

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

CLOSED SESSION- 6:00 P.M.

REGULAR MEETING - 7:00 P.M.

Ord. No. 1926 Reso. No. 2023-103

Tuesday, November 14, 2023

7:00 PM

Grover W. Taylor Council Chambers

City Council and Fontana Housing Authority Meeting

Acquanetta Warren - Mayor

Peter A. Garcia - Mayor Pro Tem

John B. Roberts - Council Member

Jesus "Jesse" Sandoval - Council Member

Phillip Cothran - Council Member

Germaine Key - City Clerk

Janet Koehler-Brooks, City Treasurer

Welcome to a meeting of the Fontana City Council.

Welcome to a meeting of the Fontana City Council. A complete agenda packet is located in the binder on the table in the lobby of the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the Council, please fill out a card located at the entrance to the right indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act of 1990 (42 USC § 12132), the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335 is wheelchair accessible, and a portable microphone is available. Upon request, this agenda will be made available in appropriate alternative forms to persons with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such a request to the City Clerk's Office at (909) 350-7602 at least 48 hours before the meeting, if possible. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335.

Traduccion en Español disponible a peticion. Favor de notificar al Departamento "City Clerk". Para mayor informacion, favor de marcar el numero (909) 350-7602.

The City of Fontana is committed to ensuring a safe and secure environment for its residents to engage with the government. No oversized bags or backpacks (size limit of 14"x14"x6") will be allowed inside the Council Chambers. All bags are subject to search. Face masks are prohibited in the Council Chambers, but clear masks will be provided upon request to accommodate individuals with medical needs, ensuring their safety and well-being. Before entering the Council Chambers, you may be subject to a weapons screening. The City Manager retains the discretion to grant any exemptions. Fontana aims to provide safe buildings for our community members, employees, and visitors.

PUBLIC COMMUNICATION - CLOSED SESSION:

This is an opportunity for citizens to speak to the City Council for up to 3 minutes on the following Closed Session. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council.

A. Public Communications - Closed Session

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: 16860 Arrow Blvd. APN 0191163240000

City Negotiator: Matt Ballantyne, City Manager

Negotiating Party: SA Golden Investments

Under Negotiation: Terms of Sale and Payment

CALL TO ORDER/ROLL CALL:

- A. Call To Order/Roll Call: 7:00 P.M.**

INVOCATION/PLEDGE OF ALLEGIANCE:

- A. Invocation/Pledge of Allegiance:**

PUBLIC COMMUNICATIONS:

This is an opportunity for members of the public to address the City Council for up to three (3) minutes total on items either on the Agenda or items not on the Agenda, but within the City Council's jurisdiction. Note that Public Hearing items have individual and specific public input opportunities during the public hearing and testimony on those items will only be taken during the public hearing. The Council is prohibited by law from discussing or taking immediate action on non-agendized items. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council .

- A. Public Communications**

CONSENT CALENDAR:

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for discussion.

- A. Approval of Minutes** [21-2597](#)

Approve the minutes of the October 24, 2023, Regular City Council Meeting, and the October 30, 2023, Special City Council Meeting.

Attachments: [City Council Meeting Minutes 10-24-2023.pdf](#)
[Special City Council Meeting Minutes 10-30-2023.pdf](#)

- B.** Approve Purchase of Motorola Portable Radios [21-2500](#)
1. Approve the Sole Source of the APX6000 Motorola radios and accessories from Motorola Solutions in the amount of \$1,252,050 to be utilized on the County of San Bernardino's 800 MHz system. Radios to be utilized by Police Department Personnel.
 2. Authorize the City Manager or his assigned designee to approve the purchase.
 3. Authorize the Purchasing Division to issue purchase orders to the County of San Bernardino's vendor; Motorola Solutions to purchase the APX6000 Motorola radios with Asset Seizure Fund #223.

