

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, APPROVING, PURSUANT TO A MITIGATED NEGATIVE DECLARATION, DEVELOPMENT CODE AMENDMENT NO. 22-007 TO CHANGE THE FORM-BASED CODE MAP TO IDENTIFY THE SUBJECT PROPERTIES AS ROUTE 66 GATEWAY FOR FIVE (5) EXISTING PARCELS, APNS: 0230-041-33, -44, -52, -60, AND -61, TOTALING APPROXIMATELY 2.4 ACRES.

WHEREAS, assessor parcel numbers 0230-041-33, -44, -52, -60, and -61, were annexed from San Bernardino County and incorporated into the City of Fontana on June 21, 2005 (Annex 2968); 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

WHEREAS, on March 8, 2022, the City of Fontana ("the City") received an application from SA Golden Investment, Inc. ("Applicant"), for five (5) existing lots on the east side of Banana Avenue approximately 270 feet south of the southeast corner of the intersection of Foothill Boulevard and Banana Avenue, more specifically known as APNs: 0230-041-33, -44, -52, -60, and -61 ("Project Site"), for a General Plan Amendment ("GPA No. 22-005") to amend the land use designation illustrated on Exhibit 15.8 in Chapter 15 of the General Plan from Single-Family Residential (R-SF) to Walkable Mixed Use Corridor & Downtown (WMXU-1) for the Project Site, a Zoning District Map Amendment ("ZCA No. 22-006") to amend the Zoning District Map from Residential-Single Family (R-1) to Form-Based Code (FBC) for the Project Site, a Development Code Amendment ("ZCA No. 22-007") to update the Form-Based Code map to identify the Project Site as a Route 66 Gateway sub district and a Design Review (DRP No. 22-020) to develop a new 24-unit multi-family project on APNs: 0230-041-52 and 60. All of the amendments together are known as Master Case Number 22-037 ("MCN 22-037"); and,

WHEREAS, the amendment Development Code will contribute to additional residential dwelling units that will provide a sustainable community where future occupants of the project site could live and utilize the services in the area as anticipated in the General Plan; and

WHEREAS, the Development Code 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 (MND) and Mitigation Monitoring and Reporting Program (MMRP) were published on August 9, 2023, and concluded that, with mitigation, no significant impacts would be caused by the project, therefore, a MND has been recommended for adoption; and

WHEREAS, all the notices required by statute and the Fontana City Code have been

ATTACHMENT NO. 8

given as required; and,

WHEREAS, on October 17, 2023, the Fontana Planning Commission (“Planning Commission”) conducted a noticed Public Hearing and received public testimony and evidence presented by the Applicant, and other interested parties, for the project MND, MMRP, and MCN 22-037 and recommended approval with a vote of 3-0 to the City Council by Resolution No. 2023-036 and

WHEREAS, on November 14, 2023, the City Council conducted a noticed public hearing on the project MND, MMRP and MCN 22-037, received testimony from all parties and documentation from the Planning Commission’s public hearing on October 17, 2023; and

WHEREAS, based on the evidence and testimony presented to the City Council at the public hearing held on November 14, 2023 for the project MND, MMRP, and MCN 22-037, the City Council found that the amendments and project are in conformance with the goals and policies of the General Plan as referred herein.

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. The City Council hereby adopts the Mitigated Negative Declaration along with the MMRP for the proposed project. The City Council finds that the Mitigated Negative Declaration contains a complete and accurate reporting of all the environmental impacts associated with the Project. The City Council further finds that the Mitigated Negative Declaration has been completed in compliance with CEQA, 2019 Local Guidelines for Implementing the California Environmental Quality Act, and the State CEQA Guidelines.

SECTION 3. Development Code Amendment Findings. The City Council hereby makes the following findings for Development Code Amendment (ZCA) No. 22-007 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 project includes a Development Code Amendment (“ZCA No. 22-007”) to update the Form-Based Code map to identify the Project Site as a Route 66 Gateway sub district, for the properties of APNs:

0230-041-33, -44, -52, -60, and -61, approximately 2.4 adjusted gross acres total.

The proposed amendment is consistent with the goals and policies of the Housing Element in the General Plan. The project is consistent with the following goals of the Housing Element.

- Provide adequate housing to meet the needs of all residents in Fontana.
- Provide a high standard of quality in existing affordable housing stock.

Furthermore, the project will meet the following policies of the Housing Element of the General Plan:

- Goal No.1, Policy No. 1.1, by providing a “Establish a range of rental and for sale housing opportunities in the city” and
- Goal No. 1, Policy No. 1.3 – “Promote the development and access to housing affordable to all income levels in Fontana”

The amendment will present an opportunity for development to be constructed at a higher density which will allow City to have a wider variety of housing types for residents. This amendment will increase the unit count and provide opportunity for attainable or market rate housing.

SECTION No. 4. Development Code Amendment Approval. Based on the findings in Section 3, the City Council hereby approves Development Code Amendment (ZCA) No. 22-007 to change the Form Based Code Map, Section No. 30-406, to identify the subject properties as Route 66 Gateway sub district on APNs: 0230-041-33, -44, -52, -60, and -61, totaling approximately 2.4 adjusted gross acres, as shown as **Exhibit “A”** attached hereto and incorporated herein by reference as fully set forth herein.

SECTION No. 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 No. 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 12th 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

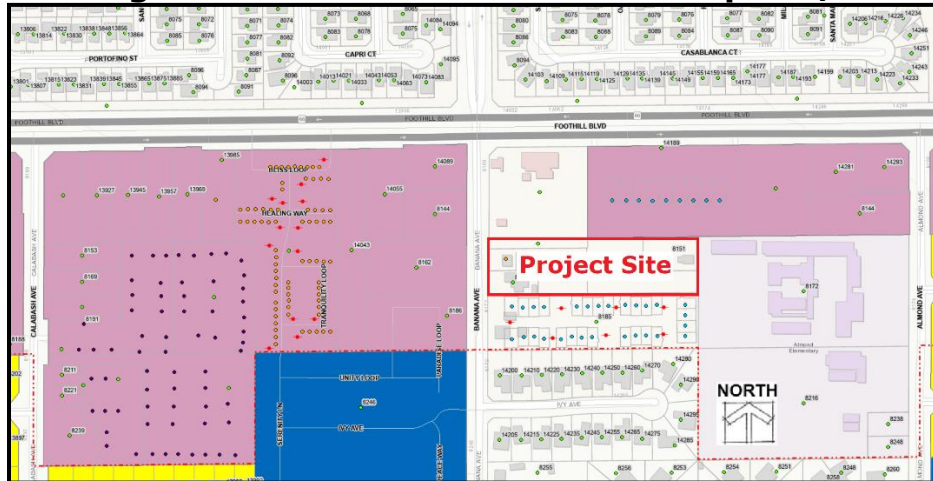
ATTEST:

City Clerk

“EXHIBIT A”

EXISTING AND PROPOSED FORM-BASED CODE SUBDISTRICTS FOR A PROPERTY COMPRISED FOR FIVE (5) EXISTING PARCELS, APNS: 0230-041-33, -44, -52, -60, AND -61, TOTALING APPROXIMATELY 2.4 ADJUSTED GROSS ACRES

Existing Form-Base Code Subdistrict Map – N/A



Proposed Form-Base Code Subdistrict Map – Route 66 Gateway



Form-Based Code Sub-District Map Legend

