

RESOLUTION PC NO. 2024-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING, THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING SPECIFIC PLAN AMENDMENT NO. 24-002 TO MODIFY CHAPTER 5.6 THE SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN TO ALLOW NONCONFORMING PALLET YARDS TO EXPAND OPERATIONS WITHIN THE DISTRICTS GOVERNED UNDER THE SWIP SPECIFIC PLAN, PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15060(C), THE SWIP SPECIFIC PLAN AREA IS AN IRREGULARLY SHAPED AREA AND IS GENERALLY LOCATED SOUTH OF INTERSTATE 10 (I-10), NEAR I-5 AND SR-60

WHEREAS, the Southwest Industrial Park Specific Plan, generally located South of Interstate 10 (I-10), near I-5 and SR-60, was annexed from the San Bernardino County and incorporated into the City of Fontana on June 19, 2024; and

WHEREAS, on June 12, 2012 the City Council adopted the Southwest Industrial Park Specific Plan (SWIP); and

WHEREAS, the nonconforming use section within the Southwest Industrial Park Specific Plan does not allow for expansion of operations for pallet yards, which are uses that support the surrounding industrial community; and

WHEREAS, pursuant to Sections 15162 through 15164, and Section 15183 of the California Environmental Quality Act (CEQA) and Section 8.10 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, it has been determined that the previously certified Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) has adequately identified the impacts associated with the Specific Plan Amendment ("proposed project"); and

WHEREAS, the amendment is to Section 5.6, Nonconforming Structures, Uses, and Lots of the Southwest Industrial Park Specific Plan which is shown in **Exhibit "A"** of this resolution; and

WHEREAS, the pallet yards operations use is typically found within existing industrial areas. The amendment will allow for additional and/or expanded operations for pallet yards provided they are within the existing site; as such, the use will not result in a direct or reasonably foreseeable indirect physical change in the environment and the activity is not subject to CEQA; and

WHEREAS, a notice of the public hearing was published in the Fontana Herald newspaper on November 8, 2024 and simultaneously displayed at City Hall; and

WHEREAS, on November 19, 2024, a public hearing on SPA No. 24-002 was held by the Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City staff, and other interested parties; and

WHEREAS, November 19, 2024, the Planning Commission carefully considered all information, evidence, and testimony presented at the public hearing on SPA No. 24- 002; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

Section 1. Recitals. The above recitals are true, correct and incorporated herein by reference.

Section 2. CEQA. The Planning Commission hereby recommends that the Fontana City Council (“City Council”) determine, that pursuant to Sections 15162 through 15164, and Section 15183 of the California Environmental Quality Act (CEQA) and Section 8.10 of the City of Fontana’s 2019 Local Guidelines for Implementing CEQA, that it has been determined that the previously certified Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) has adequately identified the impacts associated with the Specific Plan Amendment (“proposed project”).

Section 3. Specific Plan Amendment Finding. The Planning Commission hereby makes the following finding for SPA No. 24-002 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.**

Finding of Fact: The Southwest Industrial Park Specific Plan was adopted June 12, 2012, and included nine districts. The intent of the districts was to regulate truck, trailer, warehouse and industrial uses. The existing nonconforming language in chapter 5.6 of the specific plan is outdated, making it difficult to allow for operational and aesthetically desirable expansions of pallet yard operations. This Specific Plan Amendment will amend the language to provide for an expansion of operations for existing pallet yards provided the operations are contained to the existing site.

Section 4. Approval. Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt an ordinance approving SPA No. 24-002 for the modifications to Chapter 5.6, Nonconforming Structures, Use, and Lots within the Southwest Industrial Park Specific Plan, attached hereto as Exhibit "A".

Section 5. 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 No. 21081.6.

