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

NOW, THEREFORE, the Commission RESOLVES as follows:

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

<u>Section 2</u>. The City of Fontana's, Planning Commission hereby makes the following findings for Tentative Tract Map No. 20431 (TTM No. 21-011) in accordance with Section No. 26-55(e) "Hearing; Criteria for Approval," of the Fontana Subdivision Code:

Finding No. 1: That the proposed map is consistent with the City's General Plan and any applicable specific plan.

Findings of Fact:

Tentative Tract Map No. 20431 (TTM No. 21-011) is a request to consolidate four existing lots into one parcel for condominium purpose totaling approximately 4.4 adjusted gross acres. The proposed condominium project is located in the Walkable Mixed-Use Corridor and Downtown (WMXU-1) General Plan Map land use designation area which allows the establishment of condominiums. These parcels are located on the west side of Cherry Avenue approximately 250-foot south of the southwest corner of the intersection of Foothill Boulevard and Cherry Avenue, the project site

is otherwise identified as 8160, 8180, and 8194 Cherry Ave (APNs: 0230-051-39, -40, -41, and -42).

The tentative tract map will comply with the City of Fontana's Municipal Code, the Subdivision Sections of the Code (Chapter 26) General Plan, and Zoning and Development Code (Chapter 30). The tentative tract map is compatible with the surrounding residential land uses. The Route 66 Gateway subdistrict permits multi-family uses from minimum 18 dwelling units per acre to a maximum 39 dwelling units per acre. The lot size is approximately 4.4 adjusted gross acres with 82 proposed condominiums; therefore, the proposed Tentative Tract Map No. 20431 is consistent with the City's General Plan. The project site is not located within any specific plan boundary or a Fire Hazard Overlay District.

Finding No. 2:

That the design and improvements of the proposed subdivision is consistent with the General Plan and any applicable specific plan.

Findings of Fact:

The design of the proposed condominium project as, mentioned in Finding No. 1, above, is consistent with the General Plan with the lot size and street configuration that conforms to the requirements of the Land Use, Zoning, and Urban Design Element, Community Mobility and Circulation Element, Subdivisions (Chapter No. 26), and the Zoning and Development Code (Chapter No. 30). The project includes public sewer, public storm drain, streets, gutter, sidewalks, drainage, and grading to provide a safe and well-designed project for the area that is consistent with the General Plan. The project site is not located within any specific plan boundary. Additionally, the project has been reviewed by the Engineering Department and San Bernardino County Fire Department for safety and access.

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

Findings of Fact:

The proposed development complies with the City of Fontana's Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, that will provide a safe and well-designed neighborhood as mentioned in Finding No. 2, above. The project site, shape, and topography are physically suitable and of an adequate size to accommodate the development referenced herein. The existing topography of the site is less than two (2) percent gradient and development of the site did not require any variances; therefore, the site is suitable for this type of development. The project site will accommodate the proposed 82 condominium development, at 18 dwelling units per acre, along with parking facilities for the residents. The main point of access will be provided to the project from Cherry Avenue which is designated as a modified major highway with a second access point for emergence vehicles

(EVA) and a resident exit point, also on Cherry Avenue. The proposed project at 82 units is well within the zoning district of the Route 66 Gateway subdistrict of the Form-Based Code that permits multi-family uses from a minimum of 18 dwelling unit per acre to a maximum of 39 dwelling units per acre. The project is proposed at 18 dwelling unit per acre.

Finding No. 4:

That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or will not substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact:

The design of the subdivision and the proposed improvements as described in Finding No. 1 through Finding No. 3 above complies with the City of Fontana's Municipal Code requirements, conditions of approval (referenced herein), and will not have any impact on the environment or substantially and avoidably injury to fish, wildlife, or their habitat. Moreover, the site is completely surrounded by development and is highly disturbed. The project site is not listed as a potential site for habitat for any endangered or threatened species per the City's General Plan. The project has been reviewed by traffic engineering and will not cause any impacts to the adjacent streets or transportation network.

Finding No. 5:

That the design of the subdivision or type of improvements will not cause serious public health problems.

Findings of Fact:

The design of the subdivision as described in Finding No. 1 through Finding No. 4, above, complies with the City of Fontana's Municipal Code requirements and the improvements associated with the subdivision such as street, curb, gutter, sidewalk modifications as required to be constructed and have been designed as part of this project pursuant to the Zoning and Development Code and the Engineering Department requirements. Additional improvements such as water connection will be built pursuant to applicable building, zoning, and fire code standards; moreover, the sewer and storm drain connections, through an easement located on Tract No. 15881, will be built pursuant to applicable building and engineering code standards. Therefore, the design of the subdivision and the public improvements shall promote the public health, safety, and welfare of the surrounding community and will not cause public health problems.

Finding No. 6:

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. The planning commission may approve a map if it finds that alternative easements, for access or for use, will be

provided, and that these will be substantially equivalent to easements previously acquired by the public.

Findings of Fact:

The design of the subdivision and improvements will not conflict with any access easements acquired by the public. The proposed subdivision will have adequate access from Cherry Avenue. Currently, there are no other existing public access easements through or within the proposed subdivision boundaries.

<u>Section 3</u>. The City of Fontana's Planning Commission hereby makes the following findings for Design Review No. 21-050 is in accordance with Section No. 30-120 "Findings for Approval" for Design Review of the Zoning and Development Code:

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

Findings of Fact:

The proposal for the development of 82 condominiums is consistent with the General Plan land use designation for the project site which is the Walkable Mixed-Use Downtown and Corridors (WMXU-1). The WMXU-1 include a variety of medium density to high-density residential types, retail and services, office, entertainment, education, civic, and open space. WMXU-1 residential densities range from 3 to 39 dwelling units per acre. The proposed project has a density of 18 dwelling units per acre which is within the allowable density mention above.

The General Plan is the document that sets the framework for the City of Fontana and provides the overall policies for development within the community. Furthermore, the General Plan encourages variety of housing including multi-family housing pursuant to the City of Fontana's, General Plan Land Use Element, (Chapter No. 15), Goal No. 1, (Policy 2,). Land Use Element Goal No. 7, which states that "public and private development meets high design standards" (page 15.40 FGP), action A through action D which seeks to integrate housing projects into existing city grids. The proposed project is an infill project that will add housing into the existing city grids promoting Goal No. 7 mentioned above.

The proposed project is located within the Route 66 Gateway subdistrict of the Form-Based Code. This district is an area intended for and permits the development of multiple-family dwellings as well as condominiums. The proposed 82 condominiums will meet all zoning and development standards set forth in the City of Fontana's Municipal Code as noted in the staff report and the findings herein and, therefore, is consistent with the zoning regulations. This project is for the site and architecture approval of a new 82-unit condominium complex within 27 two-story buildings totaling approximately 128,000 square feet, with two-bedroom units and

three-bedroom units, range in size from 1,172 square feet to 1,672 square feet.

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 referenced in Finding No. 1, above, complies with the City of Fontana's Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, modifications, will provide a safe and well-designed neighborhood. Additionally, the proposed development meets all setback, height, landscaping, design, architecture, parking, access, and safety requirements as mentioned in Findings No. 1 through Findings No. 4 and in the attached Staff Report. The proposed complex is contemporary and true to style with the surrounding uses resulting in high quality architectural design appropriate and desirable for the surrounding community. The proposed development will enhance the character of the surrounding residential area through appropriate attention to aesthetics and design. The project provides both common and private amenities in excess of that required by the Zoning and Development Code.

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

Finding No. 3:

The proposal, in its design and appearance, is aesthetically and architecturally pleasing resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.

Findings of Fact:

The proposed as referenced in Finding No. 1 and Finding No. 2, has been designed to enhance and compliment the surrounding neighborhood. The architectural theme for the project is described as Spanish/Mediterranean. The building will reflect light earth tone colors and a reddish accent color. This architectural style includes a smooth stucco finish, barrel tile low pitched roofs, arched openings, and covered porches and balconies. There are added architectural feature like: exposed wood corbels, window trim, and decorative iron work. The development will comply with the required setbacks and will not exceed the maximum height or maximum lot coverage. All other applicable development standards specified in the Zoning and Development Code will be met.

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

Findings of Fact:

The proposed project as identified and referenced in Finding No. 1. Finding No. 2, and Finding No. 3, above, has been determined to be appropriate and will result in a safe, well-designed facility. There will be one vehicle access points to the site. The main point of access will be provided to the project from Cherry Avenue which is designated as a modified major highway with a second access point for emergence vehicles (EVA) and a resident exit point, also on Cherry Avenue. The proposed project at 82 units is well within the General Plan land use designation and the Route 66 Gateway subdistrict of the Form-Based Code that permits multi-family uses from a minimum of 18 dwelling unit per acre to a maximum of 39 dwelling units per acre. The driveway is designed to accommodate passenger vehicle traffic and service vehicle as necessary. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety.

<u>Section 4</u>. The Planning Commission hereby determines that this project is Categorically Exempt pursuant to Section 15332 Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the Local 2019 Guidelines for Implementing CEQA. based on the following: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services; and that further.

<u>Section 5</u>. Based on the foregoing, the City of Fontana's Planning Commission hereby approves Tentative Tract Map No. 20431 (TTM No. 21-011) and Design Review (DR) No. 21-050, and subject to the findings listed above and the conditions of approval, which are attached hereto as **Exhibit "A"** and **Exhibit "B"** respectively.

<u>Section 6</u>. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department – 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code, Section No. 21081.6.

Section 7. 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,

Resolution PC No. 2022
California, at a regular meeting held on this 20 th day of September 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 20 th day of September 2022, by the following vote, to-wit:
AYES: NOES: ABSENT: ABSTAIN:
Idilio Sanchez, Secretary





CITY OF FONTANA CONDITIONS OF APPROVAL

PROJECT: Master Case No. (MCN) 21-127 DATE: September 20, 2022

Tentative Tract Map No. 204316 (TTM No. 21-011)

LOCATION: The project site is located on the west side of Cherry Avenue approximately 250-foot south of the southwest corner of Foothill Boulevard and Cherry Avenue, the project site is otherwise identified as 8160, 8180, and 8194

Cherry Ave (APNs: 0230-051-39, -40, -41, and -42).

PLANNING DEPARTMENT:

- The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
 - B. All other Conditions of Approval imposed by this project have been fulfilled.
- 2. The applicant/developer/property owner shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third-party action or proceeding, the City shall have the right to retain legal counsel. The applicant shall be responsible and reimburse the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs

awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

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

- 3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-23 of the Municipal Code.
- 4. This tentative tract map shall comply with all applicable development standards of Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code) of the Municipal Codes of the City of Fontana and the Subdivision Map Act.
- 5. The applicant/developer/property owner shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
- 6. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
- 7. This Tentative Tract Map shall become null and void two (2) years from the date of approval as outlined by Section 26-58 of the Municipal Code, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Department inspection, has commenced within this period.
- 8. This project shall comply with all applicable provisions, regulations, and development standards of the City of Fontana's Municipal Code.
- 9. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit. The request shall be submitted to the Planning Department.
- 10. Historic Archaeological Resources

- A. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
- B. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
- C. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.
- 11. The construction contractor will use the following source controls at all times:
 - A. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section No. 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 on-site.
 - E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:

- 1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
- 2. Temporarily enclose localized and stationary noise sources.

ENGINEERING DEPARTMENT:

- 12. 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.
- 13. The applicant/developer/property owner 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 No. 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
- 14. The applicant/developer/property owner shall maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to issuance of final certificate of occupancy by the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

15. The applicant/developer/property owner 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 MAP RECORDATION

16. The applicant/developer/property owner shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on Cityprovided forms.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

- 17. The applicant/developer/property owner shall record all map's, right-of-way dedications, easements as required for the development.
- 18. The applicant/developer/property owner 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

- 19. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
- 20. 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.
- 21. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
- 22. 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).
- 23. 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.
- 24. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.





CITY OF FONTANA CONDITIONS OF APPROVAL

PROJECT: Master Case No. 21-127 DATE: September 20, 2022

Design Review No. 21-050

LOCATION: The project site is located on the west side of Cherry Avenue approximately

250-foot south of the southwest corner of Foothill Boulevard and Cherry Avenue, the project site is otherwise identified as 8160, 8180, and 8194

Cherry Ave (APNs: 0230-051-39, -40, -41, and -42).

PLANNING DEPARTMENT:

1. The applicant/developer/property owner 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.

- 2. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Department inspection, has commenced within this period.
- 3. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
- 4. 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 City of Fontana's 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.
- 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 Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the residential structure until corrections are approved in writing by all appropriate staff.
- 6. The Director of Planning, or his/her designee, shall have the authority for minor architectural changes focusing on items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Design Review.
- 7. Foam treatment used for architecture features and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Planning.
- 8. If solar panel systems are installed on the roof of any residential structure, the installation shall be on top or above the approved roof tile. If a solar panel system is flush-mounted to the roof, matching roof tiles shall be replaced immediately upon removal of the solar panels.
- 9. No solid masonry wall shall be higher than nine-foot from top of ground when used in combination with a retaining wall unless otherwise stated in mitigations for this project.

- 10. All new block walls shall be constructed with a decorative block and capped with a prefabricated block cap to match the existing walls on the adjacent properties.
- 11. Wall-mounted decorative lighting fixtures shall be provided at the front porch area and both sides of the garage doors. In addition, any wall mounted site lighting shall be added to the construction documents; the specifications shall be provided. A photometric shall also be included with the construction documents.
- 12. Prior to the issuance of a Certificate of Occupancy, the applicant shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning.
- 13. The applicant/developer/property owner shall employ a certified professional manager or management company to provide maintenance, security, and other services. The professional manager or management company shall be California Association of Community Managers (CACM) certified or equivalent.
- 14. The development shall establish an active Homeowner's Association (HOA) prior to the sale of the first condominium unit.
- 15. The applicant must install an underground gas line for the built-in barbeque island and fire pit.
- 16. 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 of the Municipal Code.
- 17. The current Development Fees shall be paid.

Prior to Issuance of Building /Construction Permits

18. The applicant/developer/property owner shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development. The location shall be convenient for the residents and not block the line-of-sight for pedestrians or vehicle traffic.

ENGINEERING LAND DEVELOPMENT:

- 19. All Conditions of Approval issued to Tentative Tract Map No. 20431 shall apply.
- 20. The applicant/developer/property owner shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.

BUILDING AND SAFETY DIVISION:

- 21. The applicant/developer/property owner shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
 - A. California Building Code
 - B. California Residential Code
 - C. California Electrical Code
 - D. California Mechanical Code
 - E. California Plumbing Code
 - F. California Energy Code
 - G. California Fire Code
 - H. California Green Building Standards Code
- 22. The applicant/developer/property owner shall install an automatic fire suppression system, which is required in all new construction per Fontana Municipal Code, Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
- 23. The applicant/developer/property owner shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with Fontana Municipal Code, Chapter 5 Article XIV.
- 24. The applicant/developer/property owner 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.
- 25. The applicant/developer/property owner shall comply with the following grading requirements:
 - A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
 - B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
 - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
 - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
 - E. No water course or natural drainage shall be obstructed.
 - F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise

- approved by the Building Official.
- G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
- H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.
 - The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.
- I. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
 - 1. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
 - 2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
 - 3. All proposed drainage structures; and
 - 4. Any proposed and/or required walls or fencing.
- 26. The applicant/developer/property owner 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

- 27. 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

FIRE PROTECTION DISTRICT:

28. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

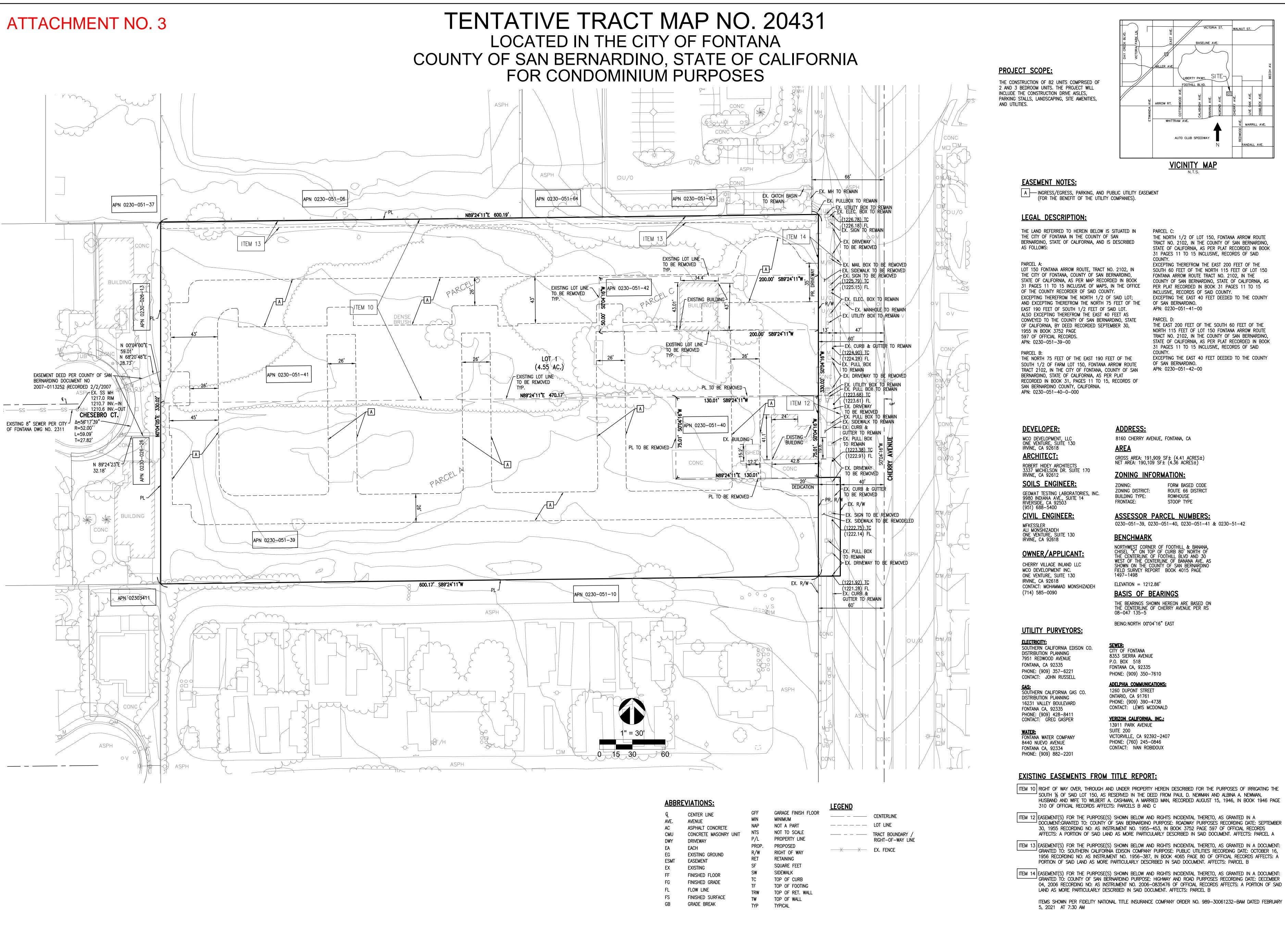
- 29. Fire Access Road Width. Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
- 30. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; and all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns.
- 31. Street Signs. Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site.
- 32. Fire Lanes. The applicant/developer/property owner shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs shall be installed on public and private roads in accordance with approved standards.
- 33. Water System Commercial. Prior to map recordation, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways.
 - The Fire Flow for this project shall be 1500 GPM for a 2-hour duration at 20 psi residual operating pressure. Fire Flow is based on an 8,360 square foot structure.
- 34. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department.
- 35. Water System Certification. The applicant/developer/property owner shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite.
- 36. Combustible Protection. Prior to combustibles being placed on the project site an approved paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed.

- 37. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal.
- 38. Fire Sprinkler-NFPA #13R. An automatic fire sprinkler system complying with NFPA 13R and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal.
- 39. Fire Alarm, Waterflow Monitoring. A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
- 40. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
- 41. Commercial Addressing. Multi-family developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.
- 42. Illuminated Site Diagram. The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant.
- 43. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service.
- 44. Security Gates. In multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Where an automatic electric security gate is used, an approved Fire Department override switch is required.
- 45. Secondary Access. The development shall have a minimum of two points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes.
- 46. Spark Arrestor. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel

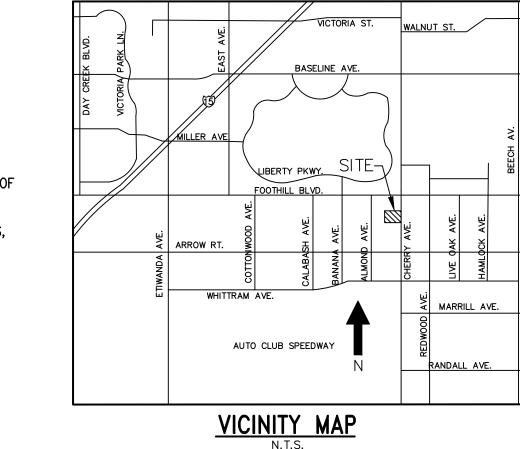
Resolution	PC	No.	2022-	
, tooolation			2022	

are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with Fire Department requirements.

END OF CONDITIONS OF APPROVAL



THE CONSTRUCTION OF 82 UNITS COMPRISED OF 2 AND 3 BEDROOM UNITS. THE PROJECT WILL INCLUDE THE CONSTRUCTION DRIVE AISLES, PARKING STALLS, LANDSCAPING, SITE AMENITIES,



EASEMENT NOTES:

A INGRESS/EGRESS, PARKING, AND PUBLIC UTILITY EASEMENT (FOR THE BENEFIT OF THE UTILITY COMPANIES).

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FONTANA IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED

CONVEYED TO THE COUNTY OF SAN BERNARDINO, STATE 597 OF OFFICIAL RECORDS. APN: 0230-051-39-00

BERNARDINO. STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 31, PAGES 11 TO 15, RECORDS (THE NORTH 1/2 OF LOT 150, FONTANA ARROW ROUTE STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 31 PAGES 11 TO 15 INCLUSIVE, RECORDS OF SAID PER PLAT RECORDED IN BOOK 31 PAGES 11 TO 15 INCLUSIVE, RECORDS OF SAID COUNTY. EXCEPTING THE EAST 40 FEET DEEDED TO THE COUNTY

APN: 0230-051-41-00

STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 31 PAGES 11 TO 15 INCLUSIVE, RECORDS OF SAID

ROBERT HIDEY ARCHITECTS 3337 MICHELSON DR. SUITE 170 IRVINE, CA 92612 **SOILS ENGINEER:**

GEOMAT TESTING LABORATORIES, INC. 9980 INDIANA AVE., SUITE 14 RIVERSIDE, CA 92503 (951) 688-5400

OWNER/APPLICANT

CHERRY VILLAGE INLAND LLC MCO DEVELOPMENT INC. ONE VENTURE, SUITE 130 IRVINE, CA 92618 CONTACT: MOHAMMAD MONSHIZADEH

NORTHWEST CORNER OF FOOTHILL & BANANA, CHISEL "X" ON TOP OF CURB 80' NORTH OF THE CENTERLINE OF FOOTHILL BLVD AND 30 WEST OF THE CENTERLINE OF BANANA AVE. AS SHOWN ON THE COUNTY OF SAN BERNARDINO FIELD SURVEY REPORT BOOK 4015 PAGE 1497-1498 ELEVATION = 1212.86BASIS OF BEARINGS THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF CHERRY AVENUE PER RS

8160 CHERRY AVENUE, FONTANA, CA

ZONING INFORMATION:

ZONING DISTRICT:

BUILDING TYPE:

FRONTAGE:

GROSS AREA: 191,909 SF± (4.41 ACRES±) NET AREA: 190,109 SF± (4.36 ACRES±)

ASSESSOR PARCEL NUMBERS:

ROUTE 66 DISTRICT

ROWHOUSE STOOP TYPE

0230-051-39, 0230-051-40, 0230-051-41 & 0230-51-42

BEING: NORTH 00°04'16" EAST

SOUTHERN CALIFORNIA EDISON CO. DISTRIBUTION PLANNING 7951 REDWOOD AVENUE FONTANA, CA 92335 PHONE: (909) 357-6221 CONTACT: JOHN RUSSELL

SOUTHERN CALIFORNIA GAS CO. DISTRIBUTION PLANNING 16231 VALLEY BOULEVARD PHONE: (909) 428-8411 CONTACT: GREG GASPER

WATER:FONTANA WATER COMPANY 8440 NUEVO AVENUE FONTANA CA, 92334 PHONE: (909) 882-2201

8353 SIERRA AVENUE P.O. BOX 518 FONTANA CA, 92335 PHONE: (909) 350-7610 ADELPHIA COMMUNICATIONS 1260 DUPONT STREET ONTARIO, CA 91761 PHONE: (909) 390-4738 CONTACT: LEWIS MCDONALD **VERIZON CALIFORNIA. INC.:** 13911 PARK AVENUE

VICTORVILLE, CA 92392-2407

PHONE: (760) 245-0846 CONTACT: IVAN ROBIDOUX

SEWER: CITY OF FONTANA

EXISTING EASEMENTS FROM TITLE REPORT:

ITEM 10 RIGHT OF WAY OVER, THROUGH AND UNDER PROPERTY HEREIN DESCRIBED FOR THE PURPOSES OF IRRIGATING THE 」SOUTH ⅓ OF SAID LOT 150, AS RESERVED IN THE DEED FROM PAUL D. NEWMAN AND ALBINA A. NEWMAN, HUSBAND AND WIFE TO WILBERT A. CASHMAN, A MARRIED MAN, RECORDED AUGUST 15, 1946, IN BOOK 1946 PAGE 310 OF OFFICIAL RECORDS AFFECTS: PARCELS B AND C

ITEM 12 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A —— DOCUMENT: GRANTED TO: COUNTY OF SAN BERNARDINO PURPOSE: ROADWAY PURPOSES RECORDING DATE: SEPTEMBER 30, 1955 RECORDING NO: AS INSTRUMENT NO. 1955-453, IN BOOK 3752 PAGE 597 OF OFFICIAL RECORDS AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT. AFFECTS: PARCEL A

ITEM 13 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TÓ: SOUTHERN CALIFORNÍA EDISON COMPANY PURPOSE: PUBLIC UTILITIES RECORDING DATE: OCTOBER 16, 1956 RECORDING NO: AS INSTRUMENT NO. 1956-387, IN BOOK 4065 PAGE 80 OF OFFICIAL RECORDS AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT. AFFECTS: PARCEL B

ITEM 14 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: — GRANTED TO: COUNTY OF SAN BERNARDINO PURPOSE: HIGHWAY AND ROAD PURPOSES RECORDING DATE: DECEMBER 04, 2006 RECORDING NO: AS INSTRUMENT NO. 2006-0835476 OF OFFICIAL RECORDS AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT. AFFECTS: PARCEL B

3/10/21 DRAWN BY:

SHEET

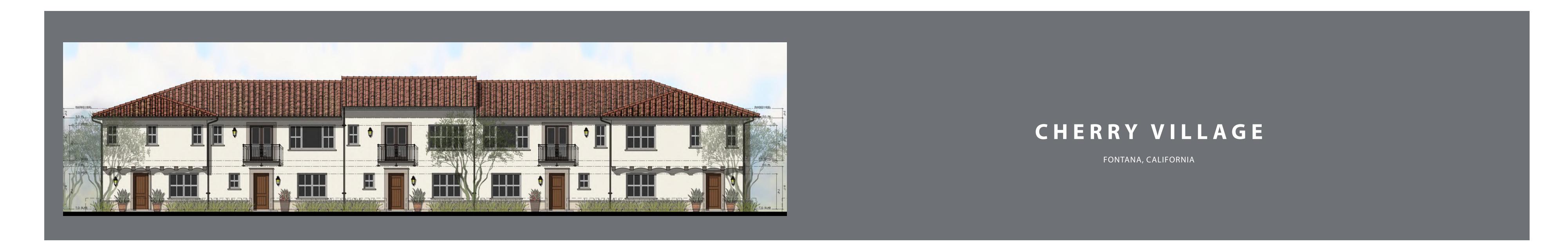
PROJECT NAME:

CHERRY VILLAGE

DATE DRAWN:

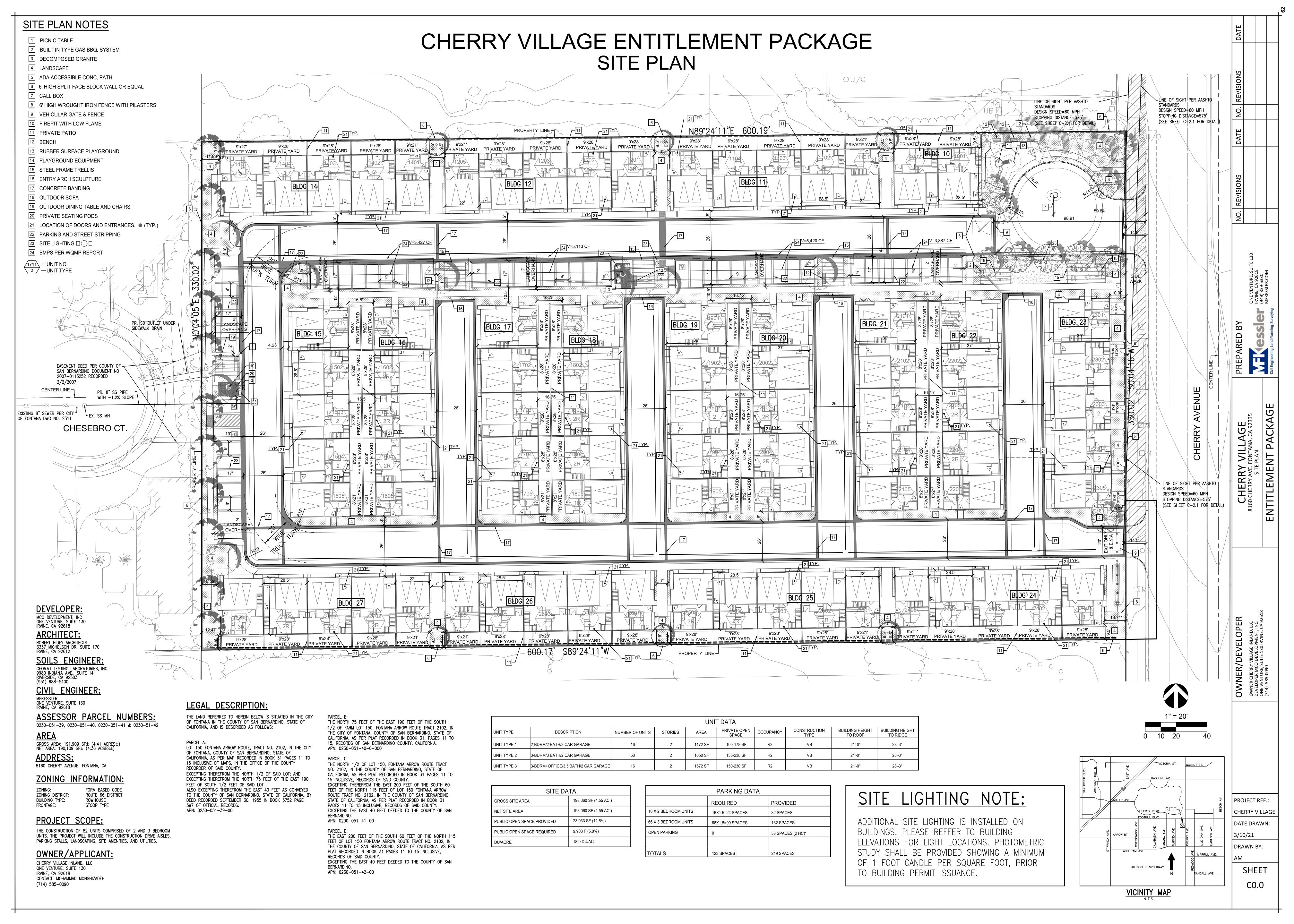
OWNER/DEVELOPER

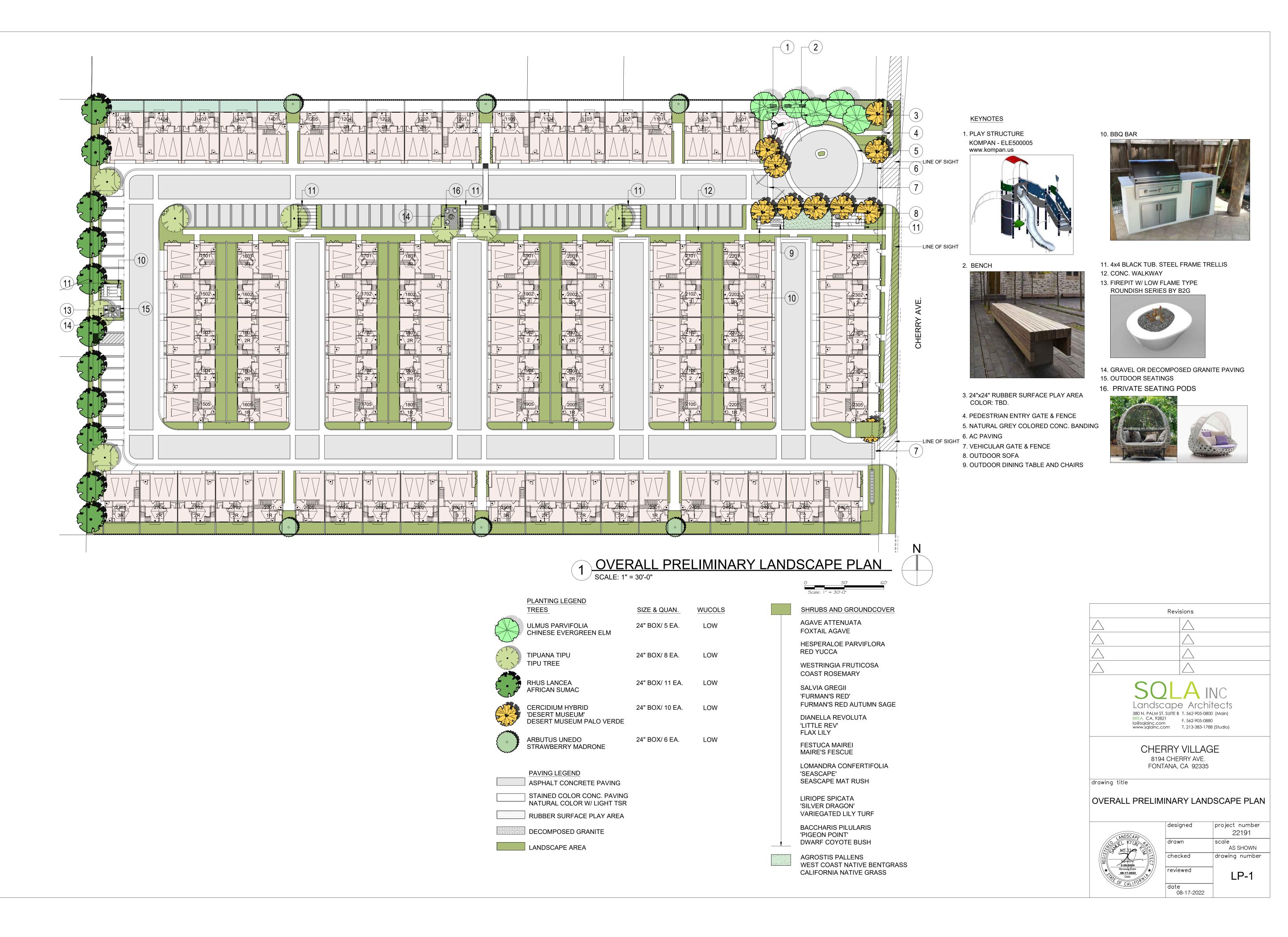




MCO DEVELOPMENT, INC.

