

RESOLUTION NO. PC 2025-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA, CALIFORNIA, MAKING, PURSUANT TO THE ADOPTED COURTPACE MITIGATED NEGATIVE DECLARATION, GENERAL PLAN CONFORMANCE FINDINGS UNDER GOVERNMENT CODE SECTION 65402 REGARDING THE SALE OF 1.94 ACRES OF CITY-OWNED UNIMPROVED PROPERTY LOCATED ON SIERRA AVENUE, BETWEEN SANTA ANA AVENUE TO THE NORTH AND JURUPA AVENUE TO THE SOUTH (A PORTION OF ASSESSOR PARCEL NUMBERS 0255-101-22-0-000 AND 0255-101-23-0-000) AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION.**

**WHEREAS**, the City of Fontana (“City”) owns certain real property consisting of 1.94 acres of unimproved land located on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (“Property”). The Property is more particularly described in Exhibit “A,” attached hereto and incorporated herein; and

**WHEREAS**, the City has no use for the Property and desires to sell it to Fontana Courtplace I Housing Partners, L.P., a California limited partnership (“Purchaser”) for the construction of a 50 unit affordable family-apartment housing project (“Project”); and

**WHEREAS**, Purchaser, the City, and the Fontana Housing Authority (“Authority”) negotiated a disposition and development agreement (“DDA”) under which the City agreed, subject to the terms and conditions provided therein, to convey the Property to Purchaser for the construction of the Project; and

**WHEREAS**, on October 24, 2023, the City Council: (1) determined that the Property qualified as “exempt surplus land” under the Surplus Land Act pursuant to Government Code section 54221(f)(1)(A); (2) declared the City’s intent to sell the Property to Purchaser in accordance with the DDA; and (3) set a public hearing for November 14, 2023, to consider any protests to the City’s conveyance of the Property. Following a public hearing, on November 14, 2023, the City Council and the Authority’s Board of Directors (“Authority Board”) approved the DDA and authorized the City Manager and the Authority’s Executive Director to execute the same. On February 25, 2025, the City Council and the Authority Board approved a first amendment to the DDA, which increased the City’s financial support for the Project in order to augment its competitiveness for a low income tax credit allocation from the California Tax Credit Allocation Committee; and

**WHEREAS**, the DDA includes a regulatory agreement (“Regulatory Agreement”), under which all but one of the Project’s units will be reserved for occupancy by low, very low, or extremely low income households for 99 years. Specifically, the Regulatory Agreement provides that: five units will be leased to extremely low-income households (i.e., 30% of the AMI), 25 units will be leased to very low income households (i.e., 40%-50% AMI), 19 units will be leased to lower income households (i.e., 60% AMI), and one unit will be for an onsite manager; and

**WHEREAS**, before escrow closes on the above transaction, Government Code section 65402 requires the Planning Commission to render a determination as to whether the City’s disposition of the Property to Purchaser for the Project is consistent and in conformance with the General Plan; and

**WHEREAS**, for the reasons provided below, the Planning Commission finds that the City's disposition of the Property for the Project is consistent with and in conformance with the General Plan and by adopting this resolution, the City will satisfy its obligations under Government Code section 65402; 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 proposed multi-level residential affordable apartment buildings with associated green space, community gathering areas, vehicle parking, landscaping, and security fencing on the approximately 4.8 acres of land ("Courtplace Project"); and

**WHEREAS**, the City prepared and adopted the Courtplace Project MND for the Courtplace Project on November 1, 2022 (SCH #: 2022100111) and approved a Mitigation Monitoring and Reporting Program for the Project. Under the MND, the Property and the Project are Phase I of the Courtplace Project; and

**WHEREAS**, 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; and

**WHEREAS**, staff evaluated this Resolution 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,

**WHEREAS**, in connection with this Resolution and the Planning Commission's review of the Courtplace Project MND, the Planning Commission has independently reviewed all the prior environmental documentation prepared for the Courtplace Project, and has exercised its independent judgment in recommending that the City Council find that the Courtplace Project MND fully analyzed and mitigated, all potentially significant environmental impacts, if any, that would result from the Resolution making General Plan conformance findings, and therefore, no subsequent EIR or mitigated negative declaration is required; and

**WHEREAS**, all legal prerequisites have occurred prior to the adoption of this Resolution.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF FONTANA, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals.** The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

**SECTION 2. CEQA Findings.** The Planning Commission has reviewed and considered the Courtplace Project MND and the Mitigation, Monitoring, and Reporting Program, pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA, and recommends that the City Council find that the Courtplace Project MND fully analyzed and with the adoption of the Mitigation and Monitoring Reporting Program, mitigated all potentially significant environmental impacts, if any, that would result from this Resolution making General Plan conformance findings, and therefore, no

subsequent EIR or mitigated negative declaration is required. Staff is directed to file a Notice of Determination.

