



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1736
Agenda #: PH-A

Agenda Date: 10/4/2022
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 22-068; General Plan Amendment No. 22-006 and Zone Change No. 22-008 - A request to amend the general plan land use map and zoning district map in order to provide consistence and cohesiveness for parcels 0241-051-02, -13, -13 and -32 and development sites in the immediate vicinity. (Continued from September 20, 2022)

RECOMMENDATION:

Based on the information contained in this staff report and attached Exhibits, staff recommends that the Planning Commission adopt Resolution No. PC 2022-____; and forward a recommendation to the City Council to:

1. Determine that the project has been reviewed under a previous Final Environmental Impact Report, pursuant to Sections 15162 and 5164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.10 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the City of Fontana General Plan Environmental Impact Report (State Clearinghouse [SCH] No. 2016021099); and
2. Adopt a Resolution approving General Plan Amendment No. 22-006; and
3. Adopt an Ordinance approving Zone Change No. 22-008.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

The project includes two sites:

Site 1: One parcel located on the south side of Baseline Avenue, approximately 290 feet east of Juniper Avenue (APN 0241-151-13)

Site 2: Three parcels including 16835 Baseline Avenue (APN 0241-051-16), 16818 Montgomery Avenue (APN 0241-051-02) and 16844 Montgomery Avenue (APN 0241-051-32)

REQUEST:

General Plan Amendment No. 22-006 - A request to update General Plan land use map as described below:

Site 1 - Change the land use designation from General Commercial (C-G) to Multi-Family Medium/High Density Residential (R-MFMH)

Site 2 - Change the land use designation from Multi-Family Medium/High Density Residential (R-MFMH) to General Commercial (C-G)

Zone Change No. 22-008 - A request to update the Zoning District Map as described below:

Site 1 - Change the zoning from General Commercial (C-2) to Multi-Family Medium/High Density Residential (R-4)

Site 2 - Change the zoning from Multi-Family Medium/High Density Residential (R-4) to General Commercial (C-2)

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner

BACKGROUND INFORMATION:

- The 2015-2035 General Plan was approved by the City Council on November 13, 2018.
- One February 8, 2022, the City Council voted unanimously (5-0) approving General Plan Amendment No. 21-007 and Zone Change No. 21-008 to update the General Plan land use map and Zoning District Map to change the general plan land use designation and zoning on multiple properties throughout the City of Multi-Family Medium/High Density Residential (R-MFMH/R-4) and Multi-Family High Density Residential (R-MFH/R-5). Additionally, the boundary for the "R-4 Overlay" was designated. These amendments were made to accommodate the 2021-2029 Regional Housing Needs Allocation (RHNA) allocation, as issued by the department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).
- On February 8, 2022, the City Council approved zoning and general plan amendments to accommodate the 2021-2029 RHNA allocation, as issued by HCD and SCAG. The amendments were made for parcels throughout the City to ensure there is sufficient capacity for residential units to potentially be developed. Subsequent to approval of the amendments, it was realized that Sites 1 and 2 were changed in error.

PROJECT DESCRIPTION:

On February 8, 2022, the City Council approved zoning and general plan amendments to accommodate the 2021-2029 RHNA allocation, as issued by HCD and SCAG. The amendments were made for parcels throughout the City to ensure there is sufficient capacity for residential units to potentially be developed. Subsequent to approval of the amendments, it was realized that Sites 1 and 2 were changed in error.

The proposed modifications would modify the subject sites and make them consistent with adjacent parcels. This proposal would change Site 1 from its current C-2/C-G designations to R-4/R-MFMH,

making it consistent with the two (2) adjacent parcels under the same ownership which remained R-4/R-MFMH. This proposal would change Site 2 to from R-4/R-MFMH to C-2/C-G, making it consistent with the adjacent parcels under the same ownership which remain C-2/C-G.

General Plan Amendment No. 22-006:

The General Commercial (C-G) land use designation allows for the development of retail, wholesale, auto dealerships and offices, including medical offices and clinics, that can serve a broader, regional population.

The Multi-Family Medium/High Density (R-MFMH) land use designation allows for a higher density multi-family development with a density range of 24.1 to 29 dwelling units per acre. Typical development in this residential category would include mixed-use or multi-family housing such as condominiums, townhomes and apartments.

As previously stated, the proposed General Plan Amendment updates the General Plan land use map to change the general plan land use designation on Site 1 from C-G to R-MFMH and Site 2 from R-MFMH to C-G.

Zone Change No. 22-008:

The proposed zone change will change the zoning on Site 1 from General Commercial (C-2) to Multi-Family Medium/High Residential (R-4). Site 2 will be rezoned from Multi-Family Medium/High Density Residential (R-4) to General Commercial (C-2). The proposed changes implement the goals and policies of the General Plan and are consistent with General Plan Amendment No. 22-006, as required by State law.

