

## **RESOLUTION NO. 2025-021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA FOR THE ACCEPTANCE OF, PURSUANT TO THE CERTIFIED SOUTHRIDGE VILLAGE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT NO. 81-3 (SCH NO. 81052210) AND ADOPTED ADDENDUM, THE CONVEYANCE OF THAT CERTAIN REAL PROPERTY LOCATED AT LIVE OAK AVENUE WEST OF OLD LIVE OAK AVENUE, IN THE CITY OF FONTANA, FROM THE FONTANA PUBLIC FINANCING AUTHORITY, DECLARING A PORTION OF THE PROPERTY A RIGHT OF WAY, AND ESTABLISHING CONDITIONS FOR FINAL ACCEPTANCE OF RELATED ROADWAY IMPROVEMENTS.**

**WHEREAS**, the Fontana Public Financing Authority (“FPFA”) is the owner of that certain real property located within the City of Fontana, identified as Assessor Parcel Number 0237-212-25 (“Parcel”); and

**WHEREAS**, in December 1981, the Fontana City Council (“City Council”) certified the Southridge Village Specific Plan Environmental Impact Report No. 81-3 (SCH No. 81052210) (“Southridge EIR”) and, pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (“CEQA”) Guidelines and Section 8.06 of the City of Fontana’s 2019 Local CEQA Guidelines on July 25, 2023, the City Council adopted an Addendum to the Southridge EIR; and

**WHEREAS**, on July 25, 2023, the City Council adopted Resolution Number 2023-085, attached hereto as Exhibit A and incorporated herein, approving general plan and specific plan amendments, a tentative parcel, tentative tract maps, a design review and an administrative site plan for the Southridge Project; and

**WHEREAS**, Resolution Number 2023-085 included a condition of approval that required an improved right-of-way be dedicated to the City of Fontana (“City”) based on the new configuration of Old Live Oak Avenue which traverses the northwest corner of Southridge Park (“Project”); and

**WHEREAS**, in accordance with Resolution Number 2023-085, KB Home (“Developer”) is constructing the right-of-way for road and utility purposes (“Roadway”), which intersects with the Parcel; and

**WHEREAS**, on April 22, 2025, FPFA dedicated in fee simple to the City the Parcel, as described in the attached grant deed (“Grant Deed”), attached hereto as Exhibit B and incorporated herein; and

**WHEREAS**, the City Council finds that accepting the Parcel is in the public interest and will assist in facilitating the development of the Roadway on a portion of the Parcel; and

**WHEREAS**, the City desires to accept FPFA's conveyance of the Parcel and desires to declare a portion of the Parcel a right-of-way for road and utility purposes as more particularly described in Exhibit C and reflected in Exhibit D, both of which are attached hereto and incorporated herein by this reference ("Right-of-Way"); and

**WHEREAS**, the City's acceptance of the entirety of the Roadway, including improvements within the Parcel is contingent upon the Developer's completion of construction of the Roadway to City standards and the City's inspection and acceptance of the completed Roadway.

**NOW, THEREFORE, BE IT RESOLVED**, determined and ordered by the City Council of the City of Fontana:

**Section 1. Incorporation of Recitals.** The City Council hereby finds and determines that the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

**Section 2. CEQA. Compliance with California Environmental Quality Act.** As the decision-making body for the Project, the City Council has reviewed and considered the Southridge Village Specific Plan FEIR and adopted Addendum, any oral or written comments received, and the administrative record prior to making any decision on the Proposed Project. The City Council finds that the adopted Addendum and Southridge Village Specific Plan FEIR contain a complete and accurate reporting of all of the environmental impacts associated with the Proposed Project.

**Section 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report.** Based on the substantial evidence set forth in the record, including but not limited to, the Southridge Village Specific Plan FEIR, the adopted Addendum, and all related information presented to the City Council, the Commission finds, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, that the adopted Addendum to the Southridge Village Specific Plan FEIR is the appropriate document for the Proposed Project. The City Council further finds that the preparation of a subsequent or supplemental EIR is not required for the Proposed Project.

**Section 4. Findings on Environmental Impacts.** Having considered the Addendum, the administrative record, the Southridge Village Specific Plan FEIR and all written and oral evidence presented to the City Council, the Council finds that all environmental impacts of the Proposed Project have been addressed within the Southridge Village Specific Plan FEIR and the Addendum, that no new or additional mitigation measures or alternatives are required, and that there is no substantial evidence in the administrative record supporting that the Proposed Project may result in any significant environmental impacts beyond those analyzed in the Southridge Village

Specific Plan FEIR. The City Council finds that the adopted Addendum and Southridge Village Specific Plan FEIR contains a complete, objective, and accurate reporting of the environmental impacts associated with the Proposed Project and reflects the independent judgment and analysis of the City Council.

**Section 5.** Acceptance of Parcel. The City Council hereby acknowledges and accepts the conveyance of the Parcel from FPFA in fee simple, as described in the Grant Deed, and directs staff to file a Notice of Determination.

**Section 6.** Declaration of Right-of-Way. The City Council hereby declares a portion of the Parcel a right-of-way for road and utility purposes as described in Exhibit C and reflected in Exhibit D.

**Section 7.** Acceptance of Roadway. The City's acceptance of the entirety of the Roadway, including the improvements within the Parcel, is contingent upon the Developer's completion of construction of the Roadway to City standards, and subject to the subsequent approval of the City Council.

**Section 8.** Effective Date. This Resolution shall become effective immediately.

**Section 9.** 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, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

**Section 10.** Certification. The City Clerk shall certify to the adoption of this Resolution.

**Section 11.** Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of records is the City Clerk.

**APPROVED AND ADOPTED** this 22<sup>nd</sup> day of April, 2025.

**READ AND APPROVED AS TO LEGAL FORM:**

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City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 22<sup>nd</sup> day of April, 2025, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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City Clerk of the City of Fontana

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Mayor of the City of Fontana

**ATTEST:**

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City Clerk