



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-3135
Agenda #: PH-A

Agenda Date: 7/16/2024
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case (MCN) No. 20-027R1: Conditional Use Permit (CUP) No. 95-019R4 - A request to modify conditions of approval for an existing Alcoholic Beverage Control (ABC) license to allow the sale of distilled spirits and wine smaller than 375 ml and the sale of beer/malt beverages in single size containers of 40 oz or less for the existing Circle K convenience store located at 16119 Foothill Boulevard, pursuant to CEQA Guidelines Section No. 15301 (Existing Facilities). (Continued from June 18, 2024)

RECOMMENDATION:

Based on the information in this staff report, staff recommends that the Planning Commission:

1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities), and Section No. 3.22 (Categorical Exemption) of the Local 2019 Guidelines for Implementing the CEQA, and direct staff to file a notice of Exemption; and,
2. Deny Conditional Use Permit No. 95-019R4 subject to the attached findings.

APPLICANT:

Jagjit Singh
J & Sandeep, Inc.
16119 Foothill Boulevard
Fontana, CA 92336

LOCATION:

16119 Foothill Boulevard (APN: 0191-011-06).

REQUEST:

Conditional Use Permit (CUP) No. 95-019R4 - A request to modify the existing Conditions of Approval, specifically Condition Nos. 13 through 15, of a previously approved Conditional Use Permit (CUP No. 95-019R3) for the existing Circle K store located at 16119 Foothill Boulevard, and allow the sale of single distilled spirits and wine smaller than 375ml and the sale of beer/malt beverages in single size containers of 40 oz. or less in association with the existing ABC License Type 21 (Off-Sale General).

PROJECT PLANNER:

Alexia De La Torre, Assistant Planner

BACKGROUND INFORMATION:

This project was originally scheduled for the February 20, 2024, Planning Commission meeting, it was continued to the March 5, 2024, Planning Commission meeting, then continued to the April 16, 2024, Planning Commission meeting, then continued to the June 18, 2024, Planning Commission meeting, and then continued to the July 16, 2024 Planning Commission meeting, all at the request of the applicant.

Land Use Table

Land Use Designation	General Plan Designation	Zoning Designation	Existing Land Use
Site	Walkable Mixed Use - 1 (WMXU-1)	Route 66 Gateway Form Based Code	Commercial Center with various retail/service uses
North	Community Commercial (C-C)	Community Commercial (C-1)	Commercial Center
South	Walkable Mixed Use - 1 (WMXU-1)	Route 66 Gateway Form Based Code	Kinder Care educational center
East	Walkable Mixed Use - 1 (WMXU-1)	Route 66 Gateway Form Based Code	Commercial center with various retail/service uses
West	Walkable Mixed Use - 1 (WMXU-1)	Route 66 Gateway Form Based Code	Commercial center with various retail/service uses

The first Conditional Use Permit for alcoholic beverage sales at this location was approved by the Planning Commission on February 27, 1995, with approval of CUP 95-019 for a Type 20 (Off-Sale Beer and Wine) ABC license for a convenience store. Throughout the years the city received multiple requests that were subsequently approved for the transfer of the ABC licenses to new business owners for the same use on the same site. On April 21, 2020, the Planning Commission approved a request to upgrade the Type 20 (Off-Sale Beer and Wine) ABC license to a Type 21 (Off-Sale General) ABC license. The Type 21 license allows for beer, wine and distilled spirits. This approval incorporated conditions prohibiting the sale of single distilled spirits smaller than 375 ml and the sale of beer/malt beverages in single-size containers of 40 oz or less.

PROJECT DESCRIPTION:

Background

The Circle K convenience store is located within Census Tract No. 28.03. A map identifying the census tract boundaries is attached (Attachment No. 3).

According to the California Department of Alcoholic Beverage Control (ABC), two (2) off-sale licenses are allowed within Census Tract 28.03 before being considered over-concentrated. Currently, there are four (4) active licenses operating within Census Tract No. 28.03. Consequently, the California Department of Alcoholic Beverage Control (ABC) considers this tract over-concentrated for off-sales licenses. The applicant has an approved ABC license which is part of the four (4) licenses that are mentioned above. The current project proposes the modification of existing Conditions of Approval, specifically Condition Nos. 13 through 15 of previously approved Conditional Use Permit (CUP) No.

95-019R4 which prohibit the sale of sales of single distilled spirits smaller than 375ml and the sale of beer/malt beverages in single size containers of 40 oz. or less.

Findings of Convenience and Necessity:

At the time CUP No. 95-019R3 was approved, a Findings of Convenience and Necessity was not required. It is not required as part of this request as the ABC license is already approved and active.

Building Analysis:

The existing Circle K convenience store is approximately 2,600 square feet within a parcel that is approximately 0.7 adjusted gross acres. The project site was annexed into the City on June 25, 1952, and the existing building was constructed in 1973.

Previously Approved CUP No. 95-019R3:

The Conditions of Approval from CUP No. 95-019R3 (Attachment No. 8) did not allow the sale of smaller packaged alcohol beverages. Historically, the Planning Commission and City staff have approved other similar use permits with these restrictions.

ANALYSIS:

The Applicant is requesting that the Planning Commission review and approve a modification to a previously approved Conditional Use Permit - CUP No. 95-019R3 (current case file # CUP No. 95-019R4) - to allow the sale of smaller single sized alcoholic beverages. Specifically, this conditional use permit modification request seeks approval of the modification of Conditions of Approval No. 13, 14, & 15 of CUP No. 95-019 in order to allow the sale of single distilled spirits and wine smaller than 375ml and the sale of beer/malt beverages in single size containers of 40 oz. or less. Conditions Nos. 13 through 15 read as follows:

13. The licensee shall not sell single bottle[s] of wine in less than 750 ml. Containers. Specialty or dessert wines which are only packaged in 375 milliliter bottles shall be permitted.
14. No distilled spirits shall be sold in bottles or containers smaller than 375 milliliters (pint).
15. The sale of beer or malt beverages in single size containers of 40 ounces or less is prohibited.

The project site is within an approximately 5,300 square foot multi-tenant building that has multiple other tenants. The convenience store business suite is approximately 2,600 square feet. The other sites are occupied by various types of retail businesses including an ice cream shop, donut store, barbershop, tattoo shop, medical office, and other similar uses. It should be noted that the existing and approved convenience store is located in close proximity (approximately 192 feet from Circle K) to an existing Kinder Care center which offers educational care for children up to 12 years old. Section 30-492 of the Zoning and Development Code states that new ABC Licenses should be a minimum of 600 feet away from an existing or proposed school, park, religious institution, hospital, youth facility or other similar uses. The current request is to modify an approved set of conditions for an approved convenience store that currently holds a Type 21 ABC License.

The convenience store is open 24 hours a day, seven days a week. According to the floor plan, beer is currently stored in the refrigerated section and distilled spirits are currently stored behind the front counter in the restricted staff area accessible by employees only.