Attachments: [Motorola sole source.pdf](#)
[APX6000 radio quotes.pdf](#)

- C.** Award a Contract for the Tamarind and Industry Pump Station Improvement Project - Bid No. SB-148-PW-23. [21-2579](#)
1. Award bid (SB-148-PW-23) and authorize the City Manager to enter into a contract with SCW Contracting Corporation for the Tamarind and Industry Pump Station Improvement Project in the amount of \$4,609,361.00 and authorize a 10% contingency in the amount of \$460,936.10.
 2. Authorize an increase in expenditures of \$460,936.10 in the Sewer Fund 703 to be included in the Mid-Year Budget Status Report.

Attachments: [Summary Bid Results.pdf](#)
[Notified Vendors SB-148-PW-23.pdf](#)
[SCW Contracting Corporation Bid - SB-148-PW-23.pdf](#)

- D.** Accept three (3) Community Project Funding Grants from The U.S. Department of Housing and Urban Development [21-2581](#)
1. Accept the following Community Project Funding grant awards in the total amount of \$8,750,000:
 - a. Homeless Prevention Resource Center Grant in the amount of \$4,000,000
 - b. Pacific Electric Trail Improvement Project Grant in the amount of \$750,000
 - c. Courtplace Housing Development Grant in the amount of \$4,000,000
 2. Authorize the City Manager to execute documents necessary to ensure the City's timely receipt of Community Project Funding grants.

- E. Accept Lead Hazard Reduction Grant Program from U.S. Department of Housing and Urban Development Office of Lead Hazard Control and Healthy Homes [21-2582](#)

1. Accept grant awards in the total amount of \$4,400,000, including Lead Hazard Reduction Grant in the amount of \$4,000,000 and Healthy Homes Supplemental Grant in the amount of \$400,000.
2. Authorize the City Manager to execute and transmit any documents necessary to ensure the City's timely receipt of Lead Hazard Reduction Grant and Healthy Homes Supplemental Grant.

Attachments: [Lead Hazard Grant Award Ltr.pdf](#)

- F. Final Acceptance of Street, Storm Drain, and Sewer Improvements on Lytle Creek Road for Tract No. 20018 [21-2592](#)

1. Accept as complete the street, storm drain, and sewer improvements on Lytle Creek Road for Tract No. 20018 located on the east side of Lytle Creek Road, north of Summit Avenue.
2. Adopt Resolution No. 2023-103, accepting sewer in Lytle Creek Road for Tract No. 20018 as part of the City sewer system.

Attachments: [TRACT 20018 - VICINITY MAP.pdf](#)
[TRACT 20018- RECORDED TRACT.pdf](#)
[TRACT 20018 - BOND AND SUBDIVISION IMPROVEMENT AGREEMENT.pdf](#)
[TRACT 20018 - RESOLUTION.doc](#)

- G. Award a Contract for the Cypress Center and Knopf Center Tenant Improvements Project. [21-2595](#)

Award bid (PW-24-20-PW) and authorize the City Manager to execute a contract with Fidelity Builders of Glendale, CA in the amount of \$427,092.00 and authorize a 10% contingency in the amount of \$42,709.00.

Attachments: [Summary Bid Results.pdf](#)
[Notified Vendors - PW-24-20-SB.pdf](#)
[Fidelity Builders Bid - PW-24-20-SB.pdf](#)

- H. Final Acceptance of the Cherry at South Highland Interim Traffic Signal Project [21-2596](#)

Accept as complete the work performed by Elecnor Belco Electric for the construction of the Cherry at South Highland Interim Traffic Signal Project (Project # 37600030) and approve the final construction amount of \$290,433.01 (SB-110-DE-23).

