

ORDINANCE NO. 1771

AN ORDINANCE OF THE CITY OF FONTANA, APPROVING ZONE CHANGE NO. 16-003, A ZONE CHANGE TO THE ZONING DISTRICT MAP TO CHANGE APPROXIMATELY 73.3 GROSS ACRES (APNS): 0255-081-03, -04, -06, -07, -10, -11, -12, -13, -14, -15, -16, -17, -18, -21, -25, -28, -29, -30, -31, -32, -39, AND -53) FROM RESIDENTIAL PLANNED COMMUNITY (R-PC) TO SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN (SWIP) FOR A SITE BOUNDED BY SANTA ANA AVENUE TO THE NORTH AND JURUPA AVENUE TO THE SOUTH BETWEEN OLEANDER AVENUE AND CYPRESS AVENUE.

THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The applicant GLC Fontana II LLC, submitted a request for Zone Change No. 16-003, which is a companion application to General Plan Amendment No. 15-006, Specific Plan Amendment No. 16-002, Development Agreement No.16-005, Tentative Parcel Map No. 19711 (TPM No 15-010), and Design Review Project No. 15-017 to change the General Plan land use designation from Residential Planned Community (R-PC) to General Industrial (I-G) and a Zone Change to change the Zoning District Map from R-PC to Southwest Industrial Park Specific Plan (SWIP). The application also includes an a Specific Plan Amendment to expand of the Southwest Industrial Park Specific Plan (SWIP) specific plan boundaries to the east to facilitate the development of two (2) warehouse buildings totaling 1.6 million square feet on 73.3 adjusted gross acres within SWIP. A design review is required per Section 30-104 of the Fontana Zoning and Development Code for industrial buildings over 50,000 square feet. In addition, a tentative parcel map has been filed for the consolidation of 22 parcels into two (2) parcels comprised of 73.3 adjusted gross acres to accommodate each of the warehouse buildings. The project also includes a future City park on 17.5 adjusted gross acres of land for a total of 90.8 adjusted gross acres; and

Section 2. On November 7, 2017, December 5, 2017, and December 19, 2017 the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto on General Plan Amendment No. 15-006, Specific Plan Amendment No. 16-002, Zone Change No. 16-003, Development Agreement No. 16-005, Tentative Parcel Map No.19711 (TPM No. 15-010), and Design Review No. 15-017; and

Section 3. On December 19, 2017, the Commission approved a resolution and recommended approval to the City Council of General Plan Amendment No. 15-006, Specific Plan Amendment No. 16-002, Zone Change No. 16-003, Development Agreement No. 16-005, Tentative Parcel Map No.19711 (TPM No. 15-010), and Design Review No. 15-017, and after carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence,

and testimony presented at its public hearings on November 7, 2017, December 5, 2017, and December 19, 2017; and

Section 4. Based on the information presented to the City Council at the duly noticed public hearing held for Zone Change No. No. 16-003 along with the entitlements referenced herein, on January 23, 2018, the testimony received, and the supporting documents in evidence, the City Council found that the proposed zone change is in conformance with the goals and policies of the General Plan to provide a community that is balanced between residential, commercial, and industrial that is developed to high standards and provides diverse economic and social opportunities for our citizens and those who wish to invest here; and

Section 5. Zone Change No. 16-003 is consistent with the goals and policies of the City of Fontana, General Plan to provide for a zoning designation that is consistent with the adjacent zoning designations; and

Section 6. Based on the information contained in the Environmental Impact Report (EIR) (State Clearing House No. 2016091057) prepared for the proposed project, an Environmental Impact Report has been prepared with a recommendation to certify the EIR by the City Council; and

Section 7. Zone Change No. 16-003 (associated with EIR Certification, General Plan Amendment No. 15-006, Specific Plan Amendment No. 16-002, Development Agreement No.16-005, Tentative Parcel Map No. 19711 [TPM No. 15-010], and Design Review No. 15-017 under separate resolutions and ordinances) is hereby approved and the zoning for Assessor Parcel Nos. (APNs): 0255-081-03, -04, -06, -07, -10, -11, -12, -13, -14, -15, -16, -17, -18, -21, -25, -28, -29, -30, -31, -32, -39, and -53 (approximately 73.3 gross acres) is changed from Residential Planned Community (R-PC) to SWIP, and to modify Figure No. 1 of Section 30-302 to include the subject property as shown on Exhibit "A", attached hereto and by this reference incorporated; and

Section 8. This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in the Herald News, a local newspaper of the general circulation, published and circulation in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this February 13, 2018.

