

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Wednesday, November 15, 2023

7:30 AM

(Continued from the Regular City Council and Fontana Housing Authority Meeting held on November 14, 2023)

Grover W. Taylor Council Chambers

City Council and Fontana Housing Authority Meeting

Acquanetta Warren – Mayor/Authority Member
Peter A. Garcia - Mayor Pro Tem/Chairperson
John B. Roberts - Council Member/Vice-Chairperson
Jesus "Jesse" Sandoval - Council Member/Authority Member
Phillip Cothran - Council Member/Authority Member
Germaine Key - City Clerk/Authority Secretary
Janet Koehler-Brooks, City Treasurer

CALL TO ORDER/ROLL CALL:

A. 7:30 A.M. Call To Order/Roll Call:

The Regular Meeting of the Fontana City Council and Fontana Housing Authority was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Wednesday, November 15, 2023.

Mayor Warren called the Regular City Council Meeting to order at 7:31 a.m.

Chairperson Garcia called the Fontana Housing Authority Meeting to order at 7:34 a.m.

ROLL CALL:

PRESENT: Mayor/Authority Member Warren, Mayor Pro Tem/Chair Garcia, Council Member/Vice-Chair Roberts, Council Members/Authority Members Sandoval and Cothran.

ABSENT: None

City Treasurer Janet Koehler-Brooks was also in attendance.

City Clerk/Authority Secretary Germaine Key was absent.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

The invocation was given by Council Member Roberts, followed by the pledge of allegiance led by Council Member Cothran.

PUBLIC HEARINGS:

Public Hearing Item A:

Mayor Warren opened the Public Hearing.

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| A. | Fourth Combined General Plan Amendments and Projects for the 4th General Plan Cycle of 2023; Part No. 1 - Merrill Land Use Redesignation and associated Mitigated Negative Declaration, Part No. 2 - Banana North Multi-Family Project and associated Mitigated Negative Declaration, Part No. 3 - Poplar South Distribution Center Project and associated Environmental Impact Report, Part No. 4 Arrow and Tokay Land Use Redesignation and associated Mitigated Negative Declaration, and Part No. 5 - Citrus/Oleander Industrial Commerce Center and associated Environmental Impact Report. | 21-2440 |
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Part No. 1 - Merrill Land Use Redesignation

Master Case No. (MCN) 22-040, General Plan Amendment (GPA) 22-001, and Zoning District Map Amendment (ZCA) No. 22-001 to amend the General Plan land use designation of the project site of approximately 6.4 acres of land located north of Merrill Avenue between Alder Avenue and Laurel Avenue from Single-Family Residential (R-SF) to Multi-Family Medium/High Density Residential (R-MFMH) and Zoning District Map (ZCA) 22-001 to change the zoning from Single-Family Residential (R-1) to Multi-Family Medium/High Density Residential (R-4), pursuant to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. No development is proposed as part of this project.

1a) Adopt Resolution No. 2023-106, (Part No. 1 of General Plan Amendment cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana adopting a Mitigated Negative Declaration, approving Mitigation Monitoring and Reporting Program and directing staff to file a Notice of Determination; approving General Plan Amendment No. 22-001 (Part No. 1 of General Plan Amendment cycle No. 4 of 2023) amending General Plan Exhibit 15.8 Chapter 15 (land Use, Zoning and Urban Design) of the General Plan Land Use Designation for APNs: 0246-151-50, -51, -52, -56, -71, and -77 on approximately 6.4 acres of land located north of Merrill Avenue between Alder Avenue and Laurel Avenue, from Single-Family Residential (R-SF) to Multi-Family Medium/High Density Residential (R-MFMH) and,

1b) Read by title only and waive further reading of and introduce **Ordinance No. 1926**, an Ordinance of the City Council of the City of Fontana, approving a Zoning District Map Amendment (ZCA No. 22-001) changing the zoning designation from Single-Family Residential (R-1) to Multi-Family Medium/High Density Residential (R-4) on approximately 6.4 acres located on the north side of Merrill, between Alder Avenue and Laurel Avenue; and that the reading of the title constitutes the first reading thereof.

Assistant Planner Alexia Del La Torre provided the staff report.

Mayor Warren opened the Public Hearing.

There was no written correspondence received.

