

RESOLUTION NO. PC 2023-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA FINDING THAT THE ACCEPTANCE OF LAND IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 0255-101-23 AND 0255-101-23 FOR A MULTI-FAMILY DEVELOPMENT PROJECT IS IN CONFORMANCE WITH THE CITY OF FONTANA 2018-2035 GENERAL PLAN AND MAKING CEQA FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166.

WHEREAS, the City of Fontana ("City") is the owner of 1.94 acres of unimproved real property located on Sierra Avenue, north of Santa Ana Avenue and south of Jurupa Avenue (a portion of APNs: 0255-101-22 and 0255-101-23) (the "Property"); and

WHEREAS, the City has no use for, and intends to sell, the Property to Fontana Courtplace I Housing Partners, L.P., for the construction of a 50 unit affordable family-apartment housing project; and

WHEREAS, California Government Code Section 65402 provides in part that a local agency shall not acquire or dispose of any real property until the location, purpose, and extent of such activity has been submitted to and reported upon by the local agency as to conformance with the adopted General Plan applicable thereto; and

WHEREAS, the Fontana City Council adopted the City of Fontana 2018-2035 General Plan (General Plan) on November 13, 2018; and

WHEREAS, the General Plan designations for the area where the Property is located is Walkable Mixed-Use Downtown and Corridors (WMXU-1) and is intended to support residential development areas such as multi-family and mixed-use development; and

WHEREAS, the proposed uses designated for the Property are permitted and consistent with the Zoning and Development Code and Form Based Code, Transitional District, where the Property is located, includes Multi-Family (permitted) and Commercial (permitted) designations. The property's multi-family use is consistent with the permitted uses, therefore it can be found that the intended multi-family use is considered consistent with the General Plan's Walkable Mixed-Use Downtown and Corridors (WMXU-1) designation for the site; and

WHEREAS, additionally, the General Plan's Land Use, Zoning, and Urban Design element supports a consistency finding for the acquisition of the property based on the fact that Goal No. 2 within the Land Use, Zoning, and Urban Design element states;

“Goal No. 2: Fontana development patterns support a high quality of life and economic prosperity;” and

WHEREAS, 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.) the City determined that a Mitigated Negative Declaration (MND) be prepared in order to analyze all potential adverse environmental impacts of a proposed multi-level residential affordable apartment project with associated green space, community gathering areas, vehicle parking, landscaping, and security fencing on the approximately 4.8-acres of land (“Courtplace Project”). The City prepared and adopted the Courtplace Project MND on November 1, 2022 for the Courtplace Project.

Pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an MND has been adopted, 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. Staff evaluated the proposed Resolution finding the intent to sell the property consistent with the General Plan 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 and found that no further environmental review was required by CEQA ; and,

WHEREAS, on November 7, 2023, the Fontana Planning Commission (“Planning Commission”) reviewed the General Plan conformance findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission:

Section 1. Recitals: the foregoing recitals are true, correct and incorporated herein.

Section 2. CEQA. Compliance with California Environmental Quality Act. As the decision-making body for the Project, the Planning Commission has reviewed and considered the MND, any oral or written comments received, and the administrative record prior to making any decision on the Project. The Planning Commission finds that the MND contains a complete and accurate reporting of all of the environmental impacts associated with the Courtplace Project.

Section 3. Findings on Environmental Impacts. Having considered the administrative record, the MND and all written and oral evidence presented to the Planning Commission, the Commission finds that all environmental impacts of the Courtplace Project and General Plan conformance determination have been addressed within the MND. 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 General Plan conformance determination may result in any significant environmental

impacts beyond those analyzed in the MND and, as a result no further environmental review is required by CEQA.

Section 4. Approval: Based on the foregoing, the Planning Commission hereby adopts this resolution and for purposes of reporting General Plan conformance pursuant to Government Code Section 65402 and finds that the proposed acquisition of the land identified as Assessor's Parcel Numbers 0255-101-23 and 0255-101-23 for multi-family purposes to be in conformance with the City of Fontana General Plan.

Section 5. 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 6. Certification: The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Section 7. Effective Date: This Resolution shall become effective immediately upon its adoption.

Section 8. Severability: If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 7th day of November 2023.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Ralph Thrasher, 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 the 7th day of November 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution PC No. 2023-_____

Ralph Thrasher, Secretary