The Police Department noted that between January 1, 2023, through January 1, 2024, there were a

total of twenty-five (25) calls for service for the shopping center which included traffic stops, transient disturbance, burglary, burglary for beer, assault, welfare check, subjects fighting, and other miscellaneous calls. The Circle K business had six (6) specific calls for service out of the 25. The six calls include burglary, burglary for beer, assault, welfare check, and fighting.

The Police Department is not in support of the requested modification to allow the sale of smaller single alcoholic beverages based on concerns related to public health and safety. Typical single serve alcoholic beverages are often offered for sale cold and ready to be consumed. This frequently leads to public intoxication, littering, panhandling, and other disruptive behaviors. Further, by restricting the single sale of alcoholic beverages, minors and transients are discouraged from purchasing, as these are typically priced lower and more affordable. Staff is recommending that the Planning Commission deny the applicant's request based on the findings contained in the attached Planning Commission resolution.

Environmental:

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the CEQA Guidelines, and Section No. 3.22 (Categorical Exemption) of the Local 2019 Guidelines for Implementing the California Environmental Quality Act as the project proposal would not result in changes or expansions to the building. Furthermore, none of the exceptions in CEQA Guidelines section 15300.2 apply to this project.

MOTION:

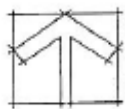
Approve staff's recommendation.

ATTACHMENTS:

- Attachment No. 1 - Vicinity Map
- Attachment No. 2 - Floor Plan
- Attachment No. 3 - Census Tract Map No. 28.03
- Attachment No. 4 - Matrix of Off-Sale Establishments
- Attachment No. 5 - Resolution and Findings
- Attachment No. 6 - Police Department Memo
- Attachment No. 7 - Previously Approved PC Report (MCN No. 20-027)
- Attachment No. 8 - Public Hearing Notice of Continuance



Project Site



NORTH

VICINITY MAP

DATE: July 16, 2024

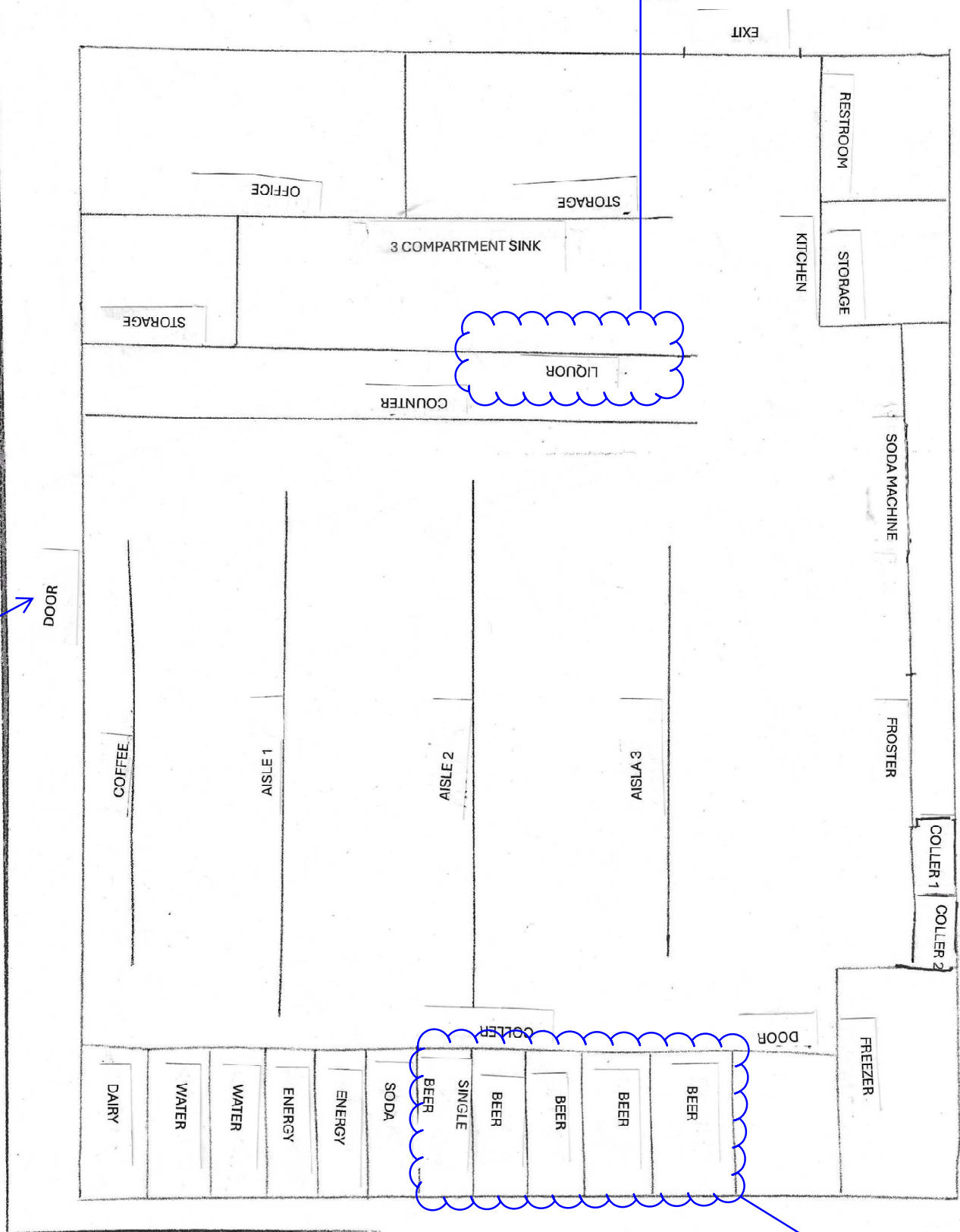
CASE: Master Case No. 20-027R1

Conditional Use Permit No. 94-019R4

Attachment No. 2 Floor Plan

Liquor storage along with proposed sales of singles behind the counter only accessible to employees.

