

RESOLUTION PC NO. 2022-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ADDENDUM TO THE CITY OF FONTANA GENERAL PLAN EIR AND DIRECT STAFF TO FILE THE NOTICE OF DETERMINATION AND ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT 21-002, ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. 21-007, ADOPT AN ORDINANCE APPROVING ZONE CHANGE NO. 21-004, AND ADOPT AN ORDINANCE APPROVING ZONING CODE AMENDMENT NO. 21-008.

WHEREAS, a request was made to recommend approval to the City Council for General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Change Amendment No. 21-004, Zoning Code Amendment No. 21-008 as detailed below:

1. General Plan Amendment No. 21-002 to amend Chapter 5 (Housing Element) of the 2015-2035 General Plan and adopt the 2021-2029 6th cycle Housing Element
2. General Plan Amendment No. 21-007 to update the General Plan land use map to change the general plan land use designation on multiple properties through the City to Multi-Family Medium/High Residential (R-MFMH), Multi-Family High Residential (R-MFH) and the creation of an “R-4 Overlay” boundary to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).
3. Zone Code Amendment No. 21-008 to update the Zoning District Map to change the zoning on multiple properties through the City to Multi-Family Medium/High Residential (R-4) and Multi-Family High Residential (R-5) to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).
4. Zone Code Amendment No. 21-004-A request to amend Chapter 30 (Development Code) of the Municipal Code to establish an “R-4 Overlay” to allow for additional housing at the R-4 densities.

Project Applicant: City of Fontana, Planning Department

Project Location: City Wide

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

WHEREAS, The California State Legislature mandates that all cities and counties adopt a comprehensive General Plan that will serve as the long-term plan for the physical development of the county or city, including a mandatory Housing Element which must be updated every eight years and is required by State law to be certified by the State of California's Department of Housing and Community Development (HCD). The 6th cycle Housing Element incorporate goals, policies and actions which demonstrate the City's ability to accommodate its fair share of housing for this planning period; and,

WHEREAS, Additionally, a Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan. The RHNA quantifies the need for housing within each jurisdiction during specified planning periods. The current planning period ("cycle") is for the years 2021-2029. The RHNA identifies existing and future housing needs resulting from population, employment, and household growth. Moreover, the RHNA allows communities to anticipate growth, so that collectively the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses social equity, and fair share housing needs; and,

WHEREAS, the City's share of the regional housing need is 17,519 units as provided by the Southern California Associated of Governments (SCAG) and establishes the number of potential units based on income category that the City will accommodate during the 6th Cycle from 2021 to 2029; and,

WHEREAS, on June 25, 2021, the City submitted the Draft Housing Element to the California Department of Housing and Community Development (HCD) for the review and comment, in accordance with State housing law; and,

WHEREAS, on August 24, 2021 HCD provided written correspondence indicating that the draft element addressed many statutory requirements; however revisions will be necessary to comply with State Housing Element Law; and,

WHEREAS, on October 22, 2021 the City submitted the Draft Housing Element to the California Department of Housing and Community Development (HCD) for the review and comment, in accordance with State housing law; and,

WHEREAS, on December 21, 2021 HCD provided written correspondence indicating that the draft element addressed many statutory requirements; however, revisions were necessary to comply with State Housing Element Law; and,

WHEREAS, the Draft Housing Element has been revised to address HCD's comments of December 21, 2021 as described in the Planning Commission staff report dated January 18, 2022, in compliance with State law. The revised Draft Housing

Element has been resubmitted to HCD and any minor changes to the Draft Housing Element that are requested by HCD, given the adoption of this ordinance and minor changes can be made by the Director of Planning, where consistent with the goals and policies of the City of Fontana General Plan; and,

WHEREAS, the Planning Commission finds that the proposed update to the Zoning and Development Code, General Plan map (Exhibit B) and Zoning Map (Exhibit C) is compatible with the general objectives of the General Plan, and that both updates directly implement General Plan policy, thereby enhancing consistency between the General Plan, Zoning and Development Code and Zoning Map; and

WHEREAS, General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Change Amendment No. 21-004, Zoning Code Amendment No. 21-008 are consistent with the goals and policies of the General Plan; and,

WHEREAS notices required by statute of the Fontana City Code have been given as required; and

WHEREAS, on January 18, 2022, the Planning Commission received a staff report and all the information, evidence, and public testimony and considered General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Change Amendment No. 21-004, and Zoning Code Amendment No. 21-008; and,

WHEREAS, the Planning Commission finds that the proposed update to the Zoning and Development Code, the General Plan Map, and the Zoning Map will be in conformity with good land use practice and is intended to facilitate ease of use and understanding, as well as to establish appropriate development standards land use designations; and,

WHEREAS, the Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all the information, evidence, and testimony presented at its public hearing on January 18, 2022; 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 incorporated herein by reference.

