

RESOLUTION NO. 25-024

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 LIVE OAK AVENUE ON THE EAST SIDE OF LIVE OAK AVENUE AND SOUTH OF VILLAGE DRIVE AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.

WHEREAS, the street right-of-way segment is located at Live Oak Avenue, located on the east side of Live Oak Avenue and south of Village Drive, (the "Property"), as shown in Exhibit "B"; and

WHEREAS, the City proposes to vacate, abandon, and dispose of that portion of Live Oak Avenue located on the east side of Live Oak Avenue and south of Village Drive to accommodate the roadway re-alignment as approved by City Council Resolution 2025-021 to allow the land to be better utilized; 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

ATTACHMENT NO. 2

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 July 15, 2025, the Planning Commission reviewed the General Plan conformance findings.

NOW THEREFORE, BE IT RESOLVED 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, abandonment, or disposition is consistent with a City's adopted General Plan and 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 Live Oak Avenue located on the east side of Live Oak Avenue and south of Village Drive 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 in which it can attract and retain future businesses and create additional jobs. By authorizing this vacation and abandonment, 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, abandonment, 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 Live Oak Avenue, located on the east side of Live Oak Avenue and south of Village Drive 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 15th day of July 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 15th day of July, 2025, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joseph Armendarez, Secretary

EXHIBIT "A"
LEGAL DESCRIPTION
STREET VACATION

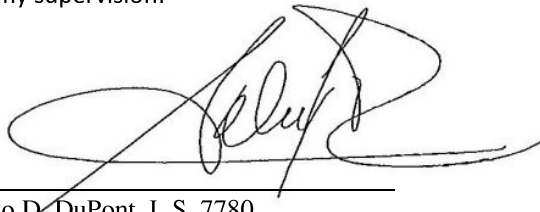
THOSE PORTIONS OF LIVE OAK AVENUE AND OLD LIVE OAK AVENUE, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SAID STREETS ARE SHOWN ON TRACT NO. 12064-2 AS PER MAP FILED IN BOOK 176, PAGES 78 THROUGH 97, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 28 OF SAID TRACT NO. 12064-2, SAID POINT BEING ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 135.51 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 70°42'52" EAST; THENCE NORTHERLY ALONG SAID CURVE, BEING ALSO THE EASTERLY LINE OF SAID LOT 28, THROUGH A CENTRAL ANGLE OF 34°05'37", AN ARC DISTANCE OF 80.63 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°04'14", AN ARC DISTANCE OF 54.56 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 20.00 FEET; THENCE WESTERLY ALONG SAID CURVE, BEING ALSO THE NORTHERLY LINE OF SAID LOT 28, THROUGH A CENTRAL ANGLE OF 70°14'14", AN ARC DISTANCE OF 24.52 FEET; THENCE LEAVING SAID NORTHERLY LINE OF LOT 28, NORTH 03°19'14" EAST, 1.06 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 836.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 34°57'58" EAST, SAID CURVE BEING 36.00 FEET SOUTHEASTERLY, MEASURED CONCENTRICALLY FROM THE CENTERLINE OF LIVE OAK AVENUE AS SHOWN ON SAID TRACT NO. 12064-2; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°02'22", AN ARC DISTANCE OF 365.35 FEET; THENCE SOUTH 60°00'20" EAST, RADIAL TO PREVIOUSLY DESCRIBED CURVE, 2.52 FEET TO AN ANGLE POINT IN THE EASTERLY LINE OF SAID TRACT NO. 12064-2, BEING ALSO THE WESTERLY LINE PARCEL 1 OF PARCEL MAP NO. 20565, AS PER MAP RECORDED IN BOOK 262, PAGES 100 THROUGH 103, INCLUSIVE OF PARCEL MAPS, RECORDS OF SAID COUNTY; THENCE SOUTH 19°17'30" WEST, ALONG SAID WESTERLY LINE, 344.95 FEET; THENCE SOUTH 77°41'11" WEST, 16.71 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 116.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°43'41", AN ARC DISTANCE OF 72.33 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 22,954 SQUARE FEET OR 0.527 ACRES, MORE OR LESS

SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Prepared under my supervision:




Armando D. DuPont, L.S. 7780



10-3-24

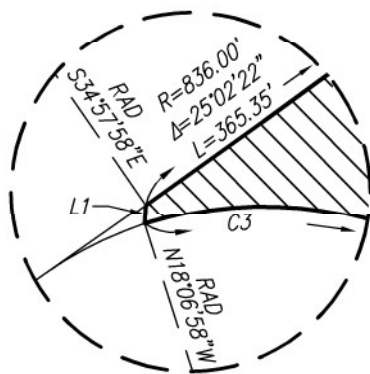
EXHIBIT "B"

PLAT TO ACCOMPANY DESCRIPTION

 = PORTION OF STREET TO BE VACATED
AREA = 22,954 SQ. FT. OR 0.527 AC.



0' 30' 60'
SCALE: 1"=60'



SEE DETAIL
NO SCALE

TRACT

NO.

12064-2

M.B.

176/78-97

PARCEL 1
PM NO. 20565
P.M.B. 262/100-103

LOT 28

RAD N52°07'17"E
PCC
T.P.O.B.
RAD S75°11'31"W

RAD S23°24'52"W
C1
RAD S70°42'52"E
P.O.C.

FUTURE R/W

OLD LIVE OAK AVENUE



CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	135.51'	34°05'37"	80.63'
C2	135.51'	23°04'14"	54.56'
C3	20.00'	70°14'14"	24.52'
C4	116.00'	35°43'41"	72.33'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N03°19'14"E	1.06'
L2	S60°00'20"E RAD	2.52'
L3	S77°41'11"W	16.71'

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