

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, APPROVING, PURSUANT TO A MITIGATED NEGATIVE DECLARATION, ZONING DISTRICT MAP AMENDMENT NO. 23-004 TO CHANGE THE ZONING DESIGNATION FOR THE PROJECT SITE (SITES A AND B - APNS: 0232-171-05, -06, -07, -08, -09, -12, -13, AND -14) FROM OPEN SPACE - RESOURCE (OS-R) TO LIGHT INDUSTRIAL (M-1) FOR A SITE COMPRISED OF APPROXIMATELY 25 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; Zoning 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 Development Code Amendment (ZCA) No. 23-005 to add an Emergency Shelter Overlay District designation for Site A. The attached **Exhibit "A"** depicts the Zoning District Map Amendment to re designate the entire project site (Sites A and B) from Open Space - Resource (OS-R) to Light Industrial (M-1); 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, the amendments to the Zoning District Map will contribute to mixture of industrial, service, and residential uses that will contribute to a sustainable community where future workers at the project site could live and utilize the services in the area as anticipated in the General Plan; and

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

WHEREAS, on October 17, 2023, the Fontana Planning Commission (“Planning Commission”) held a noticed public hearing for the project MND, MMRP, and MCN 23-092, 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. 2023-039 by a vote (3:0); and

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

WHEREAS, on November 14, 2023, per Resolution XXX, the City Council adopted the MND and approved the MMRP; 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 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.

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 Mitigated Negative Declaration 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 Mitigated Negative Declaration, 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 Mitigated Negative Declaration. 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 Amendment Findings. The City Council hereby makes the following findings for ZCA No. 23-004 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 "refine 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. Zoning District Map Amendment Approval. Based on the findings in Section 3, the City Council hereby approves ZCA No. 23-004 to modify the Zoning District Map current designation of the Project Site from Open Space - Resource (OS-R) to Light Industrial (M-1) as shown as **Exhibit "A"** attached hereto and incorporated herein by reference as fully set forth 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, 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 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:

Ordinance No. 2023 - ____

City Clerk of the City of Fontana

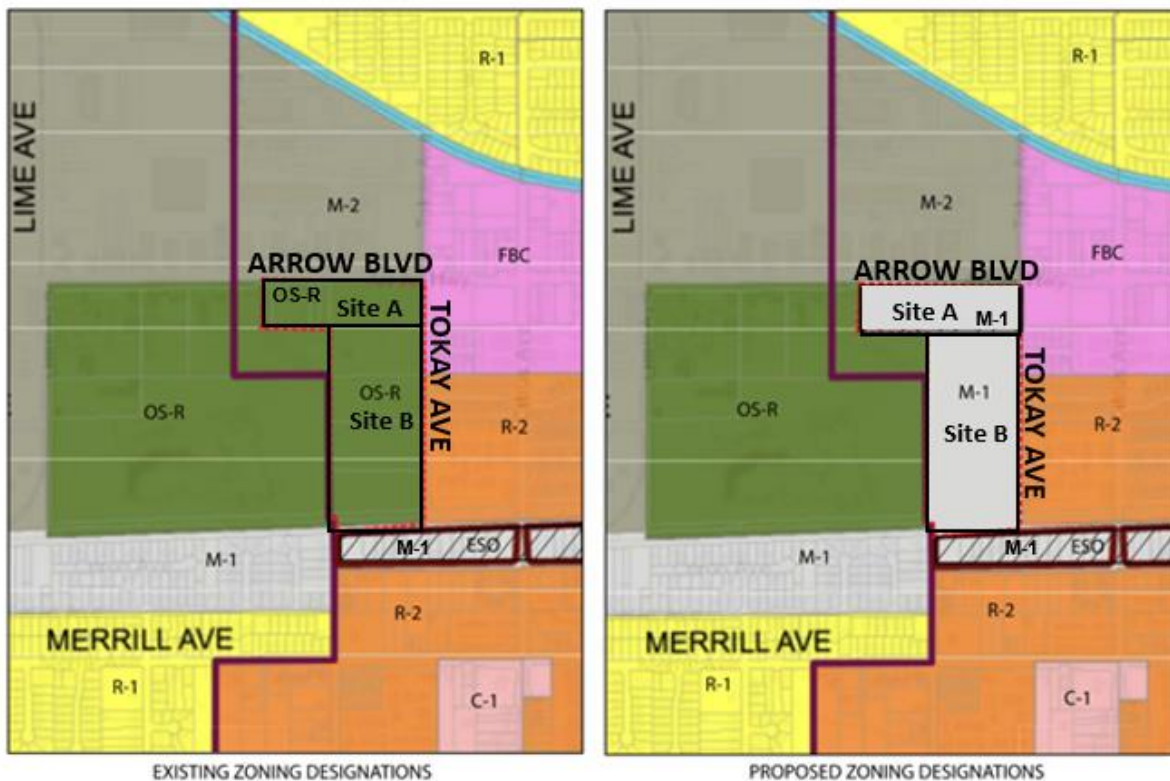
Mayor of the City of Fontana

ATTEST:

City Clerk

“EXHIBIT A”

EXISTING AND PROPOSED ZONING LAND USE DESIGNATION - FOR THE PROJECT SITE (SITES A & B) COMPRISED OF EIGHT (8) PARCELS (APNS: 0232-171-05, -06, -07, -08, -09, -12, -13, AND -14) FROM OPEN SPACE - RESOURCE (OS-R) TO LIGHT INDUSTRIAL (M-1)



Zoning Legend

- C-1 Community Commercial
- M-1 Light Industrial
- M-2 General Industrial
- OS-R Open Space - Resource
- R-1 Single Family Residential
- R-2 Medium Density Residential
- FBC Form-Based Code