



Legislation Text

File #: 21-1716, **Version:** 1

FROM:

Planning Department

SUBJECT:

Pre-annexation Agreement No. 22-001, between the City of Fontana and Inland Senior Development, LLC Investments, for the provision of sewer service to a 112-Unit Multi-Family Condominium Project located South of Foothill Boulevard, on the West side of Banana Avenue.

RECOMMENDATION:

1. Find that the project is Exempt pursuant to Section No. 15268(b)(4) (Ministerial Project, Utility Connection) of the California Environmental Quality Act (CEQA) and, direct staff to file a Notice of Exemption; and,
2. Approve and authorize the City Manager to execute a Pre-annexation Agreement (No. 22-001) with Inland Senior Development, LLC investments, for the provision of sewer service to a 112-unit multi-family condominium project located south of Foothill Boulevard, on the west side of Banana Avenue.

COUNCIL GOALS:

- To promote economic development by aggressively pursuing annexations.

BACKGROUND:

The City's adopted policy pertaining to annexation states that for certain new development outside of the City requiring City sewer services, a landowner may enter into a Pre-annexation Agreement with the City for the provision of sewer service. A Pre-annexation Agreement simply defers annexation to a time in the future; therefore, the use of a Pre-annexation Agreement is within the scope of the City Council's annexation policy.

As outlined in Government Code Section 56133, state law requires cities to obtain approval from the Local Agency Formation Commission (LAFCO) prior to extending a municipal service outside their corporate limits. The City of Fontana (City) is agreeing to provide a sewer connection prior to annexation of the project site and LAFCO approval is therefore necessary. Upon City Council approval of this Pre-Annexation Agreement, a service boundary modification request will be submitted to San Bernardino LAFCO.

DISCUSSION:

The project involves a 6.7-acre site located south of Foothill Boulevard, on the west side of Banana Avenue. The site is outside of and adjacent to Fontana's City limits and is within the City's Western Sphere of Influence area. The proposed Pre-annexation agreement is for the provision of sewer service to a 112-unit, multi-family condominium development that was approved by the County of

San Bernardino on July 7, 2022.

The parcels are located in the City's unincorporated Western Sphere of Influence area and in keeping with the City's Annexation Policy, a Pre-annexation Agreement is necessary to establish the agreed upon terms between the City and the landowner in order to provide sewer service. Presented below is an outline of the major terms of the agreement; a copy of the PreAnnexation Agreement is attached to this report.

1. The City's Development Impact Fees, as required by the City/County Memorandum of Understanding (MOU), are outlined in Exhibit F of the Pre-annexation Agreement. With the exception of sewer fees and pass-through fees, all other fees are reduced by 50% as the project site is located within the "Infill" area established by City Resolution No. 2007-08.
2. At such time that the City endeavors to annex the area, the landowner consents to annex to the City; upon annexation, the parcels will have a General Plan Land Use Designation of Walkable Mixed-Use Corridors & Downtown (WMXU-1) and Form Base Code, Transitional District in accordance with the City's General Plan and Zoning District Map. During the update of the City's General Plan in 2018, the City's unincorporated sphere of influence was pre-zoned. Therefore, upon annexation, the Transitional District zoning designation would take effect;

ENVIRONMENTAL IMPACT:

Staff has reviewed the proposed project and prepared the following environmental recommendation for the City Council's consideration: There will be no significant environmental impacts caused by this project, therefore, a Notice of Exemption has been prepared pursuant to Section No. 15268 (b) (4) (Ministerial Project, Utility Connection) of CEQA

FISCAL IMPACT:

This project will not have any direct negative fiscal impact.

MOTION:

Approve staff's recommendation.