

ORDINANCE NO. 1929

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING, PURSUANT TO AN ENVIRONMENTAL IMPACT REPORT, SPECIFIC PLAN AMENDMENT NO. 22-003, AN AMENDMENT TO THE SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN TO CHANGE 18.8 ACRES FROM THE RESIDENTIAL TRUCKING DISTRICT (RTD) TO SLOVER EAST INDUSTRIAL DISTRICT (SED) ALONG ROSE AVENUE EAST OF POPLAR AVENUE AND WEST OF CATAWBA AVENUE.

WHEREAS, the City of Fontana (the “City”) received an application on July 07, 2022 from Seefried Industrial Properties, Inc. (“Applicant”) for a General Plan Amendment (GPA No. 22-007) to amend the General Plan land use designation for 18.8 acres of land located along Rose Avenue to the east side of Poplar Avenue and west of Catawba Avenue from Residential Trucking (R-T) to General Industrial (I-G) and to modify Exhibit 15.8 (Land Use Map) of the General Plan to reflect the same; Specific Plan Amendment (SPA No. 22-003) to amend the Southwest Industrial Park (SWIP) Specific Plan Land Use for the project site from Residential Trucking District (RTD) to Slover East Industrial District (SED); Development Agreement (AGMT No. 22-003) to include an agreement for the payment of a public benefit fee; Tentative Parcel Map (TPM No. 22-016) (TPM No. 20638) for the consolidation of 41 parcels into one parcel; and Design Review (DRP No. 22-040) for the development of an industrial commerce building totaling approximately 490,565 square feet along with site improvements for APNs 0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19, and 0237-172-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -19, -22, -23, -26, -27, -28, -30, -31, -32, 33). The amendments together are known as Master Case Number 22-079 (“MCN 22-079”); and

WHEREAS, SPA No. 22-003 will allow the development of an industrial commerce center building totaling approximately 490,565 square feet and associated on-site and off-site improvements; and

WHEREAS, on October 17, 2023, the Fontana Planning Commission (“Planning Commission”) held a noticed public hearing and received public testimony and evidence by the Applicant, City staff, and other interested parties for MCN 22-079 and Final Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program (MMRP). After carefully considering all information pertaining to the project, the Planning Commission voted 3-0 to recommend approval to City Council (“City Council”) by Resolution No. PC 2023-037; and

WHEREAS, on November 14, 2023, the City Council held a noticed public hearing on the EIR, MMRP, and MCN No. 22-079, received testimony from all parties and documentation from the Planning Commission’s public hearing on October 17, 2023; and

WHEREAS, on November 14, 2023, the City Council certified the EIR and adopted the MMRP; and

WHEREAS, based on the information presented to the City Council at the Public hearing held on November 14, 2023, the City Council found that the amendments and project are in conformance with the goals and policies of the General Plan to provide a community that is balanced between residential, commercial, and industrial uses, is developed with high standards, and provides diverse economic and social opportunities for our citizens and those who wish to invest in the City.

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

Section 1. Recitals. The recitals are true, correct and incorporated herein by this reference.

Section 2. CEQA. Consistent with the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the EIR was prepared for development, including Specific Plan Amendment No. 22-003. The City Council has certified the EIR and, based on the CEQA Sections 15162 through 15164, staff has determined that none of the criteria requiring a subsequent environmental document have been met and that further environmental analysis is not required. A Notice of Determination has been prepared.

Section 3. Findings. The City Council hereby makes the following findings for Specific Plan Amendment No. 22-003 in accordance with Section 30-67 "Purpose" of the Fontana Zoning and Development Code:

Finding No. 1: **A Specific Plan may be amended by changing the development standards or zoning designation of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.**

Findings of Fact: The specific plan amendment is to the remove an 18.8-acre site from the Residential Trucking District (RTD) and to include it in the Slover East Industrial District (SED) within the Southwest Industrial Park Specific Plan (SWIP) for the development of an industrial commerce building totaling 490,565 square feet. This development will provide an attractive development with quality modern architecture and vast landscaping. This type of development will enhance the area with an attractive street scene and high-quality industrial development. This type of development will be consistent with the industrial area.

Section 4. Approval. Based on the findings in Section 3, Specific Plan Amendment No. 22-003 is hereby approved, and the Southwest Industrial Park Specific Plan is amended to establish the project within the Slover East Industrial District as shown on **Exhibit "A"**, attached hereto and by this reference incorporated herein.

Section 5. Effective Date/Publication. 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 Fontana Herald News, a local newspaper of the general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

Section 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian or records is the City Clerk.