Attachments: [Vicinity Map](#)

- I. Approve Joint Use Agreement with Southern California Edison Company. [21-2607](#)

1. Approve and authorize the City Manager to execute the Joint Use Agreement with Southern California Edison Company.

Attachments: [SCE Joint Use Agreement - Jurupa Ave - FINAL - 11-01-2023.pdf](#)

- J. A Wastewater Agreement with the City of Rialto and Orangewood Mobile Home Park Asset Partners, LLP for the property located at 8787 Locust Avenue, Fontana, CA. APN 0246-191-30 [21-2610](#)

1. Approve an Extraterritorial Wastewater Service Agreement with the City of Rialto and Orangewood Mobile Home Park Asset Partners, LLP for the property located at 8787 Locust Avenue, Fontana CA. APN 0246-191-30

2. Authorize the City Manager to execute all documents.

Attachments: [Attachment 2 - Wastewater Service Agreement City of Fontana Vers 20230524 4859-4850-6982 v.5 Finaled.docx](#)
[Attachment 1 - Location Map.pdf](#)

- K. Co-Sponsorship Application Cycle (2) 2023/2024 [21-2611](#)

Review and approve (10) Co-Sponsorship recommendations for the second half of 2023/2024 fiscal year (January 2024 through June 2024) totaling an amount of \$26,740.00 as recommended by Parks, Community, and Human Services Commission.

Attachments: [Attachment A Co-Sponsorship Policy.pdf](#)
[Attachment B September'23.pdf](#)
[Attachment C September'23.pdf](#)
[Attachment D w Commission Rec September23.pdf](#)

- L. Approve Resolution No. 2023-104, establishing an Impoundment Fee for Ordinance No. 1925 [21-2612](#)

Approve the Resolution that establishes a fee to recoup costs of impounding and storage of confiscated items from unlicensed street vendors

Attachments: [Fontana - Sidewalk Vending - Impound Fee Reso.pdf](#)

- M. Declaring Surplus Land - Property located at 8425 Cypress Avenue [21-2614](#)

1. Approve Resolution No. 2023- 105, declaring that the City-owned property on Cypress Avenue, north of Arrow Boulevard (Assessor's Parcel Number 0191-121-40) is "Surplus Land" pursuant to the Surplus Land Act, Government Code Section 54220 Et Seq.; and approving the form of Notice of Availability.

2. Authorize the City Manager and/or his designee(s) to take all actions necessary or appropriate to comply with the Surplus Land Act.

Attachments: [SLA Resolution 8425 Cypress Avenue](#)
[Notice of Availability Surplus Land 8425 Cypress Ave](#)

Approve Consent Calendar Items as recommended by staff.

PUBLIC HEARINGS:

To speak on Public Hearing Items, submit comments via e-mail at publiccomments@fontanaca.gov. In the subject of your e-mail please indicate whether you are in favor or opposition of the item. Comments must be received no later than 5:00 P.M. on the day of the meeting. Comments of no more than three (3) minutes will be read into the record at the appropriate time during the meeting. If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at, or prior to, the Public Hearing.

All Public Hearings will be conducted following this format:

- (a) hearing opened
- (b) written communication
- (c) council/staff comments
- (d) applicant comments (applicant not limited to 5 minutes)
- (e) oral - favor
- (f) oral - opposition
- (g) hearing closed

- 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](#)

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.

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.

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.

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

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.