READ AND APPROVED AS TO LEGAL FORM:

—DocuSigned by:

Jeff Ballinger
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City Attorney

CITY COUNCIL ORDINANCE NO. 1771 CC MEETING DATE: 02/13/2018
Ordinance No. 1771

AMENDMENT NO. 9

I, Tonia Lewis, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting on the 23rd day of January 2018, and was finally passed and adopted not less than five days thereafter on the 13th day of February, 2018, by the following vote to wit:

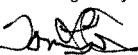
AYES: Mayor Warren, Mayor Pro Tem Roberts, and Council Member Armendarez

NOES: Council Member Sandoval

ABSENT:

ABSTAIN: Council Member Tahan

DocuSigned by:



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City Clerk of the City of Fontana

DocuSigned by:



9B478DAD800D46B

Mayor of the City of Fontana

ATTEST:

DocuSigned by:

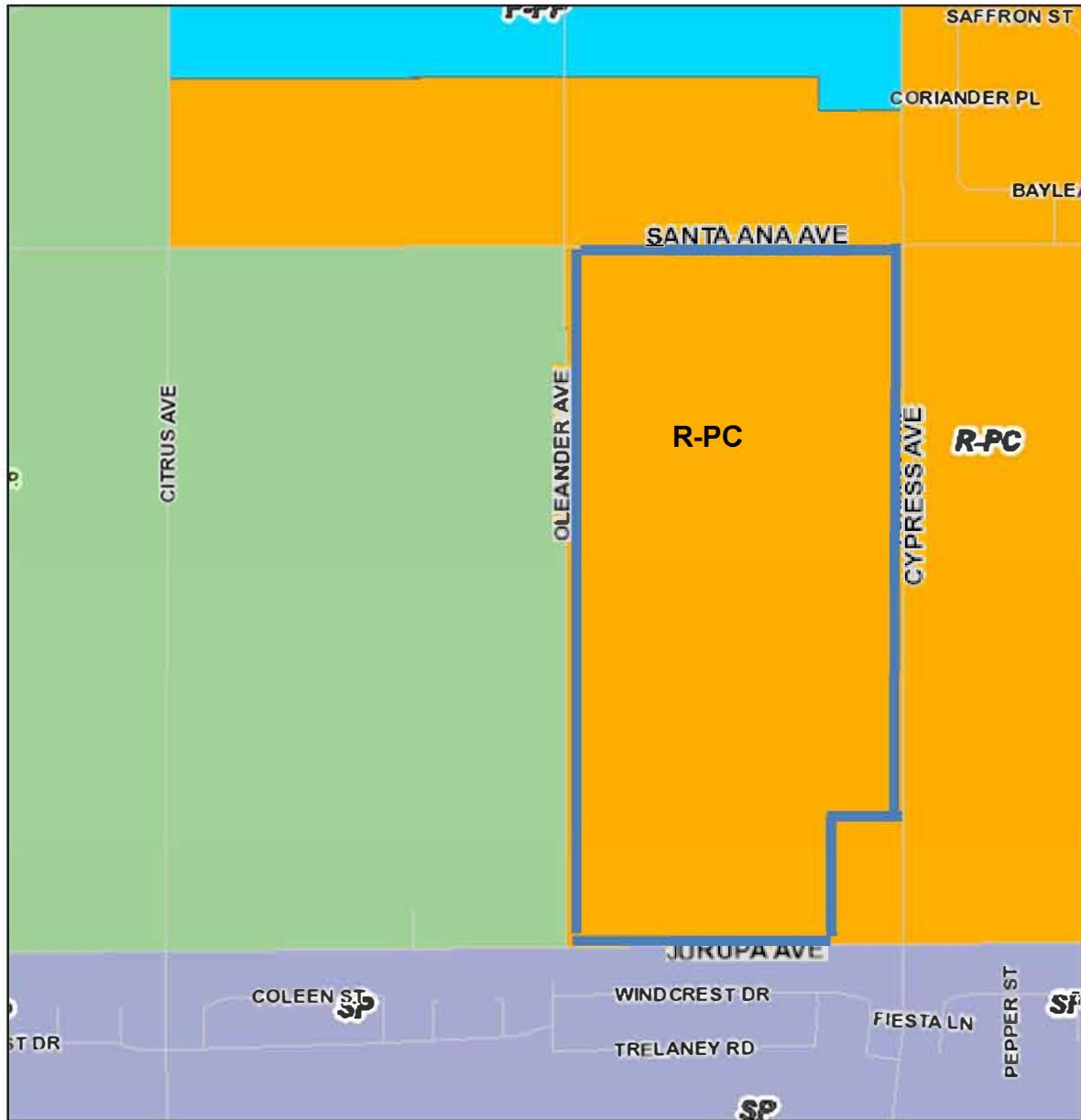


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City Clerk

ZONE CHANGE - EXHIBIT "A"

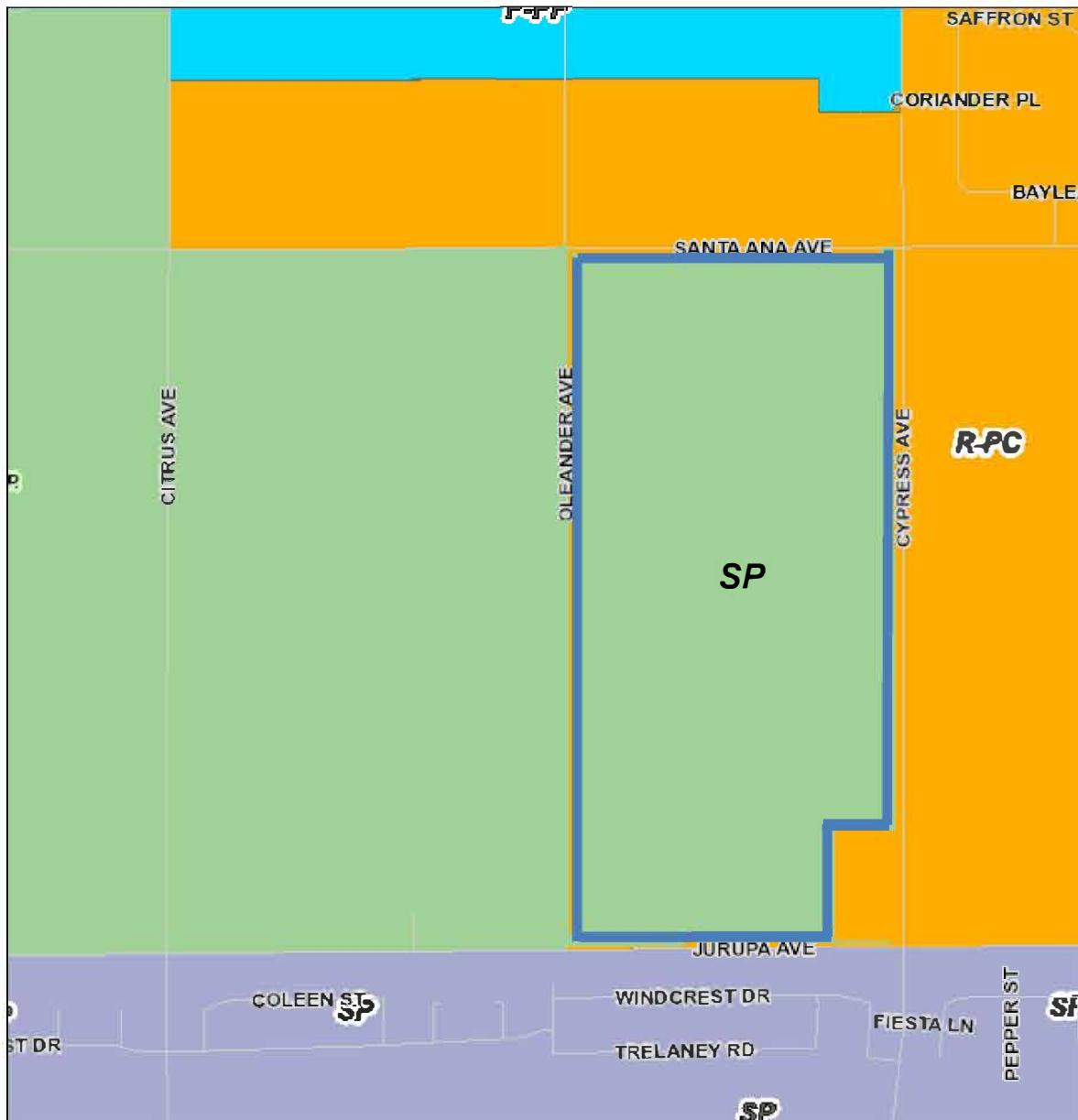
Existing Zoning Designation



Legend



RESIDENTIAL PLANNED COMMUNITY (R-PC)

ZONE CHANGE - EXHIBIT "A"**Proposed Zoning Designation****Legend**

**SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN
DESIGNATION (SWIP)**

Certificate Of Completion

Envelope Id: 83CDE2AF098E4000A21ADE86E147C71F

Status: Completed

Subject: Please DocuSign: Ord No. 1771

Source Envelope:

Document Pages: 5 Signatures: 4

Envelope Originator:

Certificate Pages: 5 Initials: 0

City Clerk

AutoNav: Enabled

8353 Sierra Avenue

EnvelopeD Stamping: Enabled

Fontana, CA 92335

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

Holder: City Clerk

Location: DocuSign

2/14/2018 6:00:06 PM

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Signer Events

Jeff Ballinger

jeff.ballinger@bbklaw.com

Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

9656A1483C6E407...

Timestamp

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Signed: 2/15/2018 9:26:56 AM

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Electronic Record and Signature Disclosure:

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Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication
(None)

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Accepted: 2/15/2018 10:12:54 AM

ID: 738322ff-2d1e-42ed-9d73-7210b0c98173

Toni Lewis

tlewis@fontana.org

City Clerk

City of Fontana

Security Level: Email, Account Authentication
(None)

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Agent Delivery Events

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Certified Delivery Events

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Carbon Copy Events

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Carbon Copy Events

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Not Offered via DocuSign

Kathy Kasinger

kkasinger@fontana.org

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(None)**Electronic Record and Signature Disclosure:**
Not Offered via DocuSign**Notary Events****Envelope Summary Events**

Envelope Sent

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Completed

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ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

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How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from City of Fontana

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERs):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: JANUARY 24, 2018

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCES NO. 1771, 1772 AND 1773

PUBLISH ONE TIME ONLY ON OR BEFORE FEBRUARY 2, 2018 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCES NOS. 1771, 1772 AND 1773

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on January 23, 2018 in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinances:

1. Waive further reading of and introduce **Ordinance No. 1771**, an Ordinance of the City of Fontana approving Zone Change No. 16-003, to change the Zoning District Map from R-PC to Southwest Industrial Park Specific Plan (SWIP); and that the reading of the title constitutes the first reading thereof;
2. Waive further reading of and introduce **Ordinance No. 1772**, an Ordinance of the City of Fontana approving Specific Plan Amendment No. 16-002, to amend the existing SWIP to expand the specific plan boundaries east and encompass the proposed project site as part of the Slover East Industrial District (SED) within the SWIP; and, that the reading of the title constitutes the first reading thereof;
3. Waive further reading of and introduce **Ordinance No. 1773**, an Ordinance of the City of Fontana approving Development Agreement No.16-005 in which the applicant provides property for a future park and installation of curb, gutter, and sidewalks on streets adjacent to the park; and, that the reading of the title constitutes the first reading thereof;

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Tonia Lewis
City Clerk

P.O. #800496

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: FEBRUARY 14, 2018

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCES NO. 1771, 1772 AND 1773

PUBLISH ONE TIME ONLY ON OR BEFORE FEBRUARY 23, 2018 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCES NOS. 1771, 1772 AND 1773

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on February 13, 2018 in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, adopted the following ordinances:

1. Second Reading/Adopt **Ordinance No. 1771**, an Ordinance of the City of Fontana approving Zone Change No. 16-003, to change the Zoning District Map from R-PC to Southwest Industrial Park Specific Plan (SWIP);
2. Second Reading/Adopt **Ordinance No. 1772**, an Ordinance of the City of Fontana approving Specific Plan Amendment No. 16-002, to amend the existing SWIP to expand the specific plan boundaries east and encompass the proposed project site as part of the Slover East Industrial District (SED) within the SWIP;
3. Second Reading/Adopt **Ordinance No. 1773**, an Ordinance of the City of Fontana approving Development Agreement No.16-005 in which the applicant provides property for a future park and installation of curb, gutter, and sidewalks on streets adjacent to the park.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Tonia Lewis
City Clerk

P.O. #800496