Section 7. Certification. The City Clerk of the City Council shall certify to the adoption of this Ordinance.

Section 8. Severability. If any provision of this Ordinance or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

APPROVED AND ADOPTED this 12th day of December 2023.

READ AND APPROVED AS TO LEGAL FORM:

Ruben Duran

City Attorney

I, Germaine Key, 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 15th day of November, 2023, and was finally passed and adopted not less than five days thereafter on the 12th day of December, 2023, by the following vote to wit:

AYES: Mayor Warren, Mayor Pro Tem Garcia, Council Members Cothran and Roberts

NOES: Council Member Sandoval

ABSENT:

ABSTAIN:

Germaine Key

City Clerk of the City of Fontana

Reguanetta Warren

Mayor of the City of Fontana

CC ORD NO. 1929

Ordinance No.1929

MEETING DATE:

12/12/2023

AMENDMENT NO. 17

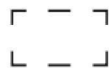
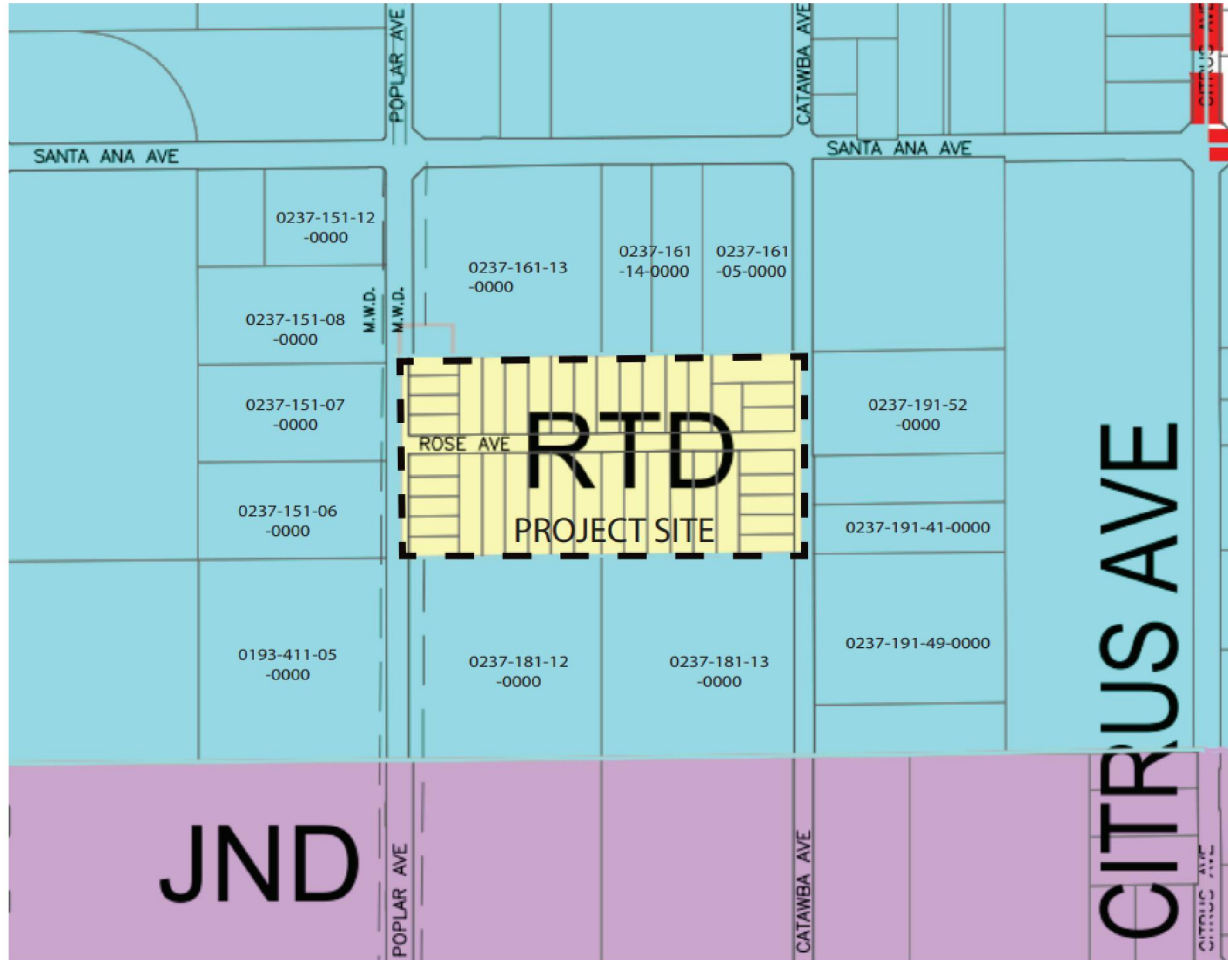
ATTEST:

Germaine Key

City Clerk

EXHIBIT "A"

**SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN LAND USE MAP AMENDMENT
EXISTING**



Project Site Boundary

Residential Trucking District (RTD)

Slover East District (SED)

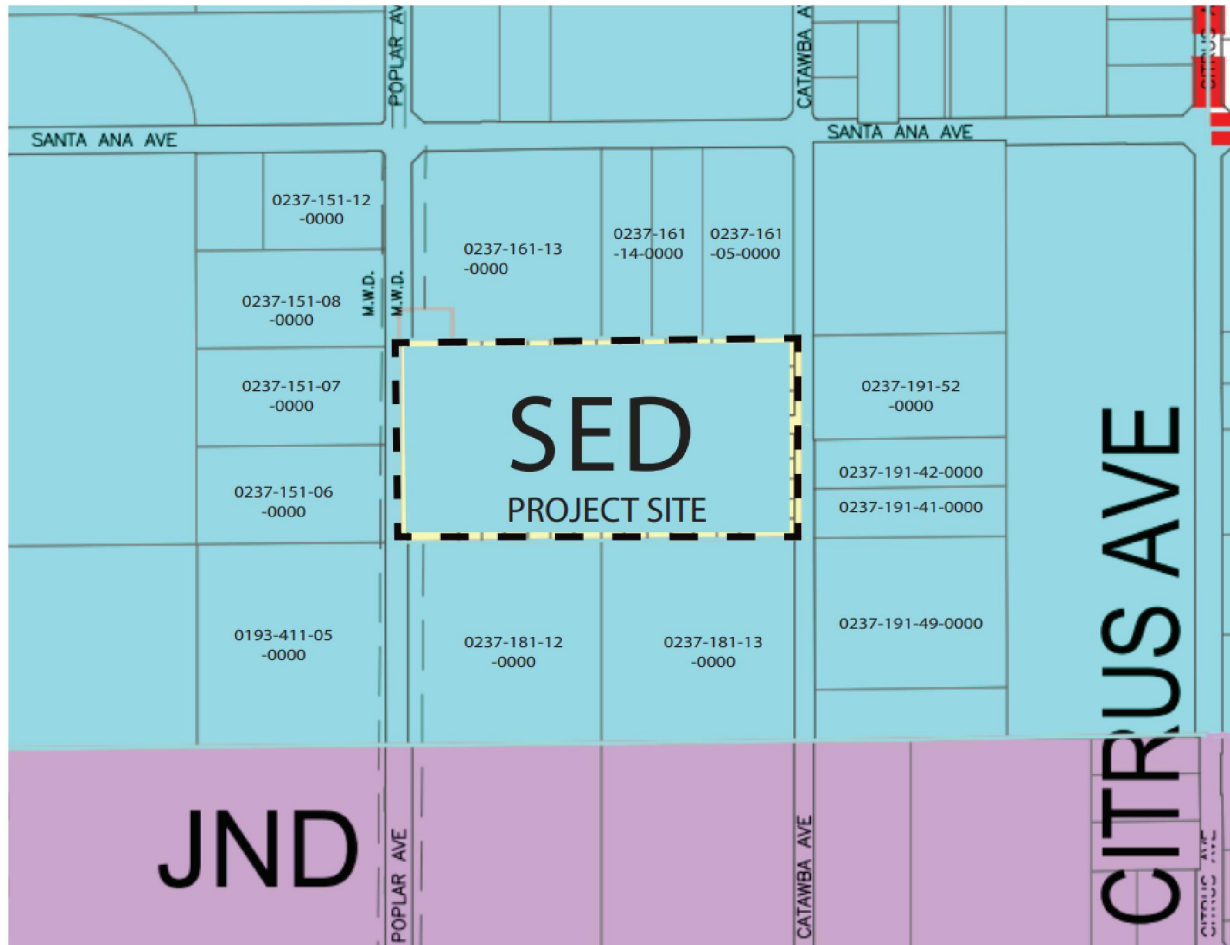
Jurupa North Research and Development District (JND)

Project Site Assessor's Parcel Numbers (APNs):

0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19

0237-172-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -19, -22, -23, -26, -27, -28, -30, -31, -32, -33

SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN LAND USE MAP AMENDMENT PROPOSED



Project Site Boundary

Residential Trucking District (RTD)

