



Legislation Details (With Text)

File #: 21-1388 **Version:** 1 **Name:**
Type: Public Hearing **Status:** Passed
File created: 5/5/2022 **In control:** Planning Commission
On agenda: 5/17/2022 **Final action:** 5/17/2022
Title: Master Case No. 22-049 and Municipal Code Amendment No. 22-004 - amendments to Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code) of the Municipal Code to establish standards and administrative procedures for conveyance maps, add language for density/replacement units to address Senate Bill 330, modify the land use table in the General Commercial (C-2) zoning district to allow truck sales with approval of a Conditional Use Permit (CUP), reduce required setbacks for residential accessory structures in the Single Family Residential (R-1) zoning district, extend the length of time for entitlement projects by providing a two-year time extension, and identifying inconsistencies and outdated language in the Zoning and Development Code.

RECOMMENDATION:

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

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

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

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

PROJECT PLANNER:

George Velarde, Assistant Planner

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment No. 1 - Planning Commission Resolution and Exhibit A, 2. Attachment No. 2 - Notice of Exemption, 3. Attachment No. 3 - Notice of Public Hearing

Date	Ver.	Action By	Action	Result
5/17/2022	1	Planning Commission	approve as amended	Pass

FROM:

Planning Department

TITLE:

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

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

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

REQUEST:

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

PROJECT PLANNER:

George Velarde, Assistant Planner

BACKGROUND INFORMATION:

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

PROJECT DESCRIPTION:

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ANALYSIS:

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

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

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

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

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

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

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

Add Article XV to Chapter 30: The proposed Municipal Code Amendment would establish "No Net Loss" provisions to provide that, concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, replacement units in the form of a density bonus will become available to project applicants subsequently

seeking to develop property for residential use within the City. In doing so, the proposed changes will ensure that there is no net loss of residential capacity within the City, as required by Senate Bill 330. The Municipal Code Amendment would create a No Net Loss/Density Bonus Program available to developers of residential housing dwelling units within residentially zoned districts.

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

MOTION:

Approve staff recommendation

ATTACHMENTS:

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

UNDER SEPARATE COVER:

No Attachments Under Separate Cover