Section 6. Certification. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 8. Severability. If any provision of this Resolution 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 Resolution that can be given effect without the invalid provision or application.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 19th day of November, 2024.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Ricardo Quintana, 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 19th day of November 2024, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ricardo Quintana, Secretary

EXHIBIT "A"

Southwest Industrial Park Specific Plan Chapter 5.0 – Implementation and Administration

5.6 Nonconforming Structures, Uses, and Lots

B. Nonconforming Uses

A nonconforming use is one that lawfully existed prior to the effective date of the SWIP, but which is no longer permitted in the land use district in which it is located. The continuance of a nonconforming use is subject to the following:

1. A nonconforming use that is discontinued for a period of one hundred eighty (180) consecutive days or more shall lose its legal nonconforming status, and the continued use of the property shall conform thereafter with the SWIP. Discontinuation shall mean any termination of a use, regardless of intent to resume the use. Payment of a valid business license or business tax certificate shall in and of itself not be considered to be a continuation of the use.
2. A nonconforming use shall not be expanded on any lot or moved in whole or in part to any portion of the lot.
3. If a portion of the property or structure used by a nonconforming use is converted to a conforming use, the portion of the property or structure may not thereafter be used for a nonconforming use.
4. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of use, as determined by the Director of Community Development, does not change or increase.
5. If a structure used by a nonconforming use is damaged, the nonconforming use may continue upon restoration of the structure if the need for repairs or restoration is the result of damage by fire, explosion, act of God, or the public enemy, and provided the repairs are commenced within twenty four (24) months of the event causing the damage to the structure, and the repairs shall be diligently pursued until completion.
6. Nonconforming single-family residential uses shall be subject to the following:
 - a. Nonconforming single-family residential use may be enlarged by no more than twenty five percent (25%) of its legal floor area that existed at the time the single-family residential use became nonconforming, provided the expansion complies with the zoning standards and if there is the addition of one or more bedrooms then parking shall be in compliance with Article XI (On-site parking

and loading regulations) of Chapter 30 of the Zoning and Development Code

- b. A nonconforming single-family use that is discontinued for a period of one hundred eighty (180) consecutive days or more shall lose its legal nonconforming status, and the continued use of the property shall conform with the SWIP unless the Director of Community Development can make the following findings:
 - i. The nonconforming single-family use has not been discontinued for more than three hundred sixty five (365) consecutive days.
 - ii. The nonconforming single-family use will not adversely affect or be materially detrimental to the public health, safety, and welfare.

7. If provision is made for the termination of a use, any use of such land after the termination shall conform to the requirements of this section for the district in which it is located.

8. Pallet Yards. Modifications and additions to legal nonconforming pallet yards are permitted as described below.

- a. Legal nonconforming pallet yards may be approved for expansions and additions of no more than 50% of the originally approved outdoor work/storage areas and/or buildings, when within existing site boundaries.
- b. Guard sheds of 16 square feet or more.
- c. Heat treaters that are Underwriters Laboratories [ULI] approved and functioning as an accessory use to a pallet yard.
- d. All modifications and/or additions must comply with the following:
 - i. All expansions and additions must comply with the current Fire Code and are subject to approval by the Fire Marshall prior to the issuance of building permits.
 - ii. All expansions and additions must comply with the California Building Code and are subject to approval by the Building Official prior to the issuance of building permits.
 - iii. Existing pallet areas (areas used for work, assembly, and/or repair), overall pallet yard sites and structures may be expanded with approval of an Administrative Site Plan.
 - iv. All new outdoor areas shall be depicted on an approved site plan and must be located within areas paved with asphalt and/or concrete.
- e. New or expanded permanent canopy type structures used for outdoor storage.

work, assembly, and/or repair must follow the SWIP development standards and design guidelines.

- f. All new pallet areas shall be screened from view of the public right-of-way by a decorative block screening wall. All screening walls adjacent to the public right-of-way shall have a minimum height of (8) feet and shall not be located in the required setback area. A line of sight analysis shall be provided to ensure screening of the pallet and equipment areas. Additional wall height and/or berming may be added as needed to satisfy screening requirements as determined by the Director of Planning and/or Planning Commission.
- g. Landscaping adjacent to the public right-of-way shall be installed as required by the SWIP. Pallet Yards are exempt from providing additional landscaping within the interior of the site (wall perimeters, parking area, storage area, etc.) enclosed by the required screen walls as long as incidental landscaping is provided as needed to satisfy screening and other requirements in interface area(s) open to public view.
- h. New pallet storage areas must be designated on the site with markings such as paint and others materials to the satisfaction of the Fire Marshall.
