



Legislation Text

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File #: 21-3123, Version: 1

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**FROM:**

Planning Department

**TITLE:**

Planning Commission Determination of General Plan Consistency

**RECOMMENDATION:**

Staff recommends that the Planning Commission consider the locations, purpose, and extent of the proposed real property acquisition described herein as required under Government Code Section 65402(c) and adopt Resolution No. PC 2024- 036 finding that the proposed acquisition is in conformance with the City's General Plan, making CEQA findings pursuant to the State CEQA Guidelines Section 15061(b)(3) and directing staff to file a Notice of Exemption

**APPLICANT:**

City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335

**LOCATION:**

8463 Nuevo Avenue. APN 0191-163-23

**REQUEST:**

Determination by the Planning Commission that the acquisition of the property described herein is consistent with the goals and policies of the City of Fontana General Plan.

**PROJECT PLANNER:**

Patty Nevins, Director of Planning

**BACKGROUND INFORMATION:**

Government Code section 65402 (attached) provides that a local agency's acquisition or disposal of real property shall be submitted to and reported upon by the planning agency with respect to conformity with the adopted general plan.

**PROJECT DESCRIPTION:**

The City intends to acquire certain property for the revitalization of the City's Downtown, specifically for parking structure development. The subject property is located at 8463 Nuevo Avenue. APN 0191-163-23.

**ANALYSIS:**

Government Code section 65402 (attached) provides that the City's acquisition or disposal of real property shall be submitted to and reported upon by the planning agency with respect to conformity

with the adopted general plan.

The General Plan land use designation for the subject property is Walkable Mixed-Use 3 Downtown Core Project (WMXU-3). The General Plan Walkable Mixed-Use Downtown Core was created to allow for provide for higher density housing mixed with commercial uses to create a regional and local destination. The General Plan identifies the WMXU-3 area as intended for new development in the central area of the Downtown and adjacent areas. Mixed use development is encouraged to create a vibrant commercial destination and it is envisioned that increased residential potential will additionally support commercial and mixed-use development within the Downtown area.

The General Plan's Land Use, Zoning, and Urban Design element further supports a consistency finding for the acquisition of the property. Applicable goals within the Land Use, Zoning, and Urban Design element supportive of the consistency finding include:

- Goal No. 2: Fontana development patterns support a high quality of life and economic prosperity.”
- Goal No. 3: Downtown is a dynamic center of activity with new housing options, walkable environments, and a mixture of uses attracting residents and visitors.

Government Code section 65402 (attached) provides that the City's disposal of the real property shall be submitted to and reported upon by the planning agency with respect to conformity with the adopted general plan.

### **California Environmental Quality Act (“CEQA”)**

The proposed Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). Section 15061(b)(3) of the State CEQA Guidelines states that an activity is covered by the common sense exemption that CEQA only applies to project that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. The acquisition of property will not involve nor approve any physical change nor any reasonably foreseeable future change. Therefore, no environmental review is required.

### **CONCLUSION**

Based on the General Plan goals and policies cited, staff concludes that the acquisition of the subject properties is consistent with the City of Fontana General Plan

### **MOTION:**

Approve Staff's recommendation

### **ATTACHMENTS:**

Attachment No. 1: Vicinity Map

Attachment No. 2: Planning Commission Resolution PC 2024-036

Attachment No. 3: Government Code Section 65402(c)