

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA, CALIFORNIA, PURSUANT TO STATE CEQA GUIDELINES SECTION 15061(B)(3), MAKING CERTAIN FINDINGS REQUIRED UNDER CALIFORNIA GOVERNMENT CODE SECTION 65402 FOR THE VACATION, ABANDONMENT, AND FUTURE DISPOSITION OF A PORTION OF THE RIGHT-OF-WAY EASEMENT AT HIGHLAND AVENUE EAST OF CATAWBA AND AN UNNAMED ALLEY NORTH OF HIGHLAND AVENUE EAST OF CATAWBA, AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.

WHEREAS, the street and alley rights-of-way segments located at Highland Avenue, east of Catawba Avenue and north of South Highland Avenue east of Catawba Avenue (the "Property"), is shown in Attachment 1 (Vicinity Map); and

WHEREAS, the City of Fontana ("City") proposes to vacate, abandon, and dispose of that portion of Highland Avenue east of Catawba Avenue and an unnamed alley north of South Highland Avenue east of Catawba Avenue to allow the land to be better utilized, and that land is shown on the attached Exhibits "A" and "B", respectively; and

WHEREAS, Government Code Section 65402(a) states that a local agency may not vacate, abandon, nor dispose of real property or a street within the City until the location, purpose and extent of the vacation, abandonment, or disposition have been reported upon by the planning agency of the City regarding the conformity with the General Plan; and

WHEREAS, the Fontana City Council adopted the City of Fontana 2018-2035 General Plan (General Plan) on November 13, 2018; and

WHEREAS, the vacation, abandonment, and disposition of the Property aligns with the objectives of Goal Number 1 of the General Plan's Economy, Education, and Workplace Development Element, which supports initiatives for entrepreneurship in potential growth; and

WHEREAS, the vacation, abandonment and disposition of the Property aligns with the objectives of Goal Number 1 and Goal Number 3 of the General Plan's Community Mobility and Circulation Element which provides for a comprehensive and balanced transportation system and multimodal accessibility and transportation planning, as well as accommodating freight movement; and

WHEREAS, vacation, abandonment, and disposition of the Property aligns with the objectives of Goal Number 1 of the General Plan's Economy, Education, and Workplace Development Element in that it promotes a diversified economy that builds on existing sectors and develops, attracts and retains future job-creating sectors; and

WHEREAS, the purpose of this Resolution is for the Planning Commission of the City of Fontana ("Planning Commission") to make a determination of General Plan conformance in accordance with California Government Code Section 65402(a); and

WHEREAS, the Planning Commission has considered the entire administrative record, including the staff report and oral and written testimony from interested persons; and

WHEREAS, on May 6, 2025, the Planning Commission reviewed the General Plan conformance findings.

NOW THEREFORE, BE IT RESOLVE by the Planning Commission:

SECTION 1. Recitals: the forgoing recitals are true, correct and incorporated herein.

SECTION 2. CEQA. Compliance with the California Environmental Quality Act. As the decision-making body for the Project, the Planning Commission finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) (the activity does not have the potential for causing a significant effect on the environment and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. Where it can be seen 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. A determination that a vacation or disposition is consistent with a City's adopted General Plan has no potential for resulting in physical change to the environment, directly or indirectly. The vacation and abandonment of streets and disposition will not involve nor approve any physical change to the environment nor any reasonably foreseeable future change. Therefore, no environmental review is required and staff is directed to file a Notice of Exemption.

SECTION 3. General Plan Conformance. Based upon the entire record before it, the Planning Commission finds there is substantial evidence supporting a finding that the proposed vacation, abandonment and disposition of the Property, in accordance with the details listed in the above recitals, is consistent with the goals, objectives, and policies of the General Plan. The Planning Commission hereby directs staff to report this finding to the City Council. This finding is based on the fact that this right-of-way is not part of the City's General Plan Community Mobility and Circulation Element, and in part, on the following General Plan policies:

Community Mobility and Circulation Element Policy: Chapter 9, Section E: Policies and Actions to Achieve the Goals, Goal No. 1: "The City of Fontana has a comprehensive and balanced transportation system and multimodal accessibility the top of citywide

transportation planning, as well as accommodating freight movement.”]

Economy, Education, and Workplace Development Element Policy: Chapter 13: Section E: Policies and Actions to Achieve the Goals, Goal No. 1, Policy: 2nd Bullet, “Support initiatives for entrepreneurship in potential growth.”

The vacation and abandonment of Highland Avenue east of Catawba Avenue and an unnamed alley north of South Highland Avenue east of Catawba Avenue will support initiatives for entrepreneurship in potential growth for future developers and business owners that will establish and expand their businesses.

SECTION 4. General Plan Conformance Disposition. Based upon the entire record before it, the Planning Commission finds there is substantial evidence supporting a finding that the proposed disposition of the Property, in accordance with the details listed in the above recitals, is in conformance with the General Plan. The Planning Commission hereby directs staff to report this finding to the City Council. This finding is based on the following General Plan policies:

Economy, Education, and Workplace Development Element Policy: Chapter 13: Section E: Policies and Actions to Achieve the Goals, Goal 1: “Promote a diversified economy that builds on existing sectors and develops, attracts and retains future job-creating sectors.”

The disposition of this area will allow the city to vacate and abandon underutilized land which can attract and retain future businesses and create additional jobs. By authorizing the sale, this underutilized land can be used toward economic development.

SECTION 5. Applicability of General Plan Conformance. The Planning Commission’s General Plan conformance determination applies only to the vacation and disposition of the right-of-way as described in this Resolution, and to no other public street.

SECTION 6. Approval: Based on the foregoing, the Planning Commission hereby adopts this resolution and for purposes of reporting General Plan conformance pursuant to Government Code Section 65402 and finds that the proposed vacation and abandonment of streets and alleys and disposition for a portion of Highland Avenue east of Catawba Avenue and an unnamed alley north of South Highland Avenue east of Catawba Avenue to be in conformance with the City of Fontana General Plan.

SECTION 7. 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 8. Certification. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon adoption.

SECTION 10. Severability. If any provision of this Resolution or the application of any provision to any person or circumstance is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions or applications of this Resolution are severable.

APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting of the Planning Commission held on the 6th day of May, 2025.

City of Fontana

Idilio Sanchez, Chairperson

ATTEST:

I, Joseph Armendarez, 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 6th day of May, 2025, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joseph Armedarez, Secretary