ANALYSIS:

As referenced above, the City Council approved General Plan Amendment No. 21-007 and Zone Change No. 21-008 on February 8, 2022. This provided the potential for 25,582 housing units, which satisfied and exceeds the City's RHNA allocation of 17,519 housing units and recognizes that all property owners may not be interested in or able to develop their land within the next eight years. With the proposed general plan and zoning land use designations for Sites 1 and 22, there is a net loss of 60 units. Table A below provides a breakdown of the number of housing units gained, lost, and the net total number of units. The proposed changes will not impede on the City's ability to meet the RHNA allocation as the reduction in potential units is not significant and still exceeds the City's RHNA allocation by 8,003 units.

| Table A: Total Number of Units | | |
|---------------------------------------|--------------------------|---------------------------|
| | With Current Designation | With Proposed Designation |
| Site #1 (1-acre site) | 0 | 35 |
| Site #2 (3-acre site) | 95 | 0 |
| Total Number of Units | - 60 | |

As stipulated by Senate Bill 220 (the Housing Crisis Act of 2019) legislation, any change to the land use designation of a parcel which reduces the residential land use density (as allowed under the general plan and zoning in effect on January 1, 2018), must also replace those loss units. In this

case, all parcels identified as part of this application were designated General Commercial (C-G general plan land use designation/C-2 zoning designation) as of January 1, 2018. Therefore, replacement of units is not required.

Environmental Finding:

Pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an addendum to the comprehensive update to the General Plan (Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report (FEIR), State Clearinghouse No. 2016021099, dated August 10, 2018, has been prepared for the proposed project and adequately identified any potential impacts associated with this project. The proposed project does not represent significant changes to the approved FEIR related to CEQA since it does not change the assumptions, analysis, conclusions or mitigation. The components of the proposed project do not alter the EIR project's significance conclusions or represent significant new information. Additionally, the proposed project does not require major revisions to the aforementioned EIR, does not lead to new significant environmental effects, or does not lead to substantial increase in the severity of previously identified significant effects. The proposed project does not trigger any of the conditions that warrant preparation of a Subsequent EIR. Therefore, an Addendum to the EIR has been prepared for this proposed project and no further/additional CEQA review is required. Therefore, a Notice of Determination has been prepared. Below is a link to the City of Fontana General Plan EIR: <https://www.fontana.org/2632/General-Plan-Update-2015---2035>

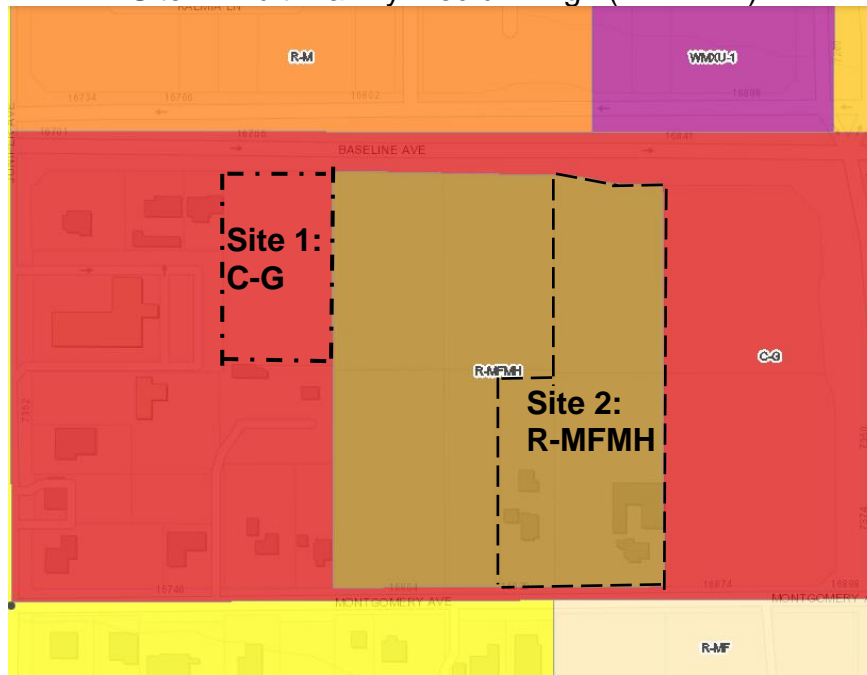
MOTION:

Approve staff's recommendation

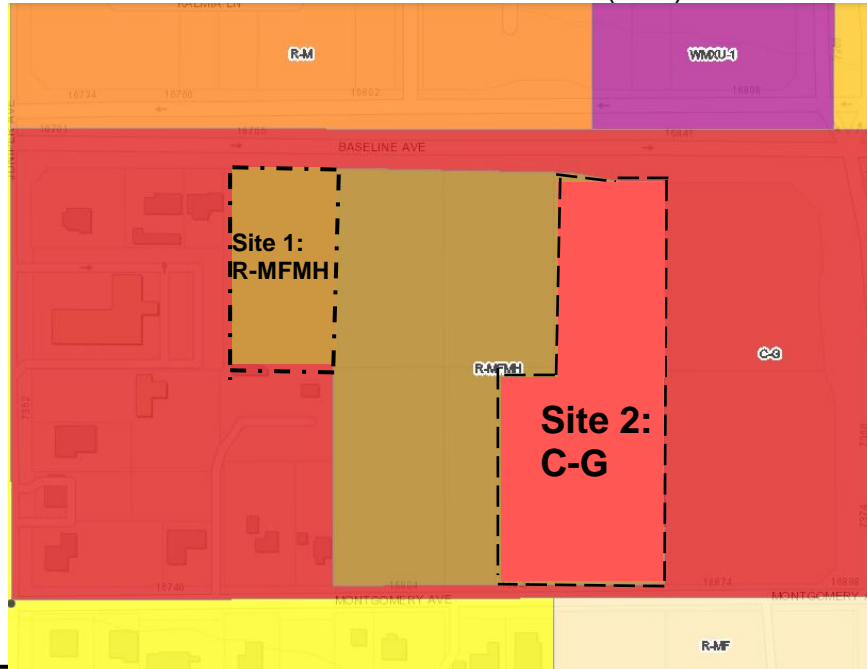
ATTACHMENTS:

1. General Plan Amendment Exhibit
2. Zoning Amendment Exhibit
3. Project Aerial Map
4. Planning Commission Resolution
5. Addendum to the General Plan EIR
6. Public Hearing Notice

Existing General Plan Land Use Designation
 Site 1: General Commercial (C-G)
 Site 2: Multi-Family Medium High (R-MFMH)



Proposed General Plan Land Use Designation
 Site 1: Multi-Family Medium High (R-MFMH)
 Site 2: General Commercial (C-G)



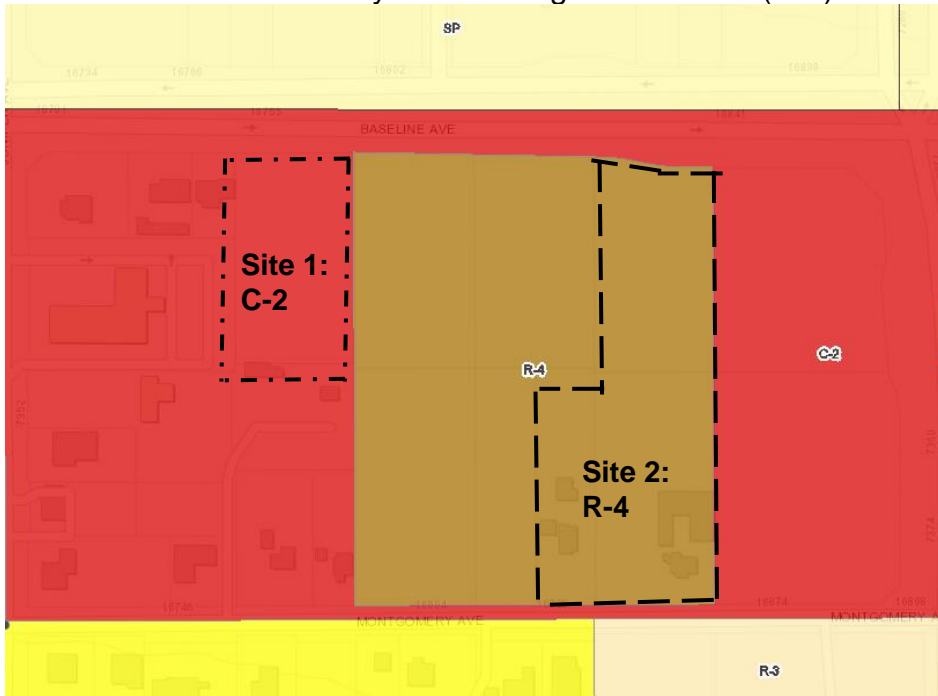
GENERAL PLAN EXHIBIT

DATE: October 4, 2022
CASE: Master Case No. 22-068
 General Plan No. 22-006
 Zone Change No. 22-008

PLANNING DEPARTMENT

CITY OF FONTANA

Existing Zoning Designation
 Site 1: General Commercial (C-2)
 Site 2: Multi-Family Medium High Residential (R-4)



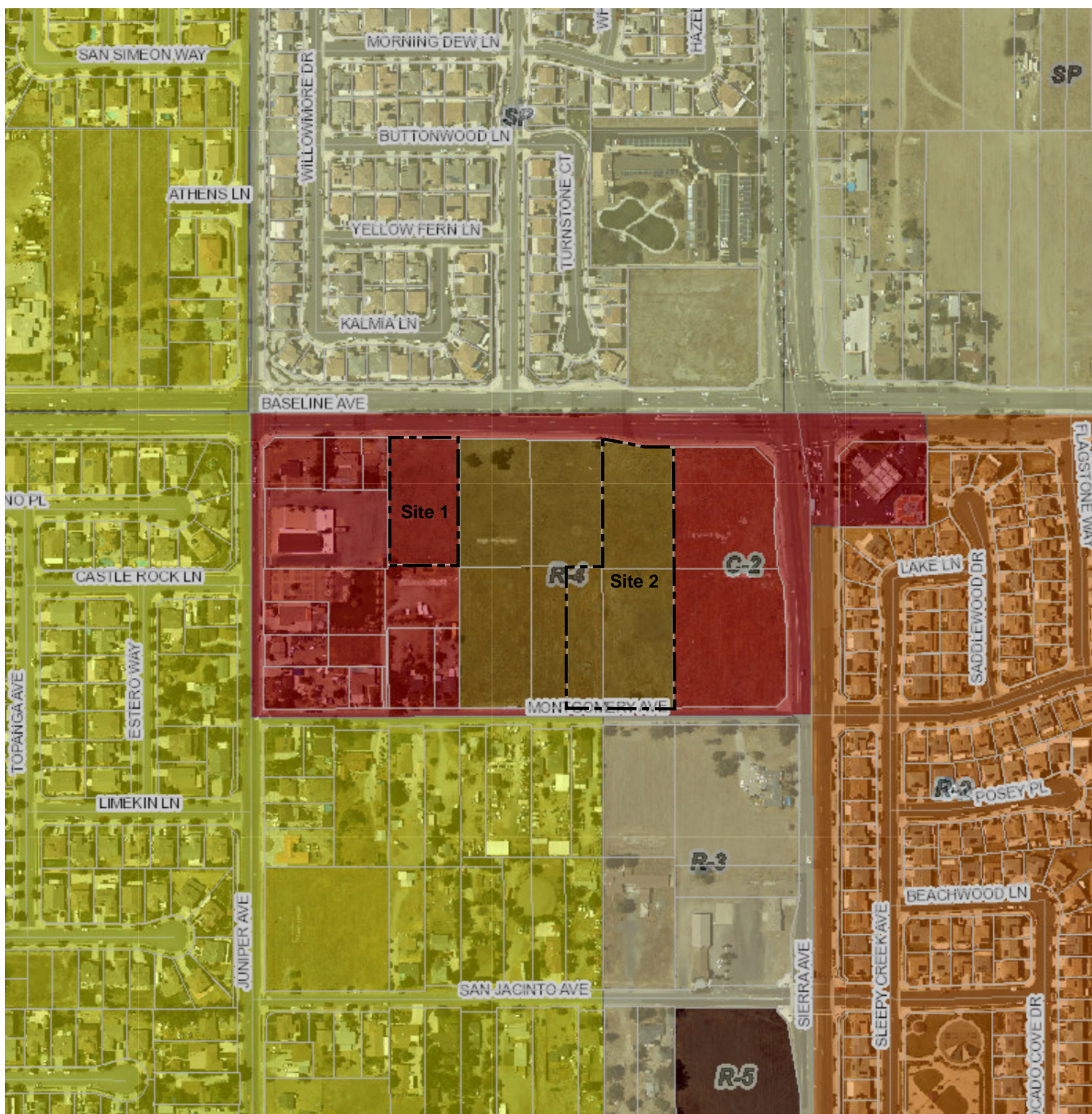
Proposed Zoning Designation
 Site 1: Multi-Family Medium High Residential (R-4)
 Site 2: General Commercial (C-2)



ZONE CHANGE EXHIBIT

DATE: October 4, 2022
CASE: Master Case No. 22-068
 General Plan No. 22-006
 Zone Change No. 22-008

MASTER CASE NO. 22-068



RESOLUTION PC NO. 2022-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT 22-006 AND ADOPT AN ORDINANCE APPROVING ZONE CHANGE NO. 22-008.

WHEREAS, MCN22-068 is a request to recommend to the City Council approval of General Plan Amendment No. 22-006 and Zone Change Amendment No. 22-008 as detailed below:

1. General Plan Amendment No. 22-006 to amend the General Plan land use map to redesignate a one-acre site located on the south side of Baseline Road approximately 290 feet east of Juniper Avenue (Assessor Parcel Number 0241-051-13) from General Commercial (C-G) to Multi-Family Medium/High Residential (R-MFMH) and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Assessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential (R-MFMH) to General Commercial (C-G).
2. Zone Change No. 22-008 to update the Zoning District Map to redesignate the zoning on a one-acre site (Assessor Parcel Number 0241-051-13) from General Commercial (C-2) to Multi-Family Medium/High Residential (R-4) and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Assessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential (R-4) to General Commercial (C-2).

Project Applicant: City of Fontana, Planning Department

Project Location: Assessor Parcel Numbers 0241-051-02, -13, -16 and -32

WHEREAS, the City of Fontana wishes to protect and preserve the quality of the life throughout the City, through effective land use and planning; and

WHEREAS, the proposed General Plan Amendment and Zone Change are considered a “Project” as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, the 2015-2035 General Plan was approved by City Council on November 13, 2018 and included the Certification of an Environmental Impact Report (State Clearinghouse No. 2016021099) that analyze all potential adverse environmental impacts pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) (“CEQA”), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) :and

ATTACHMENT NO. 4

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WHEREAS, On February 8, 2022, the City Council voted unanimously (5-0) approving General Plan Amendment No. 21-007 and Zone Change No. 21-008, changing the General Plan land use designation and zone change of approximately 160 properties within the City to zoning that would allow development of affordable multi-family housing consistent with the adopted 2021-2029 Housing Element; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and

WHEREAS, by way of preparation of an addendum for each project site, staff evaluated the proposed projects in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166, State CEQA Guidelines section 15162 and City of Fontana's 2019 Local Guidelines for Implementing CEQA by preparing an Initial Study and accompanying technical reports (Addendum); and

WHEREAS, based on that evaluation, staff concluded that the FEIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the Proposed Projects, and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, pursuant to State CEQA Guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be attached to the FEIR; and

WHEREAS, all of the notices required by statute or the City Municipal Code have been given as required; and

WHEREAS, General Plan Amendment No. 22-006 and Zone Change Amendment No. 22-008 are consistent with the goals and policies of the General Plan; and,

WHEREAS notices required by statute of the Fontana City Code have been given as required; and

WHEREAS, on September 20, 2022, the Planning Commission received a staff report and all the information, evidence, and public testimony and considered General Plan Amendment No. 22-006 and Zone Change Amendment No. 22-008; and

WHEREAS, the Planning Commission finds that the proposed update to the General Plan Map and the Zoning Map will be in conformity with good land use practice and is intended to facilitate ease of use and understanding, as well as to establish appropriate development standards and land use designations; and,

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all the

information, evidence, and testimony presented at its public hearing on September 20, 2022; and,

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred.

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

Section 1. Recitals. The above recitals are incorporated herein by reference.

Section 2. Compliance with California Environmental Quality Act. As the decision-making body for the Project, the Planning Commission has reviewed and considered the comprehensive update to the General Plan (Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report, State Clearinghouse Number 2016021099, dated August 10, 2018), any oral or written comments received, and the administrative record prior to making any decision on the Proposed Project. The Planning Commission finds that the Addendum to the FEIR contains a complete and accurate reporting of all of the environmental impacts associated with the Project. The Planning Commission further finds that the Addendum has been completed in compliance with the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not limited to, the City of Fontana General Plan EIR, and all related information presented to the Planning Commission, the Commission finds that the Projects of the proposed land use designations and zoning were adequately analyzed in the City of Fontana General Plan EIR. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the City of Fontana General Plan EIR is the appropriate document for each project.

The Planning Commission further finds that the preparation of a subsequent or supplemental EIR is not required for the proposed Projects because the Projects:

- A. Will not result in substantial changes that would require major revisions of the City of Fontana General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. Will not result in substantial changes with respect to the circumstances under which the Proposed Projects are developed that would require major revisions of the City of Fontana General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. Does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the

time the City of Fontana General Plan EIR documents were certified showing any of the following:

- (i) The proposed Project would have one or more significant effects not discussed in the EIR;
- (ii) That significant effects previously examined would be substantially more severe than shown in the EIR;
- (iii) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such measures; and
- (iv) That mitigation measures or alternatives considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

Section 4. Findings on Environmental Impacts. Having considered the administrative record, the City of Fontana General Plan EIR and all written and oral evidence presented to the Planning Commission, the Commission finds that all environmental impacts of the applications have been addressed within the City of Fontana General Plan EIR. The Planning Commission finds that no new or additional mitigation measures or alternatives are required. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Projects may result in any significant environmental impacts beyond those analyzed in the City of Fontana General EIR.

