

ORDINANCE NO. 1994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA APPROVING, PURSUANT TO AN ADDENDUM TO THE ARBORETUM SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT, SPECIFIC PLAN AMENDMENT NO. 23-000002, AN AMENDMENT TO THE ARBORETUM SPECIFIC PLAN TO MODIFY PERMITTED LAND USES AND TO RECONFIGURE PLANNING AREAS AND PARK SITES.

WHEREAS, on May 18, 2023, the City of Fontana ("City") received an application for a General Plan Amendment ("GPA No. 23-000002"), Specific Plan Amendment ("SPA No. 23-000002"), Tentative Tract Map ("TTM No. 26-0006 (20646)"), Tentative Parcel Map ("TPM No. 23-000008 (20851)"), Design Review ("DRP No. 23-000011"), Conditional Use Permit ("CUP No. 23-000005"), and Development Agreement Amendment ("AGR No. 23-000012") (collectively, MCN No. 23-000044) from North Fontana Investment Company ("Applicant") to facilitate the development of a new 69,617 square foot commercial center on Assessor Parcel Number 0239-081-52 ("Project Site");

WHEREAS, SPA No. 23-000002 has been initiated to amend the Arboretum Specific Plan to modify the permitted land uses within the specific plan areas and to reconfigure the planning areas and designated park site; and

WHEREAS, on June 2, 2026, the Fontana Planning Commission ("Planning Commission") held a noticed public hearing and received public testimony and evidence from the Applicant, City staff, and other interested parties for MCN 23-000044 and the Addendum to the Arboretum Specific Plan Environmental Impact Report ("Arboretum EIR") and Mitigation Monitoring and Reporting Program ("MMRP"). After carefully considering all information pertaining to the project, the Planning Commission voted 5-0 to recommend that the Fontana City Council ("City Council") approve MCN No. 23-000044 and the Addendum to the Arboretum Specific Plan EIR and MMRP by Resolution No. PC 2026-022; and

WHEREAS, on July 14, 2026, the City Council held a noticed public hearing on the Addendum to the Arboretum Specific Plan EIR, MMRP, and MCN No. 23-000044, and received testimony from all parties, as well as documentation from the Planning Commission's public hearing held on June 2, 2026; and

WHEREAS, on July 14, 2026, the City Council adopted the Addendum to the Arboretum Specific Plan EIR; and

WHEREAS, based on the information presented to the City Council at the public hearing held on July 14, 2026, the City Council determines that the amendment to the Arboretum Specific Plan is consistent with the goals and policies of the General Plan, which call for a balanced community of residential, commercial, and industrial uses, developed with high standards, and the provision of diverse economic and social opportunities for our citizens and those who wish to invest in the City.

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. Compliance with California Environmental Quality Act. As the decision-making body for the Project, the City Council has reviewed and considered the Arboretum Specific Plan FEIR and Addendum, any oral or written comments received, and the administrative record prior to making any decision on the Proposed Project. The City Council finds that the Addendum and Arboretum Specific Plan FEIR contain a complete and accurate reporting of all of the environmental impacts associated with the Proposed project. The City Council further finds that the Addendum has been completed in compliance with the State CEQA Guidelines and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not limited to, the Arboretum Specific Plan FEIR, the Addendum, and all related information presented to the City Council, the City Council finds that the proposed project necessitates only minor modifications to the Arboretum Specific Plan FEIR. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the Arboretum Specific Plan FEIR is the appropriate document for the project.

The City Council further finds that the preparation of a subsequent or supplemental EIR is not required for the proposed project because the project:

- A. Will not result in substantial changes that would require major revisions of the Arboretum Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. Will not result in substantial changes with respect to the circumstances under which the proposed project are developed that would require major revisions of the Arboretum Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. Does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Arboretum Specific Plan FEIR documents were certified showing any of the following:
 - (i) The proposed project would have one or more significant effects not discussed in the EIR;
 - (ii) That significant effects previously examined would be substantially more severe than shown in the EIR;
 - (iii) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially

- reduce one or more significant effects, but the lead agency declined to adopt such measures; and
- (iv) That mitigation measures or alternatives considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

Section 4. Findings on Environmental Impacts. Having considered the Addendum, the administrative record, the Arboretum Specific Plan FEIR and all written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the proposed project have been addressed within the Arboretum Specific Plan FEIR and the Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council further finds that there is no substantial evidence in the administrative record supporting a fair argument that the proposed project may result in any significant environmental impacts beyond those analyzed in the Arboretum Specific Plan FEIR. The City Council finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the proposed project and reflects the independent judgment and analysis of the City Council.

Section 5. Adoption of the Addendum to the Arboretum Specific Plan FEIR. The City Council hereby adopts the Addendum to the EIR for the Arboretum Specific Plan Program Environmental Impact Report (SCH No. 2006071109) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA. The City Council further directs staff to file a Notice of Determination.

Section 6. Specific Plan Amendment Findings. The City Council hereby makes the following findings for Specific Plan Amendment No. 23-000002 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 establishes an additional commercial land use district/designation within the Arboretum Specific Plan and modifies the allowable residential densities in the remaining undeveloped residential designations in the specific plan area. The amendment encourages attractive commercial and residential development and will enhance the gateway into the city along Sierra Avenue. Updates to the specific plan will also encourage residential development that is consistent with existing development and

commercial development and complements existing development while providing service and convenient land uses for residents in the area. The proposed changes are necessary to promote the public's health, safety, and general welfare because it supports a new and attractive development in the area that will facilitate a development that will improve health and mobility in the vicinity.

Section 7. Approval. Based on the findings in Section 6, SPA No. 23-000002 is hereby approved, and the Arboretum Specific Plan is hereby amended to include the modifications as shown in Exhibit "A", attached hereto and incorporated herein by this reference.

Section 8. 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 9. 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 16860 Valencia Avenue, Fontana, CA 92335. The custodian or records is the City Clerk.

Section 10. Certification. The City Clerk of the City Council shall certify to the adoption of this Ordinance.

Section 11. 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 11th day of August 2026.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

Ordinance No. 1994

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 July 2026, and was finally passed and adopted not less than five days thereafter on the 11th day of August 2026, 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”