Attachments: [Attachment No. 1 \(Part No. 1\) Resolution for General Plan Amendment](#)
[Attachment No. 2 \(Part No. 1\) Ordinance for Zoning Code District Map Amendment](#)
[Attachment No. 3 \(Part No. 1\) Planning Commission Minutes of 09-19-2023](#)
[Attachment No. 4 \(Part No. 1\) Planning Commission Staff Report & Attachments](#)
[Attachment No. 5 \(Part No. 1\) Notice of Public Hearing Alder Merrill](#)
[Attachment No. 6 \(Part No. 2\) Resolution for General Plan Amendment - Oct 2023](#)
[Attachment No. 7 \(Part No. 2\) Ordinance for Zoning Code District Map Amendment - Oct 2023](#)
[Attachment No. 8 \(Part No. 2\) Ordinance for Development Code Amendment - Oct 2023](#)
[Attachment No. 9 \(Part No. 2\) Planning Commission Packet - MCN22-037 - Banana North Project](#)
[Attachment No. 10 \(Part No. 2\) Draft Planning Commission Minutes](#)
[Attachment No. 11 \(Part No. 2\) Notice of Public Hearing](#)
[Attachment No. 12 \(Part No. 3\) Resolution to Certify EIR](#)
[Attachment No. 13 \(Part No. 3\) Resolution for General Plan Amendment, Tentative Parcel Map, Design Review](#)
[Attachment No. 14 \(Part No. 3\) Ordinance for SPA](#)
[Attachment No. 15 \(Part No. 3\) Ordinance for DA](#)
[Attachment No. 16 \(Part No. 3\) Planning Commission Package, MCN22-079](#)
[Attachment No. 17 \(Part 3\) Draft Planning Commission Minutes of October 17, 2023](#)
[Attachment No. 18 \(Part No. 3\) Public Hearing Notice](#)
[Attachment No. 19 \(Part No. 4\) Resolution of General Plan Amendment](#)
[Attachment No. 20 \(Part No. 4\) Ordinance for Zoning Code District Map Amendment](#)
[Attachment No. 21 \(Part No. 4\) Ordinance for Development Code Amendment](#)
[Attachment No. 22 \(Part No. 4\) Planning Commission Package, MCN23-092](#)
[Attachment No. 23 \(Part No. 4\) Draft Planning Commission Minutes of October 17, 2023](#)
[Attachment No. 24 \(Part No. 4\) Public Hearing Notice](#)
[Attachment No. 25 \(Part No. 5\) Resolution to Certify the EIR](#)
[Attachment No. 26 \(Part No. 5\) Resolution for the GPA, TPM, DR](#)

[Attachment No. 27 \(Part No. 5\) Ordinance for Zone District Map Amendment](#)

[Attachment No. 28 \(Part No. 5\) Ordinance for the SPA](#)

[Attachment No. 29 \(Part No. 5\) Ordinance for the DA](#)

[Attachment No. 30 \(Part No. 5\) Citrus and Oleander Updated CEQA Letter](#)

[Attachment No. 31 \(Part No. 5\) Urban Crossroads Supplemental Assessment](#)

[Attachment No. 32 \(Part No. 5\) Project Plans for MCN23-100](#)

[Attachment No. 33 \(Part No. 5\) Public Hearing Notice](#)

- B.** Master Case No. 23-090 and Municipal Code Amendment No. **[21-2539](#)**
23-003 - Fontana Municipal Code amendments to Chapter 30 (Zoning and Development Code), pursuant to a categorical 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.

Attachments: [Attachment No. 1 - Ordinance](#)

[Attachment No. 2 - Planning Commission Staff Report](#)

[Attachment No. 3 - Planning Commission Minutes](#)

[Attachment No. 4 - Notice of Exemption](#)

[Attachment No. 5 - Public Hearing Notice](#)

- C. Master Case No. 23-098 and Municipal Code Amendment No. [21-2590](#)
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.
1. 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,
 2. 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.

Attachments: [Attachment No. 1 - Ordinance for Municipal Code
Amendment](#)
[Attachment No. 2 - Notice of Exemption](#)

- 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](#)

Attachments: [Attachment No. 1 - Fontana Courtplace DDA Resolution FONTANA - DDA \(Courtplace\) 10 20 23 \(final\) -c1-c1-c1.docx](#)
[Fontana DDA - REGULATORY AGREEMENT- 10 20 23 \(final\)-c1-c1-c1.docx](#)

NEW BUSINESS:

A. New Business

- A. Council Meeting Start Time [21-2619](#)
- Approve Resolution No. 2023-114, establishing a new City Council meeting start time

Attachments: [FONTANA RESOLUTION AMENDED SECTION 2-142 OF THE FONTANA MUNICIPAL CODE TO CHANGE CITY COUNCIL MEETING TIME-c1.docx](#)

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

ADJOURNMENT:

A. Adjournment

Adjourn to the next Regular City Council Meeting on December 12, 2023 at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.