

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, APPROVING, PURSUANT TO A MITIGATED NEGATIVE DECLARATION, ZONING DISTRICT MAP AMENDMENT NO. 22-001 TO CHANGE THE ZONING DESIGNATION FOR APNS: 0246-151-50, -51, -52, -56, -71, and -77 FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO MULTI-FAMILY MEDIUM/HIGH DENSITY RESIDENTIAL (R-4) FOR A SITE COMPRISED OF APPROXIMATELY 6.4 ACRES LOCATED NORTH OF MERRILL AVENUE BETWEEN ALDER AVENUE AND LAUREL AVENUE.**

**WHEREAS**, assessor parcel numbers 0246-151-50, -51, -56, -71, and 77, include six (6) parcels that were annexed from San Bernardino County and incorporated into the City of Fontana. Two (2) of the six (6) parcels were annexed on September 17, 1973 and the remaining four (4) parcels were annexed on September 18, 2006 (the “Project Site”); and

**WHEREAS**, on November 13, 2018, the most recent edition of the City of Fontana General Plan (“General Plan”) was adopted by the Fontana City Council (“City Council”) and the City of Fontana Housing Element was adopted by the City Council on February 8, 2022; and

**WHEREAS**, on January 25, 2022, the City of Fontana (“the City”) received an application from Jason Korengold on behalf of AP Acquisition LLC (“Applicant”), for a General Plan Amendment (“GPA No. 22-001”) to amend the General Plan land use designation on the north side of Merrill Avenue, between Alder Avenue and Laurel Avenue (Project Site) from Single-Family Residential (R-SF) to Multi-Family Medium/High Density Residential (R-MFMH), and a Zoning District Map Amendment (“ZCA No. 22-001”) to change the zoning from Single-Family Residential (R-1) to Multi-Family Medium/High Density Residential (R-4) for approximately 4.6 gross acres. Both amendments together are known as Master Case Number 22-040 (“MCN 22-040”). The attached **Exhibit “A”** depicts the Zoning District Map Amendment; and,

**WHEREAS**, the amendment to the Zoning District Map will assist the City in meeting its Regional Housing Needs Assessment (RHNA) number; and

**WHEREAS**, the amendment to the Zoning District Map will contribute to a balanced and diverse neighborhood and associated amenities and services, as well as contribute to an infrastructure that will support a qualified workforce and attract business; and

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

**WHEREAS**, pursuant to the California Environmental Act (CEQA), an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program were published on August 25, 2023, and determined that with the implementation of

recommend mitigation measures no significant impacts would be caused by the project, therefore, a Mitigated Negative Declaration has been recommended for adoption; and

**WHEREAS**, ZCA No. 22-001 is supported by the goals and policies of the General Plan; and

**WHEREAS**, all the notices required by statute and the Fontana Municipal Code have been given as required; and,

**WHEREAS**, on September 19, 2023, the Fontana Planning Commission (“Planning Commission”) conducted a noticed public hearing on the Mitigated Negative Declaration, MMRP and MCN 22-040, received public testimony and evidence presented by the Applicant, City staff, and other interested parties and recommended approval to the City Council by Resolution No. 2023-033 with a vote of 4-0; and

**WHEREAS**, on November 14, 2023, the City Council conducted a noticed public hearing on the Mitigated Negative Declaration, MMRP, and MCN 22-040 and received testimony from all parties and documentation from the Planning Commission’s public hearing on September 19, 2023; and

**WHEREAS**, on November 14, 2023, the City Council, per Resolution 2023-\_\_\_\_, adopted the Mitigated Negative Declaration along with the MMRP for the project; and

**WHEREAS**, based on the information presented, the testimony received, and the supporting documents in evidence for the Mitigated Negative Declaration, MMRP and MCN. 22-040, the City Council found that the amendments and project are in conformance with the goals and policies of the General Plan as referred herein; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The recitals are true, correct and incorporated herein by this reference.

**SECTION 2. CEQA.** Having considered the adopted Mitigated Negative Declaration and all written and oral evidence presented to the City Council, the Council finds that all environmental impacts of the Project has been address within the Mitigated Negative Declaration, and that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the Mitigated Negative Declaration. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana’s 2019 Local Guidelines for Implementing CEQA the City Council finds

that the preparation of a subsequent or supplemental CEQA document is not required for the Project.