PROJECT NUMBER 21067 06/14/2022

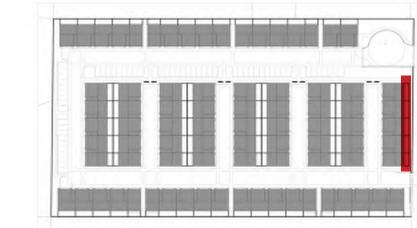






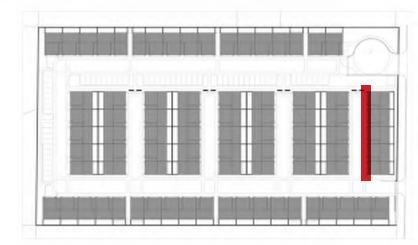


FRONT ELEVATION AT CHERRY AVENUE





REAR



BUILDING ELEVATION



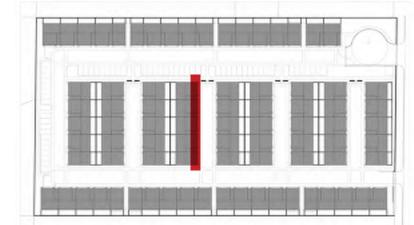


MCO DEVELOPMENT INC.



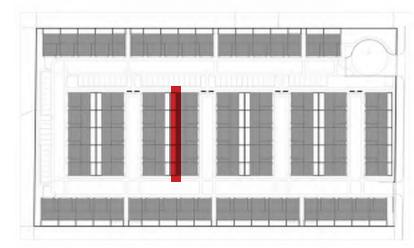


FRONT



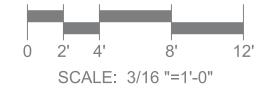


REAR



INTERIOR BUILDING ELEVATION

CHERRY VILLAGE
FONTANA, CALIFORNIA

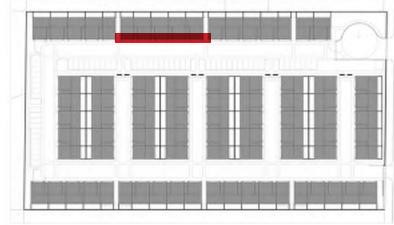


MCO DEVELOPMENT INC.



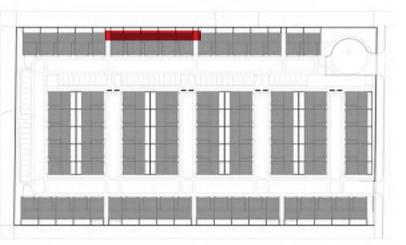


FRONT





REAR



BUILDING ELEVATION

CHERRY VILLAGE
FONTANA, CALIFORNIA



MCO DEVELOPMENT INC.

ROBERT HIDEY ARCHITECTS

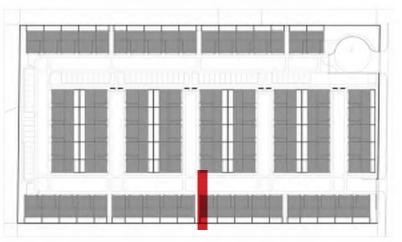


RIGHT



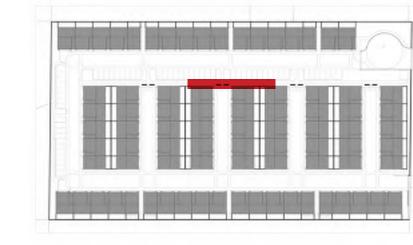


RIGHT



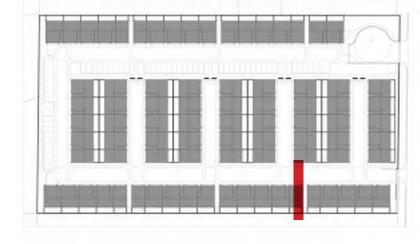


_EFT





LEFT



BUILDING ELEVATION



MCO DEVELOPMENT INC.





UNIT 3

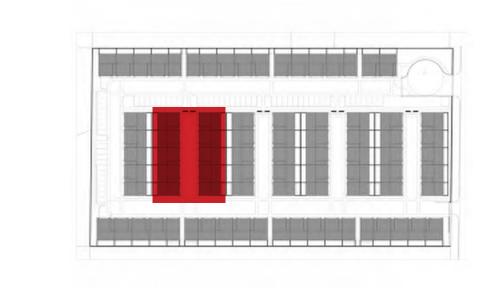
UNIT 2

UNIT 2

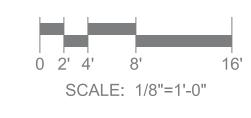
UNIT 2

UNIT 1

27'-0" 9'-0" 39'-0" 39'-0"



BUILDING PLAN - FIRST FLOOR



MCO DEVELOPMENT INC.

21067 06/14/2022



UNIT 3

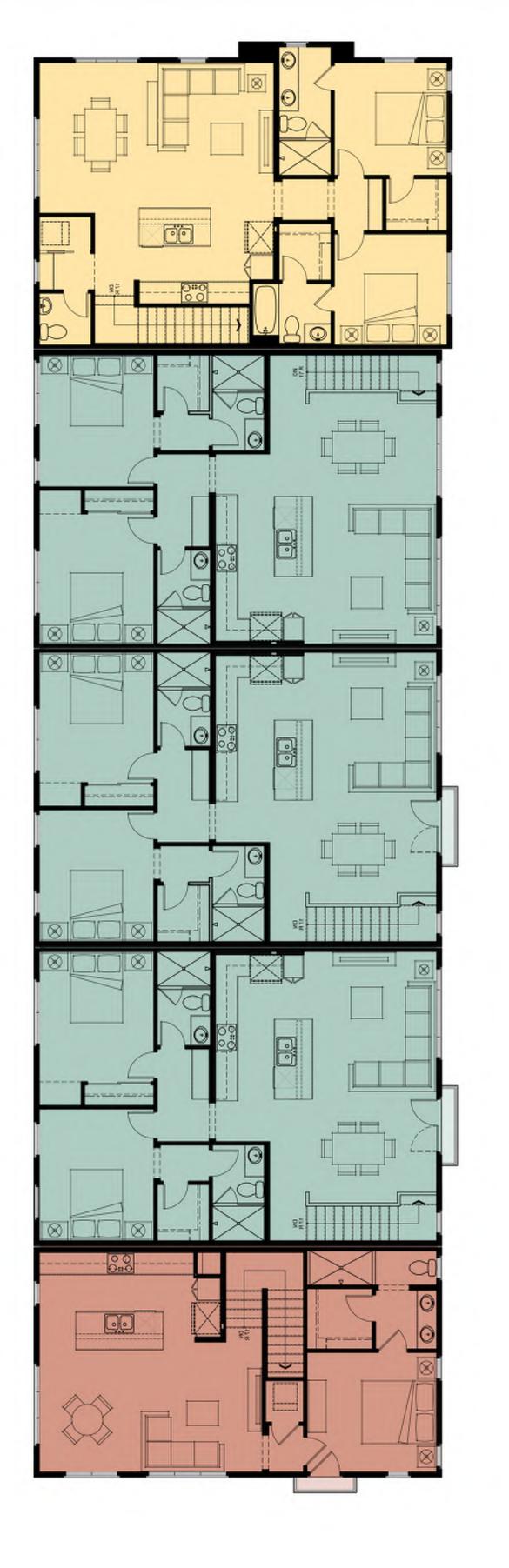
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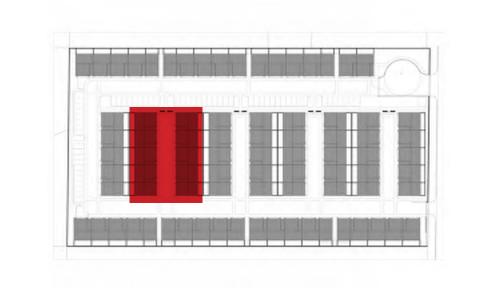
UNIT 2

UNIT 2

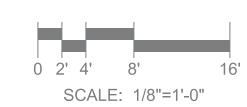
UNIT 1







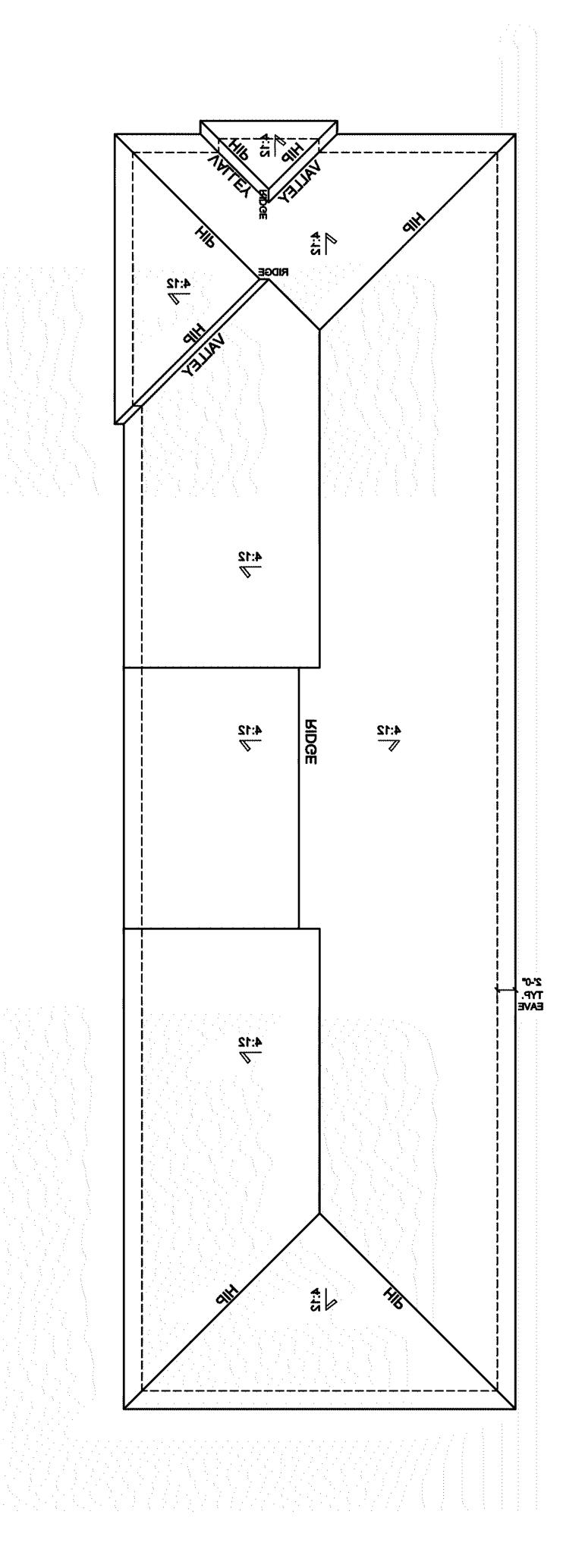
BUILDING PLAN - SECOND FLOOR

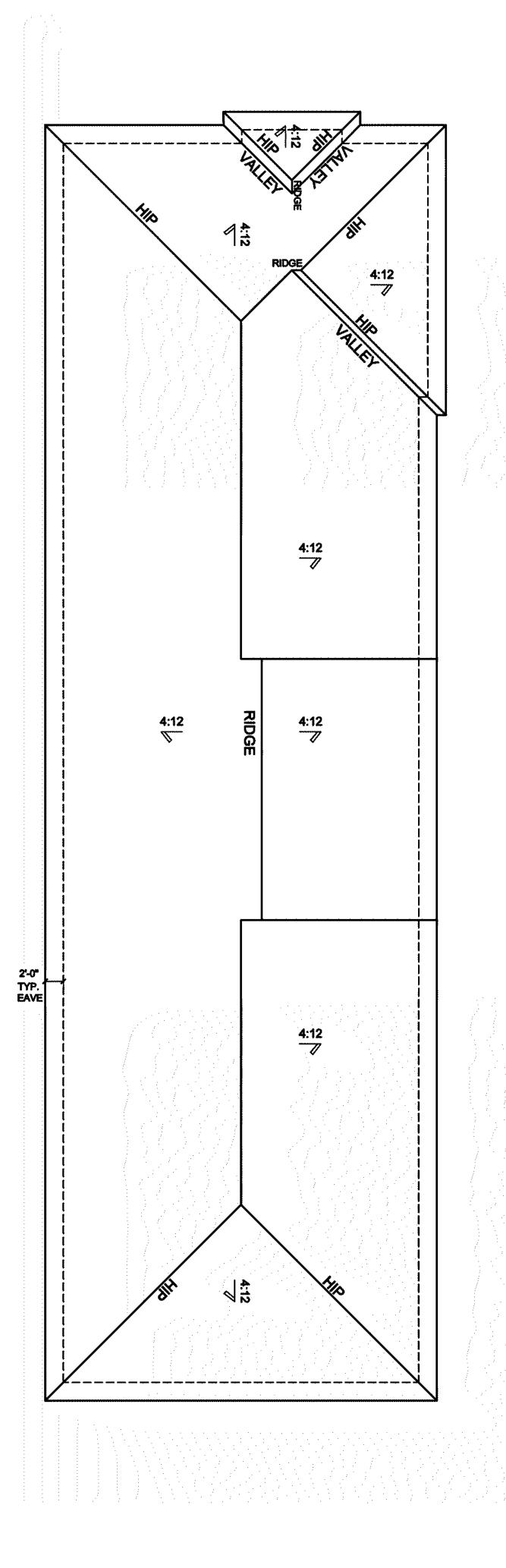


MCO DEVELOPMENT INC.

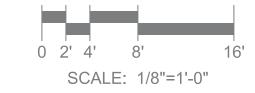
21067 06/14/2022







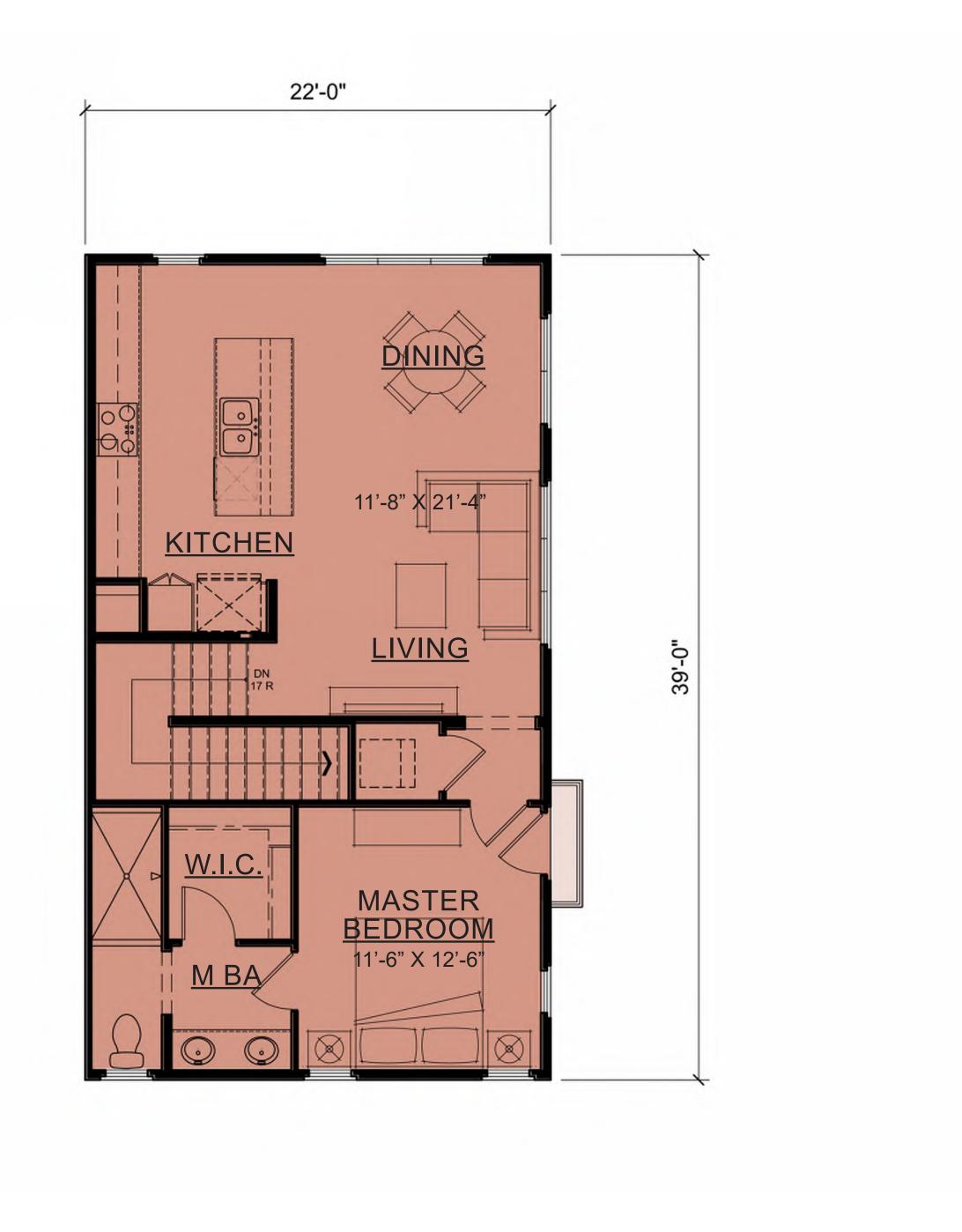
ROOF PLAN



MCO DEVELOPMENT INC.

21067 06/14/2022

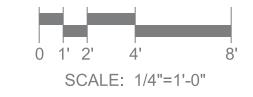




SECOND FLOOR 814 SF FIRST FLOOR 358 SF

UNIT 1 2 BED, 2 BATH 2-CAR GARAGE

1,172 SF TOTAL



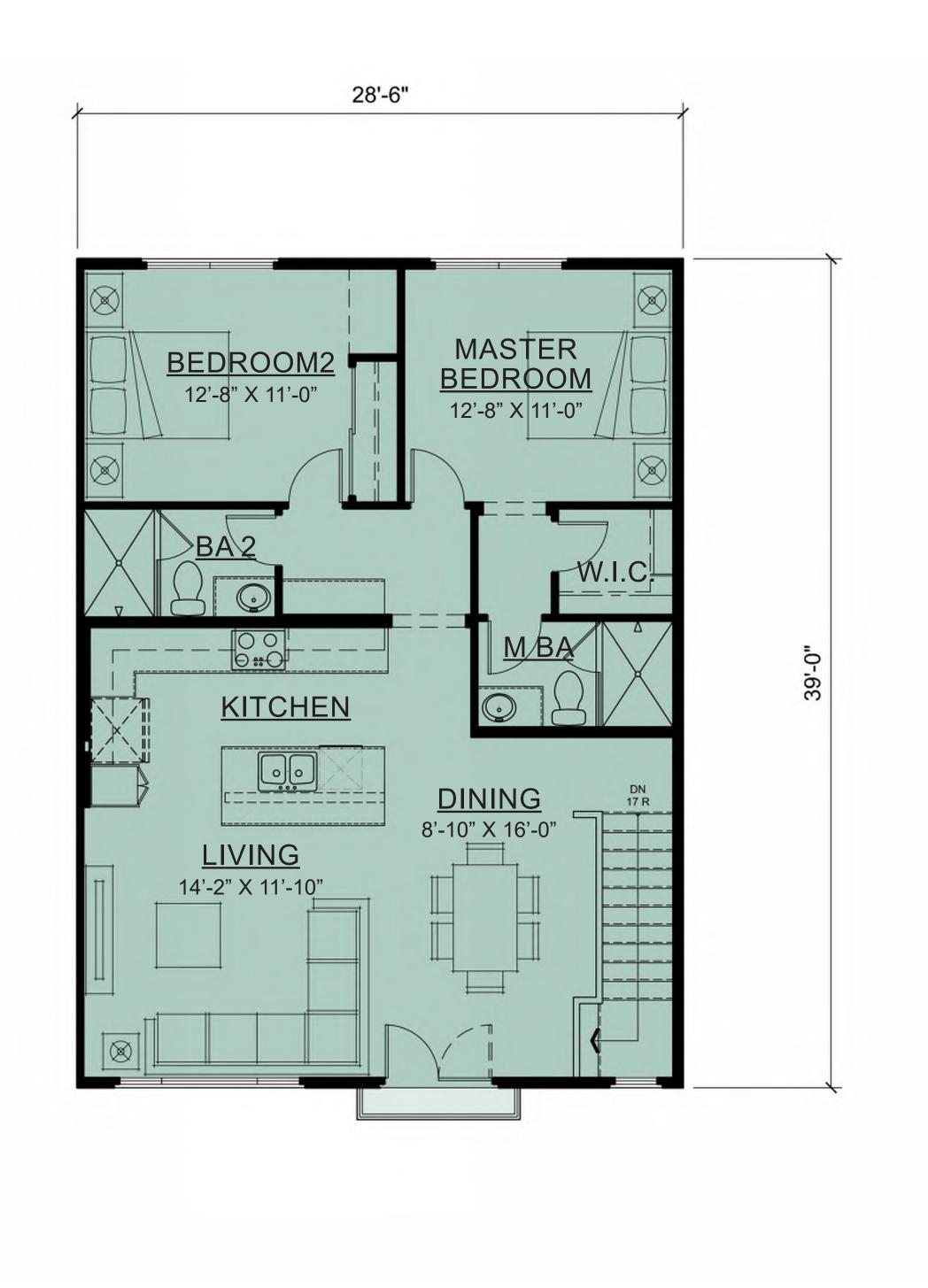
MCO DEVELOPMENT INC.

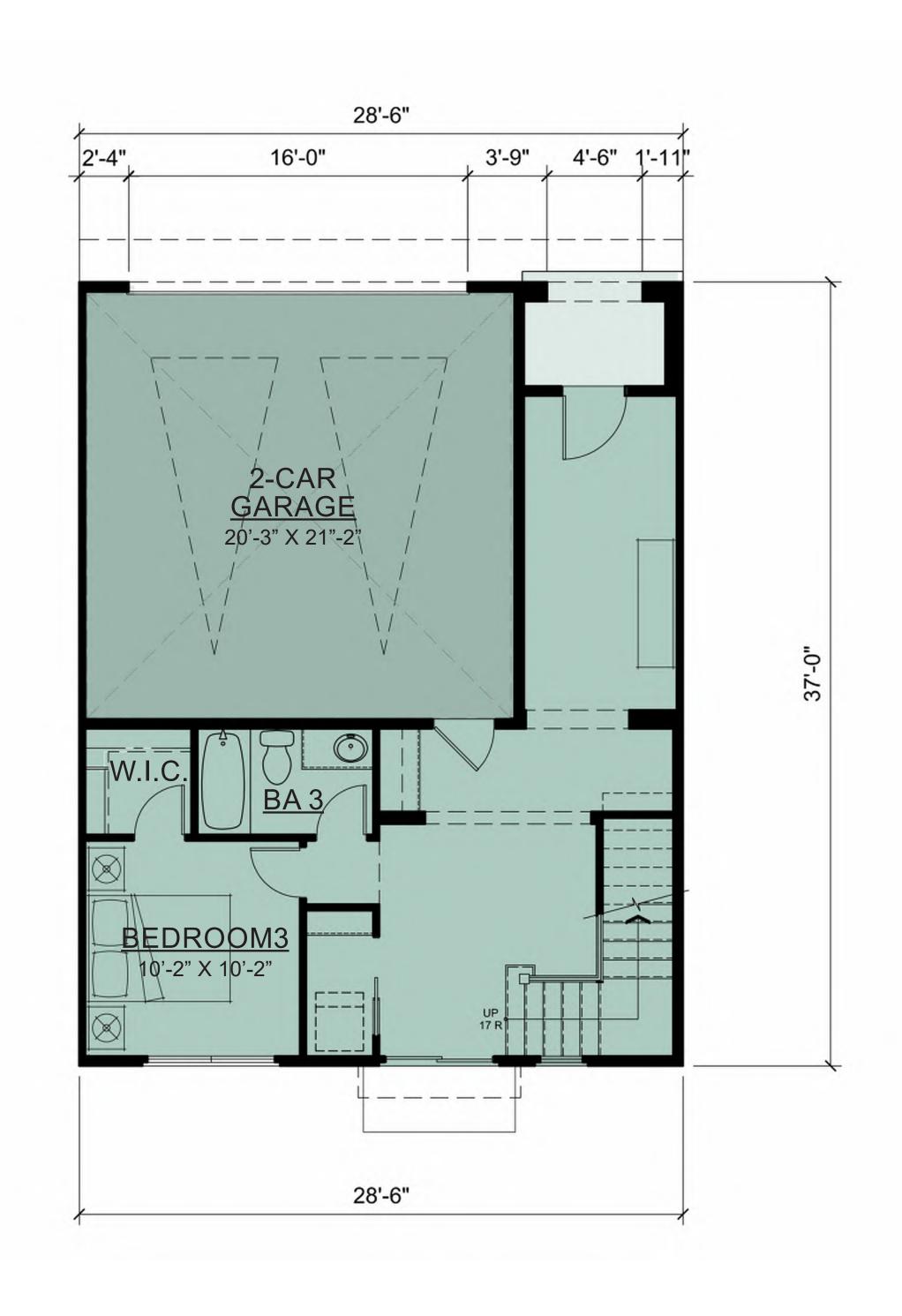
21067 06/14/2022 **10**

CHERRY VILLAGE

FONTANA, CALIFORNIA





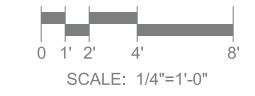


SECOND FLOOR 1,058 SF

FIRST FLOOR 592 SF

UNIT 2 3 BED, 3 BA 2-CAR GARAGE

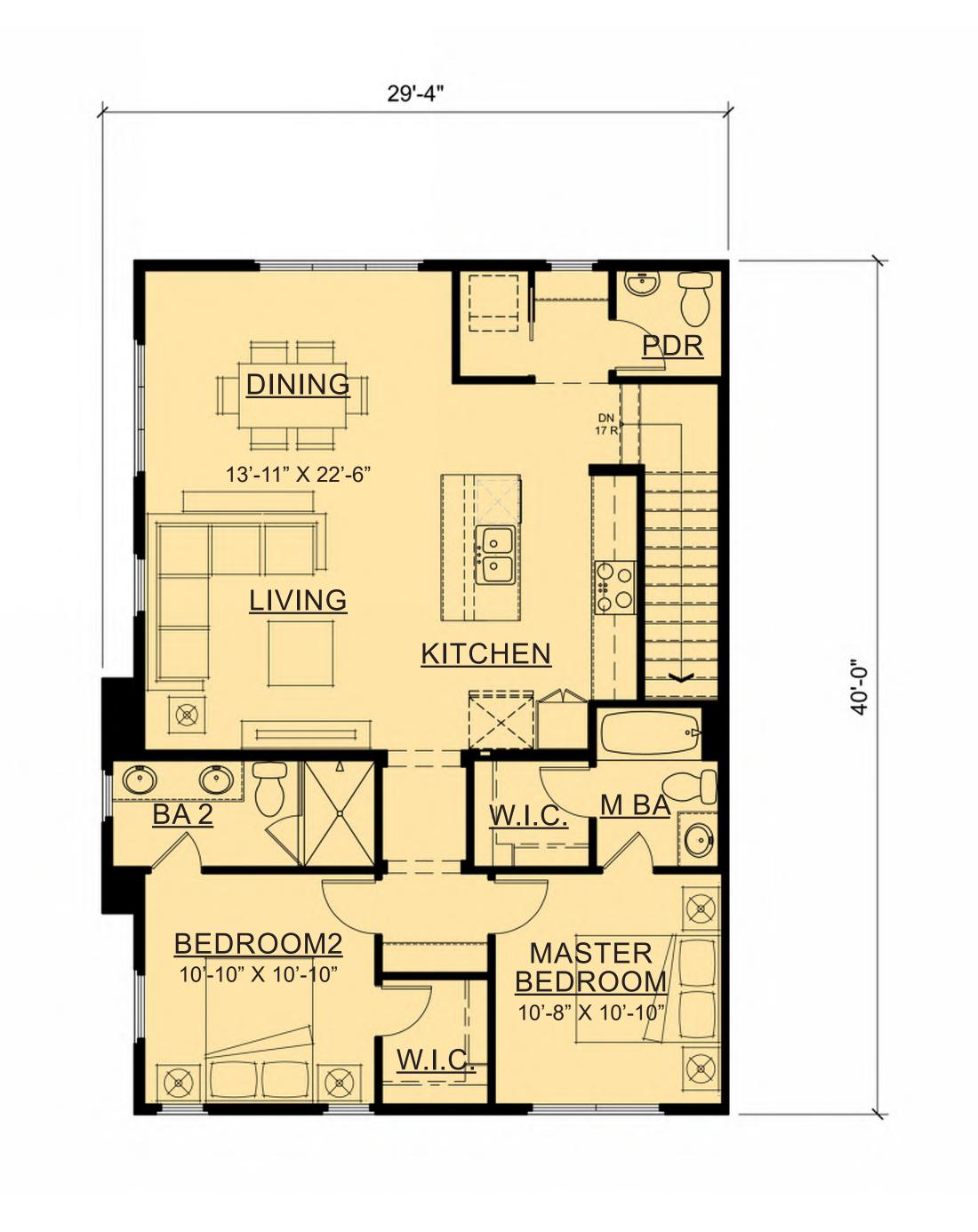
1,650 SF TOTAL

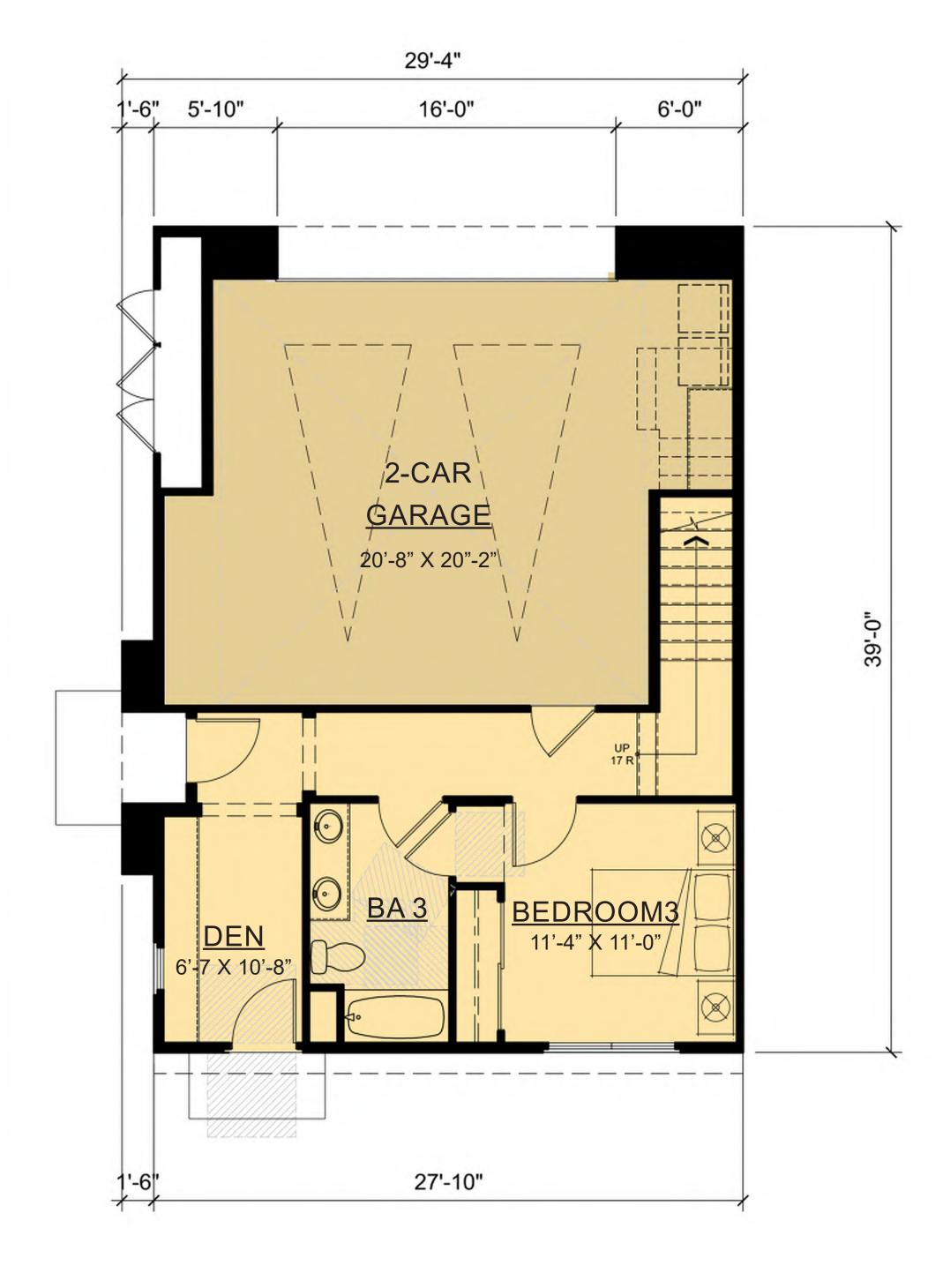


MCO DEVELOPMENT INC.

