

**RESOLUTION NO. 2024-121**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, PURSUANT TO AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, SUMMARILY VACATING A PORTION OF THE STREET NAMED LYTLE CREEK ROAD WITHIN THE CITY SOUTH OF DUNCAN CANYON ROAD PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 8330 ET SEQ., DETERMINING THAT SUCH VACATION IS CONSISTENT WITH THE CITY'S ADOPTED GENERAL PLAN, AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.**

**WHEREAS**, the City of Fontana holds in fee that certain property located within the City consisting of a portion of a street commonly designated as Lytle Creek Road”, more specifically described and depicted in the attached Exhibit A and Exhibit B ("Property"); and

**WHEREAS**, The Property qualifies as a “street” under Streets and Highways Code section 8308 because it is a former public right-of-way consisting of a road or street for vehicular travel; and

**WHEREAS**, the Property is no longer necessary because it fell out of use and was impassable; and

**WHEREAS**, there are no in-place public utility facilities that are in use and would be affected by the vacation of the Property; and

**WHEREAS**, the City of Fontana has no use for the Property for street purposes; and

**WHEREAS**, this vacation of the streets on the Property is made pursuant to the requirements of California Streets and Highways Code, Division 9. - Change of Grade and Vacation, Part 3. - Public Streets, Highways, and Service Easements Vacation Law (Streets & Highways Code sections 8300 et seq.), Chapter 4. - Summary Vacation; and

**WHEREAS**, Section 8331 of the California Streets and Highways Code authorizes the City Council to summarily vacate a street or highway if the street or highway has been impassible for vehicular travel for a period of five consecutive years and if no public money has been expended for maintenance on the street or highway during such period; and

**WHEREAS**, the street constituting the Property has been impassible for vehicular travel for a period of five consecutive years preceding this resolution (barriers were actually put up preventing physical access), and no public money has been expended for maintenance on the street constituting the Property during such period; and

**WHEREAS**, On July 5, 2022, the City of Fontana’s Planning Commission approved MCN No. 20-099R1, Specific Plan Amendment (SPA) No. 21-001 and General Plan Amendment (GPA) No. 21-006. The project was consistent with the City of Fontana’s General Plan. The proposed General Plan Amendment was to amend portions of the general plan land use designation for the Ventana Specific Plan to General Commercial (C-G), Medium-Family Residential (R-MF), Regional Mixed Use (RMU), and Multi-Family Medium/High (R-MFMH) to be consistent with the new Planning Areas of the proposed specific plan amendment. This would allow for the establishment of new Planning Areas that will have unique land uses, development standards, design guidelines and circulation plan within this development. During this process, the Planning Commission considered and reported on the location, purpose, and general circulation of the streets with the comprehensive amendment of the SPA which was consistent with the City of Fontana General Plan, and all other legal prerequisites to the adoption of this Resolution have occurred.

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

**Section 1.** Incorporation of Recitals. The City Council hereby finds and determines that the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

**Section 2.** Consideration of General Plan Conformity. The proposed vacation is consistent with the land use designation of the General Plan of general commercial and regional mix-use. The finding are based on the fact that the portion of Lytle Creek road right-of-way is not part of the City’s General Plan Community Mobility and Circulation Element, and in part, on the following General Plan policies:

Community Mobility and Circulation Element Policy: The project is consistent with Chapter 9, Section E: Policies and Actions to Achieve the Goals, Goal No. 1: “The City of Fontana has a comprehensive and balanced transportation system and multimodal accessibility the top of citywide transportation planning, as well as accommodating freight movement.”

Community Mobility and Circulation Element Policy: The project is consistent with Chapter 9, Section E: Goal No. 4, "Fontana’s neighborhood streets maintain a residential character and support a range of transportation options.”

Community Mobility and Circulation Element Policy: The project is consistent with Chapter 9, Section E: Policies and Actions to Achieve the Goals, Goal No. 5: “Fontana’s commercial and mixed-use areas include a multifunctional street network that ensures a safe,

comfortable, and efficient movement of people, goods, and services to support a high quality of life and economic vitality.”

**Section 3.** **Order of Vacation.** The City Council finds that the street consisting of the Property has been impassible for vehicular travel for a period of five consecutive years preceding this resolution, and no public money has been expended for maintenance on the street during such period, and the Property is unnecessary for present or prospective public use. The City Council, under the authority vested in it by the California Streets and Highways Code, Division 9. - Change of Grade and Vacation, Part 3. - Public Streets, Highways, and Service Easements Vacation Law (Sections 8300 et seq.), Chapter 4. - Summary Vacation, hereby orders the vacation of the public right of way on the Property and any as more particularly described and depicted in the attached Exhibit A and Exhibit B, respectively, and after the date this Resolution is recorded, the public right of way comprising the street will no longer constitute a public right of way.

**Section 4.** **CEQA Finding.** The vacation is exempt from further review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines because it will not result in any change in land use or density. Further, none of the exceptions under CEQA Guidelines Section 15300.2 are applicable to the vacation. Staff is directed to file a Notice of Exemption.

**Section 5.** **Certification, Recordation and Retention.** The City Clerk shall cause a certified copy of this Resolution of vacation, attested by the City Clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the Office of the San Bernardino County Recorder. Pursuant to Streets and Highways Code Section 8336, no fee shall be charged for such recordation. The City Clerk shall permanently maintain a true and correct copy of this Resolution in the City Clerk’s Office.

**Section 6.** **Notice.** The City Engineer and/or City Clerk are authorized and directed to provide written notice of the adoption of this Resolution to any qualifying governmental entity, public utility, or other entity who has submitted a valid request for notice of vacation proceedings pursuant to Streets and Highways Code Section 8346.

**Section 7.** **Effective Date.** This Resolution shall become effective upon its adoption. Upon the recordation required hereby, the vacation is complete, and the street vacated no longer constitutes a street.

**APPROVED AND ADOPTED** this 12<sup>th</sup> day of November, 2024.

**READ AND APPROVED AS TO LEGAL FORM:**

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City Attorney

Resolution 2024-121

I, Germaine Key, City Clerk of the City of Fontana, 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 on the 12<sup>th</sup> day of November, 2024, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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City Clerk of the City of Fontana

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Mayor of the City of Fontana

**ATTEST:**

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City Clerk

EXHIBIT "A"  
LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "B"  
MAP OF PROPERTY