**SECTION 3. Zoning District Map Amendment Findings.** The City Council hereby makes the following findings for ZCA No. 22-001 in accordance with Section 30-40 "Purpose" of the Fontana Zoning and Development Code:

**Finding:**                    **The Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety, or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.**

**Findings of Fact:**        The zoning designation change from Single-Family Residential (R-1) to Multi-Family Medium/High Density Residential (R-4) will allow for the construction of potentially 249 residential units in total as opposed to the current 32 units within this area. The surrounding streets are adequate for the future development of multi-family housing. The project will bring long-term growth to the City and will promote and motivate additional growth around this area. The zone change will allow for the development of a multi-family housing project which will be reviewed by the City's Planning, Fire, and Building Departments. Additionally, the future development will be required to meet all Fire Codes, Building Codes, and the Fontana Municipal Code. Therefore, the zone change will promote public's health, safety, or general welfare.

**SECTION 4. Zoning District Map Amendment Approval.** Based upon the findings in Section 3, ZCA No. 22-001, the Zoning District Map will be amended from Single-Family (R-1) to Multi-Family Medium/High Density Residential (R-4) on the zoning district map, is necessary to protect or promote the public's health, safety, or general welfare, and is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and is consistent with the General Plan.

**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 12<sup>th</sup> day of December 2023, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
City Clerk of the City of Fontana

\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**

\_\_\_\_\_  
City Clerk

**“EXHIBIT A”**

EXISTING AND PROPOSED ZONING LAND USE DESIGNATION - FOR THE ENTIRE PROJECT SITE COMPRISED OF SIX (6) PARCELS (APNS: 0246-151-50, -51, -52, -56, -71, AND -77) FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO MULTI-FAMILY MEDIUM/HIGH RESIDENTIAL (R-4)

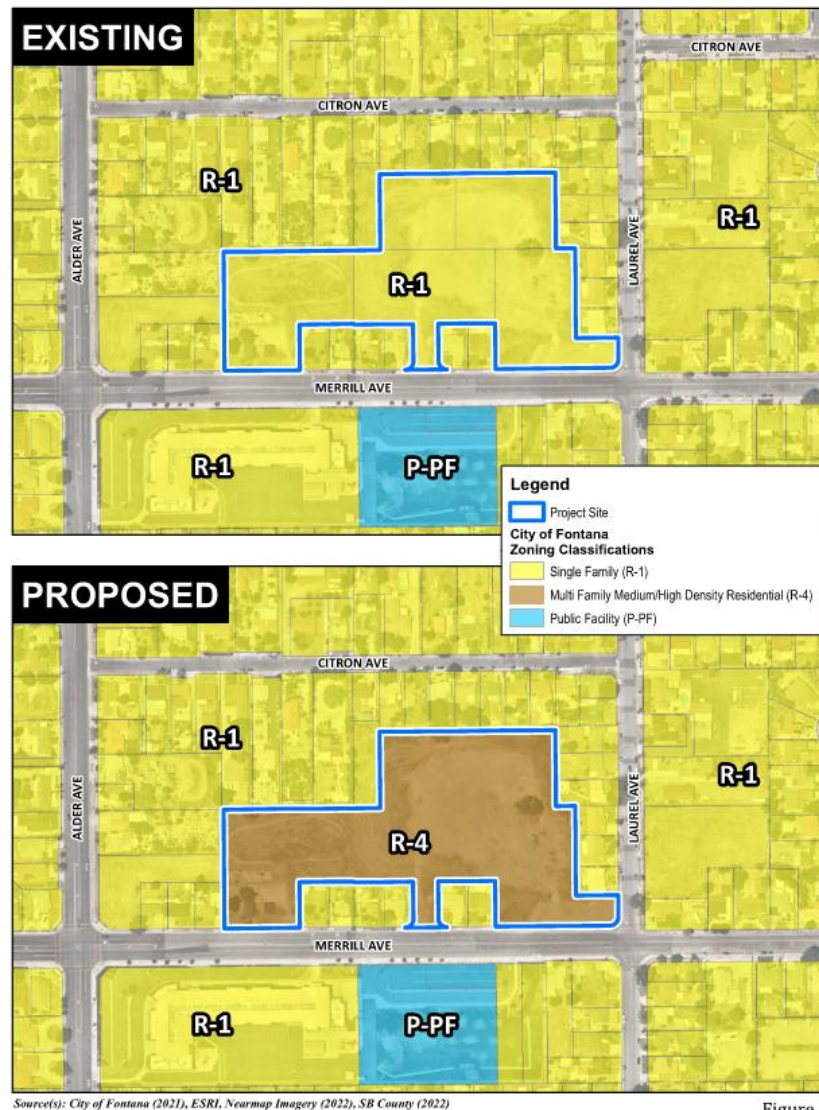


Figure 4