

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING, PURSUANT TO AN ENVIRONMENTAL IMPACT REPORT, SPECIFIC PLAN AMENDMENT NO. 22-003, AN AMENDMENT TO THE SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN TO CHANGE 18.8 ACRES FROM THE RESIDENTIAL TRUCKING DISTRICT (RTD) TO SLOVER EAST INDUSTRIAL DISTRICT (SED) ALONG ROSE AVENUE EAST OF POPLAR AVENUE AND WEST OF CATAWBA AVENUE.

WHEREAS, the City of Fontana (the “City”) received an application on July 07, 2022 from Seefried Industrial Properties, Inc. (“Applicant”) for a General Plan Amendment (GPA No. 22-007) to amend the General Plan land use designation for 18.8 acres of land located along Rose Avenue to the east side of Poplar Avenue and west of Catawba Avenue from Residential Trucking (R-T) to General Industrial (I-G) and to modify Exhibit 15.8 (Land Use Map) of the General Plan to reflect the same; Specific Plan Amendment (SPA No. 22-003) to amend the Southwest Industrial Park (SWIP) Specific Plan Land Use for the project site from Residential Trucking District (RTD) to Slover East Industrial District (SED); Development Agreement (AGR No. 22-003) to include an agreement for the payment of a public benefit fee; Tentative Parcel Map (TPM No. 22-016) (TPM No. 20638) for the consolidation of 41 parcels into one parcel; and Design Review (DRP No. 22-040) for the development of an industrial commerce building totaling approximately 490,565 square feet along with site improvements for APNs 0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -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). The amendments together are known as Master Case Number 22-079 (“MCN 22-079”); and

WHEREAS, SPA No. 22-003 will allow the development of an industrial commerce center building totaling approximately 490,565 square feet and associated on-site and off-site improvements; and

WHEREAS, on October 17, 2023, the Fontana Planning Commission (“Planning Commission”) held a noticed public hearing and received public testimony and evidence by the Applicant, City staff, and other interested parties for MCN 22-079 and Final Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program (MMRP). After carefully considering all information pertaining to the project, the Planning Commission voted 3-0 to recommend approval to City Council (“City Council”) by Resolution No. PC 2023-037; and

WHEREAS, on November 14, 2023, the City Council held a noticed public hearing on the EIR, MMRP, and MCN No. 22-079, received testimony from all parties and documentation from the Planning Commission’s public hearing on October 17, 2023; and

WHEREAS, on November 14, 2023, the City Council certified the EIR and adopted the MMRP; and

WHEREAS, based on the information presented to the City Council at the Public hearing held on November 14, 2023, the City Council found that the amendments and

project are in conformance with the goals and policies of the General Plan to provide a community that is balanced between residential, commercial, and industrial uses, is developed with high standards, and provides diverse economic and social opportunities for our citizens and those who wish to invest in the City.

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. Consistent with the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the EIR was prepared for development, including Specific Plan Amendment No. 22-003. The City Council has certified the EIR and, based on the CEQA Sections 15162 through 15164, staff has determined that none of the criteria requiring a subsequent environmental document have been met and that further environmental analysis is not required. A Notice of Determination has been prepared.

SECTION 3. Findings. The City Council hereby makes the following findings for Specific Plan Amendment No. 22-003 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.**

Findings of Fact: The specific plan amendment is to the remove an 18.8-acre site from the Residential Trucking District (RTD) and to include it in the Slover East Industrial District (SED) within the Southwest Industrial Park Specific Plan (SWIP) for the development of an industrial commerce building totaling 490,565 square feet. This development will provide an attractive development with quality modern architecture and vast landscaping. This type of development will enhance the area with an attractive street scene and high-quality industrial development. This type of development will be consistent with the industrial area.

SECTION 4. Approval. Based on the findings in Section 3, Specific Plan Amendment No. 22-003 is hereby approved and the Southwest Industrial Park Specific Plan is amended to establish the project within the Slover East Industrial District as shown on **Exhibit "A"**, attached hereto and by this reference 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, 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 14th day of November 2023.

