

## **ORDINANCE NO. 1977**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA APPROVING, PURSUANT TO A MITIGATED NEGATIVE DECLARATION, ZONING DISTRICT MAP AMENDMENT NO. 24-0004 TO CHANGE THE ZONING MAP FOR THE PROJECT SITE FROM MULTI-FAMILY MEDIUM/HIGH RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL FOR 35 PARCELS, IDENTIFIED AS ASSESSOR PARCEL NUMBERS 0228-051-01, -14, -15, -16, -17, -19, -20, AND -21; 0228-052-01, -25, -26, AND -27, 0228-061-02 THROUGH -14, -16, -17, -18, -20 THROUGH -25, AND 0228-311-05, TOTALING 31.0 GROSS ACRES.**

**WHEREAS**, on October 8, 1981, Assessor Parcel Numbers (“APNs”) 0228-051-01, -14, -15, -16, -17, -19, -20, and -21; 0228-052-01, -25, -26, and -27, 0228-061-02 through -14, -16, -17, -18, -20 through -25, and 0228-311-05 were annexed from San Bernardino County into the City of Fontana (“Project Site”); 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 September 11, 2024, the City of Fontana (“City”) received an application from Diversified Pacific Communities (“Applicant”) for the Project Site for a General Plan Amendment (“GPA No. 24-0004”), Zoning District Map Amendment (“ZCA No. 24-0004”), Tentative Tract Map (“TTM No. 24-0009”), Conditional Use Permit (“CUP No. 24-0023”), and Design Review (“DRP No. 24-0031”), to change the General Plan land use designation from Multi-Family Medium/High (R-MFMH) to Multi-Family Residential (R-MF), amend the Zoning District Map from Multiple-Family Medium/High (R-4) to Multiple-Family Residential (R-3), subdivide multiple parcels to establish a condominium map for the Project Site, establish a planned unit development (PUD) within an R-3 zone, and review the architecture and site design for the development of 393 multi-family units (condominium), at the Project Site which is comprised of approximately 31.0 gross acres. Together, all of the requested entitlements constitute Master Case Number (“MCN No. 24-0060”); and

**WHEREAS**, the amendments to the Zoning District Map will contribute to additional residential dwelling units that will provide a sustainable community where future occupants of the Project Site could live and utilize the services in the area as anticipated in the General Plan; and

**WHEREAS**, the amendment to the Zoning District Map will contribute to a balanced and diverse neighborhood with associated amenities and services, as well as contribute to an infrastructure that will support a qualified workforce and attract business; and

**WHEREAS**, the Zoning District Map Amendment is considered a “Project” as

defined by the California Environmental Quality Act (CEQA); and

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.) (“CEQA”), a Mitigated Negative Declaration (“MND”) analyzing all potential impacts of the Project was prepared for the City’s consideration as lead agency under State CEQA Guidelines section 15063; and

**WHEREAS**, the MND indicated that all potential environmental impacts from the project would be less than significant with the incorporation of the identified mitigation measures in the Mitigation Monitoring and Reporting Program (“MMRP”); and

**WHEREAS**, the Draft MND was prepared in accordance with CEQA and circulated for public review and comment between October 17, 2025 to November 18, 2025 by: (1) filing a Notice of Intent to Adopt a Mitigated Negative Declaration (“NOI”) with the State Clearinghouse; (2) filing a NOI with the San Bernardino County Clerk; (3) placing a NOI in the Sun, a newspaper of general circulation; (4) mailing a NOI to various interested persons, agencies and tribes; and (5) posting a NOI on the City’s website; and

**WHEREAS**, copies of the Draft MND were available during the public review period at City Hall and on the City’s website; and

**WHEREAS**, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the MMRP has been prepared and includes mitigation measures for biological resources and cultural resources; and

**WHEREAS**, on November 28, 2025, a notice of the public hearing was published in The Herald newspaper and simultaneously displayed at City Hall and at the Project Site; and

**WHEREAS**, the owners of property within 660 feet of the Project Site were notified via public hearing notice mailer prior to the public hearing; and

**WHEREAS**, on November 18, 2025, the Fontana Planning Commission (“Planning Commission”) conducted a publicly noticed hearing and received public testimony and evidence presented by the Applicant, City staff, and other interested parties, at the public hearing held on the project, specifically its MND, MMRP and MCN No. 24-0060, and recommended approval with a vote of 4-0 to the Fontana City Council (“City Council”) by Resolution PC No. 2025-044; and

**WHEREAS**, on December 9, 2025, the City Council conducted a noticed public hearing on the project, specifically its MND, MMRP, and MCN No. 24-0060 and received testimony from all parties and documentation from the Planning Commission’s public hearing on November 18, 2025; and

**WHEREAS**, on December 9, 2025, the City Council, per Resolution 2025-\_\_\_\_, adopted the MND along with the MMRP for the project; and

**WHEREAS**, based on the evidence and testimony presented to the City Council at public hearing held on December 9, 2025, for the project, MND, MMRP and MCN No. 24-0060, the City Council found that the project is in conformance with the goals and policies of the General Plan as referred herein; and

**WHEREAS**, all of the notices required by statute and the Fontana Municipal Code ("FMC") have been given as required; and

**WHEREAS**, the City wishes to protect and preserve the quality of life throughout the City, through effective land use and planning; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

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

**Section 2.** CEQA. The City Council has reviewed and considered the Initial Study ("IS"), MND, and MMRP, 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 IS/MND and MMRP contain a complete and accurate reporting of all the environmental impacts associated with the project. The City Council finds that the MND and MMRP have been completed in compliance with the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

a. The City Council has reviewed and considered the information contained in the Final MND and the administrative record, including all written and oral evidence presented to it, and the City Council finds based on its independent review and analysis: (i) that the Final MND was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence in the administrative record supporting a fair argument that the Project may have a significant effect on the environment. The City Council finds that the Final MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the project and reflects the independent judgment and analysis of the city. As well the City Council finds that no new significant environmental impacts have been identified in the Final MND and any changes to the Final MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5.

b. The City Council has also reviewed and considered the MMRP for the project that has been prepared pursuant to the requirements of Public Resources Code

Section 21081.6 and finds that such MMRP is designed to ensure compliance with the mitigation measures during project implementation.

c. **Adoption of MND.** Pursuant to Public Resources Code section 21080, subdivision (c)(2), the City Council adopts the Final IS/MND prepared for the project.

d. **Approval of MMRP.** Pursuant to Public Resources Code section 21081.6, the City Council approves the MMRP, which was prepared for the project and make it a condition of project approval and is attached hereto.

e. **Notice of Determination.** The City Council directs staff to file a Notice of Determination with the San Bernardino County Clerk and the Office of Planning and Research within five (5) working days of approval of the project.

**Section 3. Zoning District Map Amendment Findings.** The City Council hereby makes the following findings for ZCA No. 24-0004 in accordance with Section 30-40 "Purpose" of the Fontana Zoning and Development Code:

**Finding:**                    **The Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries 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:**        ZCA No. 24-0004 will change the zoning for the Project Site from Multi-Family Medium/High Residential (R-4) to Multi-Family Residential (R-3) to accommodate the development of 393 multi-family residential units. This project will introduce a well-designed community featuring modern, high quality architecture and landscaping. This type of development is appropriate in the context of generally accepted planning principles, surrounding land uses and the General Plan because it enhances the surrounding area with an attractive street scene and high-quality landscaping. This zone change will promote the public's health, safety, and general welfare.

The zoning district map amendment is consistent with the goals and policies of the Housing Element in the General Plan. In particular, the project aligns with the following goals of the Housing Element:

- Provide adequate housing to meet the needs of all residents in Fontana.

- Provide a high standard of quality in existing affordable housing stock.

Furthermore, the project will meet the following policies of the Housing Element of the General Plan:

- Goal No.1, Policy No. 1.1, by providing a “Establish a range of rental and for sale housing opportunities in the city” and
- Goal No. 1, Policy No. 1.3 – “Promote the development and access to housing affordable to all income levels in Fontana.”

The amendment will present an opportunity for development of a wider variety of housing types for residents.

**Section 4. Approval.** Based on the foregoing, the City Council hereby approves ZCA No. 24-0004 to redesignate the Project Site from Multi-Family Medium/High Residential (R-4) to Multi-Family Residential (R-3) 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 or 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 27th day of January 2026.

**READ AND APPROVED AS TO LEGAL FORM:**

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City Attorney

Ordinance No. 1977

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 9th day of December 2025, and was finally passed and adopted not less than five days thereafter on the 27<sup>th</sup> day of January 2026, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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City Clerk of the City of Fontana

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Mayor of the City of Fontana

**ATTEST:**

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City Clerk

## “EXHIBIT A”

EXISTING AND PROPOSED ZONING LAND USE DESIGNATION - FOR THE ENTIRE PROJECT SITE COMPRISED OF THIRTY-FIVE PARCELS (APNS: 0228-051-01, -14, -15, -16, -17, -19, -20, AND -21; 0228-052-01, -25, -26, AND -27, 0228-061-02 THROUGH -14, -16, -17, -18, -20 THROUGH -25, AND 0228-311-05) FROM MULTI-FAMILY MEDIUM/HIGH RESIDENTIAL (R-4) TO MULTI-FAMILY RESIDENTIAL (R-3).

