

RESOLUTION NO. PC 2026 - _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT NO. 23-0085R1, AS TO ASSESSOR'S PARCEL NUMBER 0255-021-17 AND ADOPT AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT NO. 23-0085R2, AS TO ASSESSOR'S PARCEL NUMBERS 0255-011-13, 0255-011-14, 0255-011-18, 0255-011-19 AND 0255-011-25 THRU 0255-011-32.

WHEREAS, the City of Fontana granted entitlements for the Citrus/Oleander Industrial Commerce Center Project through its approvals of a General Plan Amendment (22-004), Zone Change (22-005), Specific Plan Amendment (22-002), Tentative Parcel Maps (TPMs 22-009, -030, and -031), and Design Reviews (22-029, -061, and -062) (collectively, Citrus Oleander Entitlements); and

WHEREAS, concurrent with the Citrus Oleander Entitlements, the City Council Of the City of Fontana approved Ordinance No. 1935 which authorized the City to enter into Development Agreement No. 23-085 (DA) with Acacia Real Estate Group, Inc. (Acacia); and

WHEREAS, the DA gave Acacia vested rights to develop the Citrus/Oleander Industrial Commerce Center Project consistent with the Citrus Oleander Entitlements, and in exchange obliged Acacia to provide specified public benefit fees to the City; and

WHEREAS, on October 2025, the Fontana Planning Commission considered and approved Design Review 22-062-R2, to reduce the size of one of the industrial commerce center buildings (originally approved in Design Review 22-062) from 193,462 square feet to approximately 83,632 square feet, and to reduce the size of that property from 8.7 acres to 4.6 acres; and

WHEREAS, Resolution No 25-040 approving Design Review 22-062-R2 requires two separate amendments to the DA – one for Assessor's Parcel Number 0255-021-17 (Acacia Property) and one for the Assessor's Parcel Numbers 0255-011-13, 0255-011-14, 0255-011-18, 0255-011-19 and 0255-011-25 thru 0255-011-32 (North Palisades Property) – to accomplish the following: (1) require the cumulative payment of public benefit fees of not less than \$4,300,000 – half due at building permit and half due a certificate of occupancy – with the Acacia Property responsible for \$881,678 and the North Palisades Property responsible for \$3,418,322; (2) update the vested entitlements under the DA amendment for the Acacia Property to include Design Review 22-062-R2; (3) require the parties executing the DA amendments to warrant and represent that they are the legal or equitable owners of the property; (4) require that the DA amendments be recorded in the Office of the San Bernardino County recorder within thirty days after City Council approval; (5) prohibit either DA amendment from taking effect unless both DA

amendments take effect; and (6) rescind the 22-062-R2 design review approval if both of the DA amendments are not timely recorded; and

WHEREAS, consistent with Planning Commission direction, City staff together with representatives of the future owners of the Acacia Property and North Palisades Property have negotiated and prepared DA amendments that accomplish the intent and direction provided in Planning Commission Resolution No. 25-040.

WHEREAS, the recommended development agreement modifications are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and,

WHEREAS, the development agreement modifications together with the underlying project were adequately analyzed in the previously certified Citrus and Oleander Avenue at Santa Ana Avenue Project Environmental Impact Report (EIR) (State Clearinghouse No. 2022110389) and its subsequent Addendum, and pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR is required because there are no substantial changes in the project or its circumstances, and no new information of substantial importance has been identified that would result in any new or more severe significant environmental impacts; and

WHEREAS, on April 6, 2026, notice of the April 21, 2026, Planning Commission public hearing for the DA amendment for the Acacia Property was published in the *Sun Newspaper* and was posted at designated City bulletin boards; and

WHEREAS, on April 6, 2026, notice of the April 21, 2026, Planning Commission public hearing for the DA amendment for the North Palisades Property was published in the *Sun Newspaper* and was posted at designated City bulletin boards; and

WHEREAS, the Commission carefully considered all information pertaining to the proposed DA amendments, including the staff report, findings, and all the information, evidence, and testimony presented at its public hearing on April 20, 2026, 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 true and correct and are incorporated by reference.

Section 2. Compliance with the California Environmental Quality Act. The Planning Commission has reviewed and considered the DA amendments and recommends that the City Council find and determine that development agreement amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

Section 3. Additional Basis for Compliance with the California Environmental Quality Act. Based on the substantial evidence set forth in the record, including but not limited to, the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR and the subsequent Addendum thereto, and all related information presented to the Planning Commission, the Commission recommends that the City Council find pursuant to State CEQA sections 15162 and 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA that the preparation of a subsequent or supplemental EIR is not required for the proposed Projects because the Project:

- A. Will not result in substantial changes that would require major revisions of the Citrus and Oleander Avenue at Santa Ana Avenue Project 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 project is developed that would require major revisions of the Citrus and Oleander Avenue at Santa Ana Avenue Project 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 known with the exercise of reasonable diligence at the time the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR documents were certified showing any of the following:
 - (i) The Modified 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 are 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. Recommendations. Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt an ordinance approving Development Agreement No. 23-0085R1, as to Assessor's Parcel Number 0255-021-17 in the form attached hereto as "**Exhibit A**," and adopt an ordinance approving Development Agreement No. 23-0085R2, as to Assessor's Parcel Numbers 0255-011-13, 0255-011-14, 0255-011-18, 0255-011-19 and 0255-011-25 thru 0255-011-32 in the form attached hereto as "**Exhibit B**,"

Section 8. 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.

Section 9. Certification. The Secretary of the Planning Commission shall certify the adoption of this Resolution.

Section 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 11. Severability. If any provision of this Resolution 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 Resolution that can be given effect without the invalid provision or application.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California at a regular meeting held on the 21st day of April 2026.

City of Fontana

Joseph Armendarez, Chairperson

ATTEST:

I, Torrie Lozano, 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 21st day of April 2026, by the following vote, to-wit:

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AYES:
NOES:
ABSENT:
ABSTAIN:

Torrie Lozano, Secretary