

Ord 154

CITY COUNCIL ACTION REPORT  
JANUARY 23, 2007

Rev  
Infil Ord.

FROM: Community Development Department

SUBJECT: Amendment to Chapter 30 (Zoning and Development Code) of the Municipal Code (Development Code Amendment No. 06-017), and Adoption of a new Resolution and Ordinance regarding infill development areas.

**RECOMMENDATION:**

1. FIND THAT THE PROJECT HAS BEEN REVIEWED PURSUANT TO THE LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPT A NEGATIVE DECLARATION AND FISH AND GAME DE MINIMIS IMPACT FINDING AND DIRECT STAFF TO FILE THE NOTICE OF DETERMINATION.
2. WAIVE FURTHER READING OF AND INTRODUCE ORDINANCE NO. 154, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING CHAPTER 30 OF THE FONTANA MUNICIPAL CODE, TO REFLECT THE NEW PERFORMANCE STANDARD FOR INFILL DEVELOPMENT AREAS AND THAT THE READING OF THE TITLE CONSTITUTES THE FIRST READING THEREOF.
3. ADOPT RESOLUTION NO. 2007-008, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, TO REFLECT THE NEW PERFORMANCE STANDARD FOR INFILL DEVELOPMENT AREAS AND RESCIND RESOLUTION NO. 2001-102, REMOVING THE NUMERIC VALUES PREVIOUSLY ESTABLISHED AND APPLY THE REDUCTION IN FEES TO THE MOST RECENTLY ADOPTED FEES.

**COUNCIL GOALS:**

To promote economic development by concentrating on job creation; pursuing business retention, expansion and attraction; establishing a quick, consistent development process; being business friendly at all levels of operations; striving to constantly improve the City's competitiveness; and aggressively pursue annexations.

**DISCUSSION:**

On September 4, 2001, the City Council adopted Ordinance No. 1357, which amended Chapter 30 of the Municipal Code regarding the definition of "infill." The Code was changed to reflect the following language:

*Infill* means all vacant parcels located south of Baseline Avenue, north of the I-10 Freeway, east of Etiwanda Avenue, and west of Maple Avenue. This includes all residential, commercial and industrial vacant parcels in this area with the exception of vacant parcels located within the West End Specific Plan subject to CFD #2 or those that have a previously approved Fee Agreement, Fee Deferral Agreement or Development Agreement.

During the implementation of various infill projects, staff has discovered that there are additional areas in the City which are located outside of the infill boundary that would benefit from the infill ordinance. Staff recommends that the previously approved definition and boundary of the *infill* area remain in effect, however, include a new performance standard for those parcels that are located outside of the previously approved boundary. This would allow the reduction in fees to apply to parcels within the current *infill* boundaries as well as those parcels outside of these boundaries, provided they meet the new performance standard. The following language shall be included as follows:

- Any vacant lot or parcel within the city, where the lot is five gross acres or less, where at least 80 percent of the land within a 300 foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Property owners wishing to deviate from the above standards shall obtain approval from the Director of Community Development in order to receive the benefit of the *Infill Ordinance*.
- In order to monitor the effectiveness of the *Infill Ordinance*, it shall be reviewed by the City Council every two years.

#### **FISCAL IMPACT:**

There will be a reduction in fees collected for public improvements and services. However, the incentive for development of infill areas will result in additional monies collected from increased property tax, sales tax and motor vehicle fees.

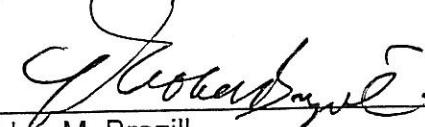
#### **MOTION:**

1. FIND THAT THE PROJECT HAS BEEN REVIEWED PURSUANT TO THE LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPT A NEGATIVE DECLARATION AND FISH AND GAME DE MINIMIS IMPACT FINDING AND DIRECT STAFF TO FILE THE NOTICE OF DETERMINATION.
2. WAIVE FURTHER READING OF AND INTRODUCE ORDINANCE NO. \_\_\_\_, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING CHAPTER 30 OF THE FONTANA MUNICIPAL CODE, TO REFLECT THE NEW PERFORMANCE STANDARD FOR INFILL DEVELOPMENT AREAS, AND THAT THE READING OF THE TITLE CONSTITUTES THE FIRST READING THEREOF.
3. ADOPT RESOLUTION NO. \_\_\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, TO REFLECT THE NEW PERFORMANCE STANDARD FOR INFILL DEVELOPMENT AREAS AND RESCIND RESOLUTION NO. 2001-102, REMOVING THE NUMERIC VALUES PREVIOUSLY ESTABLISHED AND APPLY THE REDUCTION IN FEES TO THE MOST RECENTLY ADOPTED FEES.

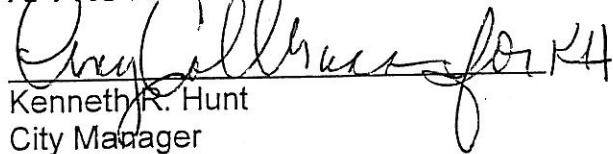
**SUBMITTED BY:**

  
\_\_\_\_\_  
Don Williams, AICP  
Director of Community Development

**APPROVED BY:**

  
\_\_\_\_\_  
Debbie M. Brazill  
Deputy City Manager

**APPROVED BY:**

  
\_\_\_\_\_  
Kenneth R. Hunt  
City Manager

**ATTACHMENTS:**

Proposed City Council Ordinance No. \_\_\_\_\_  
Proposed Resolution No. \_\_\_\_\_

ORDINANCE NO. 1541

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
FONTANA, CALIFORNIA, AMENDING CHAPTER 30 OF THE  
FONTANA MUNICIPAL CODE, TO REFLECT THE NEW  
PERFORMANCE STANDARD FOR INFILL DEVELOPMENT  
AREAS.

THE CITY COUNCIL OF THE CITY OF FONTANA DOES ORDAIN AS  
FOLLOWS:

**Section 1.** Amend Chapter 30 of the Municipal Code, Section 30-11 (List of definitions) to read as follows; *Infill* means all vacant parcels located south of Baseline Avenue, north of the I-10 Freeway, east of Etiwanda Avenue, and west of Maple Avenue or any vacant lot or parcel within the city, where the lot is five gross acres or less, where at least 80 percent of the land within a 300 foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. This includes all residential, commercial and industrial vacant parcels in this area with the exception of vacant parcels located within the West End Specific Plan subject to CFD #2 or those that have a previously approved Fee Agreement, Fee Deferral Agreement or Development Agreement.

**Section 2.** The City Council of the City of Fontana determines that the project has been reviewed pursuant to the Local Guidelines for Implementing the California Environmental Quality Act (2006), adopt a Negative Declaration and De Minimis Impact Finding and direct staff to file a Notice of Determination and approve Development Code Amendment No. 06-017.

**Section 3.** This ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of the fifteen (15) days from the passage thereof, shall be published at least once in the Herald News, a local newspaper of general circulation in the City of Fontana, and henceforth and thereafter, this Ordinance shall be in full force and effect.

APPROVED AND ADOPTED this 13th day of February, 2007.

READ AND APPROVED AS TO LEGAL FORM:



City Attorney

I, Tonia Lewis, City Clerk of the City of Fontana, California, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on the 23<sup>rd</sup> day of January, 2007, and was finally passed and adopted not less than five (5) days thereafter on the 13<sup>th</sup> day of February, 2007, by the following vote to wit:

**AYES:** Mayor Nuaimi, Council Members Roberts, Rutherford, Scialdone, Warren

**NOES:** None

**ABSENT:** None

Tonia Lewis  
\_\_\_\_\_  
City Clerk

Alex Rutherford  
\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**

Tonia Lewis  
\_\_\_\_\_  
City Clerk

RESOLUTION NO. 2007-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, TO REFLECT THE NEW PERFORMANCE STANDARD FOR INFILL DEVELOPMENT AREAS AND RESCIND RESOLUTION NO. 2001-102, REMOVING THE NUMERIC VALUES PREVIOUSLY ESTABLISHED AND APPLY THE REDUCTION IN FEES TO THE MOST RECENTLY ADOPTED FEES.**

**WHEREAS**, the City Council has determined that there is a need to provide an incentive to develop infill areas to prevent vacant properties from becoming blighted and an eyesore to the community;

**WHEREAS**, on January 23, 2007, the City Council approved an amendment to Chapter 30 of the City of Fontana Municipal Code amending the definition of "infill" development to include a performance standard that will apply to all areas in the City;

**WHEREAS**, the City Council has determined that the most recently adopted development fees shall be reduced by fifty percent for those areas that meet the criteria for infill development;

**WHEREAS**, pursuant to Government Code Sections 66016 and 66018, the specific fees charged must be adopted by resolution by the City Council after providing notice and holding a public hearing;

**WHEREAS**, the City Council has duly noticed and conducted a public hearing on January 23, 2007, concerning the adoption of this resolution to allow a reduction of the most recently adopted development impact fees for infill projects.

