

## **RESOLUTION NO. PC 2024-036**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA, CALIFORNIA, FINDING THAT THE ACQUISITION OF LAND IDENTIFIED AS 8463 NUEVO AVENUE, APN 0191-163-23, FOR DOWNTOWN REVITALIZATION AND PARKING STRUCTRE DEVELOPMENT EFFORTS IS IN CONFORMANCE WITH THE CITY OF FONTANA 2018-2035 GENERAL PLAN AND MAKING CEQA FINDINGS PURSUANT TO STATE CEQA GUIDELINES SECTION 15061(B)(3) AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.**

**WHEREAS**, the City of Fontana ("City") will be undertaking an expansive and comprehensive revitalization of Downtown Fontana, targeting area bounded by Upland Avenue to the north, Orange Avenue to the south, Mango Avenue to the east, and Juniper Avenue to the west; and

**WHEREAS**, a primary component of this revitalization effort will require the acquisition, demolition, replanning, and redevelopment of several key properties within the area; and

**WHEREAS**, the City intends to enter into a Purchase & Sale Agreement to acquire property located at 8463 Nuevo Avenue, more specifically described as APN #0191-163-23, in support of these revitalization efforts; and

**WHEREAS**, California Government Code Section 65402 provides in part that a local agency shall not acquire or dispose of any real property until the location, purpose, and extent of such activity has been submitted to and reported upon by the local agency as to conformance with the adopted General Plan applicable thereto; and

**WHEREAS**, the Fontana City Council adopted the City of Fontana 2018-2035 General Plan (General Plan) on November 13, 2018 and subsequently amended the General Plan on July 25, 2023 to create a new Walkable Mixed Use 3 designation for the Downtown Core area, which is intended to provide for additional residential densities and support vibrant commercial and mixed-use development in the Downtown area; and

**WHEREAS**, additionally, the General Plan's Land Use, Zoning, and Urban Design element supports a consistency finding for the acquisition of the property based on the fact that Goal No. 2 within the Land Use, Zoning, and Urban Design element states:

"Goal No. 2: Fontana development patterns support a high quality of life and economic prosperity;" and

**WHEREAS**, additionally, the General Plan's Land Use, Zoning, and Urban Design element supports a consistency finding for the acquisition of the property based on the fact that Goal No. 3 within the Land Use, Zoning, and Urban Design element states:

## **ATTACHMENT NO. 2**

“Goal No. 3: Downtown is a dynamic center of activity with new housing options, walkable environments, and a mixture of uses attracting residents and visitors.”

**WHEREAS**, the proposed Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). Section 15061(b)(3) of the State CEQA Guidelines states that an activity is covered by the common sense exemption that CEQA only applies to project that have the potential for causing a significant effect on the environment. 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 review. The acquisition of property will not involve nor approve any physical change or any reasonably foreseeable future change to the environment. Therefore, no environmental review is required.

**WHEREAS**, on July 2, 2024, the Fontana Planning Commission (“Planning Commission”) reviewed the General Plan conformance findings.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission:

**Section 1.** Recitals: the foregoing recitals are true, correct and incorporated herein.

**Section 2.** CEQA. Compliance with California Environmental Quality Act. As the decision-making body for the Project, the Planning Commission finds that the proposed Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). Section 15061(b)(3) of the State CEQA Guidelines states that an activity is covered by the common sense exemption that CEQA only applies to project that have the potential for causing a significant effect on the environment. 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 review. The acquisition of property will not involve nor approve any physical change to the environment. Therefore, no environmental review is required and staff is directed to file a Notice of Exemption.

**Section 3.** 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 acquisition of the land identified as 8463 Nuevo Avenue, Assessor’s Parcel Number 0191-163-23 for downtown revitalization and parking structure development purposes to be in conformance with the City of Fontana General Plan.

**Section 4.** 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 5.** Certification: The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**Section 6.** Effective Date: This Resolution shall become effective immediately upon its adoption.

**Section 7.** Severability: If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting of the Planning Commission held on the 2nd day of July, 2024.

**City of Fontana**

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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 2nd day of July, 2024, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Ricardo Quintana, Secretary