Section 5. Adoption of the Addendum to the City of Fontana General Plan EIR. The Planning Commission hereby recommends to the City Council adoption of the Addendum to the EIR for the City of Fontana General Plan (SCH No. 2016021099) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 6. Recitals. The above recitals are incorporated herein by reference.

Section 7. The City of Fontana Planning Commission hereby makes the following findings for General Plan Amendment No. 22-006 in accordance with Section 30-31 "Purpose" of the Fontana Zoning and Development Code:

Finding No. 1: **The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.**

Findings of Fact: The proposed General Plan Amendment is to update the General Plan land use map to redesignate a one acre site generally located 290 feet east of Juniper Avenue (Accessor Parcel Number 0241-051-13) from General Commercial (C-G) to Multi-Family

Medium/High Residential (R-MFMH) and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Accessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential (R-MFMH) to General Commercial (C-G). All these changes are shown as part of Exhibit “A” and are required to correct an error made as part of land use designation amendments made to accommodate the Regional Housing Needs Allocation (RHNA) as required by the California Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). Additionally, the changes shown in Exhibit “A” will create consistency among parcels under common ownership and will accommodate a development application we received on one of the associated project sites.

Section 8. The City of Fontana Planning Commission hereby makes the following findings for Zone Change No. 22-008 in accordance with Section 30-40 “Purpose” of the Fontana Zoning and Development Code:

Finding No. 1: **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: This zone change is to update the Zoning District Map to redesignate the zoning on a one-acre site generally located 290 feet east of Juniper Avenue (Accessor Parcel Number 0241-051-13) from General Commercial (C-2) to Multi-Family Medium/High Residential (R-4) and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Accessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential (R-4) to General Commercial (C-2). All these changes are shown as part of Exhibit “B” and are required to correct an error made as part of land use designation amendments made to accommodate the Regional Housing Needs Allocation (RHNA) as required by the California Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). Additionally, the changes shown in Exhibit “B” will create consistency among parcels under common ownership and will accommodate a development application we received on one of the associated project sites.

Section 9. The Planning Commission hereby recommends approval of General Plan Amendment No. 22-006 and Zoning Change No. 22-008, subject to the Findings listed in Sections 7 through 8. Based on the foregoing, the City of Fontana Planning Commission recommends that the City Council adopts a resolution adopting the Addendum to the City of and direct staff to file the Notice of Determination and approving General Plan Amendment No. 22-006 and Zoning Change No. 22-008 subject to the findings as indicated herein.

Section 10. 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 11. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 20th day of September 2022.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Idilio Sanchez, 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 this 20th day of September 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

**GENERAL PLAN AMENDMENT NO. 22-006 AND ZONE CHANGE NO. 22-008
ADDENDUM TO THE
FONTANA FORWARD
GENERAL PLAN UPDATE 2015-2035**

**City of Fontana
Planning Department
8353 Sierra Avenue
Fontana, California 92335**

September 20, 2022

INTRODUCTION

Introduction and Purpose

In 2018, the City of Fontana certified a final EIR for a comprehensive update to the General Plan (Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report, State Clearinghouse Number 2016021099, dated August 10, 2018). The certified EIR discussed the potential environmental impacts (both direct and indirect impacts) on various resources associated with future development allowed under the General Plan update and included a thorough analysis of the estimated build out of the City through the horizon year 2035. The EIR estimated new development for residential, commercial, and industrial uses throughout the City.

According to the Draft EIR for Fontana Forward, Fontana's population in 2035 is forecasted to be 269,066 people in 70,560 households, which is an increase from the 2016 population by almost 60,000 people, or about 17,200 households. The General Plan buildout plans for approximately 95 million square feet of new commercial and industrial development. The EIR found that, with implementation of the policies and programs contained in the General Plan and recommended mitigation measures, all impacts (direct and indirect) associated with future development under the General Plan update would be less than significant.

On February 8, 2022, the City Council approved zoning and general plan amendments to implement the policies of the 2021-2029 Housing Element and accommodate the City's 2021-2029 Regional Housing Needs Allocation (RHNA). In connection with that action, the City prepared an Addendum to the Fontana Forward General Plan Update 2015-2035 EIR.

The City has subsequently determined that one parcel ("Site 1") that should have been included in the February 2022 GPA/rezone was inadvertently omitted and that three parcels ("Site 2") that were included GPA/rezone should not have been. The proposed GPA and Zone Change ("Project") would correct those issues by returning Site 2 to its preexisting GP designation and zoning (General Commercial) and by designating/zoning Site 1 for multifamily use.