With no one interested to speak in favor or opposition of this item Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia and passed by a vote of 4-1 to approve staff recommendation on Public Hearing Item "A" Part 1. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None ABSENT: None

Part No. 2 - Banana North Apartments

Master Case No. 22-037: General Plan Amendment (GPA) No. 22-005, Zoning District Map Amendment (ZCA) No. 22-006, Development Code Amendment (ZCA) No. 22-007, and Design Review Project (DRP) 22-020 - to change the General Plan land use map, Exhibit No. 15.8 and Exhibit No. 15.9 from Single-Family Residential (R-SF), to Walkable Mixed Used Corridor and Downtown (WMXU-1), a Zoning District Map Amendment (ZCA) 22-006 to update the Zoning District Map from Single-Family Residential (R-1) to Form-Based Code (FBC), and a Zoning and Development Code Amendment (ZCA) 22-007 to change the Form-Based Code Map, Section No. 30-406, to identify the subject properties as Route 66 Gateway sub-district on APNs: 0230-041-33, -44, -52, -60, and -61 totaling approximately 2.4 adjusted gross acres, and Design Review Project (DRP) 22-020 to develop a new 24-unit apartment project on two (2) parcels, APNs 0230-041-52 and -60, totaling approximately 0.9 gross acres, pursuant to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

2a) Adopt Resolution No. 2023-107, (Part No. 2 of General Plan Amendment Cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana approving the Mitigated Negative Declaration (MND) and with Mitigation Monitoring and Reporting Program (MMRP) pursuant to Section No. 15070 of the California Environmental Quality Act (CEQA) and Section No. 6.04 of the 2019 Local Guidelines for implementing CEQA, and approving a General Plan Amendment (GPA) 22-005 to change the General Plan land use map, Exhibit No. 15.8 and Exhibit No. 15.9, from Single-Family Residential (R-SF) to Walkable Mixed Used Corridor and Downtown (WMXU-1), for approximately 2.4 adjusted gross acres, and Design Review Project (DRP) 22-020 to develop a new 24-unit apartment project on two (2) parcels, APNs 0230-041-52 and -60, totaling approximately 0.9 adjusted gross acres and associated improvements, respectively, and subject to the Conditions of Approval; and,

2b) Read by title only and waive further reading of and introduce **Ordinance No. 1927**, an Ordinance of the City Council of the City of Fontana, approving a Zoning District Map Amendment (ZCA) No. 22-006 to update the Zoning District Map from Single-Family Residential (R-1) to Form-Based Code (FBC) for the project site that is comprised of five (5) existing parcels (APNs: 0230-041-33, -44, -52, -60, AND -61) located on the east side of Banana Avenue approximately 270 feet south of the southeast corner of the intersection of Foothill Boulevard and Banana Avenue, and that the reading of the title constitutes the first reading thereof; and,

2c) Read by title only and waive further reading of and introduce **Ordinance No. 1928**, an Ordinance of the City Council of the City of Fontana, approving a Development Code Amendment (ZCA) No. 22-007 to change the Form-Based Code Map, Section No. 30-406, to identify the subject properties as Route 66 Gateway sub-district for the project site that is comprised of five (5) existing parcels (APNs: 0230-041-33, -44, -52, -60, AND -61) located on the east side of Banana Avenue approximately 270 feet south of the southeast corner of the intersection of Foothill

Boulevard and Banana Avenue; and that the reading of the title constitutes the first reading thereof.

Associate Planner Jon Dille provided the staff report.

Mayor Warren opened the Public Hearing.

There was no written correspondence received.

The following individuals spoke in opposition of the item:

1. Jennifer Cardenas
2. Alex Enamorado

Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts and unanimously passed by a vote of 5-0 to approve staff recommendation on Public Hearing Item "A" Part 2. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

Part No. 3 - Poplar South Distribution Center Project

Master Case No. 22-079: General Plan Amendment (GPA) No. 22-007, Specific Plan Amendment (SPA) No. 22-003, Development Agreement (AGR) No. 22-003, Tentative Parcel Map (TPM No. 20638) No. 22-016, Design Review (DRP) No. 22-040 - Amendment of the subject site's land use designations for approximately 18.8 adjusted gross acres from Residential Trucking (R-T) to General Industrial (I-G) and proposed site and architectural design for the development of an industrial commerce center building totaling approximately 490,565 square feet, and associated Final Environmental Impact Report (EIR).

