



Legislation Details (With Text)

File #: 21-1388 **Version:** 1 **Name:**
Type: Public Hearing **Status:** Agenda Ready
File created: 5/5/2022 **In control:** Planning Commission
On agenda: 5/17/2022 **Final action:**
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the length of time for entitlement projects by providing a two-year time extension, and identifying inconsistencies and outdated language in the Zoning and Development Code.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		

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:

Click or tap here to enter text.

ANALYSIS:

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

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

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

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

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

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

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

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

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

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

MOTION:

Approve staff recommendation

ATTACHMENTS:

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

UNDER SEPARATE COVER:

No Attachments Under Separate Cover

RESOLUTION PC NO. 2022-015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING MUNICIPAL CODE AMENDMENT (MCA) NO. 22-004 AMENDING CHAPTERS 26 AND 30 OF THE FONTANA MUNICIPAL CODE. UPDATES TO CHAPTER 26 INCLUDE THE ADDITION OF PROVISIONS PERTAINING TO FINANCE AND CONVEYANCE MAPS. UPDATES TO CHAPTER 30 TO ALLOW TRUCK SALES WITHIN THE GENERAL COMMERCIAL ZONING DISTRICT ALONG VALLEY BOULEVARD WITH A CONDITIONAL USE PERMIT, EXTEND THE LENGTH OF TIME FOR TIME EXTENSIONS FOR ENTITLEMENT PROJECTS FROM ONE TO TWO YEARS, REDUCE REQUIRED SETBACKS FOR RESIDENTIAL ACCESSORY STRUCTURES WITHIN THE SINGLE-FAMILY ZONING DISTRICT AND ADD LANGUAGE TO PROVIDE FOR REPLACEMENT UNITS TO ADDRESS SENATE BILL (SB) 330. CHAPTERS 26 AND 30 WERE ALSO REVIEWED TO IDENTIFY AND CORRECT INCONSISTENCIES, OUTDATED LANGUAGE AND FORMATTING.

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

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

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

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

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

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

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

WHEREAS, the Planning Commission finds that the proposed amendment to Chapters 26 and 30 of the Municipal Code will be in conformity with good land use practice and is intended to facilitate ease of use and understanding, as well as to establish appropriate development standards for the land use designations; and

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

NOW, THEREFORE, the Commission RESOLVES as follows:

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

Section 2. Based on the foregoing, the Planning Commission hereby recommends that the City Council determine this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, because it has not potential for resulting in physical change in the environment, directly or indirectly. The Planning Commission further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; therefore, a Notice of Exemption has been prepared.

Section 3. That the City Council adopt an ordinance approving Municipal Code Amendment (MCA) No. 22-004 which amends the Municipal Code as indicated in "Exhibit A" as referenced herein.

Section 4. Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

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

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana,

Resolution No. PC 2022-015

California, at a regular meeting held on this 17th day of May, 2022.

City of Fontana

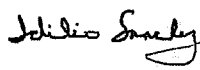


Cathline Fort, Chairperson

ATTEST:

I, Idilio Sanchez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 17th day of May 2022, by the following vote, to-wit:

- AYES: FORT, SANCHEZ, GORDON**
- NOES: THRASHER**
- ABSENT: SANGHA**
- ABSTAIN:**



Idilio Sanchez, Secretary

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Exhibit A**Municipal Code Amendment No. 22-004****Modifications to Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code)****1. Revise Chapter 26 and Chapter 30****Chapter 30 Changes:****a. Modification to ARTICLE II – ADMINISTRATIVE PROCEDURES;**
DIVISION 4. – HEARING BODIES AND NOTIFICATION

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

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

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

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

Subdivision V. - Finance and Conveyance Maps

Sec. 30-302.2 – Finance and Conveyance Maps

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

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

Chapter 26 Changes:

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

26-256 General

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

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

26-257 Filing Form

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

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

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26-258 Submittal Requirements

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

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

26-259 Review Procedure

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

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

b. Renumber Articles:

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

ARTICLE VII. - REVERSION TO ACREAGE AND COMBINING PARCELS

Resolution No. PC 2022-015

2. Revise Chapter 30, Article VI, Division 3

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

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

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

17. Truck and Trailer Sales

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

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3. Revise Chapter 30, Article II, Divisions 10-13 and 16**Section No. 30-85 - Time Limitations**

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

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

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

Section No. 30-95 - Time limitations.

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

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

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

Section No. 30-105 - Time limitations.

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

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

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

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Section No. 30-115 - Time limitations.

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

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

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

Section No. 30-124 - Time limitations.

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

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

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

Section No. 30-133 - Time limitations.

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

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1. The appropriate permits have been obtained and construction, defined permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within the two (2) years period.

2. A vesting tentative tract or parcel map is approved concurrently with the design review item. In such cases, the design review approval period shall be valid pursuant to the time limits prescribed by Division No. 11.