21067 06/14/2022 **1 1**







SECOND FLOOR 1,179 SF

FIRST FLOOR 493 SF

UNIT 3 3 BED + DEN, 3.5 BATH 2-CAR GARAGE

CHERRY VILLAGE

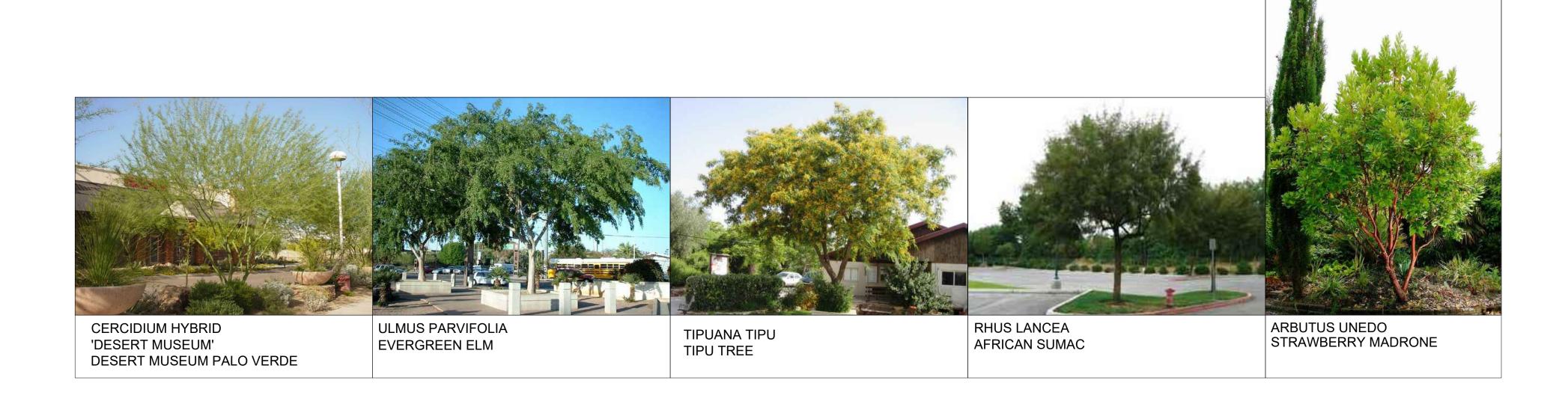
0 1' 2' 4' 8' SCALE: 1/4"=1'-0"

1,672 SF TOTAL

MCO DEVELOPMENT INC.

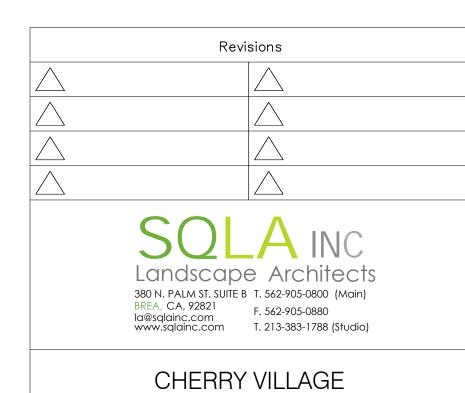
21067 06/14/2022 **12**

FONTANA, CALIFORNIA





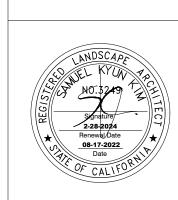




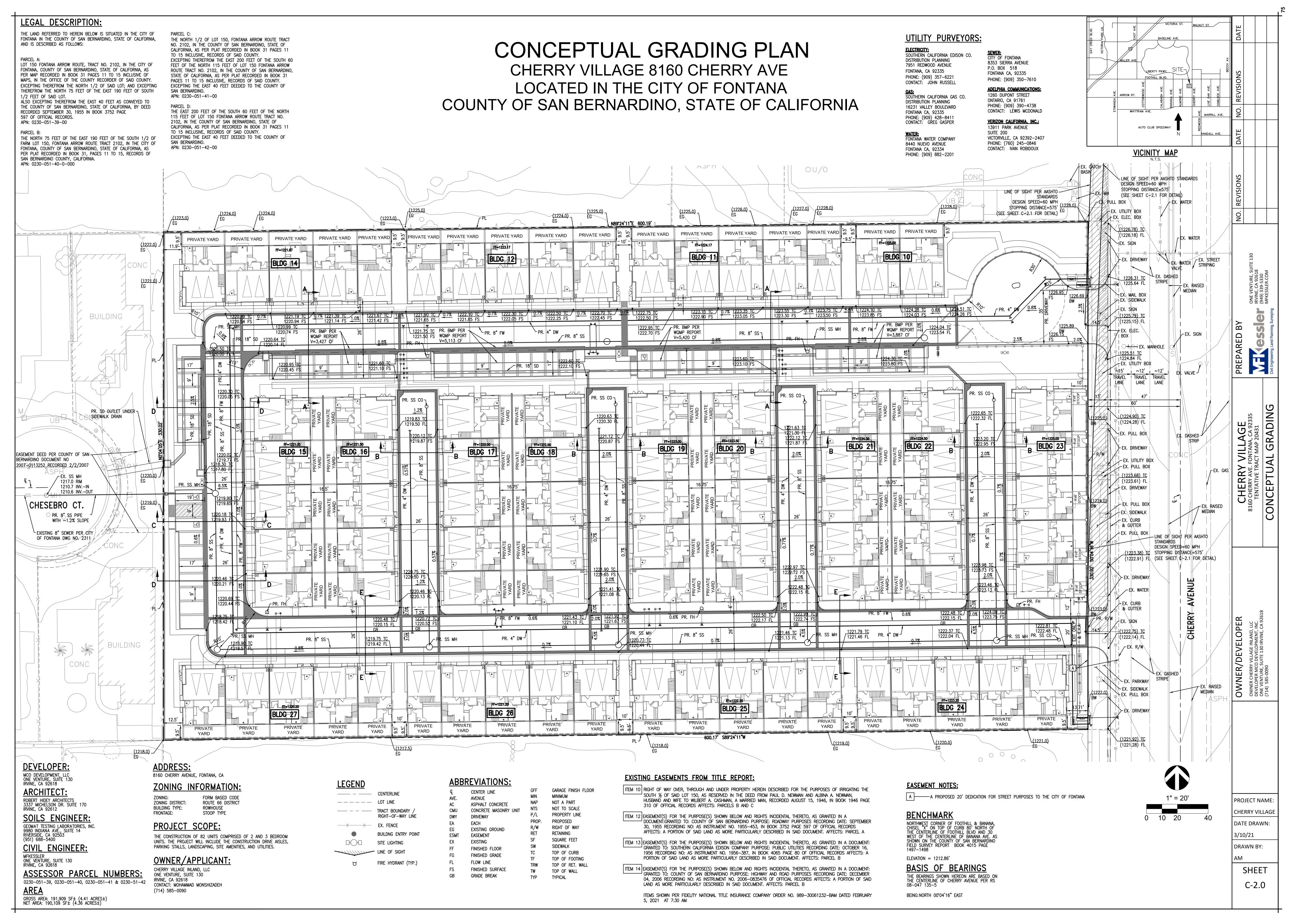
drawing title

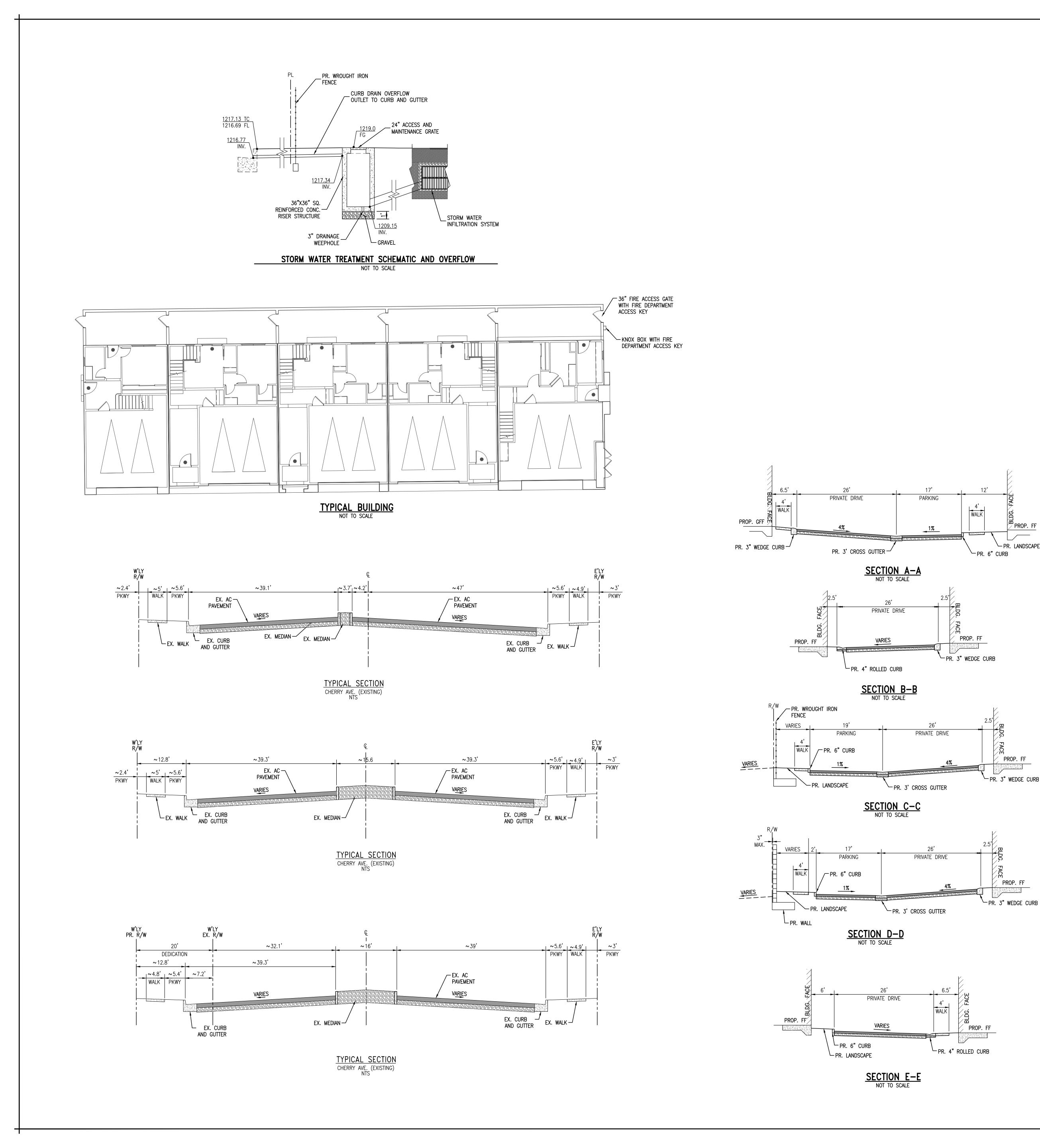
PLANT IMAGES

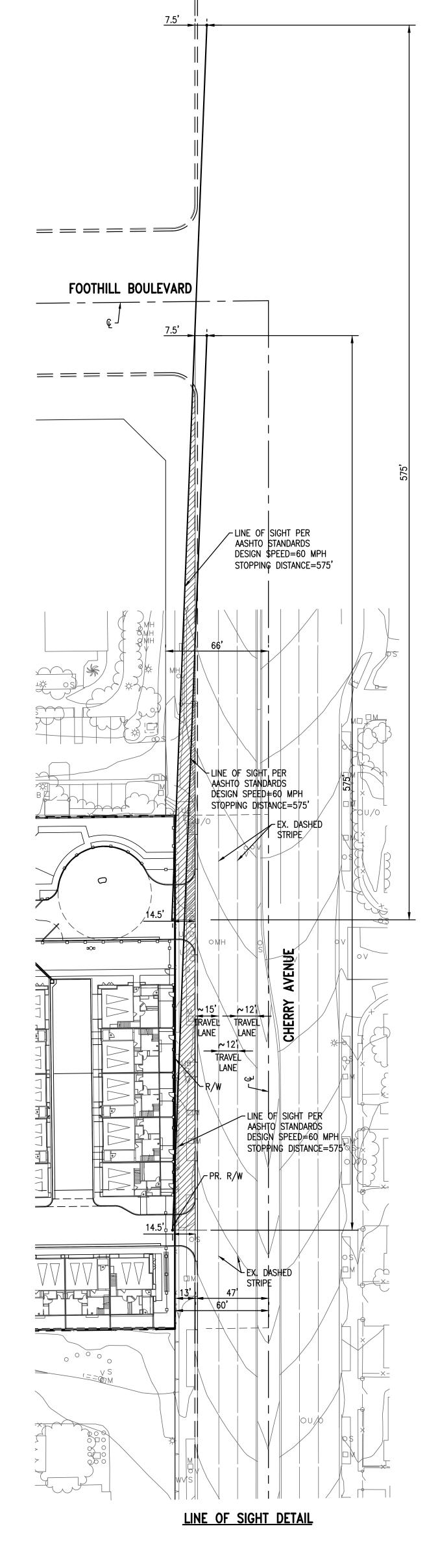
8194 CHERRY AVE. FONTANA, CA 92335



designed	project number
	22191
drawn	scale
	AS SHOWN
checked	drawing number
reviewed	LP-2
date 08-17-2022	







PR. LANDSCAPE

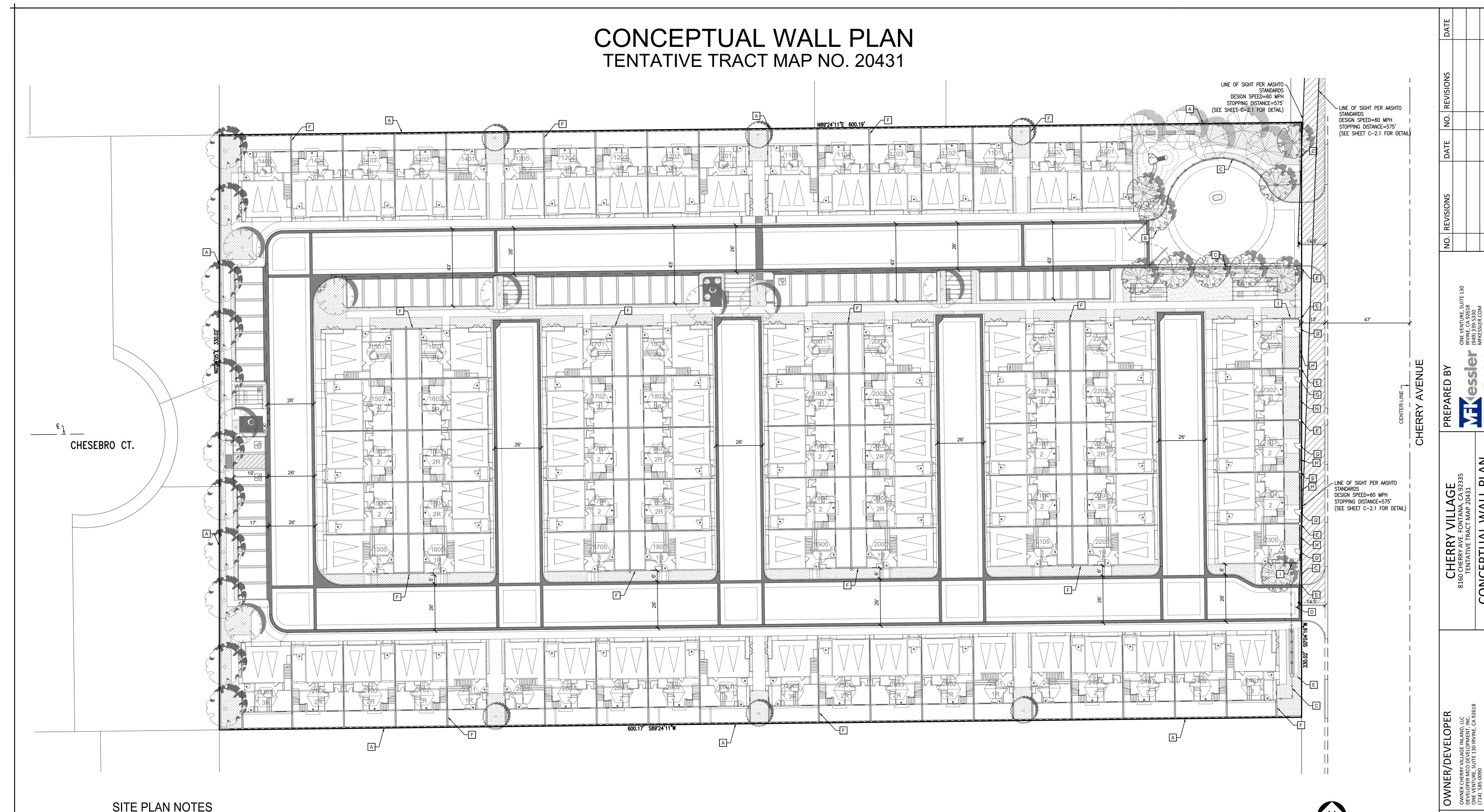
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PROJECT NAME: CHERRY VILLAGE DATE DRAWN: 3/10/21 DRAWN BY:

OWNER CHERRY VILLAGE INLAND, LLC
DEVELOPER MCO DEVELOPMENT, INC.
ONE VENTURE, SUITE 130 IRVINE, CA 92618
(714) 585-0090

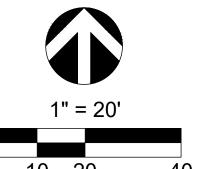
PREPARED BY

C-2.1



SITE PLAN NOTES

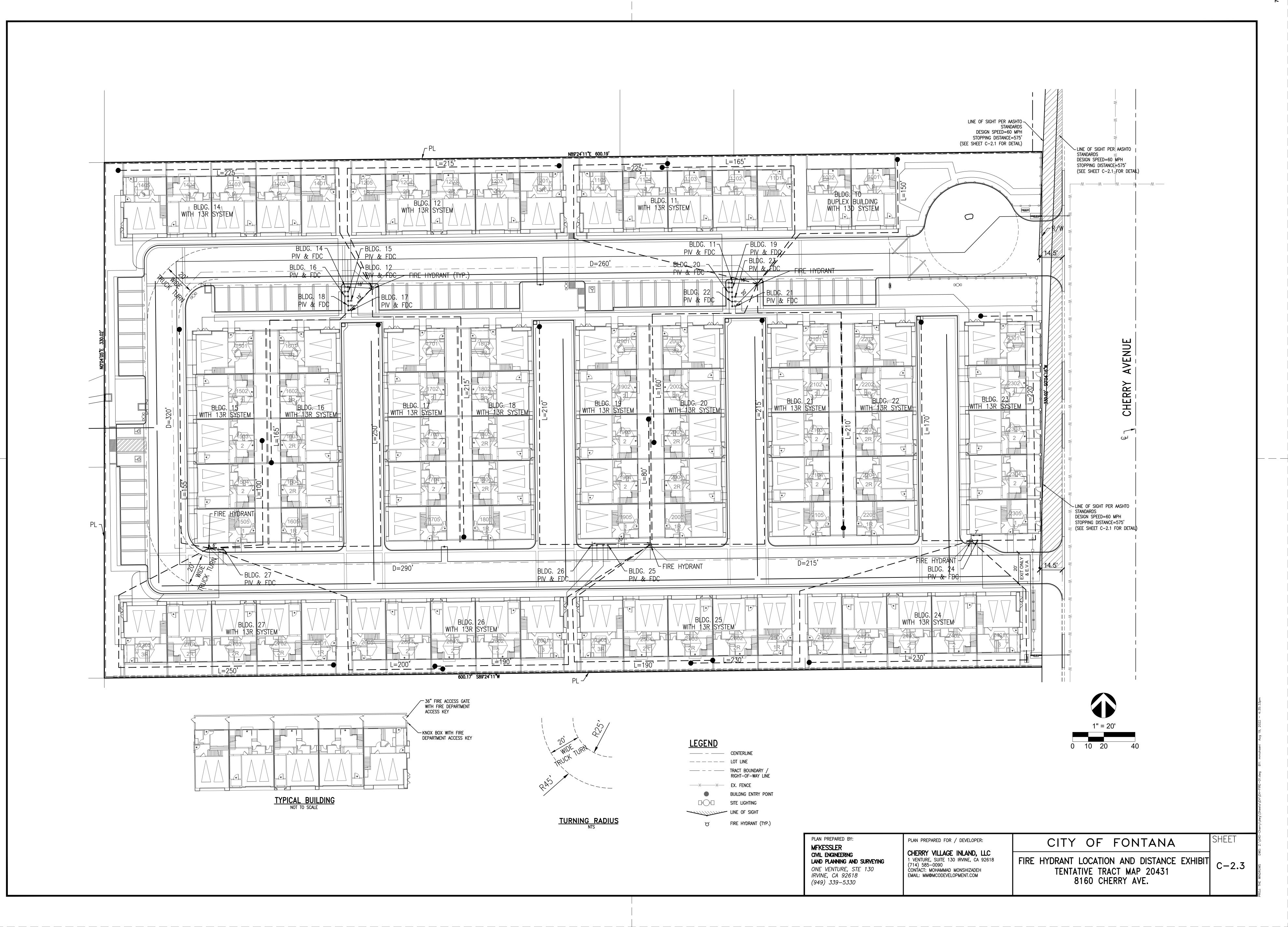
- A 6' HIGH PRECISION BLOCK WALL
- B SWINGING METAL GATE
- © 6' HIGH WROUGHT IRON FENCE WITH PILASTERS
- D SLIDING EXIT ONLY METAL GATE
- E DECORATIVE PILASTER
- F YARD WALL
- G WROUGHT IRON GATE H WROUGHT IRON FENCE ON TOP OF DECORATIVE MASONRY LOW WALL
- DECORATIVE MASONRY WALL

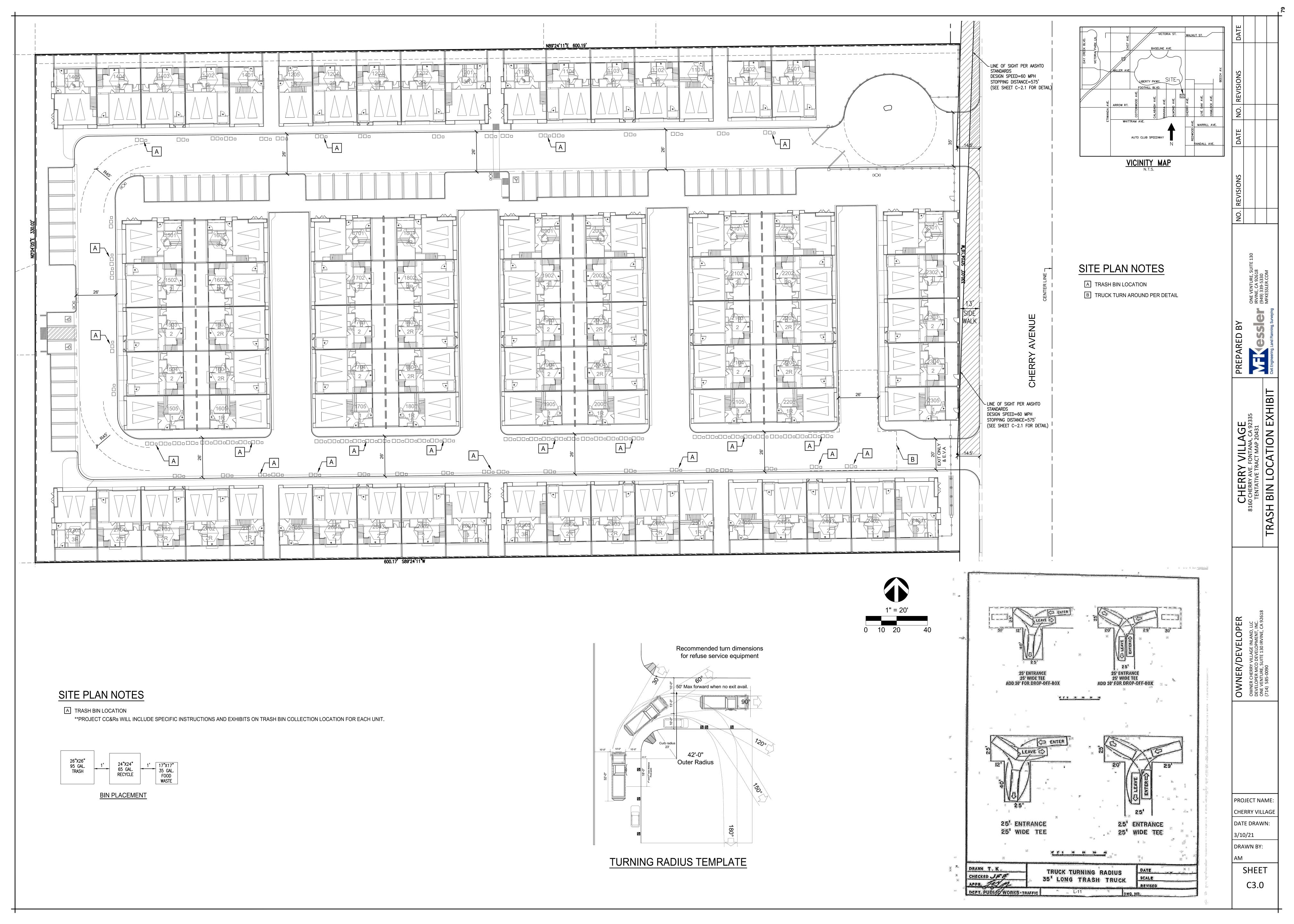


PROJECT NAME: CHERRY VILLAGE DATE DRAWN: 3/10/21

DRAWN BY: SHEET

C-2.2







NOTICE OF EXEMPTION

TO:	Count 385 N	of the Board of Supervisors y of San Bernardino . Arrowhead Avenue, 2nd Floor ernardino, CA 92415-0130		City of Fontana Planning Department 8353 Sierra Avenue Fontana, CA 92335
	1.	Project Title:	Master Case No Tentative Tract Design Review	Map No. 20431 (TTM No. 21-011)
	2.	Project Location:	Cherry Avenuthe southwest	ite is located on the west side of e approximately 250-foot south of t corner of Foothill Boulevard and e, (APN2: APNs: 0230-051-39, -40, -
	3.	(a) Project Location - City:(b) Project Location - County:	Fontana, CA 9 San Bernarding	
	4.	4. Description of nature, purpose, and beneficiaries of Project:		of Project:
		parcel for condominium purpo Design Review No. 20-050 is	se, totaling app for site and are	al to consolidate four lots into one roximately 4.4 adjusted gross acres. chitectural review for a new 82-unity buildings totaling approximately
		128,000 square feet.	11 21 two-story	bundings totaling approximatery
	5.	Name of Public Agency approvin	g project:	City of Fontana
	6.	Name of Person or Agency carry		MCO Development, Inc. One Venture, Suite 130 Irvine, CA 92618
	7.	Section No. 15332 California Environi	2 (Class 32, Inmental Quality ocal Guidelines / State Code sec	



NOTICE OF EXEMPTION

- 8. Reason why project was exempt: This project site is considered In-Fill Development and meets the CEQA requirement of In-Fill. 1) the project is consistent with the Walkable Mixed-Use Downtown and Corridors (WMXU-1) General Plan land use designation; 2) the project site is approximately 4.4 adjusted gross acres (less than 5 acres); 3) the project site is not within any known sensitive or threatened habitat area; 4) the project will not have a significant effect relating to traffic, noise, air quality, or water quality; and 5) there are adequate public utilizes and service for the development of the proposed 82-unit condominium complex project.
- 9. Contact Person: Jon S. Dille, Associate Planner Telephone: (909) 350-6681

Date Received for Filing:		
g.	Salvador Quintanilla	
(Clerk Stamp Here)	Senior Planner	



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 implemntation 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 shall be made 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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

Master Case No. 21-127, Tentative Tract Map No. 20431, and Design Review No. 21-050: a request to consolidate four lots into one totaling approximately 4.4 adjusted gross acres and a request for site and architectural review to construct a new 82-unit condominium complex within 27 two-story buildings totaling approximately 128,000 square feet, with two-bedroom units and three-bedroom units, range in size from 1,172 square feet to 1,672 square feet.

EnvironmentalThis project has been determined to be Exempt pursuant to Section No. 15332 **Determination:**Class 32 (In-Fill Development) of the California Environmental Quality Act and

Section No. 3.22 of the 2019

Local Guidelines for Implementing CEQA.

Location of The project site is located on Property: the west side of Cherry Avenue

the west side of Cherry Avenue approximately 250-foot south of the southwest corner of the intersection of Foothill Boulevard and Cherry Avenue, (APNs: 0230-051-39, -40, -41,

and -42)

<u>Date of Hearing</u>: September 20, 2022

<u>Place of</u> City Hall Council Chambers

Hearing: 8353 Sierra Avenue

Fontana, CA 92335

Time of Hearing: 6:00 pm

Should you have any questions concerning this project, please contact Jon Dille, Associate Planner, at (909) 350-6681 or by email at jdille@fontana.org.





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

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

Publish: September 9, 2022



City of Fontana

8353 Sierra Avenue Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1618Agenda Date: 9/20/2022Agenda #: PH-DCategory: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 22-109 and Design Review Sign No. 22-041 - a request to establish a sign program for the Northgate Plaza located on approximately 7.04 acres.

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,

- Determine that the proposed project is exempt pursuant to Section 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; and,
- 2. Approve Design Review Sign No. 22-041

APPLICANT:

Promotional Signs, Inc. 3301 S. Susan St. Santa Ana, CA 92704

LOCATION:

9630 Sierra Avenue and 16856 San Bernardino Avenue (APN: 0193-251-43 and -44)

REQUEST:

Design Review Sign No. 22-041 - a request to establish a sign program for the Northgate Plaza property located on approximately 7.04 acres on the west side of Sierra Avenue, north side of San Bernardino Avenue.

PROJECT PLANNER:

Alexia De La Torre, Assistant Planner

BACKGROUND INFORMATION:

- A. September 15, 2020: The Planning Commission recommended approval for Master Case No. 20-016, Design Review Project No. 20-002, Tentative Parcel map No. 20203 (TPM No. 20-003), Zone Change 20-005 for development of the Northgate Plaza.
- B. October 27, 2020: Master Case No. 20-016, Design Review Project No. 20-002, Tentative Parcel map No. 20203, Zone Change 20-005 was approved by the City Council for development of the Northgate Plaza.
- C. September 21, 2021: The Planning Commission approved a revision to Tentative Parcel Map

File #: 21-1618 Agenda Date: 9/20/2022
Agenda #: PH-D Category: Public Hearing

No. 20203 (TPM No. 20-003R1), approved Minor Use Permit No. 20-007 and Administrative Site Plan No. 21-022 for the construction of a drive-through restaurant and approved Administrative Site Plan No. 21-023 for the construction of a multi-tenant pad all within the Northgate Plaza.