3a) Adopt Resolution No. 2023-108, a Resolution of the City Council of the City of Fontana certifying the Final Environmental Impact Report (FEIR), (State Clearinghouse No. 2022090611), adopting a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and a Statement of Facts and Findings, and directing staff to file a Notice of Determination;

3b) Adopt Resolution No. 2023-109, (Part No. 3 of General Plan Amendment cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana approving General Plan Amendment No. 22-007 (Part No. 4 of General Plan Amendment cycle No. 4 of 2023) amending General Plan Exhibit 15.8 to change the General Plan Land Use designation on approximately 18.8 adjusted gross acres (APNs 0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -6, -17, -18, -19, and 0237-172-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -19, -22, -23, -26, -27, -28, -30, -31, -32, 33) from Residential Trucking (R-T) to General Industrial (I-G) and approving Tentative Parcel Map No. 20638 (TPM No. 22-016) to process

a parcel map to consolidate forty-one (41) parcels into one parcel to develop a project site and approving Design Review No. 22-040 for the site and architecture review for a building totaling approximately 490,565 square feet and associated on-site and off-site improvements subject to the Conditions of Approval; and,

3c) Read by title only and waive further reading of and introduce **Ordinance No. 1929**, an Ordinance of the City Council of the City of Fontana, approving a Specific Plan Amendment No. 22-003, to amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to change 18.8 acres located west of Catawba Avenue, east of Poplar Avenue and north and south of Rose Avenue from Residential Trucking District (RTD) to Slover East Industrial District (SED), and that the reading of the title constitutes the first reading thereof; and,

3d) Read by title only and waive further reading of and introduce **Ordinance No. 1930**, an Ordinance of the City Council of the City of Fontana, approving Development Agreement No. 23-003 to include payment of a public benefit fee.

Associate Planner Alejandro Rico provided the staff report.

Mayor Warren opened the Public Hearing.

There was no written correspondence received.

The following individuals spoke in opposition of the item:

1. Stacy Ramos

RECESS:

Mayor Warren called for a recess at 7:54 am.

The meeting reconvened at 7:55 am with all members present.

Part No. 3 - Poplar South Distribution Center Project – Continued

The following individuals spoke in opposition of the item:

2. Ana Gonzalez
3. Claudia Cuevas
4. Jennifer Cardenas
5. Joaquin Castillejos
6. Elizabeth Sena

Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran and passed by a vote of 4-1 to approve staff recommendation on Public Hearing Item “A” Part 3. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None ABSENT: None

Part 4 - Arrow and Tokay Land Use Redesignation

Master Case No. (MCN) MCN23-092: General Plan Amendment (GPA) No. 23-003, Zoning District Map Amendment (ZCA) No. 23-004, and Development Code Amendment (ZCA) No. 23-005 to amend the land use designation of the project site of approximately 25 acres of land located on the southwest corner of Arrow Boulevard and Tokay Avenue (which is divided into Sites A and B, consisting of four (4) parcels each) from Open Space (OS) to Light Industrial (I-L) and to include an Emergency Shelter Overlay District designation for Site A of the project; change the zoning from Open Space - Resource (OS-R) to Light Industrial (M-1) for the project site; and to add an Emergency Shelter Overlay District designation for Site A that is comprised of four (4) parcels, pursuant to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. No development is proposed as part of this project.

4a) Adopt Resolution No. 2023-110, (Part No. 4 of General Plan Amendment cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and directing staff to file a Notice of Determination; approving General Plan Amendment No. 23-003 (Part No. 4 of General Plan Amendment cycle No. 4 of 2023) amending General Plan Exhibit 15.8 (Future Land Use Map) in Chapter 15 (Land Use, Zoning and Urban Design) of the General Plan to change the General Plan Land Use for the entire project site (Sites A and B - APNS: 0232-171-05, -06, -07, -08, -09, -12, -13, AND -14) comprised of approximately 25 acres from Open Space (OS) to Light Industrial (I-L) and to add an Emergency Shelter Overlay District designation on a portion of the project site comprised of four (4) parcels (Site A - APNS: 0232-171-05, -06, -07, AND -08) that includes approximately 7 acres; and,

4b) Read by title only and waive further reading of and introduce **Ordinance No. 1931**, an Ordinance of the City Council of the City of Fontana, approving a Zoning District Map Amendment (ZCA) No. 23 004 to change the zoning designation of the entire 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) comprised of approximately 25 acres and that the reading of the title constitutes the first reading thereof; and,

4c) Read by title only and waive further reading of and introduce Ordinance No. 1932, an Ordinance of the City Council of the City of Fontana, approving a Development Code Amendment (ZCA) No. 23 005 to amend Section 30 651(A), Figure 1 of the Zoning and Development Code to add an Emergency Shelter Overlay District designation to Site A comprised of four (4) parcels (APNs: 0232 171 05, 06, 07, and 08) that includes approximately 7 acres and that the reading of the title constitutes the first reading thereof.