Main Entrance/Exit



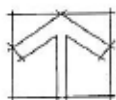
Beer Storage along with proposed single beer storage in refrigerators



Circle K Convenience Store
16119 Foothill Boulevard
Fontana, CA 92336



#	Business Name	Address
1	J & Sandeep (Circle K – Project Site)	16119 Foothill Boulevard
2	Simers Market	16146 Arrow Boulevard
3	Arrow Mini Mart	16312 Arrow Boulevard, Suite A
4	Marelias Market & Liquor	8145 Foothill Boulevard, Suite A



NORTH

**CENSUS TRACT
28.03**

DATE: July 16, 2024

CASE: Master Case No. 20-027R1

Conditional Use Permit No. 95-019R4

ABC Off-Sale Licensed Establishments

Business Name	Address	License Type	CUP
Arrow Mini Market	16312 Arrow Road, Suite A	21	Yes
J&Sandeep (Circle K)	16119 Foothill Boulevard, Suite A	21	Yes
Simers Market	16146 Arrow Boulevard	20	Yes
Marelias Market & Liquor	8145 Foothill Boulevard, Suite A	21	Yes

Totals: **Current** **Allowed**
Off-Sale: 4 Active 2

**CENSUS TRACT
28.03**

DATE: July 16, 2024

CASE: Master Case No. 20-027R1

Conditional Use Permit No. 95-019R4

RESOLUTION NO. PC 2024-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA DENYING CONDITIONAL USE APPLICATION NO. 95-019R4, A REQUEST TO MODIFY THE CONDITIONS OF APPROVAL FOR AN EXISTING CONDITIONAL USE PERMIT TO ALLOW THE SALE OF SINGLE ALCOHOLIC BEVERAGES OF WINE AND DISTILLED SPIRITS LESS THAN 375 MILLILITERS AND THE SALE OF BEER/ MALT BEVERAGES IN SINGLE SIZE CONTAINERS OF 40 OUNCES OR LESS AT THE LOCATION OF 16119 FOOTHILL BOULEVARD (APN: 0191-011-06), PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301.

WHEREAS, Assessor Parcel Number (“APN”) 0191-011-06, (“Project Site”), was incorporated as part of the original City of Fontana in 1952; and

WHEREAS, on February 27, 1995, the Fontana Planning Commission (“Planning Commission”) approved an application for CUP No. 95-019 for a Type 20 (Off-Sale Beer and Wine) ABC license for a Circle K convenience store located at 16119 Foothill Boulevard (“Subject Property”); and

WHEREAS, on April 21, 2020, the Planning Commission approved an application for Conditional Use Permit No. 95-019R3 for a Type 21 (Off-Sale General) Alcoholic Beverage Control (“ABC”) license for the Circle K convenience store at the Project Site, including specific conditions imposed by the City attached hereto as Attachment No. 7, that included prohibition against the sale of single size alcoholic containers of wine, distilled spirits and beer/malt beverages; and

WHEREAS, on May 9, 2023, the City of Fontana (“City”) received an application from Jagjit Singh (“Applicant”), for a Conditional Use Permit (“CUP No. 95-019R4”) to modify the conditions of approval for Conditional Use Permit No. 95-019R3 to allow the sale of single sized alcoholic containers of wine and distilled spirits less than 375 milliliters and the sale of beer/malt beverages in single size containers of 40 ounces or less at the Subject Property; and

WHEREAS, the existing 2,600 square foot convenience store that is the subject of this application is within an established shopping center; and

WHEREAS, the Project Site has a General Plan Land Use designation of Walkable Mixed-Use Corridor (WMXU-1) and is located within the Form Based Code (FBC) Route 66 Gateway, which allows for alcoholic beverage sales; and

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

Implementing the California Environmental Quality Act as the project proposal would not result in changes or expansions to the building. Further none of the exceptions in CEQA Guidelines section 15300.2 apply to this project; and

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

WHEREAS, all of the notices required by statute and the Fontana Municipal Code (FMC) have been given as required; and

WHEREAS, the owners of property within 660 feet of the 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 *The Fontana Herald* newspaper on February 9, 2024, and a notice of the public hearing was simultaneously displayed at City Hall and at the Project Site; and

WHEREAS, the project was originally scheduled for the February 20, 2024 Planning Commission meeting and was continued to the March 5, 2024 Planning Commission meeting, and at the March 5, 2024 meeting the project was continued to the April 16, 2024 Planning Commission meeting, and at the April 16, 2024 meeting the project was continued to the June 18, 2024, Planning Commission meeting, and at the June 18, 2024 meeting the project was continued to the July 16, 2024 Planning Commission meeting, all at the request of the applicant; and

WHEREAS, on July 16, 2024, a duly noticed public hearing on CUP No. 95-019R4 was held by the Planning Commission to consider testimony and evidence presented by the Applicant, City staff, and other interested parties; and

WHEREAS, on July 16, 2024, the Planning Commission carefully considered all information, evidence, and testimony presented at its public hearing on for CUP No. 95-019R4; and

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

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

Section 1. Recitals: The above recitals are true, correct and incorporated herein by reference.

Section 2. CEQA. The Planning Commission hereby determines that the project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the California Environmental Quality Act (CEQA) as the project proposal would not result in changes or expansions to the building. Further none of the exceptions in CEQA Guidelines section 15300.2 apply to this project. The

Planning Commission further directs Staff to file a Notice of Exemption pursuant to this Finding.

Section 3. CUP Findings. The Planning Commission hereby makes the following findings for CUP No. 95-019R4 in accordance with Section 30-169 “Findings for approval of conditional use permits modifications” of the Fontana Zoning and Development Code:

Finding No. 1 **That 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 City's Zoning and Development Code requires a Conditional Use Permit for any new or modified ABC licenses. Planning Commission approval of a Conditional Use Permit may include such conditions of approval as are deemed necessary to enable the Planning Commission to make the required findings. The existing off-sale convenience store establishment is located at 16119 Foothill Boulevard on the southeast corner of Foothill Boulevard and Citrus Avenue. The General Plan designation is Walkable Mixed-Use Corridor (WMXU-1) and the property is located within the Form Based Code (FBC) Route 66 Gateway subdistrict which allows for off-sale establishments with the approval of a Conditional Use Permit. This establishment has a conditional use permit to sell alcoholic beverages (Type 21 ABC license, Off-sale General) that was approved on April 21, 2020, by the Planning Commission; this Conditional Use Permit included three conditions (Condition No. 13 through 15) stating that alcoholic beverage containers cannot be sold that are single size, smaller than 375 ml or smaller than 40 ounces. With approval of a Conditional Use Permit by the Planning Commission, the use is consistent with the Zoning and Development Code.

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.**

The Applicant is requesting to modify the ABC conditions of approval from a previously approved project (CUP No. 95-019R3) in order to allow the sale of single alcoholic beverages of wine and distilled spirits less than 375ml and

beer/malt beverages less than 40 oz. The site is physically suited for the type, density, and intensity of the use. The site was previously approved for a Conditional Use Permit to operate and sell alcoholic beverages with an ABC Type 21 (Off-sale, General) license. There are no modifications to the site or structure. The physical characteristics of the site are sufficient to accommodate the business including access and utilities.

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.**

Staff has concerns with the modification and the associated potential for negative impacts on the public health, safety, and welfare as well as concerns with potential injury to persons, property, and improvements. Single serve alcoholic beverages are often offered for sale cold and ready to be consumed. This frequently leads to public intoxication, littering, panhandling, and other disruptive behaviors. By prohibiting the single sale of alcoholic beverages, minors and transients are discouraged from purchasing such as single sale alcoholic beverages are typically priced lower and are more affordable. The requested modification to the standing conditions of approval could be detrimental to the public interest, health and safety or materially injurious to persons or property in the vicinity in which the project is located.