	General Plan	Zoning /Overlay	Existing Land Use
Site:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)	Form Based Code (FBC) Sierra Gateway subdistrict	Under Construction
North:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)		Multi-Family, Tire Shop & Car Wash
South:	Public Facilities (P-PF)	Form Based Code (FBC) Sierra Gateway subdistrict	Multi-Family & Kaiser Medical Office
East:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)	Sierra Gateway	Offices, Restaurants, and Retail
West:	WMXU-1 (Walkable Mixed Use Corridor and Downtown)	Form Based Code (FBC) Multi-Family subdistrict	Multi-Family

PROJECT DESCRIPTION:

A. Site Area: Approximately 7.04 adjusted gross acres

B. Proposed Development Standards:

The following is a summary of the proposed sign criteria identified in the sign program:

Sign Type	Characteristics
Anchor Tenant Wall Signs	Two (2) primary signs and six (6) secondary/subtenant signs ranging between Secondary/subtenant signs ranging between 30 sq. ft 55 sq. ft. maximum Primary sign 250 sq. ft. maximum
Multi-tenant Pad	One (1) primary sign per tenant per street or parking lot elevation with a maximum of four (4) per tenant Two (2) sq. ft. per linear feet of lease frontage
Building 3 Pad	One (1) primary sign per tenant per street or parking lot facing elevation with a maximum of (2) per tenant Two (2) square feet per linear foot of lease frontage

File #: 21-1618	Agenda Date: 9/20/2022
Agenda #: PH-D	Category: Public Hearing
Drive-Thru Pad Tenant	One (1) husiness identification per street or

Drive-Thru Pad Tenant	One (1) business identification per street or parking lot facing elevation with a maximum of four (4) signs Two (2) square feet per linear foot of lease frontage not to exceed 132 square feet
Center Identification Sign	One (1) single-sided sign Not to exceed 16 feet in height with the letter height not to exceed 3 feet.
Multi-tenant Monument Signs	Two (2) double sided monument signs with a total of four (4) panels per side Sign area not to exceed 30 sq. ft. on each side and height not to exceed 6'-3"
Multi-tenant Pylon Sign	One (1) double-sided sign with an LED display of 200 square feet on each side Height not to exceed 31 feet

ANALYSIS:

The applicant, Promotional Signs, Inc., is requesting a design review sign application for the site and architectural review of a new sign program that will create a unique and vibrant sign program with custom site-specific standards throughout the commercial center. The proposed sign program helps to integrate the design of signs with the overall building and landscape design to form an architectural statement. The applicant used common design elements from the approved buildings to create signs that are creative and unique to the Northgate Plaza. The project site is a rectangularly-shaped parcel located on the west side of Sierra Avenue and on the north side of San Bernardino Avenue.

Design Review Sign No. 22-041

As previously discussed, there are provisions to allow sign programs for shopping centers that are larger than six (6) acres. The sign program will now govern all future signage for the shopping center and meets the provisions of the chapter regarding sign programs including the purpose, applicability, and requirements to form a sign program.

The Northgate Plaza is a mixed-use property located on an approximately 7.04 acre that fronts Sierra Avenue and San Bernardino Avenue. The site is currently under construction for the newly approved Northgate Market and various pads. The applicant is proposing a sign program that will govern the signage on this site and will result in signage that will be proportional to the building sizes/heights. The sign program will function to provide unique and vibrant signage to the Northgate Plaza by using custom tailored site-specific standards that will complement the new shopping center. The applicant is proposing a pylon and monument signs that contains Spanish architectural details that will complement the buildings on site. To exemplify the common Spanish theme, the applicant will be using colored plaster as the main material in addition to decorative Spanish cotto tile and colorful hacienda tiles on the proposed pylon and monument signs. The applicant is proposing a decorative pylon sign with an electric message board component that will contain a sign area of 200 square feet on each side that will display onsite signage as well as feature City related advertisement. The applicant is also proposing a creative multi-pylon sign with individual letters that spell "Northgate

File #: 21-1618Agenda Date: 9/20/2022Agenda #: PH-DCategory: Public Hearing

Plaza". This sign will also utilize decorative Spanish cotto tile. This sign will serve to give the shopping center a unique identity. The Northgate Plaza is a new shopping center that will have new and creative signage that will complement the shopping center.

MOTION:

Approve staff recommendation.

ATTACHMENTS:

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





VICINITY MAP

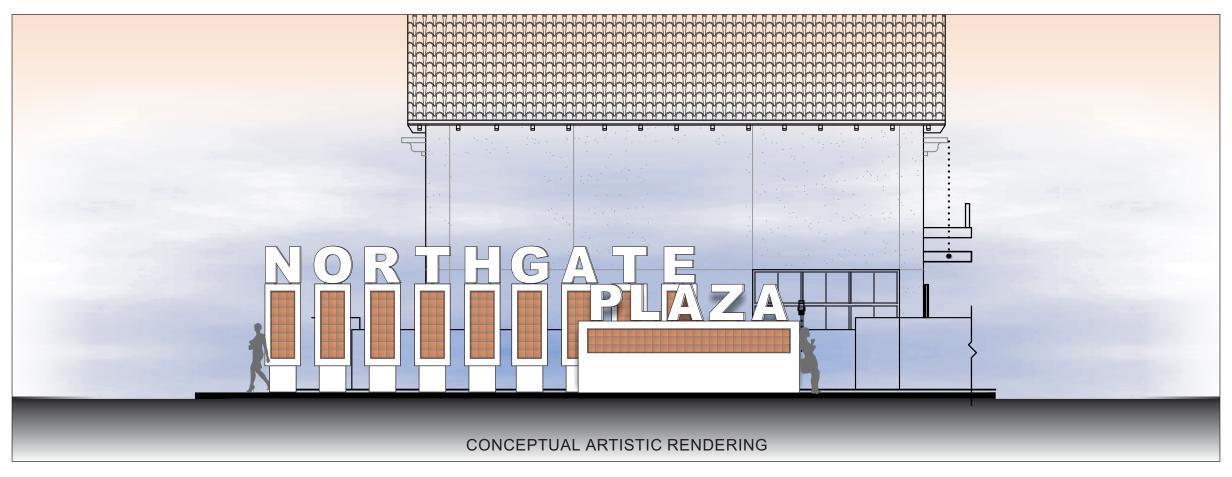
DATE: September 20, 2022

CASE: Master Case No. 22-109

Design Review Sign No. 22-041

FRONTIER REAL ESTATE INVESTMENTS

NWC San Bernardino Avenue & Sierra Avenue



Comprehensive Sign Program

Prepared By:



INTRODUCTION

The purpose of this program is to establish sign design standards and general guidelines that assure consistency in quality and necessary to balance maximum identification within an overall harmony of design for the project.

Conformance to this sign program criteria will be strictly enforced. Any installed non-conforming or unapproved signs shall be brought into conformance at the expense of the tenant and/or sign contractor.

GENERAL REQUIREMENTS

- a. All work is to be performed by a professional sign company. Said sign company must be in posses sion of a current state contractor's license and a City business license to perform such work. Said company must maintain a minimum of \$1,000,000 insurance to be working on property.
- b. Each tenant shall submit or cause to be submitted to the landlord and the City of Fontana for approval before fabrication four (4) copies of detailed drawings, to scale, indication the location, size, layout, design and color of the proposed signs, including all lettering and or graphics. These drawings should be submitted along with a site plan indicating the location of the lease space on the site, and elevation showing sign placement and lease space width. All sign layouts shall include a digital image of the building frontage with proposed sign in a scaled format to include adjacent tenant signage, if applicable.
- c. All signs shall be reviewed and approved in writing by the landlord for conformance with this sign program and overall design quality as well as tenant's lease agreement.
- d. All signs must comply with current City of Fontana planning, zoning, building and electrical codes.
- e. City Approval and Permits: Upon approval by the landlord, tenant shall secure a sign permit from the City of Fontana by bringing four (4) color copies of the proposed drawings (as approved by the landlord) to the Planning Division. All permits required by the City of Fontana for signs and their installation must be obtained and paid for by the tenant prior to installation.
- f. All building signs shall be constructed and installed at tenant's expense. Tenant is also responsible for maintenance of building signs.
- g. In the event a tenant vacates the leased premises, tenant shall be responsible for the removal of any wall and/or logo sign, with all holes being repaired and repainted to match the building exterior.
- h. Tenant's sign contractor shall repair any damage to any work caused during installation of sign. Incomplete repairs are the ultimate responsibility of the tenant.

APPROVAL PROCEDURE

All signs installed or displayed on the premises of the Sierra Gateway project must have written approval of the Landlord and the City of Fontana. The aesthetic characteristics of the signs (i.e., placement, size, proportion, color, textures, method of fabrication, etc.) are subject to the discretionary approval of the landlord and the City of Fontana within the context of this sign program.

Prior to submission to the City of Fontana for permits, and prior to construction and installation of any sign covered by this sign program, the tenant must submit four (4) sets of professionally prepared drawings of their proposed signage meeting this sign program for review and approval by the landlord and the Planning Division.

- I. Upon notice by the City of Fontana or landlord, tenant shall be required to repair or refurbish their sign structure, sign face and/or sign illumination within seven (7) working days.
- j. Tenant is responsible for maintenance and cost of electricity for their own signage. The tenant or landlord shall be responsible to provide a designated electrical circuit from electrical panel for their signage. Tenant shall provide primary wiring from electrical sub-panel to J-box at sign location.
- k. Tenant shall be fully responsible for the operations of its contractor and shall indemnify, defend and hold harmless the landlord and his/her agents from damages or liabilities resulting from its contractor's work.
- Registered trademarks, herein referred to as Registered Corporate Identity, pertains to corporate logos and logotypes that have been registered and are on file with the UNITED STATES PATENT AND TRADEMARK OFFICE in Washington, D.C.
- m. Signs not covered by this sign program are not allowed.
- All signs must have the sign manufacturers name, address, and telephone number conspicuously and permanently attached on the rear exterior of the sign.
- o. Leasing signs shall be restricted to the window of the available suite. These signs shall follow the same criteria as window signs.
- p. For businesses without a registered corporate logo/typeface, the Helvetica Neue is permitted. Approved color(s) are black or white depending on the color of the fascia upon which the sign is placed. Internal white LED face illumination.

WINDOW SIGNAGE

No permanent sign affixed to or incorporated into an exterior window shall exceed twenty-five (25) percent of each window area unless otherwise approved by the City or landlord.



3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address:

NWC San Bernardino Avenue & Sierra Avenue

City:

Fontana, CA.

JM Salesperson:

Drawing Number: Option:
SP-Northgate Sierra Gateway

Drawing Date:

07/21/21

Revision:

1. 08/03/21 - JM 7. 08/23/21 - JM 2. 08/04/21 - JM

2. 08/04/21 - JM 3. 02/03/22 - JM

4. 07/28/22 - JM

5. 08/17/22 - JM

6. 08/18/22 - JM

CUSTOMER / LANDLORD APPROVAL

SIGNATURE

DATE

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Page:

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PROHIBITED SIGNS

- No sign is permitted that:
- Is dangerous or confusing to motorists on the public right-of-way, including any sign which by its color, wording design, location or illumination resembles or conflicts with any official traffic-control device or which impedes the safe and efficient flow of traffic.
- Is in a condition which presents a danger of injury to the public.
- Incorporates mechanical movement or in any way gives the illusion of motion, moving parts, rotation or any flashing, moving or intermittent lighting, other than a sign providing a time-and temperature or similar public service display.
- Impedes free ingress and egress from any door, window or exit way required by building or fire regulations.
- Emits sound, smoke, visible particles or odors, except that of speakers on drive-through facilities shall be permitted ٧.
- Is attached to or maintained upon any public utility pole or structure, or tree.
- Is an A-frame, sandwich board or other portable, temporary advertising display. vii.
- Is temporary or special event flags, banners, festoons, flag canopies or other displays, except as permitted by a special event sign permit by the Planning Division and landlord approval.
- Is a sculptured, molded or otherwise fabricated representational object used for the purpose of visually conveying business identification or product advertising.
- Is an aerial or balloon type of sign.
- xi. Duplicates or repeats copy on the same sign.
- Is a graphic of paint or other material on a building for the purpose of amplifying or directing attention to a sign, unless approved by the landlord.

OTHER RESTRICTIONS

a. Illegal Signs

Any sign that is deemed not to be in conformance with this Sign Program or erected without approval by the City of Fontana or the landlord is considered an illegal sign. The landlord, at its sole discretion and at occupant's expense may correct, replace or remove any illegal sign.

b. Abandonment of Signs

A sign is considered abandoned when its use is discontinued because the premises upon which it is located becomes vacated and unoccupied for a period of more than 30 days.

Signs with the following display features are prohibited:

- c. Signs containing lighting devices with intermittent, flashing, blinking, or varying intensity or light or color where the message is displayed for fewer than eight seconds (dwell time) before changing to another message, including animation or motion picture or any lighting effects creating the illusion of motion.
- d. Signs that simulate in color or design a traffic sign or signal, or which make use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- e. Signs which emit sound, odor, or smoke.

PROJECT INFORMATION

PROPERTY OWNER: LOS ALTOS XXVIII. LP 1201 NORTH MAGNOLIA AVENUE ANAHEIM, CALIFORNIA 92801 ELIZABETH RESENDIZ, PROJECT MANAGER EMAIL: ELIZABETH.RESENDIZ@NORTHGATEMARKETS.COM

SIGNAGE CONTRACTOR: PROMOTIONAL SIGNS 3301 SOUTH SUSAN STREET SANTA ANA, CALIFORNIA 92704 DIANA NAGEL. PROJECT MANAGER PHONE: 714.687.7127

EMAIL: DNAGEL@PROMOTIONALSIGNS.US

CA LICENSE NO.: 636512

FONTANA BUSINESS LICENSE: (PROVIDE)

CIVIL ENGINEER: Blue Peak Engineering 18543 Yorba Linda Blvd., #235 Yorba Linda, CA 92886 ph: (714) 749-3077 admin@bluepeakeng.com

ZONING: FORM-BASED CODE ZONING DISTRICT

APPLICABLE CODES: 2019 CALIFORNIA BUILDING CODE 2019 CALIFORNIA ELECTRICAL CODE 2019 CALIFORNIA FIRE CODE 2019 ENERGY CODE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE



3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza
Address:
NWC San Bernardino Avenue & Sierra Avenue

City: Fontana, CA.

Salesperson: Drawn By:

DC

Option:

JM

Drawing Number: SP-Northgate Sierra Gateway

Drawing Date:

07/21/21

Revision:

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3. 02/03/22 - JM 4. 07/28/22 - JM

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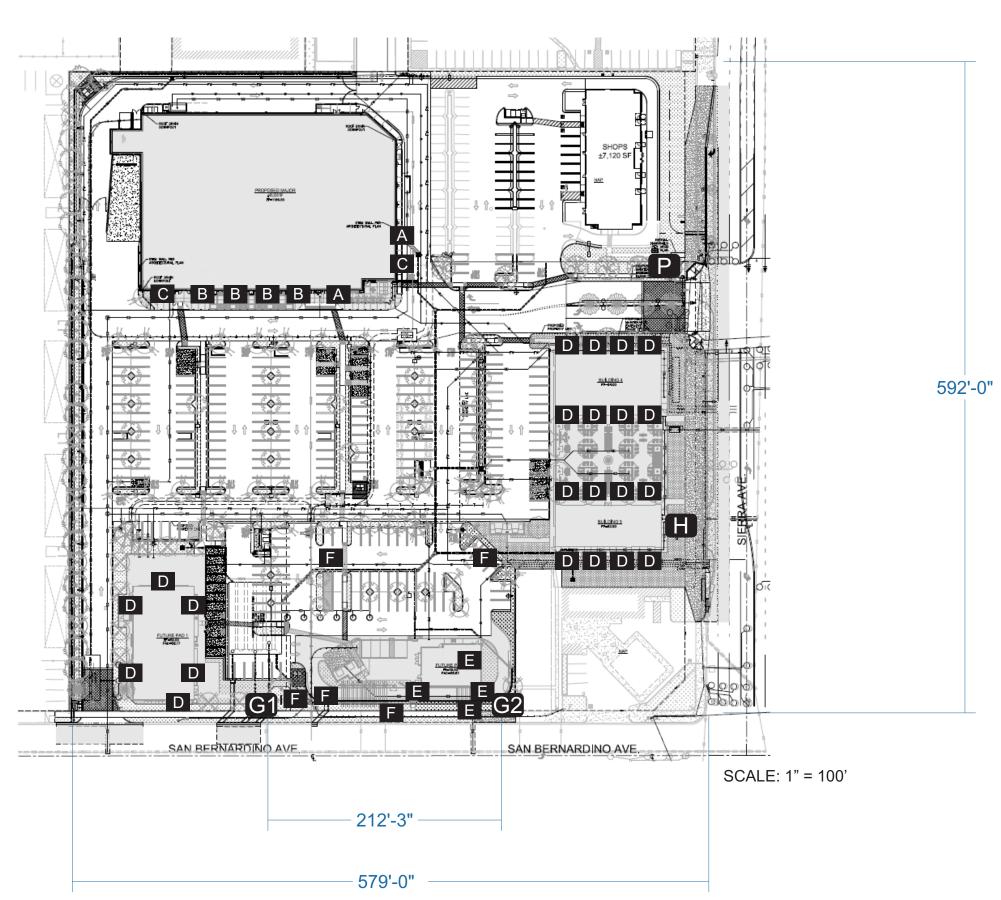
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Page:

Of:

LEGEND

- A ANCHOR TENANT PRIMARY
- **B** ANCHOR TENANT SECONDARY
- C ANCHOR TENANT SUB-LEASE
- D MULTI-TENANT PAD WALL
- **E** DT PAD TENANT WALL
- F DRIVE THRU ACCESSORY GROUND
- **G1** MULTI-TENANT MONUMENT
- **G2** MULTI-TENANT MONUMENT
- H CENTER IDENTIFICATION
- P PYLON W/ LED DISPLAY





3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address:

NWC San Bernardino Avenue & Sierra Avenue

City:

Fontana, CA.

Drawn By: Salesperson:

JM DC

Option:

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Anchor Tenant Wall Signs - Sign Types A B & C

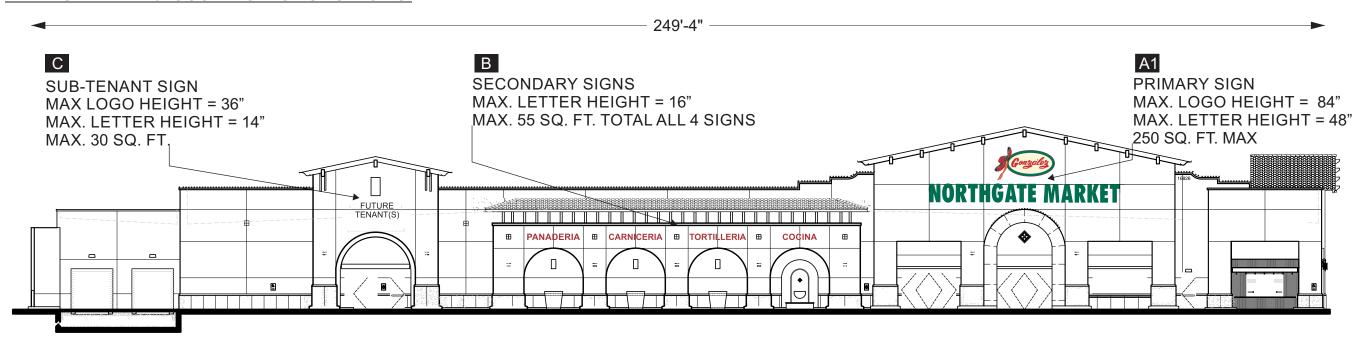
Quantity: (2) primary signs and (6) six secondary/sub-tenant signs.

Area: Noted below

Sign Type: Internally illuminated, individual pan channel letters and/or logos.

Attachment: Pin mounted to fascia with 1.5" spacers or flush mounted.

MAXIMUM LETTER/LOGO HEIGHTS AS FOLLOWS:



SOUTH ELEVATION SCALE: 1' = 20'



EAST ELEVATION SCALE: 1' = 20'

ELECTRICAL TO BE RUN BY GC



3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS

Northgate Plaza

Address:

NWC San Bernardino
Avenue & Sierra Avenue

Fontana, CA.

City:

Drawn By: Salesperson:

JM DC

Drawing Number: Option:
SP-Northgate Sierra Gateway

Drawing Date: 07/21/21

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5

Of:

Multi-Tenant Pad - Sign Type D

Quantity: (1) primary sign per tenant per street or parking lot facing elevation. Max (4) four per tenant.

Area: 2 square feet per linear foot of lease frontage.

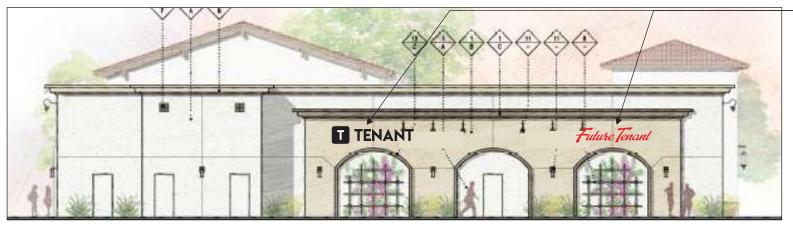
Sign Type: Internally illuminated, individual pan channel letters and/or logos.

Attachment: Pin mounted to fascia with 1.5" spacers or flush mounted.



MULTI-TENANT PAD WALL SIGN MAX LOGO HEIGHT = 36" MAX LETTER HEIGHT = 24"

EAST ELEVATION SCALE: 1/16' = 1'-0"



MULTI-TENANT PAD WALL SIGN MAX LOGO HEIGHT = 36" MAX LETTER HEIGHT = 24"

WEST ELEVATION SCALE: 1/16' = 1'-0"



MULTI-TENANT PAD WALL SIGN MAX LOGO HEIGHT = 36" MAX LETTER HEIGHT = 24"

D



NORTH ELEVATION

SCALE: 1/16' = 1'-0"'



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Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address:

NWC San Bernardino Avenue & Sierra Avenue

City:

Fontana, CA.

Drawn By:

JM

Salesperson:

DC

Option:

Drawing Number:
SP-Northgate Sierra Gateway

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Drawing Date:

07/21/21

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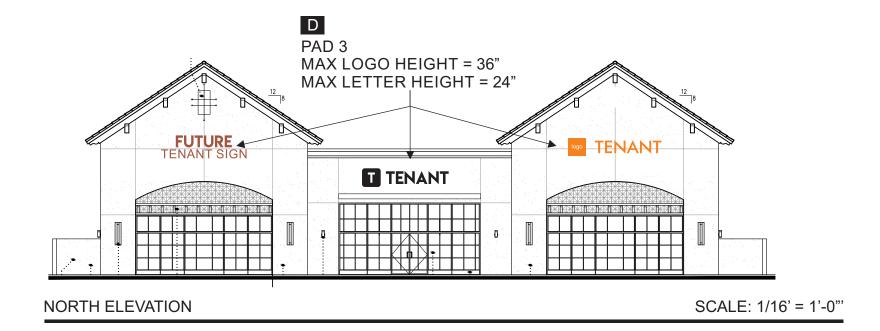
Building 3 Pad - Sign Type

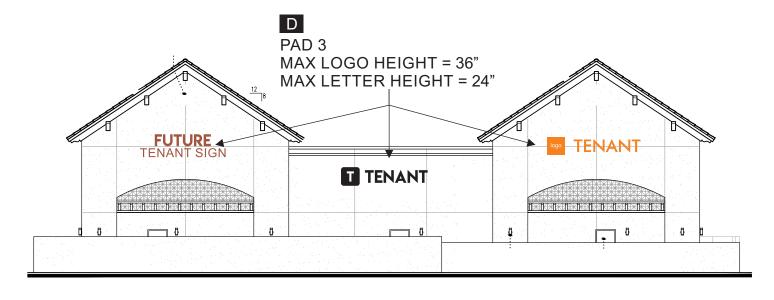
Quantity: (1) primary sign per tenant per street or parking lot facing elevation. Max (2) two per tenant.

Area: 2 square feet per linear foot of lease frontage.

Sign Type: Internally illuminated, individual pan channel letters and/or logos.

Attachment: Pin mounted to fascia with 1.5" spacers or flush mounted.





SOUTH ELEVATION SCALE: 1/16' = 1'-0"



3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

Northgate Plaza Address: **NWC San Bernardino** Avenue & Sierra Avenue City: Fontana, CA. Salesperson: Drawn By:

Drawing Number:	Option:
SP-Northgate Sierra Gateway	

DC

Drawing	Date:

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07/21/21

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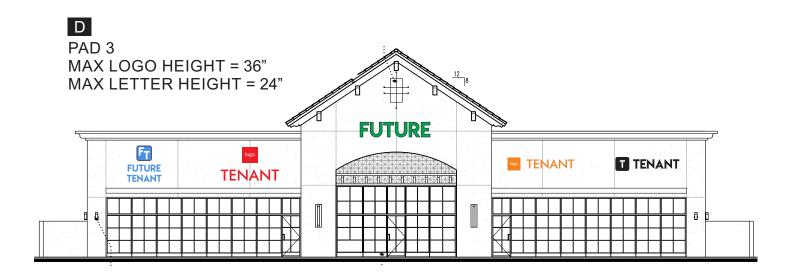
Building 3 Pad - Sign Type

Quantity: (1) primary sign per tenant per street or parking lot facing elevation. Max (2) two per tenant.

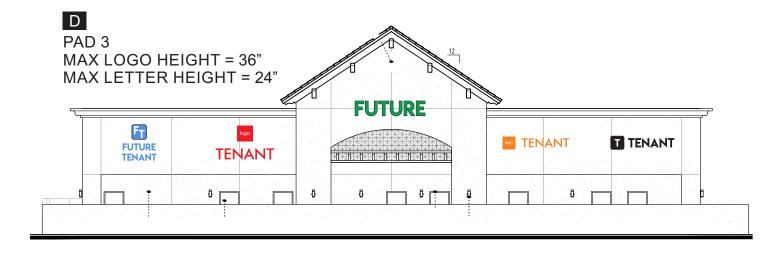
Area: 2 square feet per linear foot of lease frontage.

Sign Type: Internally illuminated, individual pan channel letters and/or logos.

Attachment: Pin mounted to fascia with 1.5" spacers or flush mounted.



SOUTH ELEVATION SCALE: 1/16' = 1'-0"



NORTH ELEVATION SCALE: 1/16' = 1'-0"



3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Northgat	te Plaza
Address:	
NWC San B Avenue & S City:	ernardino ierra Avenue
Fontana, CA.	
Drawn By:	Salesperson:
IM	DC

Drawing Number:	Option:
SP-Northgate Sierra Gateway	

Drawing Dat
07/21/21

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Page: Of:



Drive-Thru Pad Tenant Wall Sign - Sign Type 🗉

Quantity: (1) business identification per street or parking lot facing elevation. Maximum (4) four signs

Area: 2 square feet per linear foot of lease frontage. Not to exceed 132 square feet total.

Sign Type: Individual pan channel letters or logos.

Attachment: Mounted flush to fascia

Е

DT WALL SIGN

MAX 54 SQ. FT.

OPT. 1 - LOGO ONLY: MAX HEIGHT = 72"

OPT. 2 - LOGO W/ LETTERS: MAX LOGO HEIGHT = 48"

MAX LETTER HEIGHT = 24"



NORTH ELEVATION SCALE: 1/16' = 1'-0"

Ε

DT WALL SIGN

MAX 54 SQ. FT.

OPT. 1 - LOGO ONLY: MAX HEIGHT = 72"

OPT. 2 - LOGO W/ LETTERS: MAX LOGO HEIGHT = 48"

MAX LETTER HEIGHT = 24"



EAST ELEVATION SCALE: 1/16' = 1'-0"

Е

DT WALL SIGN

MAX 54 SQ. FT.

OPT. 1 - LOGO ONLY: MAX HEIGHT = 72"

OPT. 2 - LOGO W/ LETTERS: MAX LOGO HEIGHT = 48"

MAX LETTER HEIGHT = 24"



SOUTH ELEVATION

SCALE: 1/16' = 1'-0"



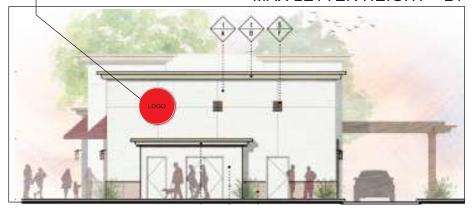
DT WALL SIGN

MAX 54 SQ. FT.

OPT. 1 - LOGO ONLY: MAX HEIGHT = 72"

OPT. 2 - LOGO W/ LETTERS: MAX LOGO HEIGHT = 48"

MAX LETTER HEIGHT = 24"



WEST ELEVATION

SCALE: 1/16' = 1'-0"



3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address:

NWC San Bernardino Avenue & Sierra Avenue

City:

Fontana, CA.

Drawn By: Salesperson:

DC

JM

Drawing Number: Option:

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CUSTOMER / LANDLORD APPROVAL

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Page:

Of:

Center Identification Sign H

Quantity: (1) single-sided sign.

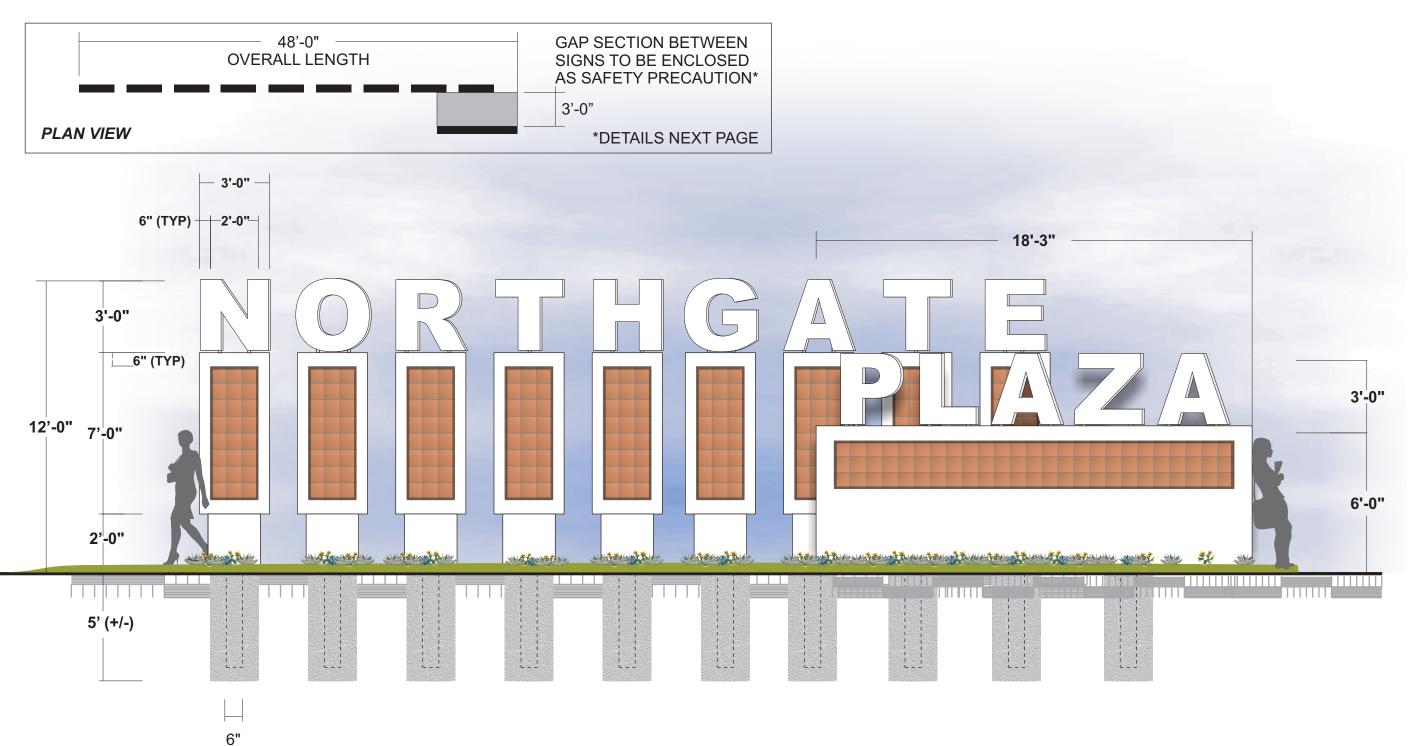
Overall Height: Not to exceed 16 feet.

Sign Type: Fabricated aluminum structure with tile inlay. Standard individually illuminated pan channel letter copy.

Letter Height: Not to exceed 3'-0".

Landscape Req: 2' Perimeter landscaping around base. (by others)

(+/-)





3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address:

NWC San Bernardino Avenue & Sierra Avenue

City:

Fontana, CA.

Drawn By: Salesperson:

JM

DC

Drawing Number: Option:
SP-Northgate Sierra Gateway

Drawing Date:

07/21/21

Revision:

1. 08/03/21 - JM 7. 08/23/21 - JM 2. 08/04/21 - JM 3. 02/03/22 - JM 4. 07/28/22 - JM 5. 08/17/22 - JM

6. 08/18/22 - JM

CUSTOMER / LANDLORD APPROVAL

SIGNATURE

DATE

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Contractors License No. 636512

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Of:



Multi-Tenant Monument Sign **G**

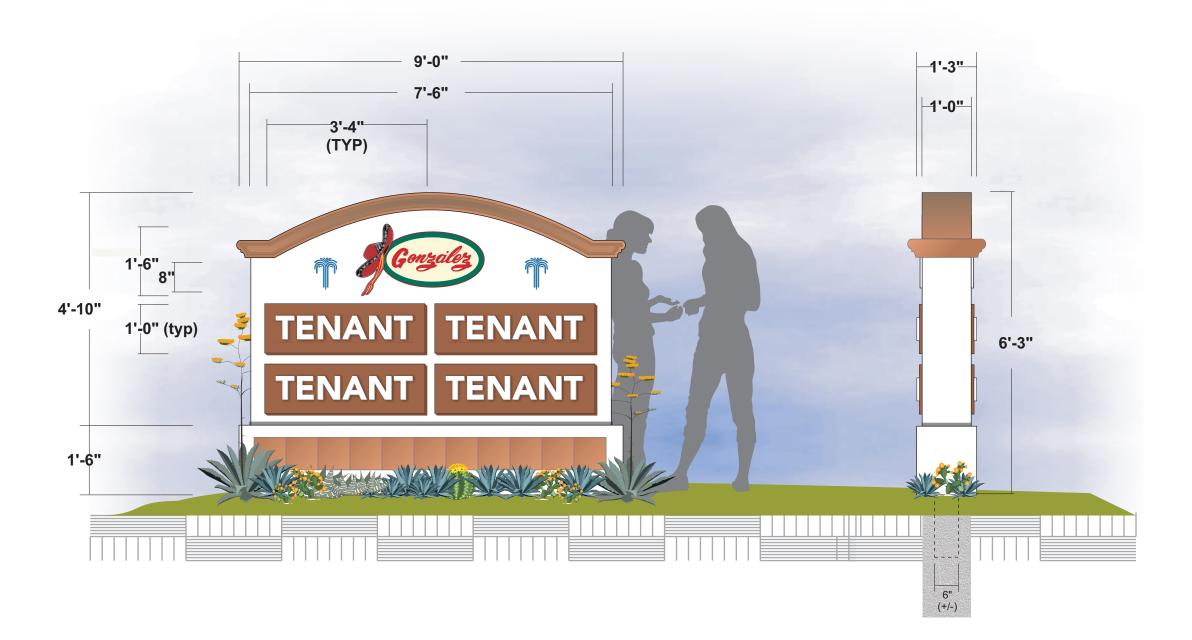
Quantity: (2) double-sided monument signs. **4 tenant panels per side.

