

REPORT OF THE CITY COUNCIL OF THE CITY OF FONTANA ON URGENCY ORDINANCE NO. 1922 PROHIBITING THE APPROVAL OF ANY BUILDING PERMIT, OCCUPANCY PERMIT, CONDITIONAL USE PERMIT, VARIANCE, SUBDIVISION MAP, DESIGN REVIEW, ADMINISTRATIVE SITE PLAN REVIEW OR OTHER LAND USE ENTITLEMENT OR PERMIT, OR REGULATORY LICENSE OR PERMIT REQUIRED TO COMPLY WITH THE PROVISIONS OF THE MUNICIPAL CODE OR SPECIFIC PLAN FOR SERVICE BASED, NON-ENTERTAINMENT USES

I. Introduction

On July 25, 2023, the City Council of the City of Fontana enacted Ordinance No. 1922, an Ordinance temporarily prohibiting the issuance or approval of any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan review or other land use entitlement or permit or regulatory license or permit required to comply with the provisions of the municipal code or specific plan for “Service based, Non-Entertainment uses”. Pursuant to Government Code Section 65858, the Ordinance remains in effect for forty-five (45) days, and may be extended by the City Council for an additional ten (10) months and fifteen (15) days.

Ten (10) days prior to the expiration of the Ordinance, the City Council must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

II. Background on the Adoption of the Ordinance

In support of the Ordinance, the City Council made the following findings:

1. The City of Fontana, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California.
2. Government Code Section 65300, et seq. allows a city to adopt a General Plan to designate its long-term goals and policies related to its respective community and future development of the city.
3. On November 13, 2018, the City adopted its most recent General Plan, detailing the City’s goals and objectives over the next twenty (20) years.
4. Chapter 14 of the General Plan establishes the City’s intent to make its downtown a local and regional destination hub for dining, shopping and entertainment.
5. The City has identified Foothill Boulevard and Sierra Avenue to be primary corridors that funnel local and regional visitors to its downtown, thereby promoting the economic growth of the City.
6. The City observes that the Sierra Avenue corridor extends from the I-10 Freeway to the I-210 Freeway, and the Foothill Boulevard corridor extends from the Cherry Avenue to Maple Avenue.

7. The City desires to create a balanced environment within its corridors to foster a similar vision to that of the downtown area.
8. To the extent that the land in the Sierra Avenue and Fontana Boulevard corridors are underutilized, underperforming, or inconsistent with the City's General Plan, has a responsibility to move forward with studies necessary to implement General Plan policies related to the economic corridors in order to maintain the City's vibrancy.
9. Without the enactment of the Ordinance, multiple applicants could quickly receive entitlements that would allow for uses contrary to the City's General Plan, subjecting the City to the potential effects and impacts of uncoordinated and conflicting uses, impacts on parking availability in the downtown area of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods and effectively creating a current and immediate threat to the public health, safety, and welfare.
10. The City intends to study zone changes prohibiting certain service-related uses along two of its main thoroughfares in an effort to maximize economic development, sales tax generation and encourage entertainment-related development along those corridors.
11. Government Code Section 65858 authorizes the City to adopt an interim urgency ordinance to protect the public safety, health and welfare and to prohibit uses which may be in conflict with a contemplated General Plan or zoning proposal which the City is considering, studying or intends to study within a reasonable time.

III. Measures Taken Since the Adoption of the Ordinance

As the City Council's findings demonstrate, the Ordinance was enacted in response to the City's desire to create an environment within the Sierra Avenue and Foothill Boulevard corridors that is balanced with the City's downtown area plan to make the downtown a local and regional destination hub for dining, shopping and entertainment.

To alleviate the condition that led to the adoption of the Ordinance, the City has begun to take the following steps:

1. City staff have begun conducting research into comprehensive zoning regulations for the Sierra Avenue and Foothill Boulevard corridors that align with the City's downtown area plan. For example, City staff are researching examples of compatible dining, shopping and entertainment land uses found elsewhere in California in order to prepare zoning code amendments to meet the City's General Plan goals and other land use objectives.

2. City staff have begun conducting research in particular into zoning regulations regarding service based, non-entertainment uses.

City staff have not concluded their research and, thus, have not yet made any final recommendations to the City Council regarding the zoning and regulatory standards for the Sierra Avenue and Foothill Boulevard corridors as related to the City's downtown plan. For this reason, it is reasonable and appropriate for the City Council to extend the Ordinance for the additional period of ten (10) months and fifteen (15) days authorized by Government Code Section 65858, to permit City staff to complete their research, make recommendations and allow the City Council to consider and adopt such regulations as it deems appropriate.