

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING, PURSUANT TO THE CERTIFIED CITRUS/OLEANDER INDUSTRIAL COMMERCE CENTER EIR (STATE CLEARINGHOUSE NO. 2022110389), THE SPECIFIC PLAN AMENDMENT NO. 23-004, TO SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN TO EXPAND THE SWIP BOUNDARY TO INCLUDE THE ENTIRE PROJECT SITE LOCATED WEST OF CITRUS AVENUE, EAST AND WEST OF OLEANDER AVENUE AND NORTH OF SANTA ANA AVENUE AND DESIGNATE THE PROPERTY SLOVER EAST INDUSTRIAL DISTRICT.**

**WHEREAS**, Assessor Parcel Numbers: 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24 were annexed from San Bernardino County and incorporated into the City of Fontana on May 23, 1966 and September 19, 2006; and

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

**WHEREAS**, the original application was submitted on May 18, 2022, for a General Plan Amendment (GPA) No. 22-004, Zone Change Application (ZCA) No. 22-005, Specific Plan Amendment (SPA) No. 22-002, Development Agreement (DA) No. 23-005, Design Review (DRP) No. 22-029 (Building No. 1), Tentative Parcel Map (TPM) No. 20709 (TPM No. 22-009, Building No. 1), Design Review No. 22-061 (Building No. 2), Tentative Parcel Map (TPM) No. 20708 (TPM No. 22-030, Building No. 2), Design Review No. 22-062 (Building No. 3), Tentative Parcel Map (TPM) No. 20707 (TPM No. 22-031, Building No. 3). - a request for the site and architectural review for the construction of three (3) industrial commerce center buildings having maximum sizes of 151,618 square feet (s.f), 196,336 s.f., and 192,895 s.f. (total of 504,849 s.f.); on three sites with a total project site of approximately 24.8 gross acres; and a Development Agreement No. 23-005 to include a review of the development agreement for a public benefit fee of \$2,145,608.25.

**WHEREAS**, on June 20, 2023, the Fontana Planning Commission ("Planning Commission") received public testimony and evidence presented by the Applicant, City staff and other interested parties at the Public Hearing held with respect to MCN No. 22-053, and after carefully considering all information pertaining to the project, voted 5-0, to recommend approval to Fontana City Council ("City Council") by Resolution No. PC 2023-025; and

**WHEREAS**, on July 25, 2023, the City Council held a duly noticed public hearing on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389) and MCN No. 22-053, where City Council received evidence and testimony concerning the project and denied the project with a vote of 3-2; and

**WHEREAS**, Sections 30-39 (General Plan Amendment, Time limitations) and 30-

74 (Specific Plan Amendment, Time limitations) of the Zoning and Development Code state that if an application is denied by either the Planning Commission or City Council, another application of the same nature and effecting the same property shall not be filed with a period of one year from the date of denial. However, the aforementioned section also provides that a hearing body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate that a new application is warranted; and

**WHEREAS**, on October 4, 2023, John Shardlow with Allen Matkins Leck Gamble Mallory & Natsis LLP, submitted a request on behalf of the Applicant for permission to file a new application based on revisions to the project; and