Area: Not to exceed 30 square feet per sign face.

Sign Type: Internally illuminated fabricated aluminum, route-out push-thru acrylic copy.

Height: Not to exceed 6'-3".

Landscape Req: 2' Perimeter landscaping around base. (by others)





3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Northgate Plaza Address: **NWC San Bernardino** Avenue & Sierra Avenue City: Fontana, CA.

Salesperson:

JIVI	DC
Drawing Number:	Option
SP-Northgate Sierra Gateway	

Drawing I	Dat
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Drawn By:

07/21/21

Revision:	
1. 08/03/21 - JM	7. 08/23/21 - JM
2. 08/04/21 - JM	
3. 02/03/22 - JM	
4. 07/28/22 - JM	
5. 08/17/22 - JM	
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Of:

Multi-Tenant Pylon Sign w/ LED Display

Quantity: (1) double-sided sign.

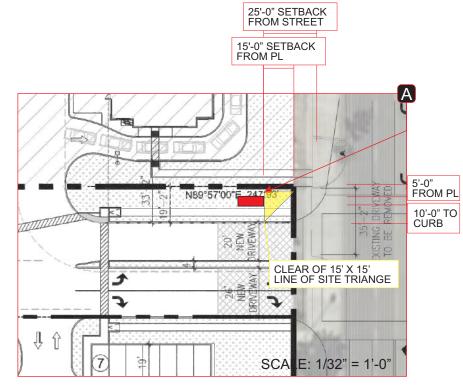
Overall Height: Not to exceed 31 feet.

Sign Type: Fabricated aluminum structure with tile inlay.

LED Display w/ adjustable brightness.

Landscape Req: 2' Perimeter landscaping around base. (by others)









3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address:

NWC San Bernardino Avenue & Sierra Avenue

City:

Fontana, CA.

Drawn By:

JM

DC

Salesperson:

Option:

7. 08/23/21 - JM

Drawing Number:

SP-Northgate Sierra Gateway

Drawing Date:

Revision:

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6. 08/18/22 - JM

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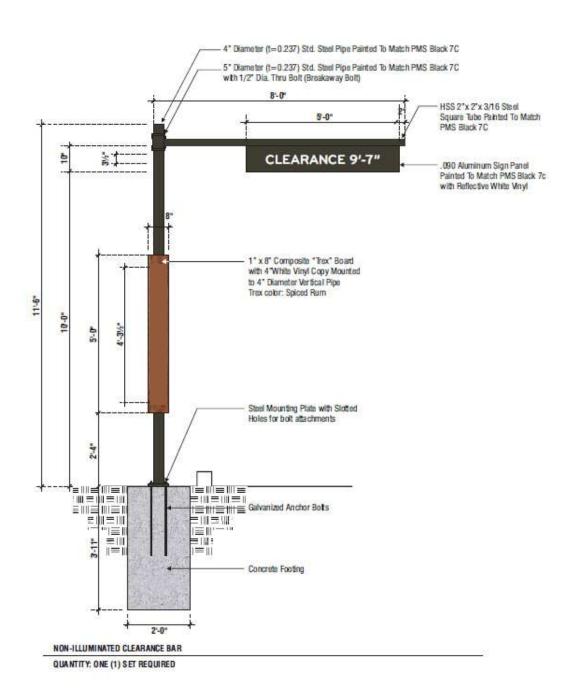
Of:

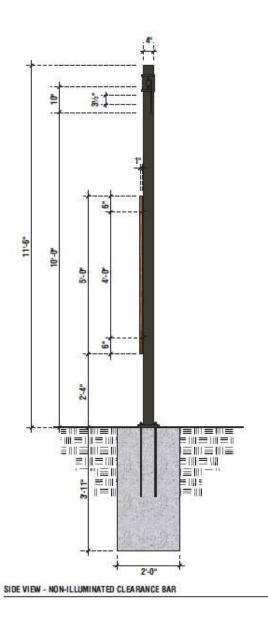


Quantity: 1 per drive-thru entry

Sign Type: Non-Illuminated clearance bar

Height: Not to exceed 11'-6"







3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address: NWC San Bernardino Avenue & Sierra Avenue City: Fontana, CA. Drawn By: Salesperson:

Drawing Number:	Option:
SP-Northgate Sierra Gateway	

DC

Drawing Date:

07/21/21

JM

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3. 02/03/22 - JM	
4. 07/28/22 - JM	
5. 08/17/22 - JM	
6. 08/18/22 - JM	

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Contractors License No. 636512

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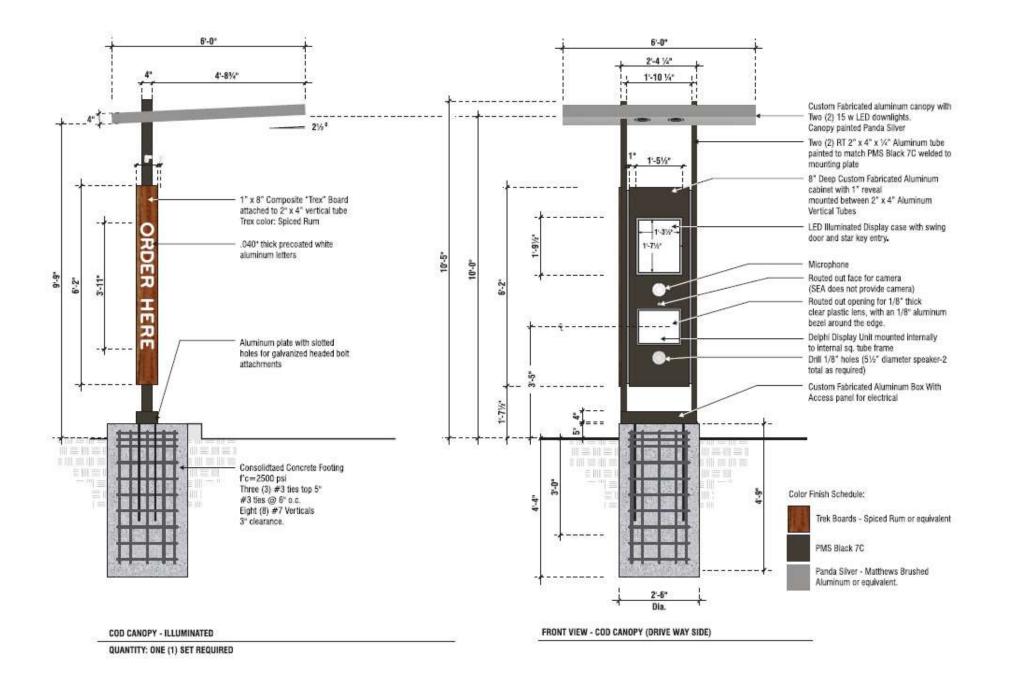
Of:

13

Quantity: 1 per drive thru order lane. Max. 2 per pad tenant

Sign Type: Order Screen/Speaker

Height: Not to exceed 10'-6"





3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

REAL ESTATE INVESTMENTS Northasta

NWC San B Avenue & S City:	Bernardino iierra Avenue
Fontana, CA.	
Drawn By:	Salesperson:
JM	DC
Drawing Numb	oer: Option:
SP-Northgate Sierra	a Gateway
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1. 08/03/21 - JM 2. 08/04/21 - JM	7. 08/23/21 - J
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personal use in connection with a project being planned for you by Promotional Signs. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. Any printed colors on drawing are approximate.

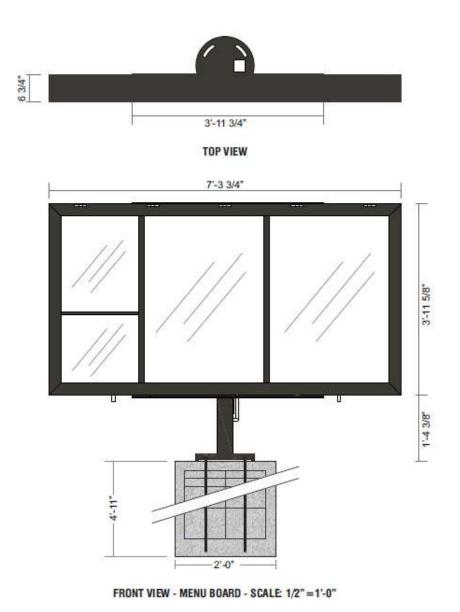
Contractors License No. 636512

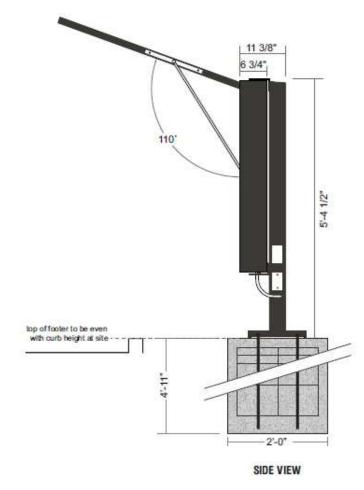
Of:

Quantity: 1 per drive thru order lane. Max. 2 per pad tenant

Sign Type: Internally Illuminated Menu

Height: Not to exceed 6'-0"







3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

REAL ESTATE INVESTMENTS Northcate Plaza

Address: NWC San Bernardino Avenue & Sierra Avenue City: Fontana, CA. Drawn By: Salesperson:

Drawing Number:	Option:
SD Northanto Siorra Catoway	

DC

Drawing Date:

07/21/21

JM

Revision:	
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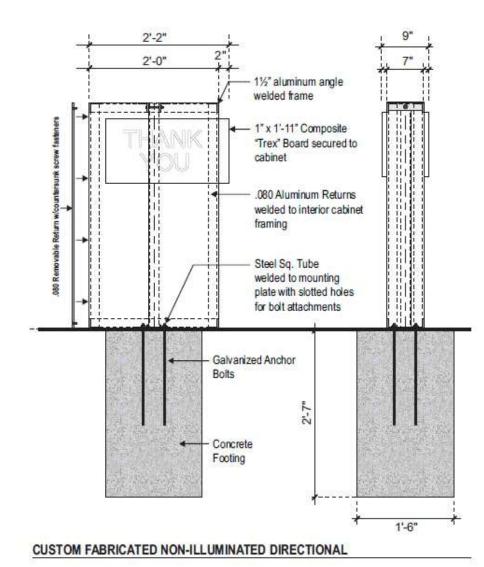
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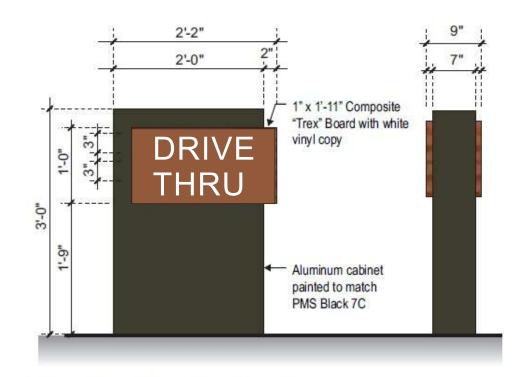
15

Quantity: 3 per pad tenant

Sign Type: Directional

Height: Not to exceed 3'-0"

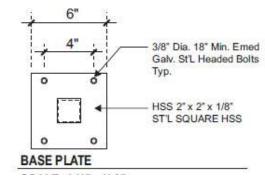




NON-ILLUMINATED DOUBLE FACE DIRECTIONAL SIGN

QUANTITY: ONE (1) SET REQUIRED

SCALE: 3/4" = 1'-0"





3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

Northgate Plaza Address: **NWC San Bernardino** Avenue & Sierra Avenue City: Fontana, CA.

Salesperson:

JM	DC
Drawing Number:	Option

Drawn By:

Drawing Date:

SP-Northgate Sierra Gateway

07/21/21

1. 08/03/21 - JM	7. 08/23/21 - JM
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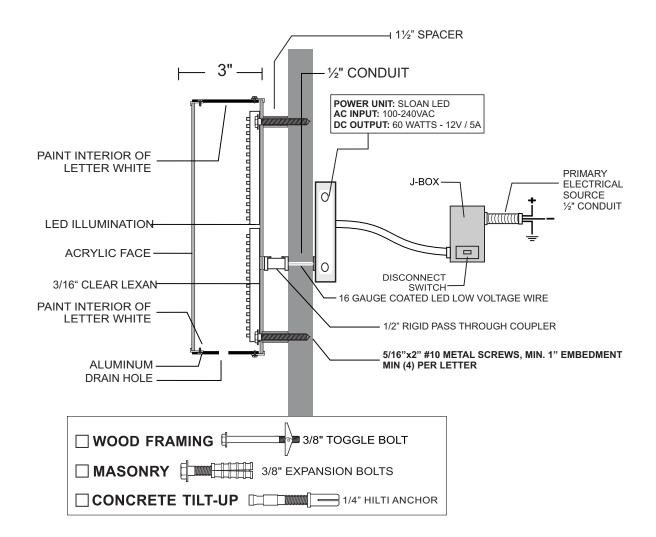
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DATE	

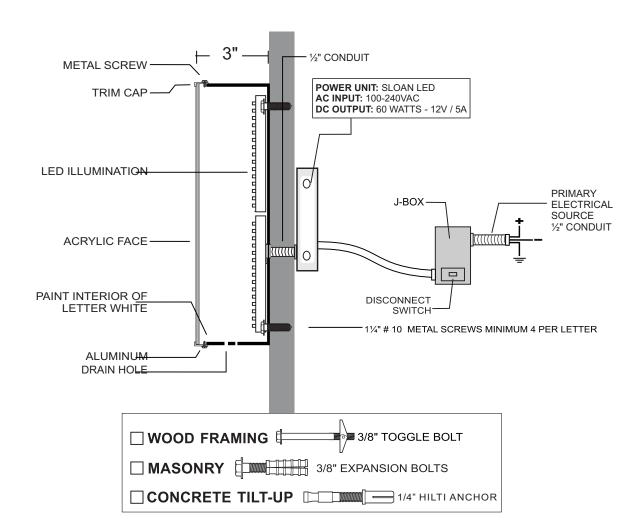
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Contractors License No. 636512

Of:

Typical Wall Sign Section Detail







3301 S. Susan St. Santa Ana, CA 92704 714-540-5454 Ph 714-540-5959 Fax

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address:	
NWC San Bernardino Avenue & Sierra Avenue City:	
Fontana, CA.	
Drawn By:	Salesperson:
JM	DC
Drawing Number. SP-Northgate Sierra Ga	'
Drawing Date:	

1. 08/03/21 - JM 2. 08/04/21 - JM 3. 02/03/22 - JM 4. 07/28/22 - JM

5. 08/17/22 - JM 6. 08/18/22 - JM

07/21/21

Revision:

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Of:

PAINT COLORS/TILE SAMPLES AS NOTED IN SPECS

PLASTER BENJAMIN MOORE OC-152 "SUPER WHITE"

> PLASTER BENJAMIN MOORE HC-93 "CARRINGTON BEIGE"

> > PLASTER BENJAMIN MOORE HC-76 "DAVENPORT TAN"



OLYMPIC

WOOD STAIN OLYMPIC STAIN SEMI-TRANSPARENT 709 - BLACK WALNUT

WALL SCONCE THE GREAT OUTDOORS MALLORCA COLLECTION

SPANISH IRON FINISH



PRECAST CONCRETE CONCRETE DESIGNS INC. W030 "OATMEAL"

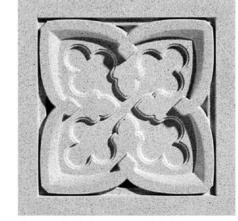
FABRIC AWNING SUNBRELLA "BURGUNDY"



BICKEL GROUP
ARCHITECTURE
BICKEL GROUP INCORPORATED
3600 BIRCH STREET, SUITE 120
NEWPORT BEACH, CA 92660
P: 949.757.0411 F: 949.757.0511
WWW.bickelgrp.com



PRECAST CONCRETE CONCRETE DESIGNS INC. GS10 "SADDLE"



FOILATE 16SM-086 & 24SM-086

CONCRETE MASONRY UNIT ORCO BLOCK SPLIT FACE "NATURAL GRAY"



SALTILLO WALL TILE
WESTSIDE TILE
ARTILLO TILE SPANISH COTTO
"COTTO DARK" & "COTTO GOLD"

MULTI-TENANT

NWC SAN BERNARDINO AVE & SIERRA AVE FONTANA, CALIFORNIA



CERAMIC TILE
MEXICAN TILES.COM
LIVORNO 1 TERRA NOVA HACIENDA

COLORS/MATERIALS

May 20,2020

The plane, Meias, amengements and disagral indicated or represented by the disemple or period by, and are the property of SCORE, DPOLE, and were brested and developed adaly for use an, and in correction with this specific prices, and of all nOLEs paces, in which or in part for any purpose for which they were not enginely increded without writes permission from ExcoRED, DPOLE (SCORE).



Promotional

Client:

FRONTIER REAL ESTATE INVESTMENTS Northgate Plaza

Address:

NWC San Bernardino Avenue & Sierra Avenue

City:

Fontana, CA.

Drawn By: Salesperson:

DC

JM

Drawing Number: Option:

SP-Northgate Sierra Gateway

Drawing Date:

07/21/21

Revision:

1. 08/03/21 - JM

2. 08/04/21 - JM

3. 02/03/22 - JM 4. 07/28/22 - JM

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Page:

Of:

RESOLUTION NO. PC 2022-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING APPROVAL OF MASTER CASE NO. 22-109 AND DESIGN REVIEW SIGN NO. 22-041 TO ESTABLISH A SIGN PROGRAM FOR THE NORTHGATE PLAZA, LOCATED ON THE WEST SIDE OF SIERRA AVENUE AND ON THE NORTH SIDE OF SAN BERNARDINO AVENUE, ON A 7.04 ACRE PROJECT SITE (0193-251-43).

WHEREAS, the City of Fontana received an application on June 13, 2022, for a Design Review Sign (DRS 22-041) application for a sign program to the Northgate Plaza on approximately 7.04 acres.

Project Applicant: Promotional Signs, Inc.

3301 S. Susan St. Santa Ana, CA 92704

Project Location: 9630 Sierra Avenue & 16856 San Bernardino Avenue (APN: 0193-

251-43 and -44)

Site Area: Approximately 7.04 acres

WHEREAS, the subject site was incorporated into the City of Fontana in 1952; and

WHEREAS, the City of Fontana received an application on June 13, 2022, for a Design Review Sign (DRS No. 22-041) application for a sign program to the Northgate Plaza.

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as **Exhibits "A"** for Design Review Sign No. 22-041; and

WHEREAS, the project is categorically exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA; and

WHEREAS, the owners of property within 660 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; posted at City Hall and onsite at the project site; and

WHEREAS, on September 20, 2022, a duly noticed public hearing for Design Review Sign No. 22-041, was held by the Planning Commission ("Commission") to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto; 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 September 20, 2022; and

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

NOW, THEREFORE, the Commission RESOLVES as follows:

<u>Section 1</u>. The City of Fontana Planning Commission hereby makes the following findings for Design Review Sign No. 22-041 in accordance with Section No. 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

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

Finding of Fact:

The project request is to establish a sign program for the Northgate Plaza site of approximately 7.04 acres. The site currently has a general plan land use designation of Walkable Mixed Use-1 (WMXU-1) and zoned within the Sierra Gateway District of the Form Base Code (FBC). Pylon, monument and wall signs are permitted with approval of a Design Review Sign application. Additionally, the code allows for commercial centers of six (6) acres or more fronting Sierra Avenue to establish a sign program. The project proposal complies with the applicable provisions of the Zoning Code, Municipal Code, and General Plan.

Finding No. 2:

The proposal meets or exceeds the criteria contained in this chapter and will result in an appropriate, safe and desirable development promoting the public health, safety, and welfare of the community.

Finding of Fact:

The project request is to establish a sign program for the Northgate Plaza site of approximately 7.04 acres. The proposed sign program meets and exceeds the sign program requirements of Chapter 30 of the Zoning & Development Code. The proposed sign program will provide an appropriate and safe design that has been reviewed and approved by the Engineering Department for line of sight. The design is proposed to match the Northgate Plaza architectural features and will result in a desirable development. Additionally, the lights of the signs will not spillover to the adjacent residential buildings. Therefore, the project will result in an appropriate, safe and desirable development promoting the public health, safety, and welfare of the community.

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.

Finding of Fact: The proposed sign program as described in Finding No. 1 is

complimentary to and with the proposed commercial center. Materials and colors of the buildings will match the proposed signage thus creating a theme of architectural compatibility throughout the

project site.

Finding No. 4: The site improvements are appropriate and will result in a safe,

well-designed facility.

Finding of Fact: The proposed sign program as described in Finding No. 1, will be

reviewed under a separate building permit with the Building & Safety Department to ensure that the structure and engineering of the signs meet design guidelines. If the sign program is approved, the applicant will also be required to submit for a Design Review Sign entitlement for legibility, sign copy, colors, materials, size and location. The sign will also be reviewed by the Building and Safety

Department to ensure the future signage is structurally sound.

<u>Section 2.</u> Based on the foregoing, the City of Fontana Planning Commission determines that this project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA.

<u>Section 3</u>. Based on the foregoing, the City of Fontana Planning Commission hereby approves Design Review Sign (DRS) 22-041 for a sign program at 9630 Sierra Avenue (APN: 0193-251-43 and -44) subject to the findings listed above and the conditions of approval referenced in Exhibit "A".

<u>Section 4</u>. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

<u>Section 5.</u> 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 20th day of September 2022.

Resolution No. PC 2022
City of Fontana
Cathline Fort, Chair
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 20 th day of September 2022, by the following vote, to-wit:
AYES: NOES: ABSENT: ABSTAIN:
Idilio Sanchez, Secretary

EXHIBIT "A"



CITY OF FONTANA CONDITIONS OF APPROVAL

PROJECT: Master Case No. 22-109

Design Review Sign No. 22-041

DATE: September 20, 2022

LOCATION: 9630 Sierra Avenue (APN: 0193-251-43 and -44).

PLANNING DEPARTMENT:

- All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of final buildings plans prior to issuance of any building permits.
- 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. This project will comply with all applicable provisions, regulations and development standards of the Fontana City Code.
 - b. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and,
 - c. All other Conditions of Approval imposed by this project have been fulfilled.
- 3. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee.
- 4. The project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
- 5. 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.

Except as required under applicable State and Federal law, 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.

- 6. 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 Manger'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.
- 7. Color combinations and color schemes for the pylon approved under a Variance application shall not be modified or changed without prior approval from the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning shall have the authority to refer minor hue color changes to the Planning Commission for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.
- 8. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit; the request shall be in writing accompanied with a W-9 tax form. The request shall be submitted to the Planning Department.
- 9. The digital sign shall only advertise for businesses onsite and City sponsored events. Offsite advertising is not permitted.

- 10. The proposed signs shall not impede the line of sights.
- 11. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.

PRIOR TO ISSUNACE OF CERTIFICATE OF OCCUPANCY

- 12. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
- 13. Prior to the issuance of a Certificate of Occupancy the applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Planning.

END OF CONDITIONS OF APPROVAL



NOTICE OF EXEMPTION

TO:	Clerk of the Board of Supervisors County of San Bernardino 385 N. Arrowhead Avenue, 2nd Floor San Bernardino, CA 92415-0130	FROM: City of Fontana Planning Department 8353 Sierra Avenue Fontana, CA 92335
	1. Project Title:	Master Case No. 22-109 Design Review Sign No. 22-041
	2. Project Location:	9630 Sierra Avenue & 16856 San Bernardino Avenue (APN: 0193-251-43 and -44)
	 (a) Project Location - City: (b) Project Location - County: 	Fontana, CA 92336 San Bernardino

4. Description of nature, purpose, and beneficiaries of Project:

<u>Design Review Sign No. 22-041 is for the request to establish a sign program for the new Northgate Plaza located on approximately 7.04 acres.</u>

5. Name of Public Agency approving project: <u>City of Fontana</u>

6. Name of Person or Agency carrying out project: **Promotional Signs, Inc.**

3301 S. Susan St. Santa Ana. CA 92704

			<u>Santa Ana, CA 92704</u>
7.	Exe	mpt sta	tus: (Check one)
	(a)	·	Ministerial project.
	(b)		Not a project.
	(c)		Emergency Project.
	(d)	X_	Categorical Exemption. State type and class number: Exempt under
	` ,		Section No. 15301 (Class No. 1, Existing Facilities) and Section No.
			3.22 of the Local 2019 Guidelines for Implementing the California
			Environmental Quality Act.
	(e)		Declared Emergency.
	(f)		Statutory Exemption. State Code section number:
	(ġ)		Other Explanation:
	/		•



NOTICE OF EXEMPTION

Reason why project was exempt: This project proposal is to establish a sign program for a previously approved commercial center that is under construction. The proposed project is adding signage that will provide a way of identifying the businesses of the commercial shopping center that is currently under construction.

8.	Contact Person:	Alexia De La Torre, Assistant Planner Telep	hone: <u>(909) 350-6568</u>
Date Re	eceived for Filing:		
2 0.10		Salvador Quintanilla	
(Clerk S	Stamp Here)	Senior Planner	

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. 22-109/Design Review Sign (DRS) No. 22-041: A request to establish a sign program for the Northgate Plaza commercial center of approximately 7.04 acres.

Environmental Determination:This project qualifies for a categorical exemption pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local

Guidelines for implementing CEQA.

Location of 9630 Sierra Avenue & 16856 San

Property: Bernardino Avenue (APN: 0193-251-43,-44)

Date of Hearing: September 20, 2022

Place of Hearing: City Hall Council Chambers

8353 Sierra Avenue Fontana, CA 92335

Time of Hearing: 6:00 P.M.



Should you have any questions concerning this project, please contact 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 #: 21-1699 **Agenda Date: 9/20/2022** Agenda #: PH-E Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 22-110 and Municipal Code Amendment No. 22-007 - Fontana Municipal Code amendment to Chapter 2 (Administration), (Chapters 9 (Environmental Protection and Resource Extraction) Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities).

RECOMMENDATION:

Based on the information in the staff report staff recommends that the Planning Commission adopt Resolution PC No. 2022- ; and,

- 1. Determine that this Ordinance is categorically exempted pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, 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. 22-007 to amend Chapter 2, Chapter 9, Chapter 25, Chapter 26, Chapter 30, and Chapter 33 of the Municipal Code.

APPLICANT:

City of Fontana 8353 Sierra Avenue Fontana, CA 92335

LOCATION:

Citywide

REQUEST:

A Municipal Code Amendment (MCA) No. 22-007 for amendments to: Chapter 2, 25, 26, and 30 to remove the Development Advisory Board (DAB) process; Chapter 9 to revise the definition of sensitive receptors; Chapter 30 to modify park/open space requirements within the Form Based Code, add language for density bonus/replacement units to address Senate Bill 330, and provide exemptions for City initiated projects; and Chapter 33 to include minor text modification to the Cannabis Business regulations.

File #: 21-1699 **Agenda Date:** 9/20/2022 Agenda #: PH-E Category: Public Hearing

PROJECT PLANNER:

Salvador Quintanilla, Senior Planner

BACKGROUND INFORMATION:

The City of Fontana Zoning and Development Code regulates the development of commercial, industrial, and residential projects. Staff has reviewed various chapters of the municipal code and determined that some of the language within the code sections need to be updated, clarified, and/or redefined to assist in streamlining the development process and create flexibility where appropriate. Therefore, staff is proposing the following modifications to these chapters.

ANALYSIS:

The City initiated Municipal Code Amendment No. 22-007 to update Chapter 2 (Administration), Chapters 9 (Environmental Protection and Resource Extraction) Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities) as summarized below; a detailed list of the proposed amendments is provided as part of Exhibit "A" of the Planning Commission Resolution (Attachment No. 1).

Revisions to Chapter 2, 25, and 26 and 30: This amendment includes the removal of all references to the Development Advisory Board (DAB) process. This will enable staff to facilitate the processing of development projects in a more timely manner and streamline the development process.

Revisions to Chapter 9, Section 9-71: With implementation of the recently-approved Sustainability Ordinance, staff has identified that requirements related to certain (generally nonconforming) residential properties, which are identified as sensitive receptors but which also contain industrial or commercial uses - including storage - operating on the same property as the residence, are resulting in undesirable design outcomes for proposed development adjacent to these properties. Commerce center docks and truck circulation routes must be sited away from sensitive receptors, which may require relocation to an area adjacent to the street right of way resulting in a less desirable visual aesthetic, while having little to no beneficial effect on a residence already surrounded by, or at least co-located with, industrial or similar uses. As a result, staff proposes amending the definition of sensitive receptors as identified.

Additional Revisions to Chapter 30: This amendment will add to or update various sections of the zoning and development code including establishing a program for residential replacement units to address SB 330, modifying regulations related to Form Based Code park/open space requirements, and adding language for city-initiated projects eliminating the need to comply with development standards and entitlement requirements.

Add Article XV (No Net Loss/Density Bonus Program) to Chapter 30:

The proposed Development Code Amendment would establish a "No Net Loss Program" 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 File #: 21-1699 **Agenda Date:** 9/20/2022 Category: Public Hearing Agenda #: PH-E

net loss of residential capacity within the City as required by Senate Bill 330 ("SB 330).

This Development Code Amendment would create a No Net Loss/Density Bonus Program wherein "replacement units" - those units no longer available for residential development based on a change in zone from a residential use to a less intensive or non-residential use are made available to developers of residential housing dwelling units within residentially zoned districts. This approach to meeting the requirements of SB 330 is more flexible and facilitative than simply rezoning an alternative property as it encourages additional housing development by those who are demonstrably ready, willing, and able to move forward with the development process as evidenced by submittal of entitlements for residential development whereas a rezoned property may or may not have a property owner that is ready, willing, and able to develop. Additionally, SB 330 specifically provides for alternative approaches beyond just rezoning property to ensure no net loss in residential capacity. Government Code 66300Section (i)(1) states that "This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity" (emphasis added). The proposed ordinance would ensure that upon rezoning properties subject to SB 330, the development standards, policies, and conditions applicable to other parcels are concurrently changed to ensure no net loss in residential capacity. Multiple other cities have adopted similar ordinances to meet the requirements of SB 330.

Add language to Chapter 30, Section 30-4: Public Projects

Division 1 of Article I of the Development Code does not currently exclude "public projects"; proposed addition of language to the Development Code of Section 30-3.1 to Chapter 30 will improve the efficiency of public projects by eliminating the need to comply with specific development standards and the requirement for entitlements approvals following the City Council's direction to initiate public projects.

Add language to Chapter 30, Section 30-399 through 404: Public Open Space

Division 10 of Article 3 of the Development Code will be amended to allow developers to build common open space or public open space that includes amenities. Currently, developers are required to provide public open space for projects over two acres. The public open space is intended to be open to the public and constructed on private properties along street frontages. Planning staff has determined this can be a challenge for projects with narrower lots and interior amenities.

Revisions to Chapter 33: This section will update some language to the Cannabis Business and Activities ordinance. This amendment includes clarifying inconsistencies with the application process and permitted uses table.

In summary, the proposed amendments are proposed in order to provide flexibility in, and streamlining of, the City's Municipal Code.

Agenda Date: 9/20/2022 File #: 21-1699 Category: Public Hearing Agenda #: PH-E

MOTION:

Approve staff recommendation.

ATTACHMENTS:

- Planning Commission Resolution/Exhibit A
- 2. Notice of Exemption
- Notice of Public Hearing 3.

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 CITY OF FONTANA CODE ("CODE") AMENDMENT (MCA) NO. 22-007 AMENDING SECTIONS OF CHAPTERS 2. 25. 26, AND 30 TO ELIMINATE THE DEVELOPMENT ADVISORY BOARD (DAB); AMENDING CHAPTER 9 TO **REVISE THE DEFINITION OF "SENSITIVE RECEPTORS":** AMENDING CHAPTER 30 TO EXEMPT THE CITY FROM CERTAIN ZONING REGULATIONS AND **DESIGN** GUIDELINES FOR CITY OWNED, CONTROLLED, OR LEASED PROPERTIES OR FACILITIES: AMENDING CHAPTER 30 TO ALLOW DEVELOPMENT PROJECTS OVER TWO ACRES TO DEVELOP FIVE PERCENT OF COMMON SPACE AS "COMMON OPEN SPACE": ADDING ARTICLE XV TO CHAPTER 30 CREATING A NO NET LESS DENSITY BONUS/REPLACEMENT PROGRAM: AMENDING TABLE NOS. 30-489 AND 30-453 TO RENAME **CANNABIS RETAIL STORES AND ADDING SECTION 33-**8(4)(III) TO CHAPTER 33. TO REQUIRE AUTHORIZATION LETTER FOR PERMIT APPLICATIONS.

