

## **RESOLUTION PC NO. 2022-\_\_\_\_**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT 22-006 AND ADOPT AN ORDINANCE APPROVING ZONE CHANGE NO. 22-008.**

**WHEREAS**, MCN22-068 is a request to recommend to the City Council approval of General Plan Amendment No. 22-006 and Zone Change Amendment No. 22-008 as detailed below:

1. General Plan Amendment No. 22-006 to amend the General Plan land use map to redesignate a one-acre site located on the south side of Baseline Road approximately 290 feet east of Juniper Avenue (Assessor Parcel Number 0241-051-13) from General Commercial (C-G) to Multi-Family Medium/High Residential (R-MFMH) and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Assessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential (R-MFMH) to General Commercial (C-G).
2. Zone Change No. 22-008 to update the Zoning District Map to redesignate the zoning on a one-acre site (Assessor Parcel Number 0241-051-13) from General Commercial (C-2) to Multi-Family Medium/High Residential (R-4) and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Assessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential (R-4) to General Commercial (C-2).

**Project Applicant:** City of Fontana, Planning Department

**Project Location:** Assessor Parcel Numbers 0241-051-02, -13, -16 and -32

**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 proposed General Plan Amendment and Zone Change are considered a “Project” as defined by the California Environmental Quality Act (CEQA); and

**WHEREAS**, the 2015-2035 General Plan was approved by City Council on November 13, 2018 and included the Certification of an Environmental Impact Report (State Clearinghouse No. 2016021099) that analyze all potential adverse environmental impacts 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.) :and

**WHEREAS**, On February 8, 2022, the City Council voted unanimously (5-0) approving General Plan Amendment No. 21-007 and Zone Change No. 21-008, changing the General Plan land use designation and zone change of approximately 160 properties within the City to zoning that would allow development of affordable multi-family housing consistent with the adopted 2021-2029 Housing Element; and

**WHEREAS**, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, 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**, by way of preparation of an addendum for each project site, staff evaluated the proposed projects 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 by preparing an Initial Study and accompanying technical reports (Addendum); and

**WHEREAS**, based on that evaluation, staff concluded that the FEIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the Proposed Projects, and therefore, no subsequent EIR or mitigated negative declaration is required; and

**WHEREAS**, pursuant to State CEQA Guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be attached to the FEIR; and

**WHEREAS**, all of the notices required by statute or the City Municipal Code have been given as required; and

**WHEREAS**, General Plan Amendment No. 22-006 and Zone Change Amendment No. 22-008 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 September 20, 2022, the Planning Commission received a staff report and all the information, evidence, and public testimony and considered General Plan Amendment No. 22-006 and Zone Change Amendment No. 22-008; and

**WHEREAS**, the Planning Commission finds that the proposed update to 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 and land use designations; and,

**WHEREAS**, the Planning 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 September 20, 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. As the decision-making body for the Project, the Planning Commission has reviewed and considered the comprehensive update to the General Plan (Fontana Forward General Plan Update 2015-2035 Final Environmental Impact Report, State Clearinghouse Number 2016021099, dated August 10, 2018), 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 to the FEIR contains 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, and all related information presented to the Planning Commission, the Commission finds that the Projects of the proposed land use designations and zoning were adequately analyzed in 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 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. 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.

**Section 5. Adoption of the Addendum to the City of Fontana General Plan EIR.** The Planning Commission hereby recommends to the City Council adoption of 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. 22-006 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 redesignate a one acre site generally located 290 feet east of Juniper Avenue (Accessor Parcel Number 0241-051-13) from General Commercial (C-G) to Multi-Family

Medium/High Residential (R-MFMH) and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Accessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential (R-MFMH) to General Commercial (C-G). All these changes are shown as part of Exhibit “A” and are required to correct an error made as part of land use designation amendments made to accommodate the Regional Housing Needs Allocation (RHNA) as required by the California Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). Additionally, the changes shown in Exhibit “A” will create consistency among parcels under common ownership and will accommodate a development application we received on one of the associated project sites.

**Section 8.** The City of Fontana Planning Commission hereby makes the following findings for Zone Change No. 22-008 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 redesignate the zoning on a one-acre site generally located 290 feet east of Juniper Avenue (Accessor Parcel Number 0241-051-13) from General Commercial (C-2) to Multi-Family Medium/High Residential (R-4) and redesignate a three-acre site located at 16818 Montgomery Avenue, 16844 Montgomery Avenue, and 16835 Baseline Avenue (Accessor Parcel Numbers 0241-051-02, -16, and -32) from Multi-Family Medium/High Residential (R-4) to General Commercial (C-2). All these changes are shown as part of Exhibit “B” and are required to correct an error made as part of land use designation amendments made to accommodate the Regional Housing Needs Allocation (RHNA) as required by the California Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). Additionally, the changes shown in Exhibit “B” will create consistency among parcels under common ownership and will accommodate a development application we received on one of the associated project sites.

**Section 9.** The Planning Commission hereby recommends approval of General Plan Amendment No. 22-006 and Zoning Change No. 22-008, subject to the Findings listed in Sections 7 through 8. 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. 22-006 and Zoning Change No. 22-008 subject to the findings as indicated herein.

**Section 10. 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 11.** 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 20<sup>th</sup> day of September 2022.

**City of Fontana**

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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 20<sup>th</sup> day of September 2022, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Idilio Sanchez, Secretary