**SECTION 3. General Plan Conformance Findings.** Given the foregoing, the Planning Commission hereby finds that the City’s disposition of the Property to Purchaser for the Project is consistent with and conforms to the City’s General Plan as follows:

1. Housing Element (“HE”) Policy 1.3 provides that the City will promote the development and access to housing affordable to all income levels in the City. The City’s disposition of the Property for the Project is consistent with HE Policy 1.3 because the Project will create 49 new affordable units that—pursuant to the Regulatory Agreement—will be reserved for low, very low, and extremely low income households. For these reasons, the City’s disposition of the Property is consistent with HE Policy 1.3.

2. HE Policy Action 1E provides that the City shall encourage the development of housing units for low, very low, and extremely low income households. The City’s disposition of the Property for the Project is consistent with HE Policy Action 1E because it will result in the creation of 49 new units reserved for low, very low, and extremely low income households.

3. HE Policy 4.1 provides that the City should enhance opportunities for affordable housing for all segments of the City’s population. Here, the City is enhancing affordable housing opportunities by disposing of City-owned property to Purchaser for the Project, which upon completion will result in an additional 49 affordable in the City’s rental housing stock. For these reasons, the City’s disposition of the Property for the Project is consistent with HE Policy 4.1.

**SECTION 4. Report.** Pursuant to Government Code section 65402(a), this Resolution constitutes the Planning Commission’s report to the City Council showing that the proposed disposition of the Property to Purchaser for the Project is consistent with and conforms to the General Plan.

**SECTION 5. Severability.** If any provision of this Resolution is held invalid by a court of competent jurisdiction, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

**SECTION 6. Effective Date.** This Resolution is effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting of the Planning Commission held on this 18th day of March, 2025.

City of Fontana

\_\_\_\_\_  
Idilio Sanchez, Chairperson  
ATTEST:

I, Joseph Armendarez, 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 18<sup>th</sup> day of March, 2026, by the following vote, to-wit:

AYES:

NOES:

ABSENT"

ABSTAIN:

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Joseph Armendarez, Secretary

Resolution No. PC 2025-\_\_\_\_\_

# EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FONTANA IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTH ONE-HALF OF THE EAST ONE-HALF OF FARM LOT 769, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, AS PER MAP RECORDED IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAID COUNTY. DESCRIBED AS FOLLOWS:

Lot A:

COMMENCING AT THE EASTERLY LINE OF FARM LOT LOT 776 OF SAID SEMI-TROPIC LAND AND WATER COMPANY AND THE CENTERLINE OF JURUPA AVENUE;

THENCE NORTH 00°32'15" WEST, 730.06 FEET ALONG THE EASTERLY LINE OF SAID LOT 776 TO THE SOUTHERLY LINE OF SAID LOT 769;

THENCE SOUTH 89°27'22" WEST, 30.00 FEET ALONG SAID SOUTHERLY LINE TO THE WESTERLY LINE OF SIERRA AVENUE AND **THE TRUE POINT OF BEGINNING**;

THENCE SOUTH 89°27'22" WEST 266.94 FEET, CONTINUING ALONG SAID SOUTHERLY LINE;

THENCE NORTH 00°31 '04" WEST, 330.11 FEET TO THE NORTHERLY LINE OF THE SAID SOUTH ONE-HALF OF SAID LOT 769;

THENCE NORTH 89°27'54" EAST, 266.82 FEET ALONG SAID NORTHERLY LINE TO SAID WESTERLY LINE OF SIERRA AVENUE;

THENCE SOUTH 00°32'15" EAST, 330.06 FEET ALONG SAID WESTERLY LINE **THE TRUE POINT OF BEGINNING**.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