Senior Planner Rina Leung provided the staff report.

Mayor Warren opened the Public Hearing.

There was no written correspondence received.

The following individuals spoke in opposition of the item:

1. Stacy Ramos
2. Joaquin Castillegos
3. Jennifer Cardenas
4. Elizabeth Sena
5. Claudia Cuevas

Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts and passed by a vote of 4-1 to approve staff recommendation on Public Hearing Item "A" Part 4. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None ABSENT: None

Part No. 5 - Citrus/Oleander Industrial Commerce Center Project

Master Case No. 23-100: Master Case No. 23-100: Citrus/Oleander Industrial Commerce Center Environmental Impact Report (State Clearinghouse No. 2022110389), General Plan Amendment (GPA) No. 23-004, Zoning District Map Amendment (Zone Change) No. 23-006, Specific Plan Amendment (SPA) No. 23-004, Tentative Parcel Map No. 22-009R1 (TPM No. 20709) (Building No. 1), Design Review (DRP) No. 22-029R1 (Building No. 1), Tentative Parcel Map No. 22-030R1 (TPM No. 20708) (Building No. 2), Design Review No. 22-061R1 (Building No. 2), Tentative Parcel Map No. 22-031R1 (TPM No. 20707) (Building No. 3), Design Review No. 22-062R1 (Building No. 3), and Development Agreement (DA) No. 23-085, - Amendment of the subject site's General Plan land use designation for approximately 29.4 adjusted gross acres (inclusive of a five-acre parcel that does not include development) from Residential Planned Community (R-PC) and Multiple-Family Medium/High Density Residential (R-MFMH) to General Industrial (I-G), amendment of the Zoning District Map to change the project area zoning designation from Residential Planned Community and Multiple-Family Medium/High Density Residential (R-4) to Southwest Industrial Park (SWIP) Specific Plan for approximately 29.4 adjusted gross acres, amendment of the Southwest Industrial Park Specific Plan (SWIP) to expand the specific plan boundaries to include the project area and designate it as Slover East Industrial District (SED) for approximately 29.4 adjusted gross acres, tentative parcel maps for the consolidation of parcels, and proposed site and architectural design for the development of three (3) industrial commerce center buildings totaling approximately 532,104 square feet, Development Agreement for a public benefit fee, and associated Final Environmental Impact Report (EIR).

5a) Adopt Resolution No. 2023-111, a Resolution of the City Council of the City of Fontana certifying the Citrus/Oleander Industrial Commerce Center Final Environmental Impact Report (FEIR), (State Clearinghouse No. 2022110389), adopting a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and a Statement of Facts and Findings, and directing staff to file a Notice of Determination;

5b) Adopt Resolution No. 2023-112, (Part No. 5 of General Plan Amendment cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana approving General Plan Amendment No. 23-004 (Part No. 5 of General Plan Amendment cycle No. 4 of 2023) amending General Plan Exhibit 15.8 to change the General Plan Land Use designation on approximately 29.4 adjusted gross acres (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 (inclusive of a five-acre parcel that does not include development) from Residential Planned Community (R-PC) and Multiple-Family Medium/High Residential (R-MFMH) to General Industrial (I-G) and approving Tentative Parcel Map No. 22-009R1 (TPM No. 20709) to consolidate six (6) parcels 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 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 into one to develop the project site for Building No. 3; Design Review No. 22-029R1 for the design of Building No. 1; Design Review No. 22-061R1 for the design of Building No. 2; and Design Review No. 22-062R1 for the design of Building No. 3, all totaling approximately 532,104 square feet and including associated on-site and off-site improvements subject to the Conditions of Approval; and,

5c) Read by title only and waive further reading of and introduce **Ordinance No. 1933**, an Ordinance of the City Council of the City of Fontana, approving, pursuant to the certified Environmental Impact Report for the Citrus/Oleander Industrial Commerce Center (State Clearinghouse No. 2022110389), Zoning District Map Amendment No. 23-006 to change the zoning designation for 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 where no development is currently proposed, from Residential Planned Community (R-PC) and Multi-Family Medium/High Density Residential (R-4) to Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District for approximately 29.4 acres located west of Citrus Avenue, east and west of Oleander Avenue and north of Santa Ana Avenue, and that the reading of the title constitutes the first reading thereof; and,

5d) Read by title only and waive further reading of and introduce **Ordinance No. 1934**, an Ordinance of the City Council of the City of Fontana, approving a Specific Plan Amendment No. 23-004, to amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to expand the SWIP boundary to include the entire 29.4 acres located west of Citrus Avenue, east and west of Oleander Avenue and

north of Santa Ana Avenue, and that the reading of the title constitutes the first reading thereof; and,

5e) Read by title only and waive further reading of and introduce **Ordinance No. 1935**, an Ordinance of the City Council of the City of Fontana, approving Development Agreement No. 23-085 to include payment of public benefit fee in the amount of \$3,192,624.00 and payment of an additional \$1,500,000.00 to fund design and construction of an Action Sports Park at Martin Tudor Regional Park; and that the reading of the title constitutes the first reading thereof.