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 14th day of November, 2023, and was finally passed and adopted not less than five days thereafter on the 14th day of November, 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

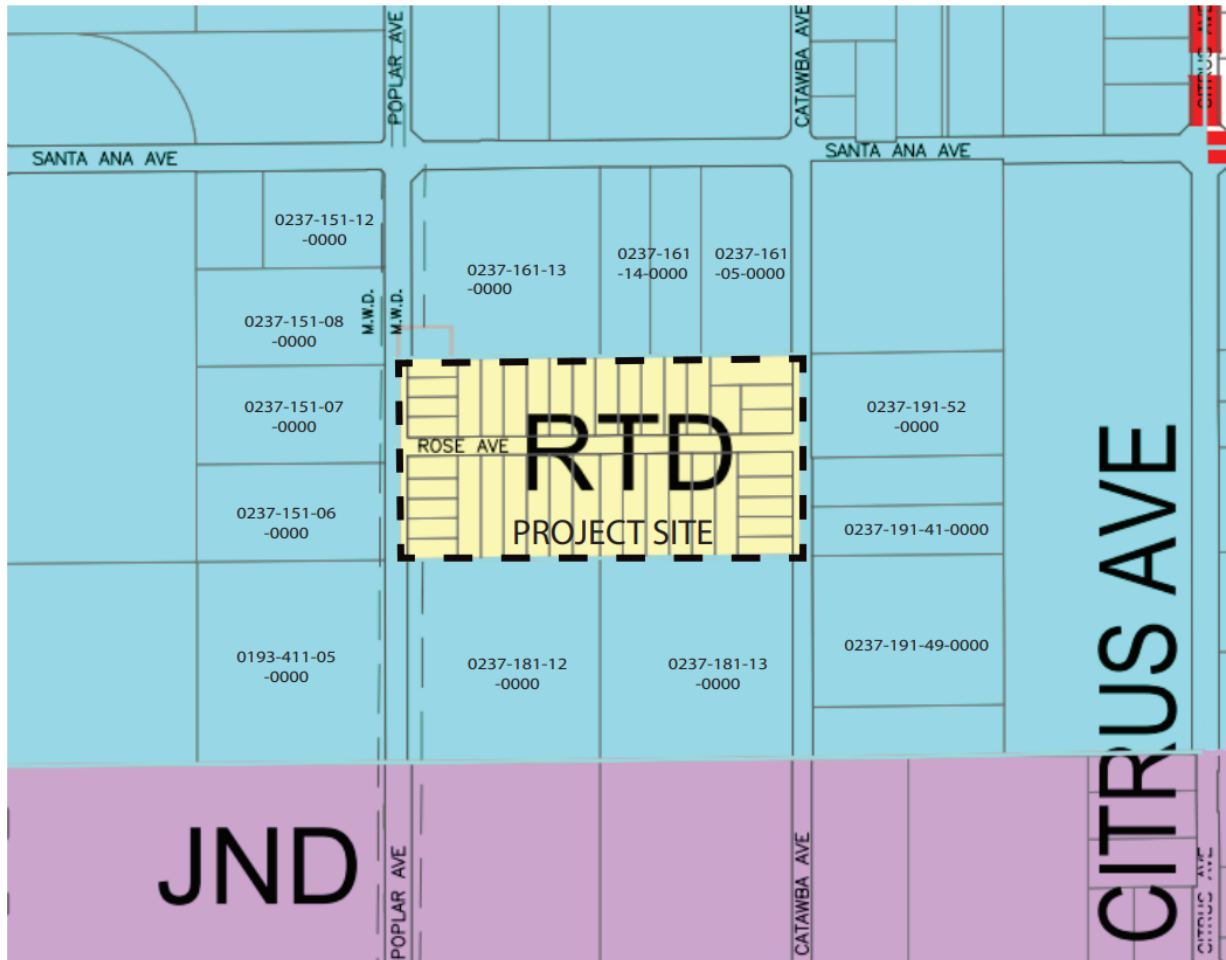
Ordinance No.____

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City Clerk

EXHIBIT "A"

SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN LAND USE MAP AMENDMENT EXISTING



Project Site Boundary

Residential Trucking District (RTD)

Slover East District (SED)

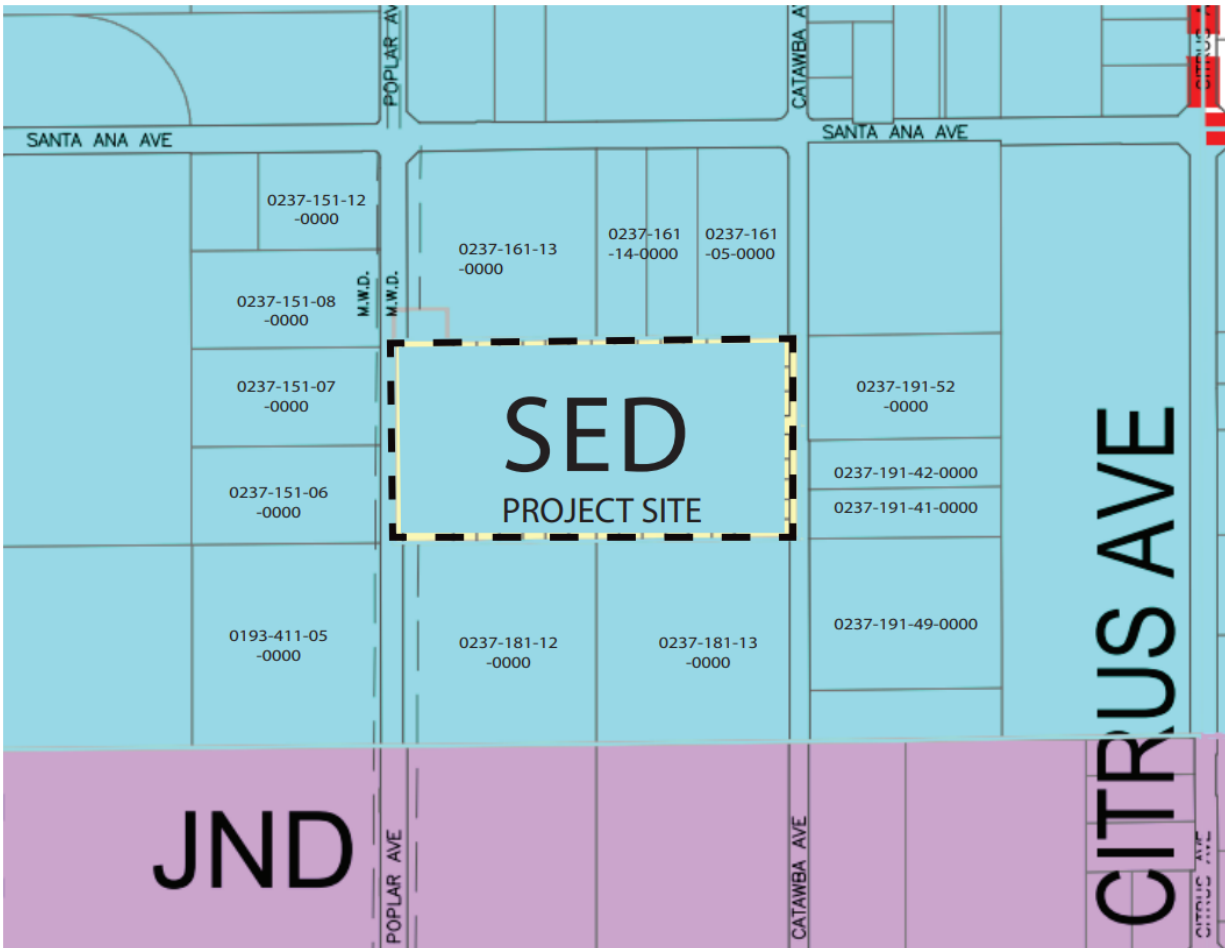
Jurupa North Research and Development District (JND)

Project Site Assessor's Parcel Numbers (APNs):

0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19

0237-172-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -19, -22, -23, -26, -27, -28, -30, -31, -32, -33

SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN LAND USE MAP AMENDMENT PROPOSED



Project Site Boundary



Residential Trucking District (RTD)



Slover East District (SED)



Jurupa North Research and Development District (JND)

Project Site Assessor's Parcel Numbers (APNs):

0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19

0237-172-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -19, -22, -23, -26, -27, -28, -30, -31, -32, -33