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

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

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the amendments to the Code of the City of Fontana ("Code") which are enacted by the adoption of this Ordinance are described in the planning agenda report accompanying this Resolution;

WHEREAS, the City desires to restate without substantive revision, amend, and recodify certain ordinances codified in the Code;

WHEREAS, the descriptions included in the planning staff report, and minutes contain the findings of the City Council in support of this Resolution and serve as evidence of the Planning Commission's intention in adopting this Resolution:

WHEREAS, the City seeks to amend various section of Chapters 2, 25, 26, and 30 to streamline the development project review process by eliminating the Development Advisory Board from the Code; and

WHEREAS, on February 8, 2022, the City Council adopted Industrial Center Sustainability Ordinance No. 1879, amending and renumbering Article V of Chapter 9 of the Code to add improvement and construction requirements to industrial commerce centers throughout the City, however the requirements for sensitive receptors (i.e., residential properties) are resulting in undesirable design outcomes because the definition of sensitive receptors includes residential properties that include industrial or commercial uses operating on the same property. This proposed Code amendment will change the definition of sensitive receptors in Section Sec. 9-71 to exclude residential properties with an existing industrial, commercial, unpermitted or non-conforming use; and

WHEREAS, Division 1 of Article I of the Zoning and Development Code does not currently exclude "public projects", and the proposed addition to the Development Code of Section 30-3.1 to Chapter 30 will improve the efficiency of public projects by eliminating the need to comply with specific development standards and the requirement for entitlements approvals for public projects, though will remain subject to discretionary review by City staff; and

WHEREAS, Division 10 of Article III of Chapter 30 the Development Code currently provides for public open space standards applicable to all proposed development within the Form-Based Code districts, and this proposed amendment would expand that requirement to allow for "common open spaces" defined in the proposed code amendment to include an amenity such as a tot lot, outdoor sports recreation area, barb-que with picnic tables, or equivalent and additional requirements in the restated, renumbered and amended Sections 30-399 to 30-404A; and

WHEREAS, Chapter 30 of the Development Code does not currently include a program to address SB 330, and this Code Amendment would establish a No Net Loss/Density Bonus/Replacement Program in order to provide for the concurrent approval of any change in zone from a residential use to a less intensive or non-residential use with the creation of "replacement units" in the form of a density bonus available to project applicants subsequently seeking to develop property for residential use within the City; and

WHEREAS, on July 12, 2022, City Council adopted Ordinance No. 1899 to add Chapter 33 (Cannabis Businesses and Activities) to the City Code, which provides for the issuance of Commercial Cannabis Permits within the City to operate retail and delivery cannabis operations. Permits will be issued pursuant to a merit-based, professional review process that includes an initial application. The initial application does not currently include a requirement for an Authorization Letter, though that term is defined in Section 33-5, to mean proof of ownership, lease agreement of a "Letter of Intent" to lease a

premises by the operation of a Commercial Cannabis Business. This proposed amendment would add a requirement for an Authorization Letter as part Phase One of the application process and include other minor clarifications; and

WHEREAS, a notice of the public hearing was published in the local newspaper on Friday, September 9, 2022 and posted at City Hall; and

WHEREAS, on September 20, 2022, the Planning Commission received public testimony on City Code Amendment (MCA) No. 22-007 and determined that this Ordinance qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. 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

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed City Code Amendment, including the staff report, and all the information, evidence, and testimony presented at its public hearing on September 20, 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 City 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 amendments to Chapter 2, 9, 25, 26, 30, and 33 of the City 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 City 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 qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; therefore, a Notice of Exemption has been prepared.

<u>Section 3.</u> That the Planning Commission hereby recommends that the City Council adopt an ordinance approving MCA No. 22-007 which amends the City Code as indicated in Exhibit "A" as referenced herein.

<u>Section 4.</u> 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.

<u>Section 5</u>. 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 20th day of September, 2022.

City of Fontana								
Cathline Fort, Chairperson								

A	Т	Τ	Е	S	T	:

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 20th day of
September, 2022, by the following vote, to-wit:

AYES: NOES: ABSENT: ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT A

AMENDMENTS TO CODE CHAPTERS 2, 9, 25, 26, 30, AND 33

CHAPTER 2 - ADMINISTRATION

1. Chapter 2, Article VIII. – Boards, Commissions and Committees, Footnote 6 of the Code is hereby restated and amended as follows:

Footnotes:

Cross reference— Historic preservation commission, § 5-353 et seq.; fly abatement and appeals board, § 13-98; parks and community services commission, § 19-31 et seq.; planning commission, § 21-51 et seq.; development advisory board, § 30-1072.

CHAPTER 9 - ENVIRONMENTAL PROTECTION AND RESOURCE EXTRACTION

1. Chapter 9, Article V. – Industrial Commerce Centers Sustainability Standards of the Code is hereby restated and amended as follows:

Sec. 9-71. - Buffering and screening/adjacent uses.

- (a) For any warehouse building larger than 50,000 square feet in size, a tenfoot-wide landscaping buffer shall be required, measured from the property line of all adjacent sensitive receptors. For any warehouse building larger than 400,000 square feet in size, a 20-foot-wide landscaping buffer shall be required, measured from the property line of all adjacent sensitive receptors. The buffer area(s) shall include, at a minimum, a solid decorative wall(s) of at least ten feet in height, natural ground landscaping, an d solid screen buffering trees, as described below, unless there is an existing solid block wall. For any warehouse building equal to or less than 50,000 square feet in size, a solid decorative wall(s) of at least ten feet in height shall be required when adjacent to any sensitive receptors. Sensitive receptor shall be defined as any residence including private homes, condominiums, apartments, and living guarters, schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), prisons, dormitories, and any residence including; private homes, condominiums, apartments, and living quarters, where such residence is that are not located on a parcel with an existing industrial, commercial, unpermitted or non-conforming use.
- (b) Trees shall be used as part of the solid screen buffering treatment. Trees used for this purpose shall be evergreen, drought tolerant, minimum 36inch box, and shall be spaced at no greater than 40-feet on center. The property owner and any successors in interest shall maintain these trees for the duration of ownership, ensuring any unhealthy or dead trees are replaced timely as needed.
- (c) All landscaping shall be drought tolerant, and to the extent feasible, species with low biogenic emissions. Palm trees shall not be utilized.
- (d) All landscaping areas shall be properly irrigated for the life of the facility to allow for plants and trees to maintain growth
- (e) Trees shall be installed in automobile parking areas to provide at least 35 percent shade cover of parking areas within 15 years. Trees shall be planted that are capable of meeting this requirement.
- (f) Unless physically impossible, loading docks and truck entries shall be oriented away from abutting sensitive receptors. To the greatest extent

feasible, loading docks, truck entries, and truck drive aisles shall be located away from nearby sensitive receptors. In making feasibility decisions, the city must comply with existing laws and regulations and balance public safety and the site development's potential impacts to nearby sensitive receptors. Therefore, loading docks, truck entries, and drive aisles may be located nearby sensitive receptors at the discretion of the planning director, but any such site design shall include measures designed to minimize overall impacts to nearby sensitive receptors.

(g) For any warehouse building larger than 400,000 square feet in size, the building's loading docks shall be located a minimum of 300 feet away, measured from the property line of the sensitive receptor to the nearest dock door which does not exclusively serve electric trucks using a direct straight-line method.

CHAPTER 25 - STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

1. Chapter 25 Streets, Sidewalks, and Other Public Ways, Article VII – Wireless Facilities in the Public Right-of-way is hereby amended as followings:

Sec. 25-252. Applications.

- (a) Preapplication (PAM) application and wireless facilities in the public right-of-way application are required for all new wireless facilities in the public right-of-way (collocation, small cell facility, and all other types of wireless facilities that are not modifications or eligible facilities requests). An applicant proposing to install a new wireless facility on either an existing or new pole/infrastructure shall submit a PAM in conjunction with an application for wireless facilities in the public right-of-way (collocation, small cell facility, and all other types of wireless facilities that are not considered modifications or eligible facilities requests) and any required supplemental information to the planning division, at 8353 Sierra Avenue, Fontana Ca. 92335. Pre-applications will be reviewed by the Planning Department—at a development advisory board conference meeting to discuss the proposed facility, the requirements of this article, and any potential impacts of the proposed facility.
- (b) Wireless facilities in the public right-of-way application is required for modifications/replacement of existing wireless facilities in the public right-of-way (including eligible facilities requests). Applications to modify/replace existing wireless facilities on an existing pole/infrastructure in the public right-of-way and for projects qualifying as eligible facilities requests shall be filed with the engineering department, at 8353 Sierra Avenue, Fontana Ca. 92335. City staff will review the proposed facility.
- (c) Additional applicable permits. In addition to the applications mentioned in subsections 25-252(a) and 25-252(b) above, the applicant is required to file applications for and obtain all applicable permits, such as, but not limited to, the following: Building permits, electrical permits, excavation permit and traffic control permit, landscaping plan check, certificate of appropriateness, and annual blanket permit for wireless facilities in the public right-of-way.
- (d) Fees. Application fee(s) shall be submitted with any applications.
- (e) Incompleteness. For personal wireless facilities and eligible facilities requests, applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, the city may notify the applicant in writing, and specifying the material omitted from the application.

(Ord. No. 1862, § 5(Exh. A), 1-26-21)

CHAPTER 26 - SUBDIVISIONS

1. Chapter 26, Subdivisions, Article II. - Tract Maps - Division 1 is hereby restated and amended as follows:

Section 26-26. – 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:

Board of building commissioners means the five-member board appointed by the mayor with the approval of the city council which hears matters pertaining to buildings and structures relative to the Uniform Building Code.

Circulation master plan means the plan for streets and thoroughfares which has been adopted and approved by the city council, together with any approved revisions or modifications thereof.

City attorney means the city attorney, acting either directly or through properly authorized agents acting within the scope of the particular duties entrusted to them.

City engineer means the city engineer, acting either directly or through properly authorized agents acting within the scope of the particular duties entrusted to them.

County means the County of San Bernardino, and when used to modify an officer, office or department shall mean that officer, office or department of the county and shall include properly authorized agents of that officer, office or department acting within the scope of the particular duties entrusted to them.

Development advisory board means a board composed of various city departments, county agencies and other autonomous agencies which reviews projects for consistency with adopted codes and standards and makes recommendations to the planning commission."

General plan means the general plan of the city providing goals, objectives and policies for the longterm orderly development of the city.

Notice of official filing means a written notice issued by the planning department indicating that a project has received environmental clearance and is now considered as officially filed providing that all submittal requirements have been met.

Owner means the person having sufficient proprietary interest in the land to be subdivided to commence and maintain proceedings to subdivide the land under this article.

Public improvements includes streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, lighting facilities and traffic controls, including traffic control devices and traffic control signals.

Specific plan means a detailed plan which reviews economic, environmental and design impacts of development within a specific area and sets forth goals, objectives, policies and regulations for the development of that specific area.

Subdivider means any person commencing proceedings under this article to effect a subdivision of land under this article for himself or for another.

Subdivision means the division, by any subdivider, of any unit of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way. The word "subdivision" includes a condominium project as defined in Civil Code § 1350, a community apartment project as defined in Business and Professions Code § 11004, or the conversion of five or more existing dwelling units to a stock cooperative as defined in Business and Professions Code § 11003.2.

Vesting tentative tract or parcel map means a tentative tract or parcel map which, if approved, allows development in substantial compliance with the ordinances, policies and standards in effect at the time a notice of official filing is issued by the planning department in conformance with the state Subdivision Act.

 Chapter 26, Article II – Tract Maps - Division 2. – Tentative Tract Map Requirements, Section 26-52 – Application is hereby restated and amended as follows:

Sec. 26-52. - Application.

- (a) All subdividers requesting approval of tentative tract maps shall file with the planning department a tentative tract map application in form, format and content as established by ordinance and resolution of the city council. The application shall be subject to the provisions of chapter 30, article XVI.
- (b) At least one copy of the map shall be forwarded to each of the following agencies and departments, which shall have 21 calendar days after receipt thereof to comment or make recommendations with respect to the subdivision:
- (1) Each government agency entitled by law to review and recommend thereon.
- (2) The district engineer of the division of highways of the state, as provided by Business and Professions Code § 11528.1.

- (3) The affected school districts which are not members of the development advisory board.
 - (4) Publicly and privately owned utilities serving the area.
- (c) At least one copy of the map shall be forwarded to each of the following entities members of the development advisory board:
 - (1) The building and safety department.
 - (2) The Central Valley Fire District.
 - (3) The Fontana Unified School District.
 - (4) The parks and recreation department.
 - (5) The police department.
 - (6) The public works and engineering department.

The development advisory board shall review the map and forward a recommendation with appropriate conditions to the planning commission within the processing time limits prescribed by section 30-1365.

CHAPTER 30 - ZONING AND DEVELOPMENT CODE

1. Chapter 30, Zoning and Development Code, Article I. – Provisions and Definitions is hereby restated and amended as follows:

Sec. 30-1. Purpose.

This article establishes official land use zoning regulations and design guidelines. The zoning districts and regulations set forth in this article are consistent with the goals and policies of the general plan and are designed to:

- (1) Encourage the most appropriate use of land and ensure compatibility between uses;
- (2) Provide open space for light, air, and the preservation of resources;
- (3) Facilitate the timely provision of adequate infrastructure and community facilities:
- (4) Promote excellent architectural design; and
- (5) Promote health, safety, and general welfare of the residents and visitors of the City.

Sec. 30-2. Minimum requirements.

The interpretation and application of the provisions of this article shall be the minimum requirements for the promotion of public health, safety, and welfare. It is not the intent of this article to limit standards to minimums.

Sec. 30-3. Greater or conflicting provisions.

Where any provision of this article imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by any other provisions of the Municipal Code, law, ordinance, restrictive covenant, or easement, this article shall govern.

Sec. 30-3.1 Public Projects.

Notwithstanding any other lawful exemptions to zoning regulations, the provisions of this title, shall not apply to any development standards or entitlement processes any buildings, improvements, lots, or premises, owned, leased, operated or controlled by the City or any City Project for public purpose by the City of Fontana. Such projects would still require discretionary review by the City.

2. Chapter 30, Article II. - Division 4. - Hearing Bodies and Notification is hereby restated and amended as follows:

Section 30-22. – Hearing bodies.

The following three hearing bodies shall make decisions on the various procedures provided for in this Development Code. All hearing bodies shall be responsible for the hearings indicated in Table No. 30-22.

Decisions of any "reviewing body" may be appealed to the City Council, except where State law limits such appeal to the City Engineer. If the Planning Commission is listed above as the "appeal body," the Commission must first review an appeal before it may be forwarded to the City Council for consideration.

DAB Development Advisory Board Recommending body

DCD—Director of Community Development—Approval body

PC—Planning Commission—Approval body

CC—City Council—Approval body

PR—Parks, Community, and Human Services Commission—Recommending body

X- Indicates the reviewing and/or the approval body

a—Indicates that the reviewing body is to provide a recommendation to the City Council

b—Indicates that the reviewing body is to provide a recommendation to the Planning Commission

Table No. 30-22										
Reviewing Bodies Appeal Body							Body			
Project Type	DAB	DCD	PR	PC	СС	PC	СС			
Administrative Site Plan, Amendment	X	Х				Х				

	T.,	The T			T. c	
Administrative Site Plan, Major	X	X			X	
Administrative Site Plan, Minor	X	Х			Х	
Administrative Site Plan, Modification	X	X			X	
Area Plan	X		Xa	Х		
Certificate of Appropriateness				Х		
Conditional Use Permit	X		Х			Х
Conditional Use Permit Amendment	X		X			X
Conditional Use Permit Modification	-X		X			X
Density Bonus	X		Xa	Х		
Design Review	X		Х			Х
Design Review, Amendment	X		Х			Х
Design Review, Modification	X		Х			Х
Design Review, Signs		X			Х	
Director's Determination		Х			Х	
Development Agreements			Xa	Х		

Development Agreements Amendment	,			Xa	X		
General Plan Amendments	X			Xa	Х		
Home Occupation Permit		X				X	
Lot Line Adjustment		Х				Х	
Minor Use Permit	X	X				X	
Minor Use Permit, Amendment	X	X				Х	
Minor Use Permit, Modification	X	X				X	
Parcel Maps, Tentative	X	X				Х	
Parcel Maps, Final		Х				Х	
Park Review	×		Xb	X			Х
Specific Plan, Amendment	X			Ха	Х		
Temporary Use		X		Х			
Tract Maps, Tentative	X			X	X		
Tract Maps, Final					X		
Variances	X			Х	X		
Variances, Administrative	X	X				X	

Time Extension, Parcel Map					X	
Time Extension, Tract Map			X			Х
Time Extension, Projects	X	Х			X	
Development Code and Zoning District Map, Amendment	X		Xa	Х		

3. Chapter 30, Article II. Division 4. – Hearing Bodies and Notification is hereby restated and amended as follows:

Section 30-24. - Posting.

- (a) City initiated projects. If a notice of public hearing for a City initiated general plan amendment, specific plan, zone change, design review, and tentative tract or any other application affecting a specific property or properties exceeding 20 acres and/or would result in the mailing or delivering of more than 1,000 notices, the notice of public hearing shall also either be:
- (1) Published in at least one newspaper of general circulation in the City no less than one time and no less than ten days prior to the date of the hearing; or
- (2) Posted at least ten days prior to the hearing in at least three public places in the City, including one public place in the area directly affected by the proceeding.
- (b) Applicant initiated projects. Notice of public hearing for applicant-initiated projects affecting a specific property shall also be made by a posting on the site (by the applicant) in a conspicuous location no longer than ten days after the initial Development Advisory Board (DAB) review.
 - (1) A four-foot by eight-foot sign or signs shall be required to be posted at the project site. Daycare notification may be a two by two banner visible from the right-of-way. The purpose of the sign notice requirement is to notify the community and the neighbors in the affected area early in the review process, allowing the applicant and the City the benefit of citizens' comments during the initial stage of project review. A cash deposit to the City is required to ensure compliance with the notification requirements including removal of

the notification sign. The project application shall not be deemed complete until the large sign is installed.

- (2) Sign criteria. In order to implement the signs as an effective form of public notification, the following rules and standards shall apply.
 - a. Sign size and specification. All sign(s) shall be four feet by eight feet in size and be constructed to the specifications determined by the Planning Division. The specific project information text on the sign shall be provided by the Planning Division.
 - b. Location and installation standards. All sign(s) shall be installed according to the specifications determined by the Planning Division. The signs shall be posted on each street frontage. Additional signs may be required as determined by the Planning Division.
 - c. Sign removal and maintenance. All sign(s) shall be maintained and remain in place until the final decision on the application has been made or the application has been withdrawn. All sign(s) shall be removed by the applicant after 15 days of the final decision or date of withdrawal. Failure to remove the sign(s) within the prescribed period may result in forfeiture of the cash deposit.
- 4. Chapter 30, Article II. Division 6 General Plan Amendment is hereby restated and amended as follows:

Section 30-33 – Pre-application meeting.

Prior to the filing of an application for a general plan amendment, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The Staff recommendations should be incorporated into the project prior to filing the formal application.

 Chapter 30, Article II. – Administrative Procedures - Division 4. – Hearing Bodies and Notification, Section 30-35 "Development Advisory Board (DAB) review is hereby deleted and amended to read as follows:

Section 30-35 - Reserved.

6. Chapter 30, Article II. Division 8. - Area Plan and Area Plan Amendment, Subdivision I. Area Plan is hereby restated, amended, and renumbered as follows:

Sec. 30-49. - Submission requirements.

A proposal for an area plan shall be processed upon the application of the property owner(s), subject to the following provisions:

- (1) Submission of a preliminary application and area plan for review by the Development Advisory Board.
- (1) Submission of a formal area plan and related material as required on the application form for review and recommendation by the Planning Commission and final decision by the City Council.
- $(\underline{2})$ Submission of a conditional use permit and design review applications.
- 7. Chapter 30, Article II. Division 8. Area Plan and Area Plan Amendment, Subdivision I. Area Plan, Section 30-51 is is hereby deleted in entirety and amended to read as follows:

Section 30-51. – Pre-application meeting for area plan.

Prior to the filing of an application for an area plan, the applicant or the applicant's representative shall hold apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application.

 Chapter 30, Article II. – Division 8. - Area Plan and Area Plan Amendment, Subdivision I. – Area, Section 30-54 "Development Advisory Board (DAB) Review" is hereby deleted and amended to read as follows:

Section 30-54 - Reserved.

9. Chapter 30, Article II. Division 8. - Area Plan and Area Plan Amendment, Subdivision II. – Area Plan Amendments, Section 30-60 – Pre-application meeting for area plan is hereby restated and amended as follows:

Section 30-60 – Pre-application meeting for area plan.

- (a) Prior to the filing of an application for an area plan amendment, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application.
- (b) Following the preliminary consultation of the applicant and City staff, The Director of Community Development Planning will determine when the

conceptual project will be submitted to the Planning Commission for a workshop. The presentation to the Planning Commission shall be an informal presentation for informative purposes only and is only intended to obtain Planning Commission comments on the proposed project. The applicant shall not receive any rights or entitlements pursuant to this informal review procedure and the Planning Commission shall not be bound by their comments. The Planning Commission or City Council may request changes to the project when it is formally presented for their consideration even if those changes differ from the Planning Commission comments and requests made during the informal review procedure.

10. Chapter 30, Article II. – Administrative Procedures – Division 8. - Area Plan and Area Plan Amendment, Subdivision II. – Area Plan Amendments, Section 30-62 – Development Advisory Board (DAB) is hereby deleted and amended to read as follows:

Section 30-62 – Reserved.

11. Chapter 30, Article II. Division 9. – Specific Plan Amendment, Section 30-68. – Pre-application meeting is hereby restated and amended as follows:

Sec. 30-68. - Pre-application meeting.

Prior to the filing of an application for an amendment to a specific plan, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application.

12. Chapter 30, Article II. Division 9. – Specific Plan Amendment, Section 30-70. – Development Advisory Board (DAB) review is hereby deleted and amended to read as follows:

Sec. 30-70. – Reserved.

13. Chapter 30, Article II, Division 10. – Administrative Site Plan, Major, Minor, Amendment, and Modification, Subdivision I. – Administrative Site Plan – Major, Section 30-76 – Authority is hereby restated and amended as follows:

Sec. 30-76. - Authority.

The Director of Community Development Planning or designee is authorized to approve or deny administrative site plan, major, minor, modifications and amendment review applications, upon review of the Development Advisory Board comments, and to impose reasonable conditions upon such approval. Conditions may include, but shall not be

limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress, egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion.

14. Chapter 30, Article II. Division 10. – Administrative Site Plan, Major, Minor, Amendment, and Modification, Subdivision I. – Administrative Site Plan – Major, Section 30-78 is hereby restated and amended to read as follows:

Sec. 30-78. – Pre-application meeting.

Prior to the filing of an application for an administrative site plan, major, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application.

15. Chapter 30, Article II. Division 10. – Administrative Site Plan, Major, Minor, Amendment, and Modification, Subdivision II. – Administrative Site Plan – Minor, Section 30-88. – Pre-application meeting is hereby restated and amended as follows:

Sec. 30-88. - Pre-application meeting.

Prior to the filing of an application for an administrative site plan, minor, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application.

16. Chapter 30, Article II. Division 10. – Administrative Site Plan, Major, Minor, Amendment, and Modification, Subdivision II. – Administrative Site Plan – Minor, Section 30-90. – Development Advisory Board (DAB) review is hereby deleted and amended to read as follows:

Sec. 30-90. - Reserved.

17. Chapter 30, Article II. Division 10. – Administrative Site Plan, Major, Minor, Amendment, and Modification, Subdivision III. – Administrative Site Plan – Amendment, Section 30-97 is hereby restated and amended as follows:

Sec. 30-97. - Authority.

The Director of Community Development Planning or designee is authorized to approve or deny administrative site plan, amendment review applications, upon review of the Development Advisory Board comments, and to impose reasonable conditions upon such approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress, egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion."

18. Chapter 30, Article II. Division 10, Subdivision III. Administrative Site Plan Amendment, Section 30-98 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-98. - Pre-application meeting.

Prior to the filing of an application for an administrative site plan, amendment, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application. Projects determined minor in nature may be waived of this process by the Director of Community Development.

19. Chapter 30, Article II. Division 10. Subdivision III., Administrative Site Plan Amendment, 30-100. – "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-100 – Reserved.

20. Chapter 30, Article II. Division 10. Subdivision IV., Administrative Site Plan Modification, Section 30-107 "Authority", is hereby restated and amended as follows

Sec. 30-107. - Authority.

The Director of Community Development Planning or designee is authorized to approve or deny administrative site plan, modification review applications, upon review of the Development Advisory Board comments, and to impose reasonable conditions upon such approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of

vehicular ingress, egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion."

21. Chapter 30, Article II. Division 10. Subdivision IV. Administrative Site Plan Modification, Section 30-108 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-108. - Pre-application meeting.

Prior to the filing of an application for an administrative site plan, modification, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application. Projects determined minor in nature may be waived of this process by the Director of Community Development.

22. Chapter 30, Article II. Division 10. Subdivision IV. Administrative Site Plan Modification, Section 30-110. "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-110 – Reserved.

23. Chapter 30, Article II. Division 11. – Design, Review, Amendment, and Modification, Subdivision I. Design Review, Section 30-117 – Pre-application meeting is hereby restated and amended as follows:

Sec. 30-117. - Pre-application meeting.

Prior to the filing of an application for a design review, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application.

24. Chapter 30, Article II. Division 11, Subdivision I. Design Review, Section 30-119. "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-119 - Reserved.

25. Chapter 30, Article II. Division 11, Subdivision II. Design Review Amendment, Section 30-126 is hereby restated and amended as follows:

Sec. 30-126. - Pre-application meeting.

Prior to the filing of an application for a design review, amendment, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application.

26. Chapter 30, Article II. Division 11. Subdivision II. Design Review Amendment, Preapplication meeting Section 30-128, "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-128 – Reserved.

27. Chapter 30, Article II. – Division 11. Subdivision II. – Design Review - Modification, Section 30-137. "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-137. - Pre-application meeting.

Prior to the filing of an application for a design review, modification, the applicant or the applicant's representative shall apply for pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application. Projects determined minor in nature may be waived of this process by the Director of Community Development.

28. Chapter 30, Article II. – Division 11. Subdivision II. – Design Review - Modification, 30-139. – "Development Advisory Board (DAB)" review are hereby deleted in their entirety is hereby deleted and amended to read as follows:

Sec. 30-139 – Reserved.

29. Chapter 30, Article II. Division 12. – Conditional Use Permit, Amendment, and Modification, Subdivision I. – Conditional Use Permit, Section 30-146 is hereby restated and amended as follows:

Sec. 30-146. - Authority.

The Planning Commission is authorized to approve or deny applications for conditional use permit, upon review of the Development Advisory Board comments, and to impose conditions upon such approval.

30. Chapter 30, Article II. Division 12. Subdivision I. Conditional Use Permit, Section 30-147. "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-147. - Pre-application meeting.

Prior to the filing of an application for a conditional use permit, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application. Projects determined minor in nature may be waived of this process by the Director of Community Development.

31. Chapter 30, Article II. Division 12. Subdivision I. – Conditional Use Permit, Section 30-149. "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-149 – Reserved.

32. Chapter 30, Article II. Division 12, Subdivision II. Conditional Use Permit - Amendment, Section 30-157 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-157 – Pre-application meeting.

Prior to the filing of an application for a conditional use permit amendment, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The Staff recommendations should be incorporated into the project prior to filing the formal application. Projects determined minor in nature may be waived of this process by the Director of Community Development Planning.

33. Chapter 30, Article II, Division 12, Subdivision II. Conditional Use Permit Amendment, Section 30-159, "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-159 – Reserved.

34. Chapter 30, Article II, Division 12, Subdivision III, Conditional Use Permit Modification, Section 30-166 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-166 – Pre-application meeting.

Prior to the filing of an application for a conditional use permit modification, the applicant or the applicant's representative shall apply for a pre-application review by City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be

incorporated into the project prior to filing the formal application. Projects determined minor in nature may be waived of this process by the Director of Community Development.

35. Chapter 30, Article II, Division 12, Conditional Use Permit, Amendment, and Modification, Subdivision III, Conditional Use Permit, Section 30--168. "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-168 – Reserved.

36. Chapter 30, Article II, Division 13, Minor Use Permit, Section 30-175. "Preapplication meeting" is hereby restated and amended as follows:

Sec. 30-175 - Pre-application meeting.

Prior to the filing of an application for a minor use permit, the applicant or the applicant's representative shall hold apply for a pre-application conference with the Development Advisory Board review by City staff. Projects determined minor in nature may be waived of this process by the Director of Community Development.

37. Chapter 30, Article II, Division 13 Minor Use Permit, Section 30-177, "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-177 – Reserved.

38. Chapter 30, Article II, Division 13, Subdivision II, Minor Use Permits Amendment, Section 30-186 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-186 – Pre-application meeting.

Prior to the filing of an application for a minor use permit amendment, the applicant or the applicant's representative shall hold apply for a preapplication conference with the Development Advisory Board review by City staff. Projects determined minor in nature may be waived of this process by the Director of Community Development.

39. Chapter 30, Article II, Division 13, Subdivision II, Minor Use Permits Amendment, Section 30-188 "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-188 – Reserved.

40. Chapter 30, Article II. Division 13. – Minor Use Permits, Amendment, and Modification, Subdivision III. – Minor Use Permits Modification, Section 30-194 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-194. - Pre-application meeting.

Prior to the filing of an application for a minor use permit modification, the applicant or the applicant's representative shall—hold apply for a preapplication conference with the Development Advisory Board-review by City staff. Projects determined minor in nature may be waived of this process by the Director of Community Development.

41. Chapter 30, Article II, Division 13, Subdivision III. Minor Use Permits Modification, Section 30-196 "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-196 – Reserved.

42.30, Article II, Division 14, Subdivision I. Administrative Variance, Section 30-204 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-204. - Pre-application meeting.

Prior to the filing of an application for an administrative variance, the applicant or the applicant's representative shall hold apply for a preapplication conference with the Development Advisory Board City staff. Projects determined minor in nature may be waived of this process by the Director of Community Development.

43. Chapter 30, Article II. Division 14, Variance, Subdivision I. Administrative Variance, Section 30-207. "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-207 – Reserved.

44. Chapter 30, Article II. Division 14, Subdivision II. Variance, Major, Section 30-214 "Authority" is hereby restated and amended as follows:

Sec. 30-214. - Authority.

The Planning Commission is authorized to approve or deny applications for variance, major, upon review of the Development Advisory Board comments, and to impose conditions upon such approval.

45. Chapter 30, Article II. Division 16. – Park Review, Section 30-231 – Authority, is hereby restated and amended as follows:

Sec. 30-231. - Authority.

The Parks, Community, and Human Services Commission (PCHSC) is authorized to review and provide comments for parks. The park review shall

be presented to the PCHSC <u>at a regular meeting.</u> during the Development Advisory Board review.

The Planning Commission is authorized to approve or deny applications for park review upon review of the Development Advisory Board and PCHSC, and to impose conditions upon such approval.

46. Chapter 30, Article II, Division 16. Park Review, Section 30-232 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-232. - Pre-application meeting.

Prior to the filing of an application for a park review, the applicant or the applicant's representative shall—file apply for a pre-application review meeting application in order to meet with the Director of Planning Community Development and the Development Advisory Board—prior to submitted the formal application.

47. Chapter 30, Article II. Division 16. – Park Review, Section 30-234. – Development Advisory Board (DAB) review is hereby deleted and amended to read as follows:

Sec. 30-234 – Reserved.

48. Chapter 30, Article II. Division 17. - California Redemption Value (CRV) Recycling Collection Facility, Section 30-241. – Authority, is hereby restated and amended as follows:

Sec. 30-241. - Authority.

The Director of Community Development Planning or designee is authorized to approve or deny California Redemption Value (CRV) Recycling Collection Facility through the process of minor use permit review applications, upon review of the Development Advisory Board comments, and to impose reasonable conditions upon such approval. Conditions may include, but shall not be limited to, requirements for installation and maintenance of landscaping and erosion control measures; requirements for vehicular ingress, egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion.

49. Chapter 30, Article II. Division 17. - California Redemption Value (CRV) Recycling Collection Facility, Section 30-246. – Development Advisory Board (DAB) review is hereby deleted and amended to read as follows:

Sec. 30-246 – Reserved.

50. Chapter 30, Article II. – Administrative Procedures – Division 18. – Temporary Use, Section 30-354. – Authority, is hereby restated and amended as follows:

Sec. 30-254. - Authority.

The Director of Community Development Planning or designee is authorized to approve or deny temporary use applications, upon review of the Development Advisory Board comments, and to impose reasonable conditions upon such approval. Conditions may include, but shall not be limited to, requirements for buffers and/or barriers; requirements for vehicular ingress, egress, and on-site traffic circulation; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion.

51. Chapter 30, Article II. Division 21. – Mapping, Tentative Parcel Map, Tentative Tract Map, and Lot Line Adjustment, Subdivision I – Tentative Parcel Map, Section 3-280 "Authority" is hereby restated and amended as follows:

Sec. 30-280. - Authority.

The Director of Community Development Planning or designee is authorized to approve or deny tentative parcel map applications, upon review of the Development Advisory Board comments, and to impose reasonable conditions upon such approval.

52. Chapter 30, Article II, Division 21, Subdivision I – Tentative Parcel Map, Section 30-281 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-281. - Pre-application meeting.

Prior to the filing of an application for a tentative parcel map application the applicant or the applicant's representative shall apply for a pre-application meeting application review with City Staff. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application.