Section 4. Denial: Based on the foregoing, the Planning Commission hereby denies Conditional Use Permit No. 95-019R4.

Section 5. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

Section 6. Certification. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 8. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

PASSED, DENY AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this **16th day of July 2024**.

City of Fontana,

Cathline Fort, Chairperson

ATTEST:

I, Ricardo Quintana, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on this 16th day of July 2024, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ricardo Quintana, Secretary

CITY OF FONTANA
POLICE DEPARTMENT
Community Outreach & Public Engagement Unit

MEMORANDUM

TO: Alexia De La Torre, Assistant Planner

FROM: Heather Howard, Community Policing Technician

DATE: January 31, 2024

SUBJECT: Police Recommendations for Amendment to Single Sales Condition – Circle K 16119 Foothill Fontana, 92335

The Police Department has reviewed the request to amend California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-sale General) license, to amend condition of single sales. The police department does not support the amendment to the condition for single sales. All Type 21 (Off- sale General) licenses in the City of Fontana are subject to the same condition for single sales. Licensee may contact me if further clarification is needed.



Attachment No. 7

PLANNING DIVISION

April 22, 2020

City Council

Acquaintedta Warren
Mayor

Jesse Amador
Mayor Pro Tem

John B. Roberts
Council Member

Jessie "Jesse" Sandoval
Council Member

Phillip W. Cochran
Council Member

Gurinder Singh
16119 Foothill Boulevard
Fontana, CA 92335

RE: Master Case No. (MCN) 20-027 / Conditional Use Permit (CUP) No. 95-019R3, a request to amend the existing Conditional Use Permit (CUP No. 95-019) to include a public convenience and necessity document (APN: 0191-011-08).

Dear Mr. Gurinder Singh,

The above-referenced project was reviewed and approved by the Planning Commission of the City of Fontana at the regularly scheduled meeting on April 21, 2020.

Please note that this action is subject to a fifteen (15) calendar day appeal period following the approval hearing to allow for the filing of an appeal with the City Clerk. An appeal automatically stays the Planning Commission decision until the City Council conducts a public hearing and renders a decision on the appeal. After the fifteen (15) day appeal period, the applicant shall remove the Notice of Filing sign(s) from the project site. The applicant may request a refund of the \$300.00 sign deposit; the request shall be in writing. The request shall be submitted to the Planning Division.

Enclosed are the Conditions of Approval on this project per the Fontana City Code. Should you have any questions regarding this approval, please call the project planner, Mel Thao, by phone at (909) 350-6650 or by email at mthaos@fontana.org.

Sincerely,

Zai Moudbakar
Director of Community Development

Enclosures: Conditions of Approval

CITY OF FONTANA 8353 SIERRA AVENUE, FONTANA, CALIFORNIA 92335
www.Fontana.org



Staff Report to the Planning Commission

PLACEMENT: Public Hearing

APPLICATION: Master Case No. 20-027
Conditional Use Permit No. 95-019R3

DATE: April 21, 2019

APPLICANT: Gurvinder Singh
16119 Foothill Boulevard, Unit A
Fontana, CA 92335

LOCATION: 16119 Foothill Boulevard, Unit A (APN: 0191-011-06)

REQUEST: Approve a Conditional Use Permit (CUP) No. 95-019R3 for an existing convenience store (Circle K) to operate with an Alcoholic Beverage Control (ABC) Type 21 (Off-sale General) license.

PROJECT PLANNER: Mai Thao, Planning Technician

I. BACKGROUND INFORMATION:

A. Land Use Designation:

Land Use Designation	General Plan Designation	Zoning Designation	Existing Land Use
Site:	Walkable Mixed Use (WMXU-1)	Form-Based Code (FBC) Route 66 Gateway District	Commercial
North:	Community Commercial (C-C)	Northgate Specific Plan	Commercial- Wiggins
South:	Walkable Mixed Use (WMXU-1)	Form-Based Code (FBC) Route 66 Gateway District	Commercial – Barber Shop, Donut Shop, Raspado Xtreme, KinderCare Learning Center
East:	Walkable Mixed Use (WMXU-1)	Form-Based Code (FBC) Route 66 Gateway District	Commercial - Nail Salon, Pharmacy, Beauty Salon
West:	Walkable Mixed Use (WMXU-1)	Form-Based Code (FBC) Route 66 Gateway District	Commercial – Superior Grocery

B. Environmental Review Finding:

This project qualifies for a Categorical Exemption pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act (CEQA).

and Section No. 3.22 Existing Facilities of the Local 2019 Guidelines for Implementing the California Environmental Quality Act.

C. Background:

- 1) On June 23, 1952, the City annexed the site from the San Bernardino County.
- 2) On November 27, 1995, the Planning Commission approved a Conditional Use Permit for a change of ownership for an off-site Alcoholic Beverage Control (ABC) Type 20 (Off-sale, Beer and Wine) license.
- 3) On July 26, 1996, the Planning Commission approved a Conditional Use Permit for a transfer of an off-site Alcoholic Beverage Control (ABC) Type 20 (Off-sale, Beer and Wine) license under a change of ownership.
- 4) On November 9, 2007, the Director of Community Development approved a Minor Use Permit (MUP) No. 07-013 for an off-site Alcoholic Beverage Control (ABC) Type 21 (Off-sale General) transfer of license under a change of ownership.
- 5) On November 21, 2019, the previous owner surrendered its Alcoholic Beverage Control (ABC) license to the California Department of Alcoholic Beverage Control.

II. PROJECT DESCRIPTION:

- A. Type of License: Type 21 (Off-sale General) license authorizes the sale of beer, wine, and distilled spirits for consumption off the licensed premises.
- B. Census Tract No.: The site is located within Census Tract No. 28.03 in the City of Fontana. A map identifying the census tract boundaries is attached (Attachment No. 3).
- C. Concentration: According to ABC, two (2) off-sale licenses are allowed within Census Tract No. 28.03 before being considered over-concentrated. Currently, there are three (3) licenses operating within Census Tract No. 28.03. To approve this ABC license request, the Planning Commission is required to make a Finding of Public Convenience and Necessity.
- D. Building Analysis: The existing convenience store is approximately 2,600 square feet within a parcel that is approximately 0.7 adjusted gross acres.

III. ANALYSIS:

The applicant, Mr. Gurdynder Signh, is requesting that the Planning Commission review and approve Conditional Use Permit (CUP) No. 95-019R3 for an existing convenience store to operate with a new California Department of Alcoholic Beverage Control (ABC)

Type 21 (Off-Sale General) license.

The convenience store is located within Census Tract 28.03. ABC has determined that two (2) Off-sale licenses can operate within this tract before being categorized as over-concentrated. Currently, there are three (3) active licenses in Census Tract 28.03 and the request from the applicant will bring a total of four (4) ABC licenses within Census Tract 28.03. The Planning Commission is required to make a finding of Public Convenience and Necessity in order to approve this ABC License.

