



Legislation Details (With Text)

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File created: 4/14/2022 **In control:** City Council Meeting

On agenda: 5/10/2022 **Final action:**

Title: Appeal No. 22-001: A request for an appeal to overturn the Planning Commission’s March 15, 2022 decision approving Tentative Parcel Map No. 20447 (TPM No. 21-017) and Design Review No. 21-030 for a new industrial commerce center building totaling approximately 137,000 square feet. The building includes two potential office spaces totaling approximately 10,000 square feet, 26 warehouse dock doors, and one (1) ground level door; the site plan includes 37 trailer parking spaces, and 50 passenger car parking spaces. The building will have a maximum height of 40-feet. The site is located on the northeast corner of the intersection of Santa Ana Avenue and Calabash Avenue within the Slover West Industrial District (SWD) of the Southwest Industrial Park (SWIP) Specific Plan of the City of Fontana.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment No. 1 - Vicinity Map, 2. Attachment No. 2 - Tentative Parcel Map No. 20447, 3. Attachment No. 3 - Site Plan, 4. Attachment No. 4 - Elevations, 5. Attachment No. 5 - Staff Report - Planning Commission, 6. Attachment No. 6 - Planning Commission Minutes Excerpt, 7. Attachment No. 7 - Appellant Letter and Response Letter, 8. Attachment No. 8 - Clerk of the Board Receipt and NOD, 9. Attachment No. 9 - Appeal 22-001 Public Hearing Notice

Date	Ver.	Action By	Action	Result
5/10/2022	1	City Council Meeting	adopt	Pass

FROM:

Planning Department

SUBJECT:

Appeal No. 22-001: A request for an appeal to overturn the Planning Commission’s March 15, 2022 decision approving Tentative Parcel Map No. 20447 (TPM No. 21-017) and Design Review No. 21-030 for a new industrial commerce center building totaling approximately 137,000 square feet. The building includes two potential office spaces totaling approximately 10,000 square feet, 26 warehouse dock doors, and one (1) ground level door; the site plan includes 37 trailer parking spaces, and 50 passenger car parking spaces. The building will have a maximum height of 40-feet. The site is located on the northeast corner of the intersection of Santa Ana Avenue and Calabash Avenue within the Slover West Industrial District (SWD) of the Southwest Industrial Park (SWIP) Specific Plan of the City of Fontana.

RECOMMENDATION:

COUNCIL GOALS:

- To create a team by working together to provide stability and consistent policy direction.
- To create a team by ensuring commissions work within clear guidelines to achieve Council

goals.

- To pursue business retention, expansion and attraction.

DISCUSSION:

Background:

On March 15, 2022, the Planning Commission held a public hearing. After receiving public comments and consideration of the evidence presented, the Planning Commission approved Tentative Parcel Map No. 20447 (TPM No. 21-017) consolidating six (6) parcels (APNs: 0236-081-08, -09, -41, -42, -43, and -44) totaling approximately 6.6 gross acres into one (1) parcel, and approved Design Review No. 20-030 for a new industrial commerce center building totaling approximately 137,000 square feet including two potential office spaces totaling approximately 10,000 square feet, including 26 warehouse dock doors, one (1) ground level door, 37 trailer parking spaces, and 50 passenger car parking spaces.

Environmental Review:

Pursuant to Section No. 15162 and Section No. 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section No. 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) was prepared for this proposed project. The aforementioned EIR adopted by the City Council on June 12, 2012 anticipated various types of industrial commerce center building uses.

The proposed project does not represent significant changes to the approved SWIP PEIR relative to CEQA since it does not change the assumptions, analysis, conclusions, or mitigation. The components of the proposed project do not alter the EIR project's significance conclusions or represent significant new information. Additionally, the proposed project does not require major revisions to the aforementioned EIR, does not lead to any new significant environmental effects, and does not lead to any substantial increase in the severity of previously identified significant effects. The proposed project does not trigger any of the conditions that warrant preparation of a Subsequent EIR. Therefore, an Addendum to the EIR was prepared for this proposed project and no further/additional CEQA review is required. The SWIP PEIR can be found at <https://www.fontana.org/1297/Southwest-Industrial-Park-Specific-Plan>. The Addendum to the SWIP PEIR has been provided to the City Council under separate cover and can be found at <https://www.fontana.org/2137/Environmental-Documents>.

Appeal:

Subsequent to the Planning Commission approval, Ana Gonzalez filed an appeal (Appeal No. 22-001) application and letter (Attachment No. 7) on March 30, 2022, based on the Planning Commission approval of Tentative Parcel Map No. 20447 (TPM No. 21-017), and Design Review No.

21-030.

In summary, the appellant's letter includes assertions that:

- Linkages are being seen between childhood obesity and pollution from vehicles.
- Research related to "Mouse Lung Structure and Function..." suggests that early life period is particularly sensitive to CO2.
- The CEQA exemption is not appropriate.
- It is impossible to determine whether the project is meeting the requirements of MM GHG-1 of the City of Fontana General Plan which requires a reduction of 28.5 percent below baseline conditions.
- The costs of the cumulative effects of all Fontana warehouse developments over the past ten years must be studied.

EPD Solutions, Inc., the CEQA consultant who prepared the Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) has prepared a detailed written response to the assertions in the Appellant letter. The response is included as Attachment No. 7.

FISCAL IMPACT:

None

MOTION:

Approve staff recommendation