Slover East District (SED)

Jurupa North Research and Development District (JND)

Project Site Assessor's Parcel Numbers (APNs):

0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19

0237-172-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -19, -22, -23, -26, -27, -28, -30, -31, -32, -33

Certificate Of Completion

Envelope Id: 6AD9DE6C295242609B877659C4CEBACA

Subject: Please DocuSign: Ordinance 1929

Source Envelope:

Document Pages: 6

Signatures: 4

Certificate Pages: 5

Initials: 0

AutoNav: Enabled

Envelopeld Stamping: Enabled

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

Status: Completed

Envelope Originator:

City Clerk

8353 Sierra Avenue

Fontana, CA 92335

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

12/19/2023 | 11:57 AM

Holder: City Clerk

clerks@fontana.org

Location: DocuSign

Signer Events

Ruben Duran

ruben.duran@bbklaw.com

Security Level: Email, Account Authentication
(None)**Signature***Ruben Duran*

Signature Adoption: Pre-selected Style

Using IP Address: 108.185.61.125

Signed using mobile

Timestamp

Sent: 12/19/2023 | 11:58 AM

Viewed: 12/22/2023 | 06:22 AM

Signed: 12/22/2023 | 06:23 AM

Electronic Record and Signature Disclosure:

Accepted: 12/22/2023 | 06:22 AM

ID: 959d92f5-19da-49cf-a4e4-170958d65c1c

Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication
(None)*Acquanetta Warren*

Signature Adoption: Pre-selected Style

Using IP Address: 76.168.211.118

Signed using mobile

Sent: 12/22/2023 | 06:23 AM

Viewed: 12/22/2023 | 06:51 AM

Signed: 12/22/2023 | 06:51 AM

Electronic Record and Signature Disclosure:

Accepted: 12/22/2023 | 06:51 AM

ID: d3e9750e-bcbd-4878-9c43-4f115c096196

Germaine Key

gkey@fontana.org

Security Level: Email, Account Authentication
(None)*Germaine Key*

Signature Adoption: Pre-selected Style

Using IP Address: 172.56.177.225

Signed using mobile

Sent: 12/22/2023 | 06:51 AM

Viewed: 12/22/2023 | 07:02 AM

Signed: 12/22/2023 | 07:03 AM

Electronic Record and Signature Disclosure:

Accepted: 12/22/2023 | 07:02 AM

ID: d7a08063-5610-4288-87b0-0364f4f2ff18

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

Carbon Copy Events

Kathy Kasinger

kkasinger@fontana.org

Records Coordinator

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Accepted: 6/26/2023 | 12:01 PM

ID: 313ff663-c622-41d0-ac8d-292f7d782a66

Status**COPIED****Timestamp**

Sent: 12/22/2023 | 07:03 AM

Viewed: 1/8/2024 | 09:28 AM

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

12/19/2023 | 11:58 AM

Certified Delivered

Security Checked

12/22/2023 | 07:02 AM

Signing Complete

Security Checked

12/22/2023 | 07:03 AM

Completed

Security Checked

12/22/2023 | 07:03 AM

Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

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.

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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.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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, US 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.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- 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: November 15, 2023

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO 1929.

PUBLISH ONE TIME ONLY ON OR BEFORE November 24, 2023. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO 1929.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at an Adjourned Meeting held on **November 15, 2023**, at City Hall, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinance:

Read by title only and waive further reading of and introduce **Ordinance No. 1929**, an ordinance of the City of Fontana, California, approving, pursuant to an Environmental Impact Report, Specific Plan Amendment No. 22-003, an Amendment to the Southwest Industrial Park (SWIP) Specific Plan to change 18.8 acres from the Residential Trucking District (RTD) to Slover East Industrial District (SED) along Rose Ave. east of Poplar Ave. and west of Catawba Ave., 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

Christina Rudsell
Deputy City Clerk

P.O. #800496

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: December 13, 2023

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO 1929.

PUBLISH ONE TIME ONLY ON OR BEFORE December 22, 2023. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO 1929.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **December 12, 2023**, at City Hall, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Second Reading/adopt **Ordinance No. 1929**, an ordinance of the City of Fontana, California, approving, pursuant to an Environmental Impact Report, Specific Plan Amendment No. 22-003, an Amendment to the Southwest Industrial Park (SWIP) Specific Plan to change 18.8 acres from the Residential Trucking District (RTD) to Slover East Industrial District (SED) along Rose Ave. east of Poplar Ave. and west of Catawba Ave.

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

Christina Rudsell
Deputy City Clerk

P.O. #800496