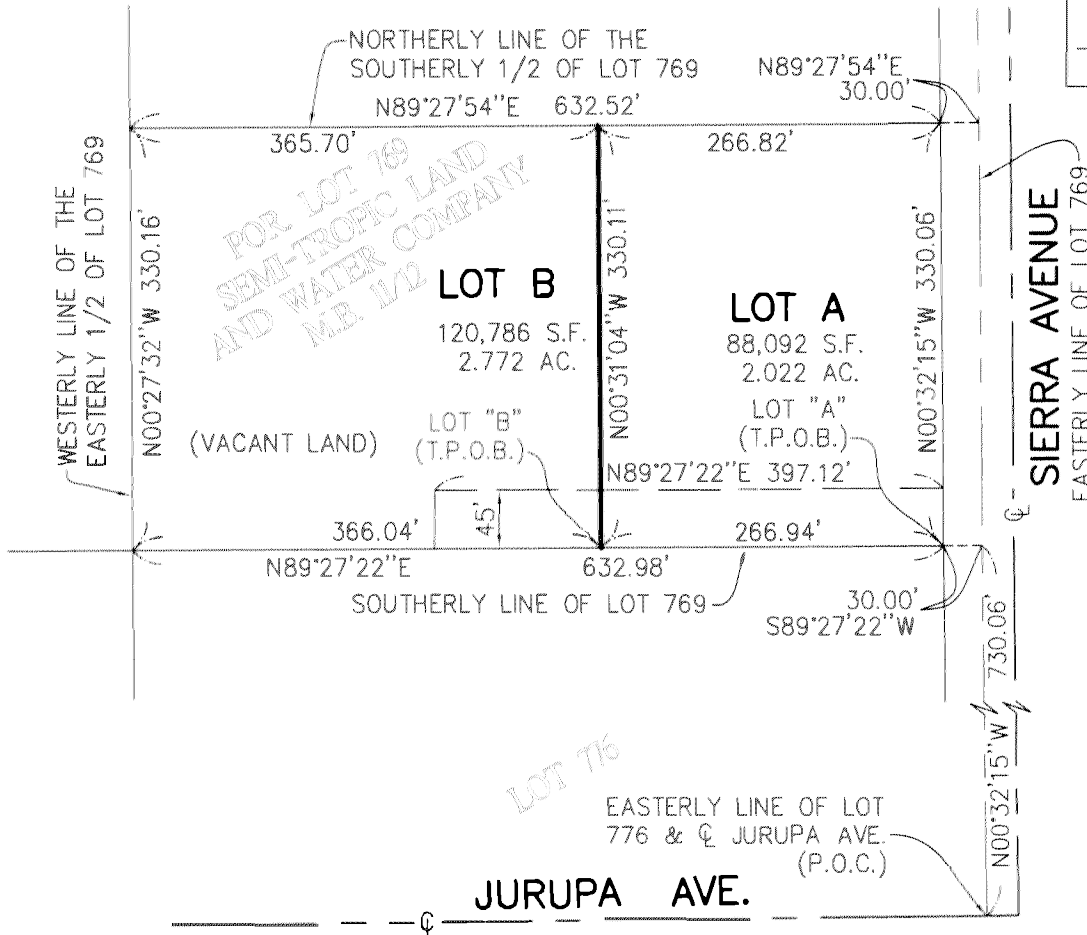
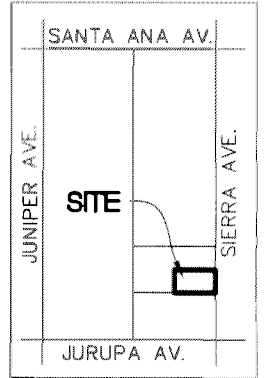
CONTAINING 88,092 SQUARE FEET (2.022 ACRES) OF LAND, MORE OR LESS.

# EXHIBIT 'B'

## to

# EXHIBIT A-2

## LEGAL DESCRIPTION



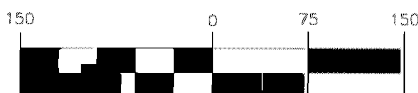
**LEGEND**

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- EXISTING LOT LINE
- AFTER ADJUSTMENT
- EXISTING LOT LINE
- TO REMAIN
- EXISTING LOT LINE
- TO BE REMOVED



*Ty E. Thomas* 10-07-2022  
 TY E. THOMAS DATE  
 P.L.S. 9309

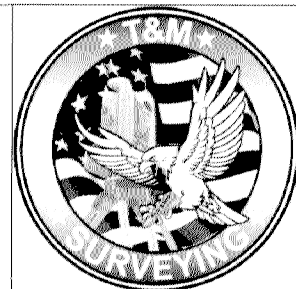
NORTH  
GRAPHIC SCALE



PREPARED BY:

**T&M**  
**SURVEYING**

531 E. TRENTON AVE.  
 ORANGE, CA  
 O-714-912-4042 C-714-906-8771  
 WWW.TNMSURVEYING.COM



JN:  
-743

CHECKED  
TET  
SHEET

8 OF 8