

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION; APPROVING GENERAL PLAN AMENDMENT NO. 23-003 (PART NO. 4 OF GENERAL PLAN AMENDMENT CYCLE NO. 4 OF 2023) AMENDING EXHIBIT 15.8 (FUTURE LAND USE MAP) IN CHAPTER 15 (LAND USE, ZONING AND URBAN DESIGN) OF THE GENERAL PLAN TO CHANGE THE GENERAL PLAN LAND USE FOR THE ENTIRE PROJECT SITE (SITES A AND B - APNS: 0232-171-05, -06, -07, -08, -09, -12, -13, AND -14) COMPRISED OF APPROXIMATELY 25 ACRES FROM OPEN SPACE (OS) TO LIGHT INDUSTRIAL (I-L) AND TO ADD AN EMERGENCY SHELTER OVERLAY DISTRICT DESIGNATION ON A PORTION OF THE PROJECT SITE COMPRISED OF FOUR (4) PARCELS (SITE A - APNS: 0232-171-05, -06, -07, AND -08) THAT INCLUDES APPROXIMATELY 7 ACRES

WHEREAS, assessor parcel numbers 0232-171-08, -09, -12, -13, and -14 were annexed from San Bernardino County and incorporated into the City of Fontana on July 21, 1965, and assessor parcel numbers APNs: 0232-171-05, -06, and 07 were annexed from San Bernardino County and incorporated into the City of Fontana on December 18, 1974; and

WHEREAS, on November 13, 2018, the most recent edition of the City of Fontana General Plan ("General Plan") was adopted by the Fontana City Council ("City Council") and the City of Fontana Housing Element was adopted by the City Council on February 8, 2022; and

WHEREAS, on August 31, 2023, the City of Fontana's (the "City") Engineering Department initiated General Plan Amendment (GPA No. 23-003) to amend Figure 15.9 (Land Use Category) in Chapter 15 (Land Use, Zoning and Urban Design) of the General Plan for approximately 25 acres located on the southwest corner of Arrow Boulevard and Tokay Avenue (Sites A and B together "Project Site") from Open Space ("OS") to Light Industrial (I-L) and to include an emergency shelter overlay district designation for Site A; a Zoning Code (District Map) Amendment (ZCA No. 23-004) to change the zoning for the Project Site from Open Space Resource ("OS-R") to light industrial ("M-1") and a Development Code Amendment (ZCA No. 23-005) to add an Emergency Shelter Overlay District designation for Site A. The amendments together are known as Master Case Number 23-092 (MCN 23-092). The attached **Exhibit "A"** depicts the General Plan amendment to amend Exhibit 15.8 (Future Land Use Map) in Chapter 15 (Land Use, Zoning and Urban Design); and,

WHEREAS, the Project Site is divided into two parts, Site A and Site B, each comprised of four parcels. Site A encompasses four (4) parcels (APNs: 0232-171-05, -06, -07, and -08), that front Arrow Boulevard and Site B encompasses four (4) parcels (APNs: 0232-171-09, -12, -13, and -14), that front Tokay Avenue; and

WHEREAS, MCN 23-092 is supported by the goals and policies of the General Plan; and

WHEREAS, an amendment to the General Plan will allow for a mixture of industrial, service and residential uses that will contribute to a sustainable community where future workers may live and utilize the services in the respective area as anticipated in the General Plan; and

WHEREAS, amendment to the General Plan includes the addition of an Emergency Shelter Overlay District designation for Site A that will allow for a variety of housing types including supportive and transitional housing uses; and

WHEREAS, GPA No. 23-003 is supported by the goals and policies of the General Plan; and

WHEREAS, the General Plan Amendment is considered a “Project” as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to the California Environmental Act (CEQA), an Initial Study (IS) /Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) were prepared. A Notice of Intent to Adopt the IS/MND was issued on September 22, 2023, providing for a public comment period from September 22, 2023 to October 17, 2023. No comments were received. The IS concludes that with the implementation of mitigation measures, no significant impacts would be caused by the project, therefore, a MND has been recommended for adoption; and

WHEREAS, all the notices required by statute or the Fontana Municipal Code have been given as required; and

WHEREAS, on October 17, 2023, the Fontana Planning Commission (“Planning Commission”) conducted a noticed public hearing for the project MND, MMRP and MCN 23-092, and received public testimony and evidence presented by the Applicant, City staff and other interested parties, and recommended approval to the City Council by Resolution No. 2023-037 by a vote (3:0); and

WHEREAS, on November 14, 2023, the City Council conducted a noticed public hearing on the project MND, MMRP, and MCN 23-092, received testimony from all parties and documentation from the Planning Commission’s public hearing on October 17, 2023; and

WHEREAS, based on the evidence and testimony presented to the City Council at the public hearing held on November 14, 2023 for the project MND, MMRP, and MCN 23-092 the City Council found that the amendments and project are in conformance with the goals and policies of the General Plan as referred herein; 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, pursuant to Government Code Section 65358 on November 14, 2023 the City Council adopted one General Plan Amendment in the following five parts: Part No. 1 – GPA No. 22-001, Merrill Land Use Re designation; Part No. 2 – GPA No. 22-005, Banana North Apartments; Part No. 3–GPA No. 22-007, Poplar South Distribution Center Project Part No. 4– GPA No. 23-003, Arrow and Tokay Land Use Re designation; and Part No. 5 – GPA No. 23-004, Citrus/Oleander Industrial Commerce Center; and

NOW, THEREFORE, the City Council **RESOLVES** as follows:

SECTION 1. Recitals. The recitals are true, correct and incorporated herein by this reference.