The City, as the Lead Agency, has determined that the proposed project is subject to CEQA Guidelines and regulations (Public Resources Code (PRC) Sections 21000-21177). This Addendum to the General Plan (Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report, State Clearinghouse Number 2016021099) has been prepared by the City to analyze the potential impacts associated with the Project and satisfy the requirements of CEQA Guidelines Section 15164, *Addendum to an EIR or Negative Declaration*.

Statutory Authority and Requirements

CEQA Guidelines Section 15164 states the following with respect to an Addendum to an EIR:

- a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

- b) *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- c) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- d) *The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- e) *A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

CEQA Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*, states the following with respect to Subsequent EIRs:

- (a) *When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
 - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

CEQA Compliance

CEQA Guidelines Section 15164 allows preparation of an Addendum to a previously certified EIR if only minor technical changes or additions are necessary, but none of the conditions calling for preparation of a Subsequent EIR have occurred. The City has determined that the proposed Project does not necessitate any changes/additions to the Fontana Forward EIR, and none of the conditions calling for preparation of a Subsequent EIR have occurred for the following reasons:

- The proposed Project does not require major revisions to the EIR. No new significant environmental effect or substantial increase in the severity of previously identified significant effects would occur with implementation of the proposed Project.
- Substantial changes have not occurred with respect to the circumstances under which the proposed Project would be undertaken. Thus, revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects are not required.
- The new available information does not show the proposed Project would have any new significant effects not already analyzed in the EIR, or that the significant effects previously examined would be substantially more severe than shown in the EIR.

Since the proposed Project does not trigger any of the conditions that warrant preparation of a Subsequent EIR, the City has determined that preparation of an Addendum is appropriate.

Incorporation by Reference

The documents outlined below, which were utilized during preparation of this Addendum and has been incorporated by reference. These documents are available for public inspection at the City Planning Department at 8353 Sierra Avenue, Fontana, and on the City's website at <https://www.fontana.org/index.aspx?nid=834>.

City of Fontana General Plan, Fontana Forward 2015-2035. In 2018, the City of Fontana certified a final EIR for a comprehensive update to the General Plan (Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report, State Clearinghouse Number 2016021099, dated August 10, 2018). The certified EIR discussed the potential environmental impacts (both direct and indirect impacts) on

various resources associated with future development allowed under the General Plan update and included a thorough analysis of the estimated build out of the City through the horizon year 2035.

Addendum to City of Fontana General Plan, Fontana Forward 2015-2035. On February 8, 2022, the City Council approved zoning and general plan amendments that implemented the policies of the 2021-2029 Housing Element and demonstrate that there are adequate sites that are appropriately zoned on which to develop the housing to meet the City's 6th Cycle Regional Housing Needs Allocation (RHNA). In connection with that action, the City prepared an Addendum to the Fontana Forward General Plan Update 2015-2035 EIR, which indicated the amendments would not result in any significant new or more severe environmental impacts.

City of Fontana Municipal Code, as (continuously) updated. The Fontana Municipal Code (Municipal Code) establishes detailed zoning districts and regulations based on the General Plan. The Fontana Zoning and Development Code (Municipal Code Chapter 30) serves as the primary implementation tool for the General Plan. Whereas the General Plan is a policy document that sets forth direction for development decisions, the Zoning Code is a regulatory document that establishes specific standards for the use and development of all properties in the City. The Zoning Code regulates development intensity using a variety of methods, such as setting limits on building setbacks, yard landscaping standards, and building heights. The Zoning Code also indicates which land uses are permitted in the various zones. The Municipal Code includes all of the City's zoning ordinance provisions and has been supplemented over time to include other related procedures such as subdivision regulations, environmental review procedures, and an advertising and sign code. Municipal code regulations and maps must be consistent with the General Plan land uses, policies, and implementation programs. The Municipal Code is referenced throughout this Addendum to establish the proposed Project's baseline requirements according to the City's regulatory framework.

Project Location

The project includes two sites:

Site 1 – One parcel located on the south side of Baseline Road approximately 290 feet east of Juniper Avenue (APN 0241-051-13)

Site 2 – Three parcels including 16835 Baseline Avenue (APN: 0241-051-16), 16818 Montgomery Avenue (APN: 0241-051-02) and 16844 Montgomery Avenue (APN: 0241-051-32)

Proposed project

On February 8, 2022, the City Council approved zoning and general plan amendments to implement the policies of the 2021-2029 Housing Element and accommodate the City's 6th Cycle Regional Housing Needs Allocation (RHNA). However, Site 1 was inadvertently left out of the adopted general plan and zoning amendments, despite the fact that it is under the same ownership as adjacent parcels to the east that were designated/rezoned for residential use. In addition, Site 2 was inadvertently included among the properties that were redesignated from commercial to residential, despite the fact that its ownership did not wish it to be included and adjacent parcels under the same ownership were not included.

