

ORDINANCE NO. 1947

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, APPROVING, PURSUANT TO AN ADOPTED MITIGATED NEGATIVE DECLARATION AND APPROVED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CITRUS AND BOYLE PROJECT, ZONING DISTRICT MAP AMENDMENT NO. 22-009 TO CHANGE THE ZONING DESIGNATION FOR APN 0251-151-10 FROM COMMUNITY COMMERCIAL (C-1) TO LIGHT INDUSTRIAL (M-1) FOR APPROXIMATELY 0.9 ACRES LOCATED ON THE NORTH SIDE OF SLOVER AVENUE, SOUTH OF BOYLE AVENUE.

WHEREAS, Assessor Parcel Number (“APNS”) 0251-151-10 was annexed from San Bernardino County and incorporated into the City of Fontana on January 25, 1974 and September 19, 2006; and

WHEREAS, on August 29, 2022, the City of Fontana (“City”) received an application from MIG, Inc. (“Applicant”) for a General Plan Amendment (GPA No. 22-009) to change the General Plan land use designation for APN 0251-151-10 from Community Commercial to Light industrial, Zone District Code Map Amendment (ZCA No. 22-009) to change the Zoning District Code Map for APN 0251-151-10 from Community Commercial (C-1) to Light Industrial (M-1), Tentative Parcel Map (Tentative Parcel Map No. 22-029 (TPM No. 20834)) to consolidate twenty-one (21) parcels into one parcel, Design Review (DRP No. 22-054) for the site and architectural review for the construction of one (1) industrial commerce center totaling 355,995 square feet on a 15.8 acre site; and a Development Agreement (AGR No. 23-096) to include a review of the development agreement for a public benefit fee of \$49,722. The amendments together are known as Master Case Number 22-115 (“MCN 22-115”) (or “Project”); and

WHEREAS, the amendment to the Zoning District Map will contribute to a mixture of uses that will contribute to a sustainable community where residents of the City could live and work as anticipated in the General Plan; and

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

WHEREAS, pursuant to CEQA, the City prepared an Initial Study/Mitigated Negative Declaration (“IS/MND”) and Mitigation Monitoring and Reporting Program (“MMRP”), which concluded that, with mitigation, no significant impacts would result from the project. The IS/MND was published for public comment from February 27, 2024 and concluded that, with the implementation of recommended mitigation measures, the Project would have no significant impacts on the environment and, therefore, the Mitigated Negative Declaration (“MND”) has been recommended for adoption; and

WHEREAS, all the notices required by statute and the Fontana City Code have

been given as required; and,

WHEREAS, on March 19, 2024, the Fontana Planning Commission (“Planning Commission”) held a noticed public hearing for the project, specifically the Initial Study/Mitigated Negative Declaration (“IS/MND”), Mitigation Monitoring and Reporting Program MMRP, and MCN 22-115, received public testimony and evidence presented by the Applicant, City staff, and other interested parties and recommended adoption of the IS/MND and approval of the MMRP and MCN 22-115 to the City Council with a vote of 4-0 by Resolution No. 2024-019; and

WHEREAS, on April 9, 2024, the Fontana City Council (“City Council”) conducted a duly noticed public hearing on the project IS/MND and MMRP and MCN No. 22-115, received testimony from all parties and documentation from the Planning Commission’s public hearing on March 19, 2024; and

WHEREAS, the subject property is to be developed below the assumed capacity as identified in the approved Housing Element, however there is still sufficient capacity in the city at the “above moderate” income category to meet the City’s Regional House Needs Assessment (RHNA) allocation; and

WHEREAS, based on the evidence and testimony presented to the City Council at the public hearing held for the project IS/MND, MMRP, and MCN 22-115, the City Council found that the amendments and project comply with CEQA and are in conformance with the goals and policies of the General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

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

Section 2. CEQA. Having considered the adopted MND and all written and oral evidence presented to the City Council, the Council finds that all environmental impacts of the Project have been addressed within the MND, and that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the adopted MND. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana’s 2019 Local Guidelines for Implementing CEQA the City Council finds that the preparation of a subsequent or supplemental CEQA document is not required for the Project.

Section 3. Zoning District Map Amendments Findings. The City Council hereby makes the following findings for ZCA No. 22-009 in accordance with Section 30-40 “Purpose” of the Fontana Zoning and Development Code:

Finding: **The Zoning and Development Code may be amended by changing the development standards (text) or zoning**

designation map boundaries of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety, or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.