The applicant is requesting that the new hours of operation for the convenience store operate twenty-four (24) hours, seven (7) days a week. The project site is located within an existing multi-tenant commercial center which includes a donut shop, barbershop, tattoo shop, and a health center.

Surrendered ABC License:

The previous owner surrendered its ABC license. However, according to the California Department of Alcoholic Beverage Control, the previous owner has not yet transferred its license elsewhere. Based on the California Department of Alcoholic Beverage Control's recommendation, the new owner is required to apply for a new ABC license Type 21 (Off-sale general) on the subject site, which would then categorize it as over-concentrated within the census tract.

California Department of Alcoholic Beverage Control is requiring a finding for a Public Convenience and Necessity (PCN) due to the over concentration as a result of the new Alcoholic Beverage Control license application. Staff has determined that the appropriate course of action is to proceed with an amendment to the original Conditional Use Permit (CUP) No. 95-019 to allow for an update of the previous conditions of approval so that the Conditions are up-to-date and include a public convenience and necessity finding.

Finding of Public Convenience or Necessity (PCN):

Staff believes that a finding of public convenience or necessity can be made with the included conditions, as the proposed use is consistent with the requirements of the City's Zoning and Development Code, specifically Form Based Code (FBC). The convenience store is located within Census Tract 28.03.

Currently, there are three off-sale licenses operating within this census tract, including Smeets Market, Arrow Mini Mart, and Alpine Liquor and Market. See Attachment No. 4 for locations of the existing licenses. Two of the three establishments are approved to operate with an ABC Type 21 (Off-sale General) license.

Census Tract No. 28.03 is a centrally located tract, bounded by Foothill Boulevard to the north, Arrow Boulevard to the south, Citrus Avenue to the west, and Juniper Avenue to the east. This application would be considered a "public benefit" and therefore meet the definition of "Public Convenience or Necessity" based on the following findings. The finding of "Public Convenience or Necessity" can be met as consumers would find it convenient to purchase beer, wine, and distilled spirits at a local convenience store as opposed to a large supermarket. The sale of alcohol is important for small convenient

stores as it allows them to maintain a small footing to compete against larger regional chains. The existing convenience store is an established use that previously sold beer, wine, and distilled spirits under the previous owner.

The character of the surrounding uses is a mix of commercial uses that include a twenty-four (24) hour Arco gas station, a twenty-four (24) hour Walgreens, Chase Bank, and large-scale Markets like Cardenas and Superior Grocers. A significant percentage of the general population chooses to enjoy the expediency of a convenience store for purchasing alcohol and other specialty items typically found at a convenience store. The multi-tenant commercial center is well established with other retailers. Consumers who already frequent the commercial center for other services with find convenient to purchase beer, wine, and distilled spirits from an establishment on the same property.

The Police Department has reviewed the application and is recommending approval subject to the conditions of approval. The new application for an ABC Type 21 license will have little or no effect on the operation of the business, as this subject site has been operating with an ABC license that was grandfathered in since 1988.

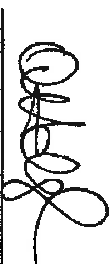
IV. **RECOMMENDATION:**

Based on the information in this staff report, and providing the Planning Commission makes the required findings, staff recommends that the Planning Commission adopt Resolution PC No. 2020____; and,

1. Determine that the project is Categorically Exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities), and Section No. 3.22 of the Local 2018 Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,
2. Approve Conditional Use Permit No. 95-019R3 subject to the attached Findings and Conditions of Approval.

Project Planner:


Mai Thao
Planning Technician


Orlando Hernandez
Planning Manager

Approved by:


Zai AbuBaker
Director of Community Development

Attachments:

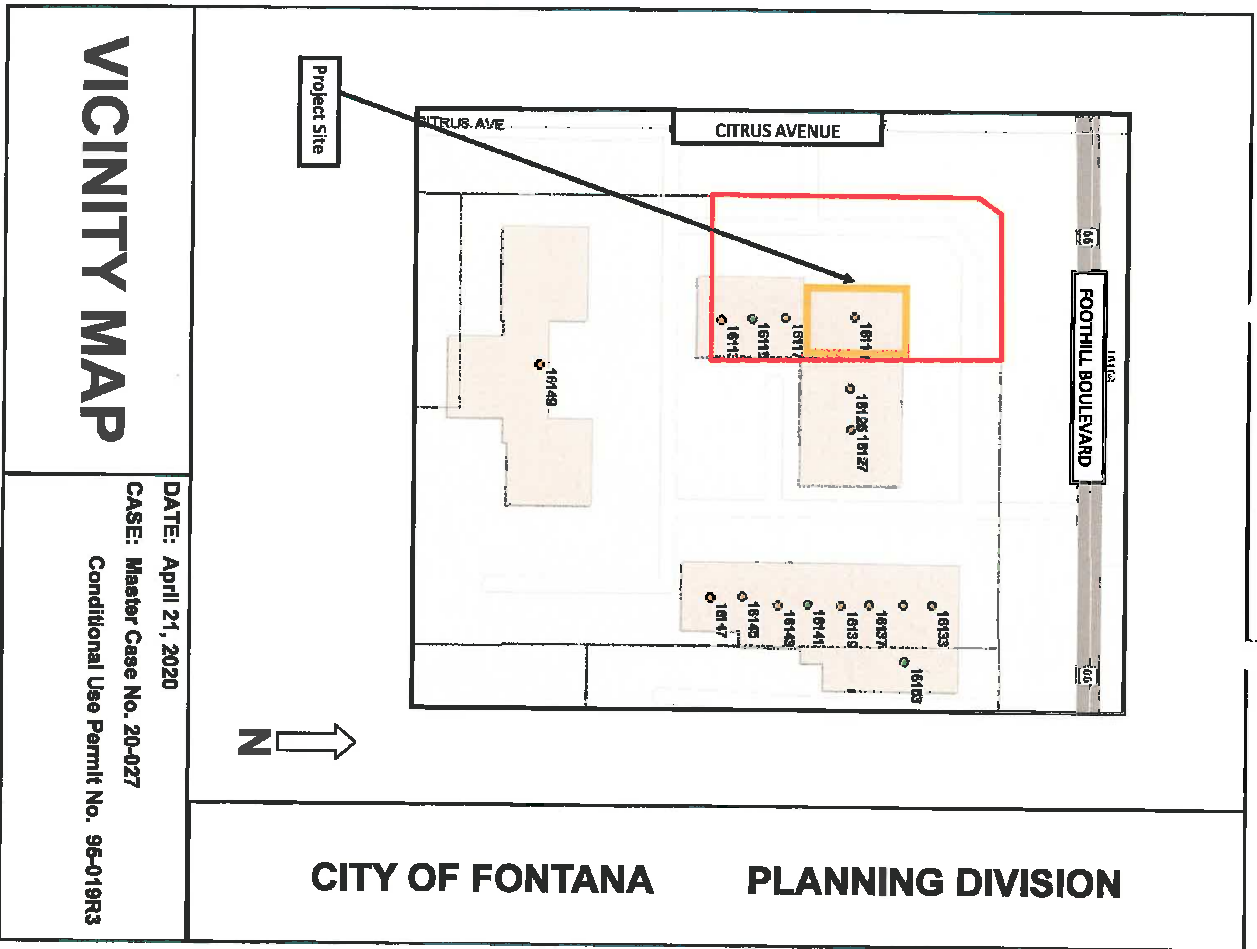
1. Vicinity Map
2. Floor Plan
3. Census Tract Map No. 28.03
4. Resolution, Findings and Conditions of Approval