53. Chapter 30, Article II, Division 21, Subdivision I – Tentative Parcel Map, Section 30-283 "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-283 – Reserved.

54. Chapter 30, Article II, Division 21. Subdivision II – Tentative Tract Map, Section 3-290. "Authority" is hereby restated and amended as follows:

Sec. 30-290. - Authority.

The Planning Commission is authorized to approve or deny applications for design review, upon review of the Development Advisory Board comments, and to impose conditions upon such approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress, egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion.

55. Chapter 30, Article II. Division 212. Subdivision II – Tentative Tract Map, Section 3-292, "Development Advisory Board (DAB) review" is hereby deleted and amended to read as follows:

Sec. 30-292 - Reserved.

56. Chapter 30, Article II. Division 22. – Time Extension, Mapping and Project, Subdivision II – Time Extension - Tentative Tract Maps, Section 3-310. "Authority", is hereby restated and amended as follows:

Sec. 30-310. - Authority.

The Planning Commission is authorized to approve or deny applications for time extension for tentative tract maps upon review of the Development Advisory Board comments, and to impose conditions upon such approval.

57. Chapter 30, Article II, Division 24 Planned Unit Development (PUD), Section 30-328 "Pre-application meeting" is hereby restated and amended as follows:

Sec. 30-328. - Pre-application meeting.

Prior to the filing of an application for a planned unit development, the applicant or the applicant's representative shall apply for a pre-application review with City staff. meeting application. The pre-application meeting is presented to the Development Advisory Board for recommendation for the project. The recommendation should be incorporated into the project prior to filing the formal application

58. Chapter 30, Article II. Division 24. – Planned Unit Development (PUD), Section 30-330. – Development Advisory Board (DAB) review is hereby deleted and amended to read as follows:

Sec. 30-330 – Reserved.

59. Chapter 30, Article II. Division 25. – Density Bonus, Section 30-343, Development Advisory Board (DAB) review is hereby deleted and amended to read as follows:

Sec. 30-343 – Reserved.

60. Chapter 30, Article II, Division 27 Non-Conforming Structures, Section 30-353, "Special exemption to permit incremental improvements to nonconforming buildings, structures, and sites with administrative site plan approval" is hereby restated, renumbered, and amended as follows:

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

- (a) Notwithstanding any other provisions of Division 10 of this article herein to the contrary, the Director of Community Development Planning may permit the following limited improvements to be made to an existing nonconforming building, structure or site without the requirement that the building, structure and/or site be improved to current Development Code standards:
 - (1) Additions to existing commercial and/or industrial buildings or structures that do not exceed ten percent of the total square footage of the existing building or structure, provided said additions meet the fire protection requirements of Chapter 11 of the City Code;
 - (2) Paving, repaving or realignment of parking lots and areas, provided that the number of parking spaces is not reduced to less than currently existing and provided that all applicable drainage, storm water (NPDES), and similar requirements are met;
 - (3) Alteration of the exterior of an existing building or structure;
 - (4) Installation of new landscaping or alteration of existing landscaping, provided that the amount of landscaping is not reduced to less than currently existing unless the Director of Community Development Planning further finds that other improvements approved under this section require a reduction in the landscaping. Any allowed reduction in landscaping shall be the minimum required to permit the improvements to be constructed.
- (b) Any person seeking a special exemption under this section shall submit a completed administrative site plan application to the Community Development Planning Department in a manner prescribed by the Director of Community Development Planning and shall pay any applicable fees.
- (c) Applications under this section shall be processed as prescribed in Division 3 of Article III of Chapter 30 of this Code (administrative site plan review), except for the following:

- (1) At the option of the Director of Community Development, the application may (but is not required to) be reviewed by the Development Advisory Board prior to a decision by the Director of Community Development;
- (2) Notice required by Division 4 of this article shall be provided, however, it shall be sent ten calendar days prior to the decision by the Director of Community Development.
- (c) Notwithstanding Division 10 of this article herein, the Director of Community Development Planning shall make the following findings before granting approval of the exemption and the administrative site plan application:
 - (1) All of the existing building(s), structures(s) and uses on the site are preexisting and legal nonconforming, and are not illegal or unpermitted;
 - (2) The improvement(s) subject to the exemption support(s) a pre-existing legal nonconforming building, structure and/or use already on the site;
 - (3) The exemption will provide an incremental improvement to the building, structure or use on the site in furtherance of the requirements of Chapter 30 of this Code;
 - (4) The improvement(s) subject to the exemption will not, physically, legally, or otherwise, preclude the building(s), structure(s) or the site to come into compliance with current Development Code standards at a future date;
 - (5) Granting the exemption will not substantially expand or intensify the existing or anticipated use of the building(s) and/or the site;
 - (6) Granting the exemption will not be contrary to the goals of the City's general plan or any applicable specific plan; and
 - (7) Granting the exemption will not otherwise be deleterious to the public health, safety and welfare.
- (d) The Director of Community Development Planning is authorized to impose such reasonable conditions upon an exemption in order to protect the health, safety and welfare of the surrounding area.
- (e) Except as expressly set forth herein, the benefits of this section shall not abrogate, extend, expand or otherwise alter the provisions of this Division 22 and shall not eliminate or extend pre-existing legal nonconforming rights, or create them where they do not otherwise exist.
- (f) The benefits of this section shall apply only to complete applications, as provided for in subsection (b), which have been submitted to the Community Development Planning Department within a period of two years following the effective date of this section. Any exemptions requested after said two-year period must be sought pursuant to Section 30-85.
- 61. Chapter 30, Article IX. Division 5. Auto Center Overlay District, Section 30-643. Minimum development standards, is hereby restated, renumbered, and amended as follows:

Sec. 30-643. - Minimum development standards.

The minimum site development standards listed in this section shall only apply to the specific planning area within the overlay district.

- (1) Planning area 1—Auto center development standards.
 - a. Building and parking setbacks.
 - 1. All buildings and parking, except for vehicle display pads and allowed monument signs, shall be setback from all street property lines as follows:

Sierra Avenue: 25 Feet

Citrus Avenue: 20 Feet

South Highland Avenue: 15 Feet

Secondary Streets: 10 Feet

Collector Streets: 10 Feet

Local Streets: 10 Feet

- 2. Vehicle display pads shall have no required setback and shall be allowed to encroach into the landscape setback. Adequate site distance must be demonstrated at street intersections and driveway entrances for each vehicle display pad. Display pads shall not exceed 14 inches in height as measured from the sidewalk grade.
- Monument signs are required to be set back a minimum of five feet from the street property line.
- b. Building height.
 - 1.Buildings and other structures shall not exceed a maximum of 60 feet in height as measured from the top of curb located adjacent to the street property line to the highest building ridge.
- c. Lot coverage.
 - 1. No more than 50 percent of the net lot area may be covered with buildings or other structures.
- d. Off-street parking and circulation.

1.Required off-street parking spaces for vehicle dealerships shall be provided at the following ratios:

Show Room: One space per 300 square feet.

Service Area: One space per 300 square feet.

Outdoor Display: One space per 2,500 square feet.

Employees: One space per employee on the maximum shift.

Note: Service department parking/stacking is counted and included as required parking spaces.

- 2. Except for vehicle display pads, all parking spaces shall be a minimum of nine feet wide and 19 feet deep.
- 3. Drive aisle widths are required to be 26 feet wide, unless otherwise required by the San Bernardino County Fire Department.
- 4.Driveway approaches on South Highland Avenue are required to be 55 feet deep to allow for adequate stacking distance if entry gates are closed. Driveways must demonstrate adequate turning movement widths for car carrier trucks, per the City of Fontana Traffic Engineer.

e. Landscaping.

- 1. All vehicle dealerships shall have a minimum of 15 percent landscaping of the net project site (minus the dealership building footprint). A maximum of seven percent of the required landscape area can be provided as decorative hardscape, including vehicle display pads and driveway approaches.
- 2.Required setback areas shall be landscaped with trees, shrubs, plants, grasses and hardscape as set forth within the overlay district landscape design guidelines plant palette.
- 3. There shall be a five-foot landscape setback between abutting auto dealership display areas.

f. Lighting.

1.On-site lighting plans shall be submitted showing the design, intensity, layout and exact fixture mounting. Lighting

- plans shall be reviewed and approved through the required Development Advisory Board (DAB) process.
- 2. Lighting plans shall be consistent with the lighting design criteria and guidelines set forth within this overlay district.
- 3. Shielded fixtures shall direct all lighting downward, and shall illuminate areas used for parking and driveways.
- 4.All exterior areas shall have light standards no taller than 20 feet in height.
- 5.All lighting fixtures shall be properly shielded to prevent offsite glare. Spot fixtures shall only be downward directed, except at strategic areas such as monument signs and other landscape locations along the project's perimeter.
- 6.Strings of incandescent fixtures are not allowed in any exterior commercial area.
- 7.Strings of incandescent fixtures are not allowed in any exterior dealership area.
- g. Walls, fences and screening. Walls and fences constructed on an interior lot line, at the rear of the required landscape setback area, or along the 210 Freeway right-of-way shall comply with the development standards set forth herein.
 - 1. Walls shall not exceed eight feet in height, except that within the required building and parking landscaped setback, vehicle pad display areas, walls may not exceed three feet in height.
 - 2.All perimeter walls and fences shall be designed to be consistent with the design guidelines set forth herein.
 - 3. Chain link fencing and all types of barbed wire are prohibited, except that chain link fencing is allowed during construction for security purposes.
 - 4.The Freeway edge treatment shall consist of eight-foot tall pilasters at 30 feet on center with tubular or wrought iron fencing between pilasters. These pilasters shall be consistent with the design as set forth within the auto center design guidelines.
 - 5.Pilasters located within 90 feet of South Highland Avenue shall also be eight-foot tall at 30 feet on center with tubular or wrought iron fencing between pilasters. These pilasters will

also be covered with flagstone that matches the monument sign flagstone required along South Highland Avenue, consistent with the design as set forth within the auto center design guidelines.

- 6. Solid eight-foot tall block walls located within the interior of auto dealerships are permitted, provided they are not visible from the public rights-of-way. Security walls that are visible from public rights-of-way shall consist of solid walls limited to three feet in height with pilasters on top that are limited to five feet in height (eight feet total height) and tubular or wrought iron fencing between pilasters.
- 7. All service, trash and employee parking areas shall be screened from view from all public streets by walls and approved fencing. No storage areas shall be visible from any public right-of-way, including the 210 Freeway.
- 8.Roof mounted mechanical equipment shall be screened and not be visible from any public rights-of-way, including the 210 Freeway. Roof mounted equipment screening techniques shall involve an integrated architectural design element which is compatible with the architectural design of the dealership building.
- 9. Solid block walls eight feet tall are required on the property line adjacent to A.B. Miller High School and Warren Ruble Middle School.
- h. Sound attenuation.
- 1. All air compressor exhaust stacks shall contain noise-muffling devices.
- 2. Exterior loud speakers shall not be mounted higher that ten feet above finished grade, and shall be oriented toward the interior of each dealership.
- (2) Planning area 2—Auto center supporting uses.
 - a. Building setbacks.
 - 1. All buildings and parking areas, except for allowed monument signs, shall be setback from all street property lines as follows:

Sierra Avenue: 25 Feet

South Highland Avenue: 20 Feet

Mango Avenue: 15 Feet

210 Freeway Right-of-way: 5 Feet

2.Monument signs are required to be set back a minimum of five feet from the street property line, and must comply with site distance traffic standards at all street corners and driveway entrances.

b. Building height.

1.Buildings and other structures shall not exceed a maximum of 60 feet as measured from the top of curb located adjacent to the street property line to the highest building ridge.

c. Lot coverage:

1. No more than 50 percent of the net lot area may be covered with buildings or other structures.

d. Off-street parking and circulation.

- 1. Required off-street parking spaces for retail shall be provided at the ratio set forth in Chapter 30 of the Fontana Municipal Code.
- 2. All parking spaces shall be a minimum of nine feet wide and 19 feet deep.
- 3. Drive aisle widths are required to be 26 feet wide unless otherwise required by the San Bernardino County Fire Department.

e. Landscaping.

- 1. All retail commercial uses shall have a minimum of 15 percent landscaping of the net project site (minus the building footprint).
- 2. Required setback areas shall be landscaped with trees, shrubs, plants, grasses and hardscape as set forth within the overlay district landscape design guidelines plant palette.
- 3. For projects that are adjacent to the 210 Freeway right-ofway, there shall be a minimum five-foot wide landscape strip planted with trees and shrubs.

4. Solid block walls adjacent to the 210 Freeway right-of-way are prohibited. The Freeway edge treatment shall consist of eight-foot tall pilasters at 30 feet on center with tubular or wrought iron fencing between pilasters. These pilasters shall be consistent with the design as set forth within the auto center design guidelines.

f. Lighting.

- 1. On-site lighting plans shall be submitted showing the design, intensity, layout and exact fixture mounting. Lighting plans shall be reviewed and approved through the required Development Advisory Board (DAB) review process.
- 2. Lighting plans shall be consistent with the lighting design criteria and guidelines set forth within this overlay district.
- 3. Shielded fixtures shall direct all lighting downward, and shall illuminate areas used for parking and driveways.
- 4. All exterior areas shall have light standards no taller than 20 feet in height.
- 5. All lighting fixtures shall be properly shielded to prevent offsite glare. Spot fixtures shall only be downward directed, except at strategic areas such as monument signs and other landscape locations along the project's perimeter.
- 6. Strings of incandescent fixtures are not allowed in any exterior commercial area.
- g. Walls, fences and screening. Walls and fences constructed on an interior lot line, at the rear of the required landscape setback area, or along the 210 Freeway right-of-way shall be in keeping with the development standards set forth herein.
 - 1. Walls shall not exceed eight feet in height, except that within the required building and parking landscaped setback, walls may not exceed three feet in height.
 - 2.All walls shall be constructed of split face or masonry material that is compatible with the building design.
 - 3. Chain link fencing and all types of barbed wire are prohibited, except that chain link fencing is allowed during construction for security purposes.

- 4. All service and trash enclosure areas shall be screened from view from all public streets by walls and approved fencing, wherever feasible. No storage areas shall be visible from any public right-of-way, including the 210 Freeway.
- 5. Solid block walls are prohibited. Wall edge treatments shall consist of eight-foot tall pilasters at 30 feet on center with tubular or wrought iron fencing between pilasters. These pilasters shall be consistent with the design as set forth within the auto center design guidelines.
- 6. Roof mounted mechanical equipment shall be screened and not be visible from any public rights-of-way, including the 210 Freeway. Roof mounted equipment screening techniques shall involve an integrated architectural design element which is compatible with the architectural design of the commercial building.

h. Sound attenuation.

- 1. A drive-through lane is not permitted adjacent to any parcel of land that is zoned for residential use.
- (3) Planning areas 3 and 4.
 - a. All minimum site development standards listed in planning areas 1 and 2 apply to planning areas 3 and 4.
- 62. Chapter 30, Article XII. Division 12. Administration and Enforcement, Section 30-781. Sign variances, is hereby restated, renumbered, and amended as follows:

Sec. 30-781. - Sign variances.

- (a) Purpose. The purpose of a sign variance is to provide for deviations from the literal provisions of this article in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual sign under consideration, and to grant such variances only when it is demonstrated that such actions align with the applicability and the findings of this section.
- (b) Authority. The Planning Commission is authorized to approve or deny sign variance applications.
- (c) Application.
 - (1) Applications for a sign variance shall be filed with the Planning Division on forms, and accompanied by data, information, and fees as required by the Community Development Planning Department. No application shall be

- considered by the Planning Commission until the application is determined to be complete and all required fees have been paid to the City.
- (2) At a minimum, the application shall include:
 - a. A statement that the applicant is the owner of the subject property or an agent thereof;
 - b. The legal description of the property involved, the proposed use, and site plans;
 - c. A reference to the specific provisions of this article that are applicable to the requested sign variance; and
 - d. The specific use and standard for which the sign variance is being requested shall be described in detail.
- (d) Development Advisory Board Review. All applications for sign variances shall be reviewed by the Development Advisory Board to provide recommendations for the sign. The recommendations should be incorporated into the sign prior to moving forward to the Planning Commission.
- (d) Limitation on variances. In no case shall any sign variance be granted that would result in a sign that exceeds the height, size, or setback provisions of this article by 25 percent or that would increase the number of signs permitted by this article by more than 25 percent.
- (e) Findings. The following findings are required to be made by the Planning Commission for approval of a sign variance application, with or without conditions:
 - (1) Variances from the terms of this article shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the article deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.
 - (2) The characteristics that make compliance with the requirements of this article difficult must be related to the premises for which the sign variance is sought, not some other location;
 - (3) The characteristics that make compliance with the requirements of this article difficult must not have been created by the owner of the premises, a previous owner, or the applicant; and
 - (4) The proposed sign variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the danger of fire or

- endanger public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City.
- (f) Consistency. Any sign variance granted shall be subject to such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties.
- (g) Noticing. Notice of hearings for sign variances shall be as set forth in Chapter 30, Article II, Division 4.
- (h) Hearing. Upon receipt of a complete application for a sign variance, a time and place for the hearing before the Planning Commission shall be set.
- (i) Appeal. The decision of the Planning Commission shall be final unless an appeal is filed. An appeal could be made as set forth in Chapter 30, Article II, Division 5.
- (j) Time limitations. Each sign variance granted under the provisions of this article shall become null and void two years after the date of the action approving the sign variance unless:
 - (1) The construction authorized by the sign variance or permit has been commenced within two years after the granting of the sign variance and diligently advanced to completion;
 - (2) The decision approving a sign variance contains in its findings and conditions specific authority for extending the time limit defined; or
 - (3) The Director of Community Development Planning finds that circumstances beyond the control of the applicant have caused delays which do not permit compliance with the time limits established.
- 63. Chapter 30, Article XIII. Division 2. Permit and Application Procedures, Section 30-941 "Processing and hearing procedure", is hereby restated, renumbered, and amended as follows:

Sec. 30-941. - Processing and hearing procedure.

Upon submittal of a complete application for resource extraction permit and/or resource reclamation plan and filing of all environmental documents and all documents required by the Planning Manager, consideration of the resource extraction permit or resource reclamation plan for the proposed surface mining operation or exempt activity shall be completed pursuant to the following:

(1) The Planning Division shall, within 30 days of receipt of such applications, certify the application requests with regard to completeness in accordance with California Government Code § 65920 et seq. (Permit Streamlining Act). The Planning Division shall process the application(s) in accordance with all requirements of the California Environmental

- Quality Act (Public Resources Code § 21000 et seq.) and the City's environmental review guidelines.
- (2) Within 30 days of acceptance of an application for resource extraction permit and/or resource reclamation plan as complete, the Planning Division shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the flood insurance rate maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Division shall also notify the State Department of Transportation that the application(s) have been received.
- (3) Development Advisory Board. Upon deeming the application complete and completing the environmental review procedures, the Planning Division shall forward the application(s) to the Development Advisory Board (DAB). The DAB shall review the plot plan, landscape plans, elevations and any environmental review documents for the intended operation. Upon completion of the review, the DAB shall forward its recommendation and recommended approval conditions to the Planning Commission.
- (3) Planning Commission review. The Planning Commission shall hold at least one noticed public hearing on the application for resource extraction permit and/or resource reclamation plan. The Planning Division shall prepare a staff report with recommendations for consideration by the Planning Commission. The staff report shall include, but not be limited to, recommendations concerning the following:
 - a. A statement of the recommended intensity of use;
 - b. Acceptable accessory uses;
 - c. The suitability of the extraction and reclamation proposals; and
 - d. Suggested conditions for approval to ensure that the resource extraction use and related accessory uses may be conducted and reclaimed without creating a public nuisance or otherwise adversely affecting the public welfare.

The staff report may recommend denial of the resource extraction permit and/or resource reclamation plan applications if it is determined that the intent of this article cannot be met by the proposed applications.

- (4) Planning Commission approvals.
 - a. The Planning Commission shall take action approving, conditionally approving or denying the resource extraction permit. If a resource extraction permit is being processed concurrently with the resource reclamation plan, the Planning Commission may simultaneously also

conceptually approve the resource extraction permit. However, the Planning Commission may defer action on the resource extraction permit until taking final action on the resource reclamation plan and financial assurances.

- b. Prior to final approval of a resource reclamation plan, approval of financial assurances (as provided in this article), or any amendments to a resource reclamation plan or existing financial assurances, the Planning Commission shall:
 - Certify to the State Department of Conservation that the resource reclamation plan and/or financial assurances comply with the applicable requirements of state law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the resource reclamation plan and any financial assurances before submittal to the State Department of Conservation.
 - 2. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the resource extraction permit with a condition that the planning division shall not issue any required subsidiary permits for mining operations, including grading and/or building permits, until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances.
 - 3. Pursuant to Public Resources Code § 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurances. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.
- c. Once comments are received by the Department of Conservation, and within 30 days of receipt of such comments, the Planning Commission

shall then take action to approve, conditionally approve, or deny the resource extraction permit and/or reclamation plan, and to approve the financial assurances pursuant to Public Resources Code § 2770(d).

- d. The decisions of the Planning Commission shall become final unless appealed to the City Council within the time period indicated in Article II, Division 5 of the Fontana Municipal Code.
- e. The Planning Division shall forward a copy of each approved Resource extraction permit and/or approved reclamation plan, and a copy of the approved financial assurance to the State Department of Conservation. By July 1st of each year, the Planning Division shall submit to the State Department of Conservation for each active or idle mining operation a copy of any resource extraction permit or reclamation plan amendments, as applicable, or a statement that there have been no changes or amendments during the previous year.
- 64. Chapter 30, Article III, Division 10. Public Open Spaces Standards, Sections 30.399 to 30.404 are hereby restated, renumbered, and amended as follows:

DIVISION 10. COMMON AND PUBLIC OPEN SPACE STANDARDS

Sec. 30-399. Purpose.

The purpose of this section is to provide <u>common open spaces and</u> a catalog of pre-approved public open space types that are appropriate to use within walkable urban environments.

Sec. 30-400. Applicability.

- (a) This section describes the guidelines for <u>the</u> development of <u>common</u> <u>and</u> public open spaces throughout the Form-Based Code areas.
- (b) The standards in this section shall apply to all proposed development within the Form-Based Code districts and shall be considered in combination with the standards for the applicable district.
- (c) Additional public open spaces can be integrated into this section as they are approved by the City of Fontana.

Sec. 30-401. Design objectives.

Common open spaces and public open spaces play an important role in place-making. Their standards must be considered alongside building form, building types, frontage types, and thoroughfares in creating urban

environments. The diverse palette of <u>common open spaces</u>, parks and other publicly accessible open spaces are assigned to one or more downtown zones.

Sec. 30-402. Common open space and public open space required.

Each application that involves at least two acres shall be required to provide a minimum of five percent of the project area as <u>either common open space or public</u> open space. The required open space shall be designed in compliance with the applicable requirements from Exhibit 678404.A.—Public Open Space Types.

For development projects that are two acres or more in size that propose only commercial development (no residential uses) or civic development, the Planning Commission shall have the authority to reduce or eliminate the requirements for open space size, type, and location if the following findings are made:

- (1) The proposed commercial use(s) is incompatible with a large open space area.
- (2) The Police Department recommends the elimination or reduction of the open space requirement.
- (3) Eliminating or reducing the open space requirement promotes public health and safety.

Subdividing or phasing the project to separate commercial and residential uses or to reduce lot size to less than two acres shall not eliminate the open space requirement.

Sec. 30-403. Regulation.

- (a) Common open spaces shall be designed within private development projects for patrons of commercial development and residential communities with amenities as required in 30-404 below.
- (ab) Public open spaces shall be designed as one of the public open space types defined in Exhibit 30-404.A.
- (bc) Public open spaces shall include amenities such as seating, lighting, and landscaping.
- (ed) Public open spaces shall be built within the development area by developers as development occurs.
- (de) At the discretion of the Community Development Planning Director, required open space may be constructed off-site and/or as part of a larger public open space that will be provided by the City or other private developments. Sec. 30-404. General requirements.
- (f) Common open spaces shall include an amenity such as a tot lot, outdoor sports recreation area, bar-b-que with picnic tables, or equivalent. This requirement can include paseos connecting the amenity to the rest of the site.
- (fg) All public open spaces shall abut public right-of-way or be otherwise connected to public sidewalks and shall be open to the public 24 hours per day. At the discretion of the Community Development Planning Director, public access to a public open space may be restricted after dark.
- (gh) All public open spaces shall be visible from surrounding streets and masses of shrubs around edges shall be avoided.

Sec. 30-404. General requirements.

- (a) All public open spaces shall abut public right-of-way or be otherwise connected to public sidewalks and shall be open to the public 24 hours per day. At the discretion of the Community Development Director, public access to a public open space may be restricted after dark.
- (b) All public open spaces shall be visible from surrounding streets and masses of shrubs around edges shall be avoided.

Exhibit 404.A.—Public Open Space Types

Plaza I	Pocket Park	Playground	Community Garden
	<u>0</u> 8	3+€	
Plazas are open spaces available for civic purposes and commercial activities. Building frontages should define these spaces. Plazas are typically hardscaped. ½ acre to 2½ acres 2 streets Passive recreation,	An open space available for informal activities in close proximity to neighborhood residences. 4,000 sf to ½ acre 1 street Passive recreation, accessory structure, drinking fountains, and paths.	interspersed in residential areas. May be included in other open spaces. No min. or max. size 1 street Accessory structures,	An open space designed as a grouping of plots for nearby residents for small-scale cultivation. May be included within other open spaces. No min. or max. size 1 street Accessory structures,
accessory structure, drinking fountains, and paths.		drinking fountains, and paths.	drinking fountains, and paths.

65. Chapter 30, Article V, Division 4, Section 30-453 is hereby amended to replace "Medical marijuana dispensaries in Table No. 30-453 as follows:

Table No. 30-453 Uses Permitted Within Mixed Use Development Projects		
C. Business and Professional Offices	R-4	R-5
Medical marijuana dispensaries Commercial Retail Cannabis		_
Businesses		

66. Chapter 30, Article VI, Division 3, Section 30-489 "Uses Permitted" is hereby amended to restate and amend Table No. 30-489 as follows:

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

Florist Shop Florist Shop Furniture Store Florist Shop Furniture and Supplies Store Florist Shop Furniture and Supplies Store Florist Shop Floridation	Electrical Supply Store	Р	Р	Р
Florist Shop Furniture Store Purniture Store Purniture Store Purniture Store Purniture Store Purniture and Supplies Store Purniture Store Purn			-	1_
Furniture Store Garden Furniture and Supplies Store Garden Furniture and Supplies Store Glass or Mirror Store Grocery, Fruit, Vegetable, Meat, Fish, Poultry, or Delicatessen Store, P P C Hardware Store Hobby Supplies Store P P P P Household Appliance Store Household Appliance Store P P P Ice Cream Store P P P P Ice Cream Store P P P P Interior Decorating Shop P P P Liquor Store C C C Micro-Brewery Novelties Store P P P P Nursery, Plant (includes statuary sales) Paint and Wallpaper Shop Path Shop Pet Shop Plumbing Supply Store Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. Seponda Store P P P Smoke/Tobacco Shop and Vape Shop Sporting Goods Store P P P Smap Meet (Indoor/outdoor) P P P P P P P P P P P P P P P P P P P				Р
Garden Furniture and Supplies Store Glass or Mirror Store P P P Grocery, Fruit, Vegetable, Meat, Fish, Poultry, or Delicatessen Store, Hobby Supplies Store Hobby Supplies Store Home Furnishing Store Household Appliance Store Household Appliance Store Hose Storage Locker (if not more than five-ton capacity) Interior Decorating Shop Jewelry and Coin Store Liquor Store Rovelties Sto	<u>'</u>			↓ <u>-</u>
Glass or Mirror Store Grocery, Fruit, Vegetable, Meat, Fish, Poultry, or Delicatessen Store, P P C Hardware Store P* P* P* P* Hobby Supplies Store P P P P Household Appliance Store P P P P Ice Cream Store P P P P Ice Storage Locker (if not more than five-ton capacity) P P P Interior Decorating Shop P P P P Jewelry and Coin Store P P P P P Liquor Store C C C Micro-Brewery C C C C Micro-Brewery P P P P Novelties Store P P P P P Novelties Store P P P P P Nursery, Plant (includes statuary sales) P* P* P* Pam Shop P P P P Pam Shop P P P P Pat Boarding P P P P Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales) Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant, Drive-Thru and Take Out P* P P P Shoe Store P P P P Smoke/Tobacco Shop and Vape Shop C C C C C Sport Meet (Indoor/outdoor) P P P P P P P Smoke/Tobacco Shop and Vape Shop C C C C C Sport Meet (Indoor/outdoor) P P P P P P P P P Smap Meet (Indoor/outdoor) P P P P P P P P P P P P P Smap Meet (Indoor/outdoor) P P P P P P P P P P P P P P P P P P P			P*	P*
Grocery, Fruit, Vegetable, Meat, Fish, Poultry, or Delicatessen Store, P P P C Hardware Store P*		P	P	P
Hardware Store P*				
Hobby Supplies Store P P P P P P P P P P P P P P P P P P P			P*	
Home Furnishing Store Household Appliance Store PPPP Ice Cream Store PPPP Ice Storage Locker (if not more than five-ton capacity) PPPP Interior Decorating Shop PPPP Jewelry and Coin Store PPPPP Liquor Store CCCC Micro-Brewery PPPPP Novelties Store PPPPPPPP Novelties Store PPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPP		P	P	P
Household Appliance Store P P P P P P P P P P P P P P P P P P P			P	
Ice Cream Store P 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 Micro-Brewery — C C Novelties Store P P P Nursery, Plant (includes statuary sales) P* P* P* Paint and Wallpaper Shop P P P P Paint and Wallpaper Shop P P P P Path Ander Store P P P P Pulmbing Supply Store			P	
Ice Storage Locker (if not more than five-ton capacity) P P P Interior Decorating Shop P P P P Jewelry and Coin Store P P P P Liquor Store C C C C Micro-Brewery — C C C Newsstand P P P P Novelties Store P P P P Nursery, Plant (includes statuary sales) P* P* P* Paint and Wallpaper Shop P P P P Pawn Shop — C C C Pet Boarding — M — Pet Shop P P P P Plumbing Supply Store — P P P Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales) P P Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted. C* C* C* Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Sales) <td></td> <td>Р</td> <td>Р</td> <td>Р</td>		Р	Р	Р
Interior Decorating Shop Jewelry and Coin Store Liquor Store C C C Micro-Brewery — C C Newsstand P P P Novelties Store Nursery, Plant (includes statuary sales) Paint and Wallpaper Shop Paun Shop Paun Shop Pet Boarding — M — Pet Shop Plumbing Supply Store Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales) Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant, Drive-Thru and Take Out Secondhand Store P P P P Smoke/Tobacco Shop and Vape Shop C C C C C C C C C C C C C C C C C C		P	P	P
Jewelry and Coin Store P P P		Р	Р	Р
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 Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales) Restaurant and Café, Excluding Those Having Dancing and/or P* P* Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Sales) Restaurant, Drive-Thru and Take Out P* P P P Secondhand Store P P P P Smoke/Tobacco Shop and Vape Shop C C C C Sporting Goods Store P P P P Swap Meet (Indoor/outdoor)		Р	Р	Р
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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) Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. (See Section 30-492 For Alcoholic Beverage Sales) Restaurant, Drive-Thru and Take Out P* P* P* Secondhand Store P P P Smoke/Tobacco Shop and Vape Shop C C C Sporting Goods Store P P P Swap Meet (Indoor/outdoor) — — — —	· · · · · · · · · · · · · · · · · · ·	Р	Р	Р
Pet Shop Plumbing Supply Store Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales) Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. (See Section 30-492 For Alcoholic Beverage Sales) Restaurant, Drive-Thru and Take Out P* P* P* Secondhand Store P P P Smoke/Tobacco Shop and Vape Shop C C C Sporting Goods Store P P P Swap Meet (Indoor/outdoor)			С	С
Plumbing Supply Store — P P Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales) Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café with Entertainment and/or Dancing. Alcoholic C* C* C* Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic C C C Beverages Permitted. (See Section 30-492 For Alcoholic Beverage Sales) Restaurant, Drive-Thru and Take Out P* P* P* Secondhand Store P 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)	Pet Boarding		М	
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repair when incidental to retail sales) Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. (See Section 30-492 For Alcoholic Beverage Sales) Restaurant, Drive-Thru and Take Out P* P* P* Secondhand Store P P P Smoke/Tobacco Shop and Vape Shop C C C Sporting Goods Store P P P Swap Meet (Indoor/outdoor)	Plumbing Supply Store		Р	Р
Restaurant and Café, Excluding Those Having Dancing and/or Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café with Entertainment and/or Dancing. Alcoholic C* C* C* C* Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. (See Section 30-492 For Alcoholic Beverage Sales) Restaurant, Drive-Thru and Take Out P* P* P* P* Secondhand Store P P P P P Shoe Store P P P P Smoke/Tobacco Shop and Vape Shop C C C C Sporting Goods Store P P P Swap Meet (Indoor/outdoor)	Radio, Television, and Small Electrical Appliance Shop (including	Р	Р	Р
Floorshows. Alcoholic Beverages are not Permitted. Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. (See Section 30-492 For Alcoholic Beverage Sales) Restaurant, Drive-Thru and Take Out P* P* P* Secondhand Store P 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)	repair when incidental to retail sales)			
Restaurant and Café with Entertainment and/or Dancing. Alcoholic Beverages Permitted. Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. (See Section 30-492 For Alcoholic Beverage Sales) Restaurant, Drive-Thru and Take Out P* P* P* Secondhand Store P P P Smoke/Tobacco Shop and Vape Shop C C C Sporting Goods Store Swap Meet (Indoor/outdoor)	, , , , , , , , , , , , , , , , , , , ,	P*	P*	P*
Restaurant and Café Without Entertainment and/or Dancing. AlcoholicCCBeverages Permitted. (See Section 30-492 For Alcoholic Beverage Sales)P*P*Restaurant, Drive-Thru and Take OutP*P*P*Secondhand Store—PPShoe StorePPPSmoke/Tobacco Shop and Vape ShopCCCSporting Goods StorePPPSwap Meet (Indoor/outdoor)———	Restaurant and Café with Entertainment and/or Dancing. Alcoholic	C*	C*	C*
Restaurant, Drive-Thru and Take Out P* P* P* 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) — — —	Restaurant and Café Without Entertainment and/or Dancing. Alcoholic Beverages Permitted. (See Section 30-492 For Alcoholic Beverage	С	С	С
Secondhand Store		P*	P*	P*
Shoe StorePPSmoke/Tobacco Shop and Vape ShopCCSporting Goods StorePPSwap Meet (Indoor/outdoor)——				
Smoke/Tobacco Shop and Vape ShopCCCSporting Goods StorePPPSwap Meet (Indoor/outdoor)———			-	-
Sporting Goods StorePPPSwap Meet (Indoor/outdoor)———				
Swap Meet (Indoor/outdoor) — — —				ł
		_	<u> </u>	<u> </u>
	·	P*	P*	P*