SECTION 2. CEQA. The City Council hereby adopts the MND and approves the MMRP for the project. The City Council finds that the MND contains a complete and accurate reporting of all the environmental impacts associated with the Project. The City Council further finds that the MND has been completed in compliance with CEQA, 2019 Local Guidelines for Implementing the California Environmental Quality Act, and the State CEQA Guidelines.

SECTION 3. General Plan Amendment Findings. The City Council hereby makes the following findings for GPA No. 23-003 in accordance with Section 30-31 “Purpose” of the Fontana Zoning and Development Code:

Finding: **The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.**

Findings of Fact: The project includes a General Plan Amendment for the land use designation of Sites A and B (from OS to I-L) a Zoning District Map Amendment to rezone the same (from OS-R to M-1) and a General Plan and Development Code Amendment to add an Emergency Shelter Overlay District designation for Site A.

The project is consistent with subsection A of the Actions outlined in the City’s first Goal under Section E (Policies and Actions to Achieve the Goals) of Chapter 13 of the General Plan - to “[e]stablish a balanced of industrial and manufacturing development along with services, especially in sectors with living wage jobs.” The site is currently designated as OS-R and a portion of the Project Site, Site B, was once used for mining. The property has since been vacant as the mining operations in Site B have ceased. The land use re-designation will facilitate future revitalization and development

possibilities for the property, which will contribute to opportunities for living wage jobs in an area developed with industrial, service and residential uses.

The project is consistent with subsection A of the Actions outlined in the City's third Goal under Section E of Chapter 13 of the General Plan—to "[r]efine zoning to encourage mixed-use development where appropriate and create standards and procedures to implement connectivity improvements in new development areas." The project site is within 100 feet of the walkable mixed-use downtown and downtown corridors (WMXU-1) area where residential, service, commercial and some light industrial uses are envisioned in the General Plan. Modifying the designation in this area would contribute to a mixture of industrial, service and residential uses that will be developed with sidewalks to provide connectivity to other nearby uses and to contribute to a sustainable community where future workers of industrial, service and residential workers could live, walk, and utilize the services in the area as anticipated in the General Plan.

The land use re-designation is consistent with Goal No. 1 on page 4-10, Policy 1N, Section 4 of the Housing Element: Amend Fontana Zoning Code for a variety of housing types. The project includes the addition of an Emergency Shelter Overlay District designation for Site A. This Emergency Shelter Overlay District will allow for a variety of housing types including supportive and transitional housing uses for properties in this overlay within the Light Industrial (M-1) zoning district.

SECTION 4. General Plan Amendment Approval. Based on the findings in Section 3, the City Council hereby approves GPA No. 23-003 to amend Exhibit 15.8 (Future Land Use Map) in Chapter 15 (Land Use, Zoning and Urban Design) of the General Plan to re-designate the entire Project Site (Sites A and B) from Open Space (OS) to Light Industrial (I-L) and to add an emergency shelter overlay district designation for a portion of the Project Site comprised of four (4) parcels (Site A) as shown as **Exhibit "A"** attached hereto and incorporated herein by reference as fully set forth herein.

SECTION 5. Effective Date. This Resolution shall take effect thirty (30) days after the adoption of the City Council Ordinance adopting Zoning District Map Amendment (ZCA) No. 23-004 and City Council Ordinance adopting Development Code Amendment (ZCA) No. 23-005 whichever is adopted later, provided however, if either of those Ordinances are for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise do not go into effect for any reason, then this Resolution shall be null and void and have no further force and effect.

SECTION 6. 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 7. Certification. The City Clerk of the City Council shall certify to the adoption of this Resolution.

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, APPROVED AND ADOPTED this 14th day of November 2023.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

ATTEST:

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 of Fontana at a regular meeting thereof, held on the 14th day of November 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

EXHIBIT "A"

EXISTING AND PROPOSED GENERAL PLAN LAND USE DESIGNATION (EXHIBIT 15.8 [FUTURE LAND USE MAP] IN CHAPTER 15 [LAND USE, ZONING AND URBAN DESIGN] OF THE GENERAL PLAN) - FOR THE ENTIRE PROJECT SITE (SITES A AND B) COMPRISED OF EIGHT (8) PARCELS (APNS: 0232-171-05, -06, -07, -08, -09, -12, -13, AND -14) FROM OPEN SPACE (OS) TO LIGHT INDUSTRIAL (I-L) AND TO ADD AN EMERGENCY SHELTER OVERLAY DISTRICT DESIGNATION FOR SITE A COMPRISED OF FOUR (4) PARCELS (APNS: 0232-171-05, -06, -07, AND -08)



General Plan Land Use Legend	
	C-C Community Commercial
	I-G Light Industrial
	I-L General Industrial
	OS Open Space
	R-M Medium Density Residential
	R-SF Single Family Residential
	WMXU-1 Walkable Mixed-Use Corridor & Downtown