**NOW THEREFORE BE IT RESOLVED**, determined, and ordered by the City Council of the City of Fontana, as follows;

**Section 1.** A fifty percent reduction in development impact fees are hereby adopted to all vacant parcels of land located south of Baseline Avenue, north of the I-10 Freeway, east of Etiwanda Avenue and West of Maple Avenue in the City of Fontana;

**Section 2.** A fifty percent reduction in development fees shall not apply to those vacant parcels located within the West End Specific Plan subject to CFD #2 or those parcels that have a previously approved Fee Agreement, Fee Deferral Agreement or Development Agreement with the City of Fontana; and

**Section 3.** A fifty percent reduction in development impact fees are hereby adopted for any vacant lot or parcel within the city, where the lot is five gross acres or less, where at least 80 percent of the land within a 300 foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Property owners wishing to deviate from this standard shall obtain approval from the Director of Community Development in order to receive benefit of the *Infill Ordinance*. In order to monitor the effectiveness of the *Infill Ordinance*, it shall be reviewed by the City Council every two years;

**Section 4.** Upon the effective date of the adoption of a reduction in fees set forth in this resolution, that portion of any prior resolution which pertains to and is inconsistent with the adoption of such fee reduction shall no longer be in effect. In accordance with Government Code Section 66000 et al, reduced development impact fees for infill parcels shall be in effect as of January 23, 2007.

APPROVED AND ADOPTED this 23<sup>rd</sup> day of January, 2007.

READ AND APPROVED AS TO LEGAL FORM:



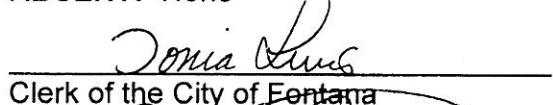
City Attorney

I, Tonia Lewis, City Clerk of the City of Fontana, California, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting thereof, held on the 23<sup>rd</sup> day of January 2007, by the following vote to wit:

**AYES:** Mayor Nuaimi, Council Members Roberts, Rutherford, Scialdone, Warren

**NOES:** None

**ABSENT:** None



Clerk of the City of Fontana



Mayor of the City of Fontana

ATTEST:



City Clerk

**CITY COUNCIL MINUTES**

**JANUARY 23, 2007**

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, adopting **Resolution No. 2007-07**, declaring the results of the special election for Community Facilities District No. 61M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit; and waiving further reading of and introducing **Ordinance No. 1540**, authorizing the levy of a special tax within Community Facilities District No. 61M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding Amendment to Chapter 30 (Zoning and Development Code) (Development Code Amendment No. 06-017). No written communication was received.

PH-C INTRO ORD  
1541; ADPT RES  
07-08 CH.30  
INFILL FEES

Staff presentation was given by Planner Stephanie Hall and Community Development Director Don Williams.

No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Warren, finding that the project has been reviewed pursuant to the Local Guidelines for implementing the California Environmental Quality Act (CEQA) and adopting a Negative Declaration and Fish and Game DeMinimis Impact Finding and directing staff to file the Notice of Determination; (2) waiving further reading of and introducing **Ordinance No. 1541**, amending Chapter 30 of the Fontana Municipal Code, to reflect the new performance standard for infill development areas and that the reading of the title constitutes the first reading thereof; and (3) adopting **Resolution No. 2007-08**, to reflect the new performance standard for infill development areas and rescind Resolution No. 2001-102, removing numeric values previously established and apply the reduction in fees to most recently adopted fees. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 51M, located at the northeast corner of Baseline and San Sevaine Avenue.

PH-D ADPT RES  
07-09/10 CFD 51M

No written communication was received.

No staff report was given.

No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2007-09**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 51M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1). Motion carried unanimously.