Trailer and Mobile Home Sales and Rental Wholesale Auto Sales (requires one stall)			
Wholesale Auto Sales (requires one stall)	_	P*	С
	С	С	 —
Warehousing Sales, Retail	С	P*	P*
Warehousing Sales, Wholesale	_	С	P*
Business and Professional Offices	C-1	C-2	RMU
Administrative and Professional Offices Involving no Retail Trade	Р	Р	Р
Art Gallery	Р	Р	Р
Financial Institution	Р	Р	Р
Clinic, Medical or Dental, Acupuncture	Р	Р	Р
Convention Centers	_		Р
Government Offices	Р	Р	Р
Medical Laboratory	_	Р	Р
Optician	Р	Р	Р
Pharmacy	Р	Р	Р
Radio/Television Studio (with transmitter)	_	С	С
Studio (without transmitter)	Р	Р	Р
Studios for Professional Work or Teaching of Any Form Of Fine Art	Р	Р	Р
Service Establishments	C-1	C-2	RMU
Ambulance Service	Р	Р	Р
Animal Hospital	M	Р	С
Animal Hospital (w/ Boarding)		М	 —
Assembly/Meeting Hall For, Private Clubs, Religious Services, o	r C	С	С
Similar Uses			
Automobile Fueling Station	С	С	С
Automobile and Truck Rental, Two-Ton, Single Unit Maximum	_	С	С
Automobile/Vehicle Body and Fender Repair Shop	_	С	С
Automobile/Vehicle Repair	С	С	С
Automotive Custom Repair (includes lowering and lifting)	С	С	С
Automotive Stereo, Alarm and Upholstery Installation	С	М	M
I	_	М	M
Automobile Wash,	l D	Р	Р
Barber Shop or Beauty Parlor	Р		
,	С	С	С
Barber Shop or Beauty Parlor			C P*
Barber Shop or Beauty Parlor Chemical substance abuse facility	С	С	
Barber Shop or Beauty Parlor Chemical substance abuse facility Cleaners	C P*	C P* P C	P*
Barber Shop or Beauty Parlor Chemical substance abuse facility Cleaners Clothing and Costume Rental Establishment Community Care Facility Community Center	C P* P C	C P* P C	P* P C C
Barber Shop or Beauty Parlor Chemical substance abuse facility Cleaners Clothing and Costume Rental Establishment Community Care Facility Community Center Construction Trailer (Temporary Use Permit)	C P* P C	C P* P C	P* P C
Barber Shop or Beauty Parlor Chemical substance abuse facility Cleaners Clothing and Costume Rental Establishment Community Care Facility Community Center	C P* P C C P* M	C P* P C C P*	P* P C C C P* C
Barber Shop or Beauty Parlor Chemical substance abuse facility Cleaners Clothing and Costume Rental Establishment Community Care Facility Community Center Construction Trailer (Temporary Use Permit)	C P* P C C C	C P* P C C P*	P* P C C P*
Barber Shop or Beauty Parlor Chemical substance abuse facility Cleaners Clothing and Costume Rental Establishment Community Care Facility Community Center Construction Trailer (Temporary Use Permit) Convalescent Hospital	C P* P C C P* M	C P* P C C P*	P* P C C C P* C

Depot—Bus — P* P* Depot—Railway, Park-and-Ride — P P Dressmaker or Millinery Shop P P P Equipment Rental — P* P* Fortune-Telling P P P Hospitals — M M Hotels — C C Laundromat, Self Service P P P Locksmith P P P Masseur or Masseuse, Day Spa, Acupressure — C C Self-Storage Facility — C C Mortuaries — C C Library — C C Museums P P P Museums P P P Motel — C C Nursing Home M M C Nursing Home M M C Parks P P
Dressmaker or Millinery Shop P P P Equipment Rental — P* P* Fortune-Telling P P P Hospitals — M M Hotels — C C Laundromat, Self Service P P P P Locksmith P P P P P Machine Shop — C
Equipment Rental — P* P* Fortune-Telling P P P Hospitals — M M Hotels — C C Laundromat, Self Service P P P P Locksmith P P P P P Machine Shop — C C C C Masseur or Masseuse, Day Spa, Acupressure — C C C C C Mortuaries — C Lubrary P P P P P P P P P P P P
Fortune-Telling P P P Hospitals — M M Hotels — C C Laundromat, Self Service P P P P Locksmith P P P P P Machine Shop — C C C C Masseur or Masseuse, Day Spa, Acupressure — C D P P
Hospitals — M M Hotels — C C Laundromat, Self Service P P P Locksmith P P P Machine Shop — C C Masseur or Masseuse, Day Spa, Acupressure — C C Self-Storage Facility — C C Mortuaries — C C Library P P P Museums P P P Motel — C C Music and Vocal Instruction P P P Nightclub — C C Nursing Home M M C Parks P P Photographer P P Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Picture Framing Store P Private Schools C C Private Schools C C
Hotels — C C Laundromat, Self Service — P P P Locksmith — C C Masseur or Masseuse, Day Spa, Acupressure — C C Self-Storage Facility — C C Mortuaries — C C Library — C C Library — C C Museums — C C Museums — C C Music and Vocal Instruction — C C Nursing Home — M M C Parks — P P Photographer — P P Pick-Up Truck Rated Over One Ton (carrying weight), Commercial — C C Truck or Van, or Trailer Rental — C C Private Schools — P P Private Schools — P P Private Schools
Laundromat, Self Service P P P Locksmith P P P Machine Shop — C C Masseur or Masseuse, Day Spa, Acupressure — C C Self-Storage Facility — C C Mortuaries — C C Library P P P Museums P P P Motel — C C Music and Vocal Instruction P P P Nightclub — C C Nursing Home M M C Parks P P P Photographer P P P Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental — C C Post office M M M Private Schools C C C
Locksmith P P P P P Machine Shop — C C C Masseur or Masseuse, Day Spa, Acupressure — C C C Self-Storage Facility — C C C Mortuaries — C C C Library P P P P Museums P P P P P Museums P P P P P Motel — C C C Music and Vocal Instruction P P P P P Nightclub — C C C Nursing Home M M C Parks P P P P P P P P P P P P P P P P P P P
Machine Shop—CCMasseur or Masseuse, Day Spa, Acupressure—CCSelf-Storage Facility—CCMortuaries—CCLibraryPPPMuseumsPPPMotel—CCMusic and Vocal InstructionPPPNightclub—CCNursing HomeMMCParksPPPPhotographerPPPPick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental—CCPost officeMMMPrioter, Blueprint Shop—PPPrivate SchoolsCCC
Masseur or Masseuse, Day Spa, Acupressure—CCSelf-Storage Facility—CCMortuaries—CCLibraryPPPMuseumsPPPMotel—CCMusic and Vocal InstructionPPPNightclub—CCNursing HomeMMCParksPPPPhotographerPPPPick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental—CCPicture Framing StorePPPPost officeMMMPrinter, Blueprint Shop—PPPrivate SchoolsCCC
Self-Storage Facility Mortuaries Library P P P Museums P Motel C C Music and Vocal Instruction P Nightclub Nursing Home P Photographer P Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental Picture Framing Store P Post office P Private Schools C C C C C C C C C C C C C C C C C C
Mortuaries — C C Library P P P Museums P P P Motel — C C Music and Vocal Instruction P P P Nightclub — C C Nursing Home M M C Parks P P P Photographer P P Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental Picture Framing Store P P Post office M M M Printer, Blueprint Shop — P Private Schools C C C
LibraryPPPMuseumsPPPMotel—CCMusic and Vocal InstructionPPPNightclub—CCNursing HomeMMCParksPPPPhotographerPPPPick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental—CCPicture Framing StorePPPPost officeMMMPrinter, Blueprint Shop—PPPrivate SchoolsCCC
Museums P P P Motel — C C Music and Vocal Instruction P P P Nightclub — C C Nursing Home M M C Parks P P P Photographer P P P Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental Picture Framing Store P P Post office M M M M Printer, Blueprint Shop — P Private Schools C C C
Motel—CCMusic and Vocal InstructionPPPNightclub—CCNursing HomeMMCParksPPPPhotographerPPPPick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental—CCPicture Framing StorePPPPost officeMMMPrinter, Blueprint Shop—PPPrivate SchoolsCCC
Music and Vocal InstructionPPNightclub—CNursing HomeMMParksPPPhotographerPPPick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental—CPicture Framing StorePPPost officeMMPrinter, Blueprint Shop—PPrivate SchoolsCC
Nightclub — C C Nursing Home M M C Parks Photographer P P P Pick-Up Truck Rated Over One Ton (carrying weight), Commercial — C C Truck or Van, or Trailer Rental Picture Framing Store P P P Post office M M M Printer, Blueprint Shop — P P Private Schools C C C
Nursing Home M M C Parks P P P Photographer P P P Pick-Up Truck Rated Over One Ton (carrying weight), Commercial — C Truck or Van, or Trailer Rental Picture Framing Store P P P Post office M M M Printer, Blueprint Shop — P Private Schools C C C
Parks Photographer Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Picture Framing Store P P P Post office M M M Printer, Blueprint Shop Private Schools P P P P P P P P P P P P P P P P P P P
Photographer Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Picture Framing Store P P P Post office M M M Printer, Blueprint Shop Private Schools C C
Pick-Up Truck Rated Over One Ton (carrying weight), Commercial — C Truck or Van, or Trailer Rental Picture Framing Store P P P Post office M M M Printer, Blueprint Shop — P P Private Schools C C C
Truck or Van, or Trailer Rental P P P Picture Framing Store P P P Post office M M M Printer, Blueprint Shop — P P Private Schools C C C
Picture Framing Store P P Post office M M M Printer, Blueprint Shop — P P Private Schools C C C
Post office M M M Printer, Blueprint Shop — P P Private Schools C C C
Private Schools C C C
Private Schools C C C
Public Utility Structures and Facilities M M M
Publishing Establishments — P P
Repair Shop for Household Appliances P P P
Schools Such as Business Colleges, Music Conservatories, Dancing P P P
Schools, and Other Schools That Offer Training In Non-Industrial
Professions
Stenographic Services P P P
Swimming Pool, Commercial P P P
Sign Shop in Enclosed Structure — P P
Tailor P P
Telephone Answering Service or Exchange P P P
Ticket Agency, Travel Bureau P P
Tire Shop — C C
Truck Repair Service — — —

Truck Storage Yard	—	<u> </u>	l
Upholstery Shop	_	Р	Р
Wedding Chapel	Р	P	P
Amusement Establishments	C-1	C-2	RMU
Amusement Enterprise for Children Including Pony Rides (No	Р	Р	Р
Stables), Merry-Go-Round, and The Like When Incidental To A			
Permitted Use			
Amusement Park	_	С	С
Arcades—Pinball, Video, and the Like	_	С	С
Archery Range	_	С	С
Baseball; Batting Range	_	С	С
Bowling Alley	С	С	С
Boxing Arena	_	С	С
Dance Hall	 —	С	С
Entertainment Centers	С	С	С
Golf, Driving Range, Miniature, Pitch and Putt	_	С	С
Gymnasiums, Health Spas, or Physical Culture Establishments Under	Р	Р	Р
4,000 Square Feet in Floor Area			
Gymnasiums, Health Spas, or Physical Culture Establishments Over	С	С	С
4,000 Square Feet in Floor Area			
Pool Hall, Billiard Center		С	С
Skating Rink, Roller or Ice	С	С	С
Smoking Lounge, Hookah Lounge, Vapor Lounge, E-Lounge (allowed	С	С	С
only as a secondary use to a full-service restaurant)			
Theater, Indoor	С	С	С
Indoor Playground/Recreation	Р	Р	Р
Residential Uses	C-1	C-2	RMU
Senior Housing	M	M	М
Multiple-Family Dwellings with an Area Plan			С
Other Uses	C-1	C-2	RMU
Animal Kennel	_	С	С
Animals, Small—Keeping and Raising	P*	P*	P*
Antenna, Transmitting	С	С	С
Cemetery and Related Uses	— P*	М	С
Construction Trailer		P*	P*
Home Occupation		P*	P*
Homeless Shelters		_	<u> </u>
Emergency Shelter Subject to the activation of an Emergency Operation Center	Р	Р	Р
Metal Storage Containers (temporary storage only with a temporary use permit)	P*	P*	P*

Museum and Art Galleries	_	M	М
Parking Lots (not related to use on same property)	_	Р	Р
Parking Structures	_	Р	Р
Research and Development	_	Р	Р

67. Chapter 30 is hereby amended to add Article XV "No Net Loss Program" as follows:

ARTICLE XV - NO NET LOSS PROGRAM

Sec. 30-965 - Purpose and authority

The City desires to ensure its compliance with Senate Bill 330 (SB330) and establish a no Net Loss Density Bonus 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:

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

<u>Density Bonus/Transfer Agreement.</u> 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.

<u>Density Bonus Units</u>. 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 of Fontana.

<u>Unit Bank</u>. 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 (transferred) 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.
 - i. 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.
 - ii. In no case shall the number of No Net Loss/Density Bonus Units available in the Unit Bank exceed 2,200 units.
- <u>D. A Density Bonus/Transfer Agreement shall be required for any project seeking a density bonus as part of the No Net Loss Density Bonus Program.</u>
- E. 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. The number of units available is expected to change periodically and, as such, any information contained on the City's website or any other published source shall be considered draft for informational purposes only. Confirmation of the number of units available shall be made upon submittal of a development application, including the payment of appropriate fees

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 Bank shall submit a density bonus transfer application in conjunction with the permit and entitlement application submittal package required for the project. A density bonus transfer application pursuant to this Chapter shall be processed along with the application for development. The process for obtaining preliminary approval of the Density Bonus Transfer Agreement, shall be as follows:

- a. Filing. An applicant proposing a Housing Development pursuant to this chapter shall submit a concurrent application for a Density Bonus

 Transfer Agreement as part of the submittal of any formal request for approval of a Housing Development. The application, whether a preapplication or a formal application, shall include:
 - b. A general description of the proposed project, general plan description, applicable zoning, maximum possible density permitted under the current zoning and general plan description and such other information as is necessary.

- c. A calculation of the density bonus allowed pursuant to this division.
- d. A statement detailing the number of density bonus units being proposed over and above the number of units normally permitted by the applicable zoning and general plan description.
- e. City review of and action on the applicant's proposal for a density bonus shall occur concurrently with the processing of any other required entitlements, if any. The fact that another required entitlement might be subject to discretionary approval does not subject the application for a density bonus/transfer under this section to discretionary approval; they will merely be processed at the same time.

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

A. The terms of the draft density bonus/transfer agreement (Agreement) shall be reviewed and revised as appropriate by the Director of Planning and the City Attorney for final approval.

- B. At a minimum, the Agreement shall include the following:
 - 1. The total number of units, both permitted and available through the density bonus/transfer, proposed within the Housing Development;
 - 2. A schedule for completion and occupancy of the units; and
 - 3. A description of remedies for breach of the Agreement by either party.

Sec. 30-972 - Implementation.

- A. The provisions of this Chapter shall be administered by the Planning Department.
- B. Projects requesting density bonus/transfer through this No Net Loss Program are subject to processing through the requirements in this Chapter.

CHAPTER 33 – CANNABIS BUSINESS AND ACTIVITIES

1. Chapter 33, Section 30-7 "Maximum Number of Commercial Cannabis Businesses Authorized and Designated Locations; Application Process", is hereby restated and amended as follows:

Sec. 33.-7— Maximum Number of Commercial Cannabis Businesses Authorized and Designated Locations; Application Process.

- 1. The maximum number of Commercial Cannabis Permits that may be issued in the City is three (3). One may be issued for the North Area, one may be issued for the Central Area and one may be issued for the South Area based on the boundaries of the Commercial Cannabis Map approved by the City Council concurrently with the adoption of this Chapter. An Applicant will be approved for no more than one (1) Commercial Cannabis Permit within the City.
- The process for issuing Commercial Cannabis Permits to qualified cannabis businesses is meant to result in qualified businesses that will operate in accordance with state and local law, be successful, contribute positively to the community and local economy, and avoid secondary adverse impacts. Toward that objective, the application process includes these five four phases:
 - (1) PHASE ONE: Application submittal. This includes submitted complete information, completed Livescan and background check information (state and federal database) of all Responsible Persons, processing fees, conceptual renderings and location identification.
 - (2) PHASE TWO: Initial scoring of application by a qualified third party.
 - (3) PHASE THREE: Interview process.
 - (4) PHASE FOUR: Final scoring, and, if permits available, permit issuance.
- 2. Chapter 33, Section 30-8 "Initial Commercial Cannabis Permit Application and Scoring", is hereby restated and amended as follows:

Sec. 33.-8– Initial Commercial Cannabis Permit Application and Scoring

- (a) The City Manager may establish additional submittal requirements for an application for a Commercial Cannabis Permit. The intent of this Chapter is to create a merit-based, competitive evaluation system. Applications submitted by legal representatives, consultants, partners or investors will not be accepted. The following information shall be included in any application for a Commercial Cannabis Permit:
 - (1.) Name of Applicant
 - (2). Business Trade Name (if applicable) of the applicant
 - (3.) Identification of Owner(s) (full name, primary phone number, social security number or individual taxpayer identification number, date and place of birth, email address, and mailing address for the primary owner submitting the Application)
 - (4.) For each person that is an "owner" of the Applicant,
 - (i.) Percentage of interest held in the Applicant entity by each owner;
 - (ii.) Whether the owner has an ownership or financial interest, as defined in section 5003 of the Regulations, in any other Commercial Cannabis Business licensed under the AUMA or MAUCRSA;
 - (iii.) A copy of each Responsible Person's governmentissued identification, acceptable forms are a document issued by a federal, state, county, or municipal government that includes the name, date of birth, physical description, and picture of the owner, such as a driver's license;
 - A detailed description of the owner's criminal (iv.) convictions, if applicable. A conviction for this purpose means a plea or guilty verdict of guilty or a conviction following a plea of nolo contendere. Convictions dismissed under Penal Code section 1203.4 or equivalent non-California law must be disclosed. Convictions dismissed under Health & Safety Code section 11361.8 or equivalent non-California be disclosed. law must Juvenile Adjudications and traffic infractions under \$300 that did not involve alcohol, dangerous drugs, or

controlled substances do not need to be included. For each conviction, provide: (1) the date of conviction; (2) dates of incarceration, if applicable; (3) dates of probation, if applicable; (4) dates of parole, if applicable; (5) a detailed description of the offense for which the owner was convicted; and (6) a statement of rehabilitation for each conviction written by the owner that demonstrates the owner's fitness for consideration:

- (v.) If applicable, a detailed description of a commercial cannabis license, revocation of a commercial cannabis license, or sanctions for unlicensed Commercial Cannabis Activity by a licensing authority or local agency against the Applicant or a business entity in which the Applicant was an owner or officer within the three (3) years immediately preceding the date of the application;
- (vi.) If applicable, a detailed description if the City issued the Applicant a notice or citation for unlicensed Commercial Cannabis Activity, or if the Applicant was a defendant in a civil or criminal proceeding filed by the City or the People of the State of California, for allowing, causing, or permitting unlicensed commercial cannabis activities within the City's jurisdiction;
- (vii.) An attestation of each owner as follows: "Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true, and accurate. I understand that a misrepresentation of fact or omission may be cause for rejection or denial of this application, or revocation of any Commercial Cannabis Permit or any permit, license or approval issued in reliance thereon."
- (viii.) Authorization letter. "Authorization Letter" is Proof of ownership, lease agreement, or a "Letter of Intent" to lease premises proposed by Applicant for operation of a Commercial Cannabis Business, executed with notarial acknowledgement, by owner of premises. If a "Letter of Intent" is furnished, no more than one (1)

Applicant may have a Letter of Intent agreement with the landlord per address.

- (5) Primary Contact: The contact information for the Applicant's designated primary contact person, including the name, title, phone number, and email address of said individual.
- (6) Qualifications and Experience of Applicants and Owners: The application shall include information concerning any special business or professional qualifications or licenses of the applicants and owners, and the years of relevant and related experience, that would add to the number or quality of services that facility would provide, or otherwise demonstrates the Applicants' and owners' capacity to operate a successful commercial cannabis facility in compliance with applicable laws and regulations.
- (7) Disclosure of Lobbying Activity: If Applicant contracted, employed or in any manner paid or will pay any person for influencing or attempting to influence an elected official, appointed official or any employee of the City, shall fully disclose the name of individuals and organization(s) performing lobbying services.
- (8) Description of Operating Procedures: Applications shall include a detailed description of the Applicant's proposed operating procedures for each commercial cannabis activity, including an explanation for how the business will comply with the operating regulations of this Code and state law. The application must include copies of any applicable policies or manuals of the Applicant and address each of the following, if applicable:
 - (i.) Transportation Procedures: A description of the procedure for transporting cannabis and cannabis products, including whether or not the Applicant will be transporting cannabis or cannabis products or contracting for transportation services.
 - (ii.) Inventory Procedures:
 - 1. A description of the Applicant's procedure for receiving shipments of inventory;

- 2. Where the Applicant's inventory will be stored on the premises and how records of the inventory will be maintained; and
- 3. Procedure for performing inventory reconciliation and for ensuring that inventory records are accurate.

(iii.) Quality Control Procedures:

- Procedures for preventing the deterioration of cannabis or cannabis products held by the Applicant;
- Procedures for ensuring that cannabis and cannabis products are properly packaged and labeled; and
- 3. Procedure for ensuring that an independent licensed testing laboratory samples and analyzes cannabis and cannabis products held by the Applicant.
- (iv.) Security Procedures: All Applicants shall propose sufficient security measures to deter and prevent the unauthorized access or entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business (together a "Security Plan"). The proposed Security Plan will remain confidential and shall include, but shall not be limited to, all of the following:
 - Preventing individuals from remaining on the premises of the Commercial Cannabis Business if they are not engaging in an activity directly related to the permitted operations of the Commercial Cannabis Business.
 - 2. Establishing limited access areas accessible only to authorized Commercial Cannabis Business personnel.

- 3. How and where all cannabis and cannabis products will be stored in a secured and locked room, safe, or vault. How all cannabis and cannabis products, will be kept in a manner as to prevent diversion, theft, and loss.
- 4. Procedures for installing 24-hour security surveillance cameras (CCTV) of at least HDquality video with audio to monitor all entrances and exits to and from the premises, all interior spaces within the Commercial Cannabis Business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. Procedures for how the Applicant will ensure that the security surveillance camera's footage is remotely accessible to law enforcement, and that it is compatible with the City's software and hardware. In addition, procedures on how remote and real-time, live access to the video footage from the cameras will be provided to law enforcement. Procedures for ensuring video recordings are maintained for a minimum of sixty (60) calendar days, and procedures to make them available to law enforcement upon request. Procedures to ensure video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the Commercial Cannabis Business.
- 5. A description of where sensors will be installed to detect entry and exit from all secure areas.
- 6. A description of procedures of installing panic buttons in the premises.
- 7. Description of having a professionally installed, maintained, and monitored alarm system, with the required City alarm permit as

- required by this Fontana City Code Section 14-391, et seq.
- 8. A description of the physical security features and improvements that will be installed on the exterior and within the interior of the building, in full compliance with all applicable Building and Safety and Fire Code requirements and any applicable zoning requirements. Use of wrought iron on any exterior door, window or opening is prohibited.
- 9. Procedures on establishing a plan to have security personnel on-site 24 hours a day, or alternative security as authorized by the City. Description or documentation showing that the proposed security personnel are licensed by the State of California Bureau of Security and Investigative Services personnel. Procedure to submit to the City and the City's law enforcement agency the names and contact information of security personnel, with copies state-issued licenses and permits, government-issued identification form, and uniforms photographs of and badges. Acknowledgement from Applicant indicating that it shall be responsible for providing this confirming information to law enforcement, with updating information within seven (7) calendar days of a change in security personnel, agents, or representatives.
- 10. Procedures on how each Applicant shall have the capability to remain secure during a power outage and ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- 11. Identification of a designated security representative/liaison to the City, who shall be reasonably available to meet with City staff, as well as law enforcement regarding any security related measures or operational issues.

- 12. A storage and transportation plan, describing in detail the procedures for safely and securely receiving, storing and transporting all cannabis, cannabis products, including the use of child-safe cannabis containers, and any currency.
- 13. An affirmative commitment that the Applicant will cooperate with the City whenever the City Manager, or his or her designee, makes a request, upon reasonable notice, to inspect or audit the effectiveness of any Security Plan or of any other requirement of this subsection.
- 14. A description and plan of how the Applicant will notify law enforcement within 24 hours after discovering any of the following:
 - Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by law enforcement.
 - Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.
 - c. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the Commercial Cannabis Business.
 - d. Any other breach of security.
- (9) All applicants shall submit a workforce plan that may include, but is neither limited to, nor required to include, a (1) commitment for local hires; (2) commitment to offer apprenticeships and/or compensation for continuing education in the field; (3) pay a living wage to its employees, and (4) draft collective bargaining agreement with labor

- organization that currently represents cannabis workers in the United States.
- (10) Seller's Permit: The Applicant shall provide a valid seller's permit number issued by the California Department of Tax and Fee Administration, if applicable. If the Applicant has not yet received a seller's permit, the applicant shall attest that the Applicant is or will before commencing operations, apply for a seller's permit.
- (11)Indemnification Agreement: To the fullest extent permitted by local, state and federal law, the City shall not assume any liability whatsoever with respect to having issued a Commercial Cannabis Permit or otherwise approving the operation of any Commercial Cannabis Business. As a condition to the approval of any Commercial Cannabis Permit, the Applicant is to execute a Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Commercial Cannabis Permit, the Commercial Cannabis Permittee's Commercial Cannabis Activities, and any action taken by the Cannabis Permittee. The Indemnification Agreement shall include the defense of the City and reimbursement of all fees, costs and expenses incurred by the City related to any action arising from the Agreement.
- (12) Payment of Application Fee: Each Applicant shall pay the applicable fee(s) pursuant to this Chapter.
- (13) Each Applicant shall provide the City a Security deposit or bond for code compliance costs. The Security deposit or bond shall be in an amount established by the City Council and shall be provided with the application.
- (14) Site identification and conceptual renderings of the interior and exterior of the proposed premises, which shall not be less than 4,000 square feet. Site identification shall include, but not be limited to:
 - (i.) A complete and detailed site plan of the premises, interior and exterior elevations of the premises, and a map showing the premises' location within the City. The site plan and must comply with the following:

- 1. Shows the boundaries of the property and the proposed premises to be showing boundaries, utilized. all dimensions. entrances and exits. interior partitions. walls, rooms, bathrooms, windows, doorways, and common or common shared entryways. and a brief statement of the principal activity to be conducted therein;
- 2. Map identifying any instruction in kindergarten or any grades 1 through 12, day care, park, Youth and Recreation Center facilities, City boundaries and anv Commercial Cannabis Business located within 600 feet of the property lines of the proposed location. If the proposed location is not within 600 feet of any such uses, identify on the map the closest such use, and the distance in feet between that use and the property line of the proposed location:
- Identifies all commercial cannabis activities that will take place in each area of the premises, and identification of limited access areas;
- 4. The location of all proposed security cameras with a number assigned to each for identification purposes;
- 5. The diagram shall be clear, legible, and to scale, and shall not include any highlighting; and
- 6. If the proposed premises include only a portion of a property, the diagram must be labeled indicating which part of the property is the proposed premises and what the remainder will be used for.

- (ii) The Commercial Cannabis Permit Application Evaluator may conduct a site inspection as part of the review.
- (b) Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation. every Applicant and Responsible Person of the Commercial Cannabis Business must submit fingerprints and other information deemed necessary by the Fontana Police Department, or the City's law enforcement agency, for a background check. No person shall be issued a permit to operate a Commercial Cannabis Business unless they have first cleared the background check, as determined by the City, Fontana Police Department, or the City's law enforcement agency as required by this section.
- (c) The City Manager may adopt any procedure(s) to supplement the initial application process. The City Manager is authorized to prepare the necessary applications, forms, adopt any necessary rules to the application, regulations and processes, and solicit applications.
- (d) Any Applicant whose 'ownership' includes a person with a past plea or verdict of guilty or a conviction following a plea of nolo contendere for operating a non-licensed cannabis business shall be disqualified from receiving a Commercial Cannabis Permit.

NOTICE OF EXEMPTION

TO:

):	Clerk of the Board of Supervisors County of San Bernardino 385 N. Arrowhead Avenue, 2nd San Bernardino, CA 92415-013	Floor	FROM: City of Fontana Planning Department 8353 Sierra Avenue Fontana, CA 92335		
	Project Title:	Master Case No. 22-01 Municipal Code Amend			
	Project Location - Specific:	Citywide (a) Project Location - C (b) Project Location - C	<u> </u>		
1.	Description of nature, purpose, and beneficiaries of Project: <u>Master Case No. 22-110 and Municipal Code Amendment No. 22-007 - Fontana Municipal Code amendment to Chapter 2 (Administration), (Chapters 9 (Environmental Protection and Resource Extraction), Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities).</u>				
2.	Name of Public Agency approving project: <u>City of Fontana</u>				
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)X Categorical Exemption. State type and class number: Exempt under guidelines section Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. (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 2, 9, 25, 26, 30, and 33 of the Fontana Municipal Code. There is no associated development with this project.				
6.	Contact Person: Salvador Quintanilla, Senior Planner Telephone: (909) 350-6656				
Date Received for Filing: DiTanyon Johnson Principal Planner					
(CI	(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. 22-110/Municipal Code Amendment No. 22-007: Update to the City of Fontana Municipal Code for amendments to Chapter 2 (Administration), Chapters 9 (Environmental Protection and Resource Extraction), Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities). Chapter 2, Chapter 25, Chapter 26, and Chapter 30 amendments will include removal of the Development Advisory Board (DAB) process. Chapter 9 amendments include a revision to the definition of sensitive receptors. Additional Chapter 30 amendments include establishment of a process for specific special event venues, modification of park requirements within the Form Based Code, addition of language for density/replacement units to address Senate Bill 330, and addition of language for the review of City initiated projects. Chapter 33 amendments will include minor text modifications to the Cannabis Business guidelines. The Planning Commission will review and forward a recommendation to the City Council for the proposed project.

Environmental Determination:

This project qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA.

Location: Citywide

Date of Hearing: September 20, 2022

<u>Place of Hearing</u>: 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 Salvador Quintanilla, Senior Planner, at (909) 350-6656 or squintanilla@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: 1/4 Page



City of Fontana

8353 Sierra Avenue Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1730 **Agenda Date:** 9/20/2022 **Category:** Director Comments Agenda #: DC-A

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



MEMORANDUM

TO:

Planning Commission

FROM:

Patty Nevins, Director of Planning

RE:

Agenda for Upcoming City Council Items

DATE:

September 20, 2022

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

CITY COUNCIL SEPTEMBER 27, 2022

PLANNER

PLACEMENT

1. MCN#22-066; ANX#22-001 Pre-Annexation for Serena North Sewer System 13995 Foothill Blvd.

Salvador Quintanilla

Consent Calendar

CITY COUNCIL OCTOBER 11, 2022

PLANNER

PLACEMENT

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



MEMORANDUM

TO:

Planning Commission

FROM:

Patty Nevins, Director of Planning

RE:

Agenda for Upcoming Planning Commission Items

DATE:

September 20, 2022

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

PLANNING COMMISSION OCTOBER 4, 2022	PLANNER	PLACEMENT
 MCN#22-051; DRP#22-027 24 Unit Apartment 8969 Newport Ave. 	Jon Dille	Public Hearing
 MCN#22-025; DRP#22-017; TPM#22-003 87,590 square foot Industrial Commerce Center 11010 Banana Ave. 	Candida Neal	Public Hearing
 MCN#21-079; DRP#21-028; TPM#21-016 406 Multi-Family Complex NWC of Foothill Blvd. and Tokay Ave. 	Salvador Quintanilla	Public Hearing
 MCN#21-120; GPA#21-008; ZCA#21-010; DRP#21-043; TTM#20521 (21-007) 68-Unit Condominium Project 6697 Citrus Ave. 	Alejandro Rico	Public Hearing
PLANNING COMMISSION OCTOBER 18, 2022	PLANNER	PLACEMENT
 MCN#22-060; CUP#22-016 Star Crab Restaurant Type 41 ABC License 9870 Sierra Ave. 	Mai Thao	Public Hearing