Senior Planner Salvador Quintanilla provided the staff report.

Council Member Sandoval expressed concerns with the project and the traffic impact from the stacking of trucks in the area.

Council Member Cothran asked what recourse the City would have should stacking occur.

Discussion ensued regarding the impact of stacking of trucks.

Senior Planner Salvador Quintanilla stated that prohibition of stacking could be added as a condition of approval.

Deputy City Manager Phillip Burum clarified that the sustainability ordinance would prohibit the stacking issue along with commercial enforcement.

Mayor Warren opened the Public Hearing.

There was no written correspondence received.

The following individuals spoke in opposition of the item:

1. Elizabeth Cena
2. Jennifer Cardenas
3. Stacey Ramos
4. Joaquin Castillegos
5. Ana Gonzalez
6. Claudia Cuevas

Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran and passed by a vote of 4-1 to approve staff recommendation on Public Hearing Item "A" Part 5. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None ABSENT: None

B.	Master Case No. 23-090 and Municipal Code Amendment No. 23-003 - Fontana Municipal Code amendments to Chapter 30 (Zoning and Development Code), pursuant to a categorical	21-2539
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exemption in accordance with CEQA Guidelines section 15060(c) and 15061(B)(3).

1. Determine that this project is Categorically Exempt pursuant Sections 15060(c), 15061(B)(3) (the “common-sense” exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; and,

2. Read by title only and waive further reading of and introduce **Ordinance No. 1936**, an Ordinance of the City Council of the City of Fontana approving Master Case No. 23-090 and Municipal Code Amendment No. 23-003 amending Chapter 30 that will modify multiple sections, including modification of appeal hearing timeframes, addition of language to provide for minor and major planned unit developments (PUDs), modification of language related to open space requirements, modification of garage door design requirements; inclusion of language to reduce landscape setback requirements to accommodate bus turn outs and deceleration lanes, addition of language to streamline development standards within Medium Density Residential (R-2) and Multiple Family (R-3) zoning districts, and additional recreational facilities options within the Multi-Family Medium/High Density (R-4) and Multi-Family High Density Residential (R-5) zoning districts; and the reading of the title constitutes the first thereof.

Mayor Warren opened the Public Hearing.

There was no written correspondence received.

With no one interested to speak in favor or opposition of this item Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Cothran and passed by a vote of 4-1 to approve staff recommendation on Public Hearing Item “B” as amended to include a reduction of the maximum allowable height for multi-family/attached buildings in the R-2 zoning district as well as an adjustment to the required setbacks between buildings in the R-2 and R-3 zoning districts and adjacent parcels with differing zoning designations. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None ABSENT: None

Public Hearing Item C:

C.	Master Case No. 23-098 and Municipal Code Amendment No. 23-001 - Amendment to Fontana Municipal Code Chapter 9 to modify Article V (Industrial Commerce Centers Sustainability Standards), Section 9-71(f), pursuant to a categorical exemption in accordance with CEQA Guidelines section 15060(c), 15061(b)(3), 15307 and 15308.	21-2590
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Determine that this Ordinance is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(b)(3)

(the common-sense exemption), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment where it can be 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 and, alternatively, pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing of CEQA, as implementation of this ordinance is to improve the environment; and,

Read by title only and waive further reading of and introduce **Ordinance No. 1937**, an Ordinance of the City Council of the City of Fontana approving Master Case No. 23-098 and Municipal Code Amendment No. 22-001 to amend Chapter 9 of the Municipal Code to modify Article V (Industrial Commerce Centers Sustainability Standards), Section 9-71(f) to prohibit loading docks, truck entries, and truck drive aisles from abutting adjacent sensitive receptors to; and the reading of the title constitutes the first thereof.

Director of Planning Patty Nevins provided the staff report.

Mayor Warren opened the Public Hearing.

There was no written correspondence received.