Adoption of General Plan Amendment 22-006 and Zone Change 22-008 will thus clean up the changes previously made as part of the Housing Element update to provide more consistency and cohesiveness and will complete the land use changes recommended in the 2021-2029 Housing Element.

Analysis

General Plan Amendment No. 22-006:

The proposed General Plan Amendment updates the General Plan land use map to changing the general plan land use designation on Site 1 from General Commercial (C-G) to Multi-Family Medium/High Residential (R-MFMH) and to revert Site 2 from Multi-Family Medium/High Residential (R-MFMH) to General Commercial (C-G) (its designation prior to the February 2022 GPA/rezone).

Zone Change Amendment No 21-008:

The proposed zone change update will change the zoning on Site 1 from General Commercial (C-2) to Multi-Family Medium/High Residential (R-4). Site 2 will be rezoned from Multi-Family Medium/High Residential (R-4) back to General Commercial (C-2) (its designation prior to the February 2022 GPA/rezone). The proposed changes implement the goals and policies of the general plan and are consistent with GPA No. 22-006, as required under State law.

When the City Council approved the General Plan and Zone changes on February 8, 2022, it provided the potential for 25,582 housing units, which satisfies the City's RHNA allocation of 17,519 housing units and recognizes that all property owners may not be interested in or able to develop their land within the next 8 years. With the proposed general plan and zoning land use designations for Site 1 and 2, there is a net loss of 60 units. **Table A** below provides a breakdown of the number of housing units gained, lost, and the net total number of units. The proposed changes will not impede on the City's ability to meet the RHNA number because this decrease is within the range of the RHNA allocation of 17, 519 and is consistent with the General Plan and Housing Element.

| Table A: Total Number of Units | | |
|---------------------------------------|--------------------------|---------------------------|
| | With Current Designation | With Proposed Designation |
| Site #1 (1-acre site) | 0 | 35 |
| Site #2 (3-acre site) | 95 | 0 |
| Total Number of Units | - 60 | |

All of the land in the Project area was previously designated as commercial, prior to the February 2022 GPA/rezone. The prior addendum considered the impact of designating several lots as residential and concluded there was no impact. As described above, the City has now determined that an error was made with respect to the sites identified for redesignation for residential use. The City is correcting that error by returning 3 lots (Site 2) to their original commercial designation, and designating one lot for residential

use. Because the acreage/number of lots being rezoned for residential is less than indicated in the prior addendum, the proposed action will not result in any new or more severe impact than described in the prior addendum.

Further, future development projects on the project site involving new construction of residential and/or commercial uses will continue to be subject to an Administrative Site Plan/Design Review, in which a project-specific analysis based on location and project details will be conducted, subject to CEQA review/documentation. Therefore, all future development projects on the subject site will be subject to CEQA, standard Conditions of Approval, and all other State/Federal/Local requirements.



NOTICE OF PUBLIC HEARING

SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION O PROYECTO, FAVOR DE COMUNICARSE AL (909) 350-6728.

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

**Master Case No. 22-068, General Plan Amendment No. 22-006 and
Zone Change No. 22-008**

The applicant, City of Fontana, is proposing to update the General Plan land use map and Zoning Map to redesignate an acre site (Accessor Parcel Number 0241-051-13) from General Commercial to Multi-Family Medium/High Residential and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Accessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential to General Commercial.

**Environmental
Determination:**

An Addendum to the City of Fontana General Plan Program Environmental Impact Report (State Clearinghouse [SCH] No. 2016020199) has been prepared for this proposed project. The aforementioned EIR adopted by the City Council on November 13, 2018, anticipated the proposed project and adequately identified any potential impacts associated with this project; therefore, a Notice of Determination has been prepared pursuant to Sections 15162 and 15164 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act.

Location:

Site #1 (1-Acre) – APN: 0241-051-13

Site #2 (3-Acres) - 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Accessor Parcel Numbers 0241-051-02, -16, and -32)





Date of Hearing: September 20, 2022

Place of Hearing: City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing: 6:00 P.M.

Should you have any questions concerning this project, please contact **Cecily Session-Goins, Associate Planner**, at (909) 350-6723 or csgoins@fontana.org.

ANY INTERESTED PARTY MAY APPEAR AND PRESENT ANY INFORMATION WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION IN THE PLANNING DEPARTMENT, CITY HALL.

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 TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.