Staff Report
Master Case No. 20-027
Conditional Use Permit No. 95-019R3
Page 4 of 5

5. Notice of Exemption
6. Notice of Public Hearing

Under a Separate Cover:

1. 11" x 17" Floor Plans



FLOOR PLAN

DATE: April 21, 2020
CASE: Master Case No. 20-027
Conditional Use Permit No. 95-019R3

CITY OF FONTANA PLANNING DIVISION

FOOTHILL BOULEVARD

CITRUS AVENUE

FRONT DOOR

N

RECEPTION
OFFICE
STORAGE
RESTROOM
KITCHEN
DINING AREA
LIVING AREA
BED ROOM
BATH
CLOSET
PATIO
GARAGE

FLOOR PLAN

DATE: April 21, 2020
CASE: Master Case No. 20-027
Conditional Use Permit No. 95-019R3

CITY OF FONTANA PLANNING DIVISION

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FLOOR PLAN

DATE: April 21, 2020
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FLOOR PLAN

DATE: April 21, 2020
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CITY OF FONTANA PLANNING DIVISION

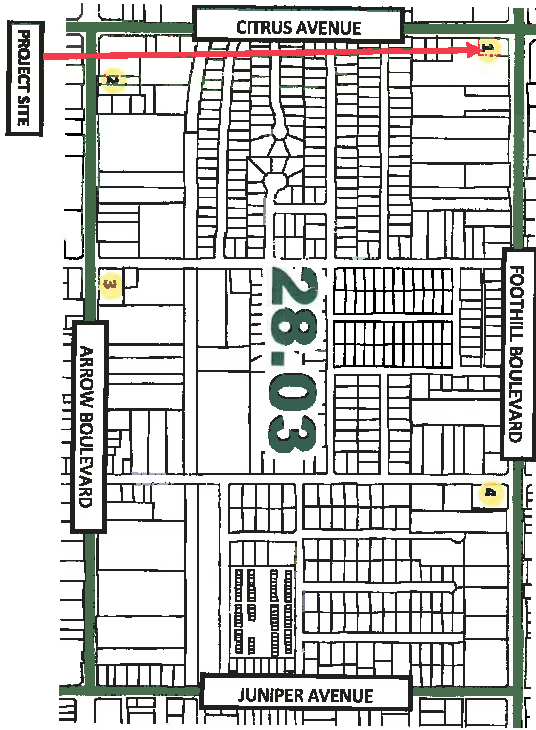
FOOTHILL BOULEVARD

CITRUS AVENUE

FRONT DOOR

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RECEPTION
OFFICE
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DINING AREA
LIVING AREA
BED ROOM
BATH
CLOSET
PATIO
GARAGE



#	Business Name	Address
1	Circle K (Project Site)	16119 Foothill Boulevard
2	Simmers Market	16146 Arrow Boulevard
3	Arrow Mini Mart	16312 Arrow Boulevard Suite A
4	Alpine Liquor and Market	8145 Cypress Avenue



CITY OF FONTANA

PLANNING DIVISION

**Census Tract No.
28.03**

ATTACHMENT NO. 3

DATE: April 21, 2020
CASE: Master Case No. 20-027
Conditional Use Permit No. 96-01R3

RESOLUTION PC NO. 2020-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING THE FINDINGS OF PUBLIC CONVENIENCE AND NECESSITY AND APPROVING CONDITIONAL USE PERMIT (CUP) NO. 95-019R3 TO AMEND AN APPROVED CUP (CUP NO. 95-019) TO ALLOW FOR AN EXISTING CONVENIENCE STORE TO OPERATE WITH A CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE (ABC) TYPE 21 (OFF-SALE GENERAL) LICENSE.

WHEREAS, the City of Fontana received an application on February 19, 2020 to review and approve a Conditional Use Permit (CUP) No. 95-019R3 for an existing convenience store (Circle K) to operate with an Alcoholic Beverage Control (ABC) Type 21 (Off-sale General) license.

Applicant:

Gurvinder Singh
16119 Foothill Boulevard, Unit A
Fontana, CA 92335

Project Location: 16119 Foothill Boulevard, Unit A (APN: 0191-011-06)

Site Area: 30,000 square feet

WHEREAS, the subject site was annexed from San Bernardino County into the City of Fontana in June 23, 1952; and

WHEREAS, On November 27, 1985, the Planning Commission approved a Conditional Use Permit for a change of ownership for an off-site Alcoholic Beverage Control (ABC) Type 20 (Off-sale, beer and wine) license; and

WHEREAS, On July 26, 1996, the Planning Commission approved a Conditional Use Permit for a transfer of an off-site Alcoholic Beverage Control (ABC) Type 20 (Off-sale, beer and wine) license under a change of ownership; and

WHEREAS, On November 9, 2007, the Director of Community Development approved a Minor Use Permit (MUP) No. 07-013 for an off-site Alcoholic Beverage Control (ABC) Type 21 (Off-sale General) license for a change of ownership; 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. 95-019R3) incorporated herein; and

WHEREAS, the project is Categorically Exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities), and Section No. 3.22 Existing Facilities 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; posted at City Hall and onsite at the project site; and

ATTACHMENT NO. 4

WHEREAS, on April 21, 2020, a duly noticed public hearing on Conditional Use Permit No. 95-019R3, 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 April 21, 2020; and

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

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

Section 1. The City of Fortana Planning Commission hereby makes the following findings for CUP No. 95-019R3 in accordance with Section 30-160 "Findings for the approval of Conditional Use Permits" of the Fortana Zoning and Development Code:

Finding No. 1: That 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 amend a previously approved Conditional Use Permit (CUP) No. 95-019R3 to allow an existing convenience store to operate with a new Alcohol Beverage Control (ABC) License Type 21 (Off-Sale General) License.