The following individuals spoke in opposition of the item:

1. Ana Gonzalez

Mayor Warren closed the Public Hearing.

Mayor Warren reopened the Public Hearing.

The following individuals spoke in opposition of the item:

1. Joaquin Castillegos

Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts and passed by a vote of 4-1 to approve staff recommendation on Public Hearing Item "C." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None ABSENT: None

Public Hearing Item D:

- D. Public Hearing and consideration of a Disposition and Development Agreement (“DDA”) between the City of Fontana, the Fontana Housing Authority and Fontana Courtplace I Housing Partners, L.P., for development of 1.94 acres of unimproved land located on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (a portion of assessor parcel numbers 0255-101-22-0-000 and 0255-101-23-0-000)(“Property”) pursuant to California Environmental Quality Act findings concerning the adequacy of the previously adopted Mitigated Negative Declaration, and Mitigation, Monitoring, and Reporting Program. 21-2598**

1. Acting as the City Council, conduct a public hearing to consider protests to the conveyance of 1.94 acres of unimproved land located on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (a portion of assessor parcel numbers 0255-101-22-0-000 and 0255-101-23-0-000) (“Property”); determine public interest and convenience require the sale of the Property;
2. Acting as the City Council and Housing Authority Board of Directors, jointly adopt the Resolution Approving the Disposition and Development Agreement among the Fontana Housing Authority, City of Fontana and Fontana Courtplace I Housing Partners, L.P. for the sale of Property for the construction of a 50 unit affordable family-apartment housing project and adopt California Environmental Quality Act findings concerning the adequacy of the previously adopted Mitigated Negative Declaration, and Mitigation, Monitoring, and Reporting Program and direct staff to file a Notice of Determination.

Mayor Warren opened the Public Hearing.

There was no written correspondence received.

Deputy City Manager Phillip Burum provided the staff report.

Council Member Cothran asked about income qualifications.

Deputy City Manager Phillip Burum clarified income qualifications as established by the U.S. Department of Housing and Urban Development (HUD).

With no one interested to speak in favor or opposition of this item Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member/Authority Member Sandoval, seconded by Mayor Pro Tem/Chair Garcia and unanimously passed by a vote of 5-0 to approve staff recommendation on Public Hearing Item “D.” The motion carried by the following vote:

**AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None
ABSENT: None**

ADJOURNMENT:

A. Adjournment

The meeting adjourned at 9:30 a.m. to the Regular City Council Meeting on December 12, 2023, at 2:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Christina Rudsell

Christina Rudsell
Deputy City Clerk

**THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY
COUNCIL ON DECEMBER 12TH, 2023.**

Germaine Key

Germaine Key
City Clerk

Certificate Of Completion

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8353 Sierra Avenue
Fontana, CA 92335
clerks@fontana.org
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12/13/2023 | 12:20 PM

Holder: City Clerk
clerks@fontana.org

Location: DocuSign

Signer Events

Christina Rudsell
crudsell@fontanaca.gov
Security Level: Email, Account Authentication
(None)

Signature

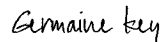
Signature Adoption: Pre-selected Style
Using IP Address: 192.146.186.96

Timestamp

Sent: 12/13/2023 | 12:20 PM
Viewed: 12/13/2023 | 02:01 PM
Signed: 12/13/2023 | 02:02 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Germaine Key
gkey@fontana.org
Security Level: Email, Account Authentication
(None)



Signature Adoption: Pre-selected Style
Using IP Address: 174.195.201.39
Signed using mobile

Sent: 12/13/2023 | 02:02 PM
Viewed: 12/13/2023 | 04:17 PM
Signed: 12/13/2023 | 04:17 PM

Electronic Record and Signature Disclosure:
Accepted: 12/13/2023 | 04:17 PM
ID: add628f4-8bdf-4661-a7de-a9af8357ca25

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

Kathy Kasinger
kkasinger@fontana.org
Records Coordinator
Security Level: Email, Account Authentication
(None)

COPIED

Sent: 12/13/2023 | 04:17 PM
Viewed: 12/14/2023 | 07:33 AM

Electronic Record and Signature Disclosure:
Accepted: 6/26/2023 | 12:01 PM
ID: 313ff663-c622-41d0-ac8d-292f7d782a66

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted	12/13/2023 12:20 PM
Certified Delivered	Security Checked	12/13/2023 04:17 PM
Signing Complete	Security Checked	12/13/2023 04:17 PM
Completed	Security Checked	12/13/2023 04:17 PM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

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Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

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