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

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

Section No. 30-144 - Time Limitations.

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

1. The appropriate permits have been obtained and construction, defined permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within the two (2) years period.

2. A vesting tentative tract or parcel map is approved concurrently with the Design Review item. In such cases, the design review approval period shall be valid pursuant to the time limits prescribed by Division No. 11.

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

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

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Section No. 30-154 - Time limitations.

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

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

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

Section No. 30- 164 - Time Limitations.

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

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

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

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

Section No. 30- 173 - Time Limitations.

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

1. For a Conditional Use Permit Modification for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the conditional use permit has commenced within such time period.

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

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

Section No. 30-182 - Time Limitations

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

1. For a Minor Use Permit for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the Minor Use Permit has commenced within such time period.
2. In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the minor use permit, the final map has been recorded within such time period.
3. In addition, for a Minor Use Permit for which a building permit is required to comply with any condition of the minor use permit, all appropriate building permits have been obtained and construction (defined as permit obtainment, commencement of construction of the primary building on-site, and successful completion of the first Building and Safety Division inspection) has commenced within such time period.

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4. An extension of up to two (2) years beyond the initial time period provided in subparagraph (a) may be granted by the Director of Planning upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the Planning Department for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Planning's decision shall be made to the Planning Commission as set forth in Division No. 5, of this Article herein.

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

Section No. 30-201 - Time Limitations.

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

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

~~An extension of up to an additional one (1) year beyond the initial time period provided in subparagraph (a) may be granted by the Director of Community~~

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~~Development upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit should submit a written request to the Planning Division for a time extension 30 days prior to the original time limit expiring. Appeals of the Director of Community Development's decision shall be made to the Planning Commission as set forth in Division 4, herein.~~

Section No. 30-225 – Application

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

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

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

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4. Add Article XV to Chapter 30

Article XV No Net Loss Program

Sections:

30-965 Purpose and authority.

30-966 Definitions.

30-967 Requirements.

30-968 Types of Bonuses and Incentives Allowed.

30-969 Development Standards.

30-970 Processing of No Net Loss Program Requests.

30-971 No Net Loss Program Density Bonus Agreement.

30-972 Implementation.

30-973 Fee

Sec. 30-965 - Purpose and authority

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

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

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

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

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

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

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

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

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

Sec. 30-967 - Requirements.

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

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

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

a. Residential Estate (R-E)

b. Single-Family Residential (R-1)

c. Medium-Density Residential (R-2)

d. High-Density Residential (R-3)

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

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

g. Residential Planned Community (R-PC)

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

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

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

- c. In no case shall the number of No Net Loss/Density Bonus Units awarded under the No Net Loss Program exceed the number of units in the Unit Bank.
- d. In no case shall the number of No Net Loss/Density Bonus Units available in the Unit Bank exceed 2,200 units.

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

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Tenure of use restrictions for density bonus units.

Sec. 30-972 - Implementation.

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

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

Sec. 30-973 - Fee.

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

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Fontana, CA 92335

mtorres@fontana.org

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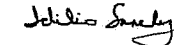
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Idilio Sanchez

idilio.ms@abscollision.co

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from City of Fontana

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	•Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.



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. 22-071/Municipal Code Amendment No. 22-005: Update to the City of Fontana Municipal Code for amendments to Chapters 9 (Environmental Protection and Resource Extraction) and Chapter 30 (Zoning and Development Code). Chapter 9 amendments include additional language for clarity for addressing existing block walls along with a revision to the definition of sensitive receptors. Chapter 30 amendments include reducing the buffer for smoke shops from 1,500 to 600 feet. The proposed Municipal Code Amendment also includes a provision to allow for Comprehensive Sign Programs in Chapter 30. 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: June 21, 2022

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

Time of Hearing: 6:00 pm

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

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

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

Publish:

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NOTICE OF EXEMPTION

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

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

Project Title: Master Case No. 22-071
Municipal Code Amendment No. 22-005

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

1. Description of nature, purpose, and beneficiaries of Project: Municipal Code Amendment No. 22-005 is a request to update Chapter 30 to reduce required buffers for smoke shops and add provisions to allow for Comprehensive Sign Programs.
2. Name of Public Agency approving project: City of Fontana
3. Name of Person or Agency carrying out project: City of Fontana
4. Exempt status: (Check one)
 - (a) ☐ Ministerial project.
 - (b) ☐ Not a project.
 - (c) ☐ Emergency Project.
 - (d) ☒ Categorical Exemption. State type and class number: Exempt under guidelines section 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 30 of the Fontana Municipal Code. There is no associated development with this project.
6. Contact Person: Rina Leung, Senior Planner Telephone: (909) 350-6566

Date Received for Filing: _____

Rina Leung
Senior Planner

(Clerk Stamp Here)

ATTACHMENT NO. 2