The convenience store is located at 16119 Foothill Boulevard within the Route 68 Gateway District of the Form Based Code (FBC). The General Plan land use designation for the site is Walkable Mixed Use (WMXU-1). The zoning district and General Plan land use designation both allow for the sale of alcoholic beverages with the approval of a Conditional Use Permit. The subject site location currently has an approved Conditional Use Permit running with the land. The zoning designation and General Plan land use designation would allow for the amendment of the ABC license to allow the convenience store to operate with a Type 21 (Off-Sale General) ABC License. The proposal will comply with all applicable provisions of the Zoning and Development 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 an existing and approved multi-tenant commercial building that meets the City's performance criteria and development standards. The site is physically suited for the type of use that is existing currently. The establishment is in an area that has a variety of commercial and retail uses. The site is presently not operating with a Type 21 (On-Sale Beer and Wine) ABC License; however the establishment did have an approved Type 21 ABC License in 2019. Amending Conditional Use Permit No. 95-091R3 will not result in any physical constraints.

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 proposed entitlement has been reviewed by all applicable State, City and County agencies to ensure that it meets all applicable standards. 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 ABC license amendment. This project qualifies for a categorical exemption pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act (CEQA), and Section No. 3.22 Existing Facilities of the 2019 Local Guidelines for Implementing the California Environmental Quality Act.

Finding No. 4:

That the proposed use will meet the finding of "Public Convenience or Necessity".

Finding of Fact:

The convenience store is located within Census Tract 28.03. Currently, there are three off-sale licenses operating within this census tract, including Slimers Market, Arrow Mini Mart, and Alpine Liquor and Market. Two of the three establishments are approved to operate with an ABC Type 21 (Off-sale General) license.

Census Tract No. 28.03 is a centrally located tract, stretching from Foothill Boulevard south to Arrow Boulevard and from Citrus Avenue to Juniper Avenue. This application would be considered a "public benefit" and therefore meet the definition of "Public Convenience or Necessity" based on the following findings. The finding of "Public Convenience or Necessity" can be met as consumers would find it convenient to purchase beer, wine, and distilled spirits at a local convenience store as opposed to a large supermarket. The sale of alcohol is important for small convenient stores as it allows them to maintain a small footing to compete against larger regional chains.

The character of the surrounding uses is a mix of commercial uses that include a twenty-four (24) hour Arco gas station, a twenty-four (24) hour Walgreens, Chase Bank, and large-scale Markets like Cardenas and Superior Grocers. A significant percentage of the general population chooses to enjoy the expediency of a convenience store for purchasing alcohol and other specialty items typically found at a convenience store. The multi-tenant commercial center is well established with other retailers. Consumers who already frequent the commercial center for other services will find convenient to purchase beer, wine, and distilled spirits from an establishment on the same property. The site has been in business since 1988 and has been an established use where alcohol has been purchased.

Section 2. 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.

Section 3. Based on the foregoing, the City of Fontana Planning Commission hereby approves the findings of Public Convenience and Necessity as indicated in this Resolution and approves Conditional Use Permit (CUP) 95-019R3 for an Alcoholic Beverage Control (ABC) Type 21 (Off-sale General) License at 18119 Foothill Boulevard (APN: 0191-011-08).

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 Community Development Department – Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.8.

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

APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 21st day of April 2020.

City of Fontana

Daniel Quiroga, Chairperson

Resolution PC No. 2020-_____

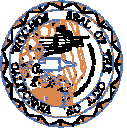
ATTEST:

I, Angela Garcia, 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 21st day of April 2020, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Angela Garcia, Secretary

EXHIBIT "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 20-027
Conditional Use Permit (CUP) No. 95-019R3

DATE: April 21, 2020

LOCATION: 16119 Foothill Boulevard (APN:0191-011-06)

PLANNING:

1. This approval is for Conditional Use Permit (CUP) No. 95-019R3 to amend the existing Conditional Use Permit (CUP) No. 95-019 to allow for an existing convenience store (Circle K) to operate with a California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-Sale General) license as approved by the Planning Commission on April 21, 2020.

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

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

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 Community Development 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. 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.

POLICE DEPARTMENT:

8. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department 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.
9. All tobacco products shall remain under the control of the management, behind the cashier's counter.
10. If licensed premises operates twenty-four (24) hours a day, the business owner/licensee shall keep all beer, wine and distilled spirits within a lockable permanently affixed cooler, lockable permanently affixed display case, or under the control of the management behind the cashier's counter. The coolers and display

FINAL COA
PLANNING COMMISSION
APRIL 21, 2020

cases shall be locked during the hours of two (2) a.m. to six (6) a.m. daily. Additionally, no alcoholic beverages shall be sold during the hours of two (2) a.m. to six (6) a.m. daily.

11. Employees engaged in the sale or distribution of alcoholic beverages shall be at least 18 years of age. If the business owner, licensee, or management choose to employ a salesperson between the ages of 18 to 20, that salesperson must be under the continuous supervision of at least one salesperson who is 21 years old or older.
12. The sale of malt liquor or fortified wine products with an alcoholic content greater than 17 percent by volume is prohibited.
13. The licensee shall not sell single bottle of wine in less than 750 ml. containers. Specialty or dessert wines which are only packaged in 375 milliliter bottles shall be permitted.
14. No distilled spirits shall be sold in bottles or containers smaller than 375 milliliters (pint).
15. The sale of beer or malt beverages in single size containers of 40 ounces or less is prohibited.
16. The licensed premise shall not sell individual units of beer or wine from the manufacturer's multi-unit packages (three-packs, four-packs, six-packs, etc.).
17. The licensee shall not allocate more than half of the cooler doors for the sale of alcoholic beverages. All designated coolers for alcoholic beverages shall be located furthest away from the entrance doors.
18. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the licensed premises.
19. Alcoholic beverages shall not be displayed or stored on the public floor area of the business and shall only be stored within a designated storage room.
20. In the event that adult merchandise (books, magazines, videos and CDs) is offered for sale, all such merchandise shall be kept under the control of the management behind the cashier's counter and must be segregated from other reading material and screened from the view of minors.
21. 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/licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.

22. The business owner/licensee shall comply with the City False Alarm Ordinances.
23. Graffiti abatement by the business owner/licensee shall be immediate and ongoing on the licensed 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/licensee shall notify the City within 24 hours (at 809.350-GONE) of any graffiti elsewhere on the property not under the business owner/licensee's control so that it may be abated by the property owner and/or the City's Graffiti Enforcement Team.
24. The management and employees of the licensed premise shall be required to prevent loitering in the parking lot of the site. The management and employees of the licensed premise shall regularly police the area under its control to prevent the loitering of persons about the premises.
25. Sales of alcoholic beverages will be restricted to, and within the confines of, the building portion of the licensed premises.
26. A digital video surveillance system is required at the premise. It is recommended that the video surveillance system is 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 by the business owner 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.
27. Signs shall comply with all City of Fortana sign requirements. No more than 25% of the total window area and clear doors shall bear advertising, signs or obstructions of any sort. Window signs or other obstructions 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 glass doors of this location).
28. The exterior of the premise, including all entrances, walkways, adjacent public sidewalks, alleyways and parking lots under the control of the licensee, shall be illuminated at a minimum of one (1) foot candle of light during all hours of darkness, so that persons standing in those areas at night are identifiable by law enforcement personnel. All luminaires utilized are required to have vandal resistant light fixtures.
29. The exterior of the licensed premises, 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.