**WHEREAS**, on October 24, 2023, the City Council approved the reconsideration with a vote of 4-1; and

**WHEREAS**, on October 25, 2023, the Applicant submitted a request for a General Plan Amendment No. 23-004 (GPA No. 23-004) to change the land use designation from Residential Planned Community (R-PC) and Multi-Family Medium/High Residential (R-MFMH) to General Industrial (I-G) on approximately 29.4 adjusted gross acres of a 18 parcels (APNs: 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24, including a five-acre parcel that excludes development); Specific Plan Amendment No. 23-004 (SPA No. 23-004) to expand the Southwest Industrial Park (SWIP) Specific Plan boundary to include the entire property and designate the property Slover East industrial District (SED) that is illustrated in the map attached hereto as **Exhibit "A"**; Zoning District Map Amendment No. 23-006 (ZCA No. 23-006) to rezone the property from Residential Planned Community (R-PC) and Multi-Family Medium/High Density Residential (R-4) to SWIP, Tentative Parcel Map No. 22-009R1 (TPM No. 20709) to consolidate six (6) parcels located at the northeast corner of Citrus Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 1, Tentative Parcel Map No. 22-030R1 (TPM No. 20708) to consolidate six (6) parcels located at the northwest corner of Oleander Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 2, Tentative Parcel Map No. 22-031R1 (TPM No. 20707) to consolidate five (5) parcels located at the northeast corner of Oleander Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 3, Design Review No. 22-029 for the site and architecture review of Building No. 1, Design Review No. 22-061R1 for the site and architecture review of Building No. 2, Design Review No. 22-062R1 for the site and architecture review of Building 3 totaling approximately 532,104 square feet with associated landscaping and parking; and Development Agreement No. 23-085 to include a review of the development agreement for a public benefit fee of \$3,192,624.00 and the owner shall remit payment of an additional One Million Five Hundred Thousand Dollars (\$1,500,000.00) to fund the City's design and construction of an Action Sports Park. All the amendments together are known as Master Case No. 23-100 (MCN No. 23-100); and

**WHEREAS**, on November 14, 2023, the City Council held a duly noticed public hearing on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389) and MCN No. 23-100, received testimony and evidence concerning the

project and found it to be in conformance with the goals and policies of the General Plan, found that the project provides a community that is balanced between residential, commercial and industrial that is developed to high standards, and found that the project provides diverse economic and social opportunities for our citizens and those who wish to invest in the City of Fontana ("City"); and

**WHEREAS**, on November 14, 2023, pursuant to Resolution No. 2023-110 the City Council certified the Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389) and adopted the Mitigated Monitoring and Reporting Program ("MMRP") for the revised project; and

**WHEREAS**, all the notices required by statute and the FMC have been given as required.

**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.** Consistent with the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389) was prepared for development, including the General Plan Amendment and Tentative Vesting Map. The City Council has certified the Citrus/Oleander Industrial Commerce Center EIR and adopted the MMRP and, based on the CEQA Sections 15162 through 15164, staff has determined that none of the criteria requiring a subsequent environmental document have been met and that further environmental analysis is not required. A Notice of Determination has been prepared.

**SECTION 3. Specific Plan Amendment Findings.** The City Council hereby makes the following findings for SPA No. 23-004 in accordance with Section 30-67 "Purpose" of the Fontana Zoning and Development Code:

**Finding:**                    **A Specific Plan may be amended by changing the development standards or zoning designation 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:**        The specific plan amendment to the existing Southwest Industrial Park Specific Plan (SWIP) is to expand the SWIP boundary to include the entire 29.4 acres to allow for the potential development

of three industrial commerce buildings totaling 532,104 square feet. This development will provide attractive development with quality modern type of architecture and vast landscaping. This type of development will enhance the industrial areas with an attractive street scene and high-quality industrial development. This type of development will be consistent with the areas to the south and west.

**SECTION 4. Specific Plan Amendment Approval.** The City Council hereby approves SPA No. 23-004 and the Southwest Industrial Park Specific Plan is expanded to include APNs: 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24 in the SWIP and designate the area as Slover East Industrial District 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, shall be published by the City Clerk at least once in the Fontana Herald News, or 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 of 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 14th day of November 2023.

**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

Ordinance No. \_\_\_\_

Page 5 of 6

by the City Council and was introduced at a regular meeting on the 14th day of November, 2023, and was finally passed and adopted not less than five days thereafter on the 12th day of December, 2023, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

---

City Clerk of the City of Fontana

---

Mayor of the City of Fontana

**ATTEST:**

---

City Clerk

## EXHIBIT "A"

### SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN LAND USE MAP AMENDMENT