Section 2. Compliance with California Environmental Quality Act. The Planning Commission has reviewed and considered the City of Fontana General Plan EIR and Addendum, any oral or written comments received, and the administrative record prior to making any decision on the Proposed Project. The Planning Commission finds that the Addendum and City of Fontana General Plan EIR contain a complete and accurate reporting of all of the environmental impacts associated with the Project. The Planning Commission further finds that the Addendum has been completed in compliance with

the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not limited to, the City of Fontana General Plan EIR, the Addendum, and all related information presented to the Planning Commission, the Commission finds that the Projects necessitate only minor modifications to the City of Fontana General Plan EIR. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the City of Fontana General Plan EIR is the appropriate document for each project.

The Planning Commission further finds that the preparation of a subsequent or supplemental EIR is not required for the proposed Projects because the Projects:

- A. Will not result in substantial changes that would require major revisions of the City of Fontana General Plan 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 Proposed Projects are developed that would require major revisions of the City of Fontana General Plan 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 been known with the exercise of reasonable diligence at the time the City of Fontana General Plan EIR documents were certified showing any of the following:
 - (i) The proposed 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 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. Findings on Environmental Impacts. Having considered the Addendum, the administrative record, the City of Fontana General Plan EIR and all written and oral evidence presented to the Planning Commission, the Commission finds that all environmental impacts of the applications have been addressed within the City of Fontana General Plan EIR and the Addendum. 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 Projects may result in any significant environmental impacts beyond those analyzed in the City of Fontana General EIR. The Planning Commission finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Projects and reflects the independent judgment and analysis of the Planning Commission.

Section 5. Adoption of the Addendum to the City of Fontana General Plan EIR. The Planning Commission hereby recommends to the City Council adopt the Addendum to the EIR for the City of Fontana General Plan (SCH No. 2016021099) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 6. Recitals. The above recitals are incorporated herein by reference.

Section 7. The City of Fontana Planning Commission hereby makes the following findings for General Plan Amendment No. 21-002 in accordance with Section 30-31 "Purpose" of the Fontana Zoning and Development Code:

Finding No. 1: **The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.**

Findings of Fact: The proposed general plan amendment is a request to amend Chapter 5 (Housing Element) of the 2015-2035 General Plan and adopt the 2021-2029 6th cycle Housing Element to incorporate goals, policies and actions which demonstrate the City's ability to accommodate its fair share of affordable housing for this planning period.

The California State Legislature mandates that all cities and counties adopt a comprehensive General Plan that will serve as the long-term plan for the physical development of the county or city, including a mandatory Housing Element which must be updated every eight years and is required by State law to be certified by the State of California's Department of Housing and Community Development (HCD).

Moreover, the RHNA allows communities to anticipate growth, so that collectively the region and subregion can grow in ways

that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses fair share housing needs.

Finding No. 2: The proposal substantially promotes the goals of the General Plan.

The proposed update to the General Plan, Zoning and Development Code, General Plan map (Exhibit B) and Zoning Map (Exhibit C) promotes the goals the General Plan. Additionally, the updates directly implement General Plan policy, thereby enhancing consistency between the General Plan, Zoning and Development Code and Zoning Map.

Section 8. The City of Fontana Planning Commission hereby makes the following findings for General Plan Amendment No. 21-007 in accordance with Section 30-31 “Purpose” of the Fontana Zoning and Development Code:

Finding No. 1: The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.

Findings of Fact: The proposed General Plan Amendment is to update the General Plan land use map to change the general plan land use designation on approximately 167 properties throughout the city to Multi-Family Medium/High Residential (R-MFMH) and Multi-Family High Residential (R-MFH). The changes to the General Plan land use map also include the establishment of an overlay to allow the potential of development at the R-MFH density of 24.1 du/ac to 39 du/ac within a certain boundary. All these changes are shown as part of Exhibit “B” and are required in order to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG)).

Section 9. The City of Fontana Planning Commission hereby makes the following findings for Zone Change No. 21-008 in accordance with Section 30-40 “Purpose” of the Fontana Zoning and Development Code:

Finding No. 1: 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: This zone change is to update the Zoning District Map to change the zoning on approximately 158 properties throughout the City to Multi-Family Medium/High Residential (R-4) and Multi-Family High Residential (R-5). The changes to the Zoning district map also include the establishment of an overlay to allow the potential of development at the R-4 density of 24.1 du/ac to 39 du/ac within a certain boundary. The changes are shown as part of Exhibit "C" and are required to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG)).

Section 10. The City of Fontana Planning Commission hereby makes the following findings for Zone Code Amendment No. 21-004 in accordance with Section 30-40 "Purpose" of the Fontana Zoning and Development Code:

Finding No. 1: **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: This zone code amendment is to amend Chapter 30 (Development Code) of the Municipal Code to establish and overlay to allow for additional housing at the R-4 densities to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG)). These changes are consistent with the Draft Housing Element and will further promote housing opportunities for property owners.

Section 11. The Planning Commission hereby recommends approval of General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Code Amendment No. 21-004, Zoning Change No. 21-008, subject to the Findings listed in Sections 7 through 10. Based on the foregoing, the City of Fontana Planning Commission recommends that the City Council adopts a resolution adopting the Addendum to the City of and direct staff to file the Notice of Determination and approving General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Code Amendment No. 21-004, Zoning Change No. 21-008 subject to the findings as indicated herein.

Section 12. 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 13. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 18th day of January 2022.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Idilio Sanchez, 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 this 18th day of January, 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary