

ORDINANCE NO. 1945

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FONTANA APPROVING, PURSUANT TO THE PROJECT MITIGATED
NEGATIVE DECLARATION (MND) AND MITIGATION, MONITORING
AND REPORTING PROGRAM (MMRP), SPECIFIC PLAN AMENDMENT
NO. 23-001, AN AMENDMENT TO THE SOUTHWEST INDUSTRIAL
PARK (SWIP) SPECIFIC PLAN TO INCLUDE 1.6 ACRES IN THE
SLOVER EAST INDUSTRIAL DISTRICT (SED) ON THE EAST SIDE OF
JUNIPER AVENUE, SOUTH OF SANTA ANA AVENUE.**

WHEREAS, the City of Fontana (the “City”) received an application on April 10, 2023 from Chase Partners (“Applicant”) for a General Plan Amendment (GPA No. 23-001) to amend the General Plan land use designation for 1.6 acres of land located on the east side of Juniper Avenue, south of Santa Ana Avenue from Residential Planned Community (R-PC) 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. 23-001) to amend the Southwest Industrial Park (SWIP) Specific Plan Slover Industrial District (SED) to include the project site; Development Agreement (AGR No. 23-001) to include an agreement for the payment of a public benefit fee; Tentative Parcel Map (TPM No. 23-003) (TPM No. 20795) for the consolidation of two (2) parcels into one parcel; and Administrative Site Plan (ASP No. 23-006) for the development of an industrial commerce building totaling approximately 33,585 square feet along with site improvements for APNs 0255-101-24 and -30. The amendments together are known as Master Case No. 23-013 (“MCN 23-013”); and

WHEREAS, SPA No. 23-001 will allow the development of an industrial commerce center building totaling approximately 33,585 square feet and associated on-site and off-site improvements; and

WHEREAS, on March 19, 2024, 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 23-013 and Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP). After carefully considering all information pertaining to the project, the Planning Commission voted 4-0 to recommend approval to City Council (“City Council”) by Resolution No. PC 2024-023; and

WHEREAS, on April 9, 2024, the City Council held a noticed public hearing on the MND, 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, on April 9, 2024, the City Council adopted the MND and MMRP; and

WHEREAS, based on the information presented to the City Council at the public hearing held on April 9, 2024, 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. Having considered the adopted MND and all written and oral evidence presented to the City Council, the Council finds that all environmental impacts of the Project have been addressed within the MND, 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 MND. Therefore, pursuant to State CEQA section 15189 through 15190 and Section 6.18 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. Findings. The City Council hereby makes the following findings for Specific Plan Amendment No. 23-001 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 applicant is proposing to include the Subject Property in the SED of SWIP for the purpose of developing an approximately 33,585 square foot industrial commerce center building. The inclusion in the specific plan area will make the zoning consistent with properties to the south and east. The property north of the Subject Property is developed with a United States Postal Service post office and the property east of the site is developed with a "big box" retail building. The amendment to the SWIP Specific Plan is consistent with nearby land uses and will not be detrimental to any of the surrounding land uses.

SECTION 4. Approval. Based on the findings in Section 3, Specific Plan Amendment No. 23-001 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 of 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:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

EXHIBIT "A"

SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN LAND USE MAP AMENDMENT EXISTING

SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN LAND USE MAP AMENDMENT PROPOSED