30. A prominent, permanent sign or signs stating "NO LOTTERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted on the front, north and west sides of the building or in the front windows of the business and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. 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.
31. A prominent, permanent sign or signs stating "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THE PREMISES" shall be posted on the front, north and west sides of the building or in the front windows of the business and shall be clearly visible to patrons of the licensee. The size, format, placement and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. 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.
32. No electronic arcade or amusement games are permitted on the licensed premises at any time.
33. In the event security problems occur, the Police Department (Chief of Police) will issue a letter to the owner requesting a meeting to discuss said security problems. If security problems are not resolved by the owner in the timeframe mutually agreed upon in said meeting, at the discretion of the Chief of Police, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department. All uniformed security guards shall comply with Fontana City Code section 22-62, and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.
34. The licensee shall attend a Licensee Education on Alcohol and Drugs (LEAD) training or a responsible beverage service (RBS) training sponsored by the California Department of Alcoholic Beverage Control within six (6) months, and any employee engaged in the sale/service of alcohol shall attend the LEAD or RBS training within 90 days of employment.
35. The approved set of Conditions of Approval, and the ABC license shall be at a visible location behind the cashier's counter in the facility and shall remain legible at all times.
36. The hours of operation shall be twenty-four (24) hours, seven (7) days a week.

END OF CONDITIONS

FINAL COA
PLANNING COMMISSION
APRIL 21, 2020

46

FROM: City of Fontana

Planning Division

8353 Siena Avenue

Fontana, CA 92335

1. Project Title: Conditional Use Permit No. 95-019R3
 2. Project Location - Specific: 16119 Foothill Boulevard
 3. (a) Project Location - City: Fontana, CA 92336
(b) Project Location - County: San Bernardino
 4. Description of nature, purpose, and beneficiaries of Project: A request to review a Conditional Use Permit (CUP) No. 95-019R3 to allow an existing convenience store (Circle K) to operate with an Alcohol Beverage Control (ABC) Type 21 (Off-Sale General) License.
 5. Name of Public Agency approving project: City of Fontana
 6. Name of Person or Agency carrying out project: City of Fontana
 7. Exempt status: (Check one)
(a) ☐ Ministerial project.
(b) ☐ Not a project.
(c) ☐ Emergency Project.
(d) ☒ Categorical Exemption. State type and class number. Exempt under Section No. 15301, Class No. 1, (Existing Facilities) of the California Environmental Quality Act (CEQA), and Section 3.22 of the Local 2019 Guidelines for Implementing the California Environmental Quality Act (CEQA).
 8. Reason why project was exempt: This project is for the approval for an existing convenient store (Circle K) to operate with a California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-Sale General) License.
(e) ☐ Declared Emergency.
(f) ☐ Statutory Exemption.
(g) ☐ Other. Explanation: _____
 9. Contact Person: Mai Thao, Planning Technician
- Telephone: (909) 350-6650

Orlando Hernandez
Planning Manager

(Clerk Stamp Here)

ATTACHMENT NO. 5



FONTANA
CALIFORNIA

NOTICE OF EXEMPTION AND PUBLIC HEARING

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

Due to the evolving situation with the COVID-19 Novel Coronavirus and the health recommendations for social distancing from the Center for Disease Control (CDC) THE CITY OF FONTANA PLANNING COMMISSION MEETING OF APRIL 21, 2020 AT 6:00 PM SHALL BE AVAILABLE TO THE PUBLIC REMOTELY. The general public is encouraged to watch and participate from the safety of their home while practicing social distancing. The meeting can be viewed: On Local Cable: KFOR Channel 3 and Streaming Online: <https://fontaneca.sweat.com/live>. Members of the public can submit comments via e-mail at: PlanningDivision@fontana.org at any time prior to 12:00 p.m. on Wednesday, April 15, 2020 will be provided in advance to the Planning Commissioners. City Staff will be monitoring this e-mail during the meeting and will read the comments into the record at the appropriate time during the meeting. Please submit comments prior to the opening of the public comment period for each agenda item. Public Comments of no more than 3 minutes shall be read into the record. In the subject of your e-mail, please indicate the item number and if it is a public hearing item whether you are in favor or opposition of the project. Comments received after the public comment period is closed shall not become part of the public record of the hearing and shall not be made available to the Planning Commission. 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. 20-027 and Conditional Use Permit No. 95-019R3

A request to amend an existing Conditional Use Permit (CUP) No. 95-019R3 for an existing convenience store (Circle K) to operate with an Alcoholic Beverage Control (ABC) Type 21 (Off-sale General) license.

Environmental Determination:

The 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 City of Fontana Local Guidelines for Implementing the California Environmental Quality Act.

Location of Property:

16119 Foothill Boulevard
(APN: 0191-011-06)

Date of Hearing:

April 21, 2020

Place of Hearing:

Remotely via Local Cable: KFOR Channel 3 and Streaming Online: <https://fontaneca.sweat.com/live>



ATTACHMENT NO. 6

Time of Hearing: 6:00 P.M.

Should you have any questions concerning this project, please contact Mai Thao, Planning Technician, at (909) 350-8650 or by e-mail at mthao@ortiana.org

ANY INTERESTED PARTY MAY SEND ANY INFORMATION TO THE EMAIL LISTED ABOVE WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION BY REQUESTING IT FROM THE PROJECT PLANNER.

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: April 10, 2020



NOTICE OF CONTINUANCE OF PUBLIC HEARING

- At the February 20, 2024 meeting, the Fontana Planning Commission opened and continued to the meeting of March 5, 2024, and;
- At the March 5, 2024 meeting, the Fontana Planning Commission opened and continued to the meeting of April 16, 2024, and;
- At the April 16, 2024 meeting, the Fontana Planning Commission opened and continued to the meeting of June 18, 2024, and;
- At the June 18, 2024 meeting, the Fontana Planning Commission opened and continued to the meeting of July 16, 2024 the public hearing regarding the following matter:

Master Case (MCN) No. 20-027R1; and Conditional Use Permit (CUP) No. 95-019R4

The applicant, Jagjit Singh, is requesting that the Planning Commission review and approve Conditional Use Permit No. 95-019R4 for the modification to an existing condition of approval (CUP No. 95-19R3) to allow the sale of singles smaller than 375 milliliters and the sale of beer/malt beverages in single size containers of 40 ounces or less located at 16119 Foothill Boulevard for an existing convenience store, Circle K (APN: 0191-011-06).

Environmental Determination:

This project is Categorically Exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing CEQA.

Location of Property:

16119 Foothill Boulevard
(APN: 0191-011-06)

Date of Hearing:

July 16, 2024

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 or by email: adelatorre@fontanaca.gov

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.