Findings of Fact: A Zoning District Map amendment to change the land use of APN 0251-151-10 from C-1 to M-1 would accommodate the development of an industrial commerce center building totaling 355,995 square feet. This project will provide attractive development with quality modern architecture with additional landscaping. This type of development is appropriate in the context of generally accepted planning principles, surrounding land uses and the General Plan because it enhances the surrounding area with an attractive street scene and high-quality landscaping. This type of development will be consistent with the areas to the south and east.

Section 4. Zoning District Map Amendment Approval. The City Council approves ZCA No. 22-009, to amend the zoning designation for the Project Site from C-1 to M-1 for approximately 0.9 acres as shown on **Exhibit "A"** which is attached hereto and incorporated herein.

Section 5. Effective Date/Publication. This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, or after the adoption of the City Council Ordinance approving Development Agreement No. 23-096, whichever occurs later, provided however, if the Ordinance approving the Development Agreement is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this Ordinance shall be null and void and have no further force and effect. This Ordinance shall be published by the City Clerk at least once in the Fontana Herald News, a local newspaper of the general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

Section 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian or records is the City Clerk.

Section 7. Certification. The City Clerk of the City Council shall certify to the adoption of this Ordinance.

Section 8. Severability. If any provision of this Ordinance 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 Ordinance that can be given effect without the invalid provision or application.

APPROVED AND ADOPTED this 23rd day of April 2024.

READ AND APPROVED AS TO LEGAL FORM:

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 Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting on the 9th day of April 2024, and was finally passed and adopted not less than five days thereafter on the 23rd day of April 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

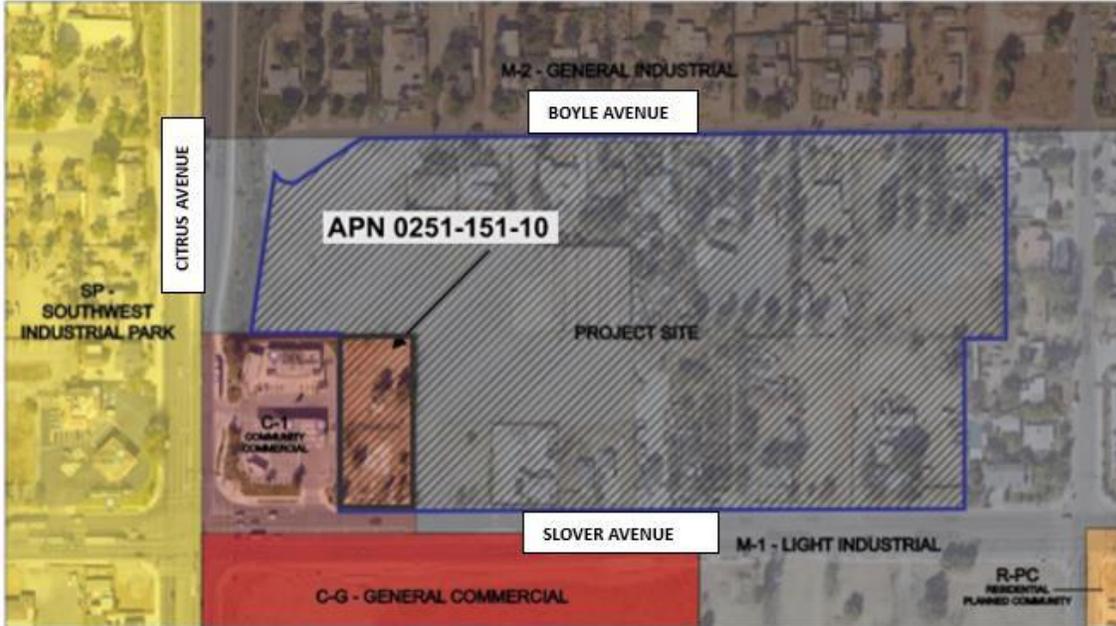
Mayor of the City of Fontana

ATTEST:

City Clerk

“EXHIBIT A”

**EXISTING ZONING MAP DESIGNATION
COMMUNITY COMMERCIAL (C-1)**



**PROPOSED ZONING MAP DESIGNATION
LIGHT INDUSTRIAL (M-1)**

