

ORDINANCE NO. 1944

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, APPROVING, PURSUANT TO THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FONTANA BUSINESS CENTER 3 PROJECT, ZONING DISTRICT MAP AMENDMENT NO. 23-002 TO CHANGE THE ZONING DESIGNATION FOR APNS 0255-101-24 AND -30 FROM RESIDENTIAL PLANNED COMMUNITY (R-PC) TO SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN, SLOVER EAST INDUSTRIAL DISTRICT FOR APPROXIMATELY 1.6 ACRES LOCATED ON THE EAST SIDE OF JUNIPER AVENUE, SOUTH OF SANTA ANA AVENUE.

WHEREAS, Assessor Parcel Numbers: 0255-101-24 and -30 were annexed from San Bernardino County and incorporated into the City of Fontana on November 23, 1964 and September 19, 2006; 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 April 10, 2023, the City of Fontana (“City”) received an application from Chase Partners (“Applicant”) for a General Plan Amendment (GPA) No. 23-001, Zone Change Application (ZCA) No. 23-002, Specific Plan Amendment (SPA) No. 23-001, Development Agreement (DA) No. 23-001, Administrative Site Plan (ASP) No. 23-006, and Tentative Parcel Map (TPM) No. 20795 (TPM No. 23-006) - a request for the site and architectural review for the construction of one (1) industrial commerce center totaling 33,585 square feet on a 1.6 acre site; and a Development Agreement No. 23-001 to include a review of the development agreement for a public benefit fee of \$150,896.25. All of the amendments together are known as Master Case Number 23-013 (“MCN 23-013”); and

WHEREAS, on March 19, 2024, the Fontana Planning Commission (“Planning Commission”) received public testimony and evidence presented by the Applicant, City staff, and other interested parties at a public hearing held on the Fontana Business Center 3, Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”) and MCN No. 23-013. After carefully considering all information pertaining to the project, recommended approval of the Project to the Fontana City Council (“City Council”); and

WHEREAS, the amendments to the Zoning District Map will contribute to mixture of industrial, service, and residential uses that will contribute to a sustainable community where future workers at the project site could live and utilize the services in the area as anticipated in the General Plan; and

WHEREAS, all the notices required by statute and the Fontana City Code have

been given as required; and

WHEREAS, on March 19, 2024, the Fontana Planning Commission (“Planning Commission”) held a noticed public hearing for the project MND, MMRP, and MCN 23-013, received public testimony and evidence presented by the Applicant, City staff, and other interested parties and recommended approval to the City Council by Resolution No. 2023-023 by a vote of 4-0; and

WHEREAS, the Zoning District Map Amendment is considered a “Project” as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, on April 9, 2024, the City Council conducted a duly noticed public hearing on the project MND and MMRP and MCN No. 23-013, received testimony from all parties and documentation from the Planning Commission’s public hearing on March 19, 2024; and

WHEREAS, an amendment to the boundaries of the SWIP specific plan and zoning classifications would allow for the development of an industrial commerce building; and

WHEREAS, the subject property is to be developed below the assumed capacity as identified in the approved Housing Element, however there is still sufficient capacity in the city at the “above moderate” income category to meet the City’s Regional House Needs Assessment (RHNA) allocation; and

WHEREAS, based on the evidence and testimony presented to the City Council at the public hearing held for the project MND, MMRP, and MCN 23-013, the City Council found that the amendments and project are in conformance with the goals and policies of the General Plan.

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. Having considered the adopted Mitigated Negative Declaration and all written and oral evidence presented to the City Council, the Council finds that all environmental impacts of the Project has been addressed within the Mitigated Negative Declaration, and that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the Mitigated Negative Declaration. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana’s 2019 Local Guidelines for Implementing CEQA the City Council finds that the preparation of a subsequent or supplemental CEQA document is not required for the Project.

SECTION 3. Zoning District Map Amendments Findings. The City Council hereby makes the following findings for ZCA No. 23-002 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: The Applicant is proposing to change the zoning designation from R-PC to SP in order to include the Subject Property into the Slover East Industrial District (SED) of the SWIP. This would allow for the construction of a 33,585 square foot industrial commerce center building. The development will assist with the growing industrial commerce demand in the City of Fontana and the surrounding area. The zone change, and corresponding specific plan amendment will provide consistency with the existing development to the south and west of the Subject Property and will provide safe and attractive development.

SECTION 4. Zoning District Map Amendment Approval. The City Council approves ZCA No. 23-002 to amend the zoning designation for APNs: 0255-101-24 and -30 from Residential Planned Community (R-PC) to Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District for approximately 1.6 acres as shown on **Exhibit "A"** which is attached hereto and incorporated 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, or 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 23rd day of April 2024.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

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 April 2024, and was finally passed and adopted not less than five days thereafter on the 23rd day of April 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

“EXHIBIT A”

**EXISTING AND PROPOSED ZONING MAP DESIGNATION -
RESIDENTIAL PLANNED COMMUNITY (R-PC) AND TO SOUTHWEST
INDUSTRIAL PARK (SWIP) SPECIFIC PLAN, SLOVER EAST INDUSTRIAL
DISTRICT**

