

ORDINANCE NO. 1934

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING SPECIFIC PLAN AMENDMENT NO. 23-004, AN AMENDMENT TO SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN, AMEND THE SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN LAND USE PLAN TO EXPAND THE SWIP BOUNDARY TO INCLUDE THE ENTIRE 29.4 ACRES (NO DEVELOPMENT IS CURRENTLY PROPOSED ON APN 0255-011-15 (5-ACRE SITE)) PROJECT SITE LOCATED WEST OF CITRUS AVENUE, EAST AND WEST OF OLEANDER AVENUE AND NORTH OF SANTA ANA AVENUE.

WHEREAS, the applicant submitted a request for Specific Plan Amendment No. 23-004, to amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to expand the SWIP boundary to include the entire 29.4 acres (no development is currently on APN 0255-011-15 (5-acre site)) located west of Citrus Avenue, east and west of Oleander Avenue and north of Santa Ana Avenue. The Specific Plan Amendment will allow development of three industrial commerce center buildings totaling approximately 540,849 square feet and associated on-site and off-site improvements; and,

WHEREAS, on June 20, 2023, 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 to Specific Plan Amendment No. 22-002, General Plan Amendment (GPA) No. 22-004, Zoning District Map Amendment (Zone Change) No. 22-005, and Development Agreement (DA) No. 23-005, Tentative Parcel Map No. 20709 (TPM No. 22-009) (Building No. 1), Design Review (DRP) No. 22-029 (Building No. 1), Tentative Parcel Map No. 20708 (TPM No. 22-030) (Building No. 2), Design Review No. 22-061 (Building No. 2), Tentative Parcel Map No. (TPM No. 22-031) (Building No. 3), Design Review No. 22-062 (Building No. 3), and after carefully considering all information pertaining to the project, including the staff report, findings, and all of the information, evidence, and testimony presented at this public hearing, voted 5-0 to recommend approval to City Council by Resolution No. PC 2023-025; and,

WHEREAS, on July 25, 2023, the City Council held a duly noticed public hearing on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389), General Plan Amendment No. 22-004, Zoning District Map (Zone Change) Amendment No. 22-005, Development Agreement No. 23-005, Tentative Parcel Map No. 20709 (TPM No. 22-009) (Building No. 1), Tentative Parcel Map No. 20708 (TPM No. 22-030) (Building No. 2), and Tentative Parcel Map No. 20707 (TPM No. 22-031) (Building No. 3), and Design Review No. 22-029 (Building No. 1), Design Review No. 22-061 (Building No. 2), and Design Review No. 22-062 (Building No. 3), received testimony and after consideration, City Council denied the project with a vote of 3-2 at its regularly scheduled public hearing

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WHEREAS, Pursuant Sections 30-39 (General Plan Amendment, Time limitations) and Section 30-74 (Specific Plan Amendment, Time limitations) of the Zoning and Development Code both state that if an application (for a general plan amendment or a specific plan amendment, respectively) is denied by either the Planning Commission or City Council, another application of the same nature and effecting the same property shall not be filed with a period of one year from the date of denial. However, the aforementioned section also provides that a hearing body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate that a new application is warranted.

WHEREAS, On October 4, 2023, John Shardlow with Allen Matkins Leck Gamble Mallory & Natsis LLP, submitted a request for permission to file a new application based on revisions to the proposed project on behalf of the Applicant, this request is attached hereto as Attachment No. 1. In the request, Mr. Shardlow notes a change in plans for the Citrus and Oleander Avenue at Santa Ana project and proposes to submit a revised project for consideration that will address input from the City and the public, including an enhanced environmental design and additional community benefits.

WHEREAS, the Applicant's request is for permission to file an application reflecting revisions to the previously considered plans. Allowance of such a submittal for both a General Plan amendment and a Specific Plan amendment is therefore within the City Council's authority.

WHEREAS, on October 24, 2023, the City Council Approved the reconsideration with a vote of 4-1.

WHEREAS, on November 14, 2023, the City Council held a duly noticed public hearing on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389), General Plan Amendment No. 23-006, Zoning District Map (Zone Change) Amendment No. 23-004, Development Agreement No. 23-085, Tentative Parcel Map No. 20709 (TPM No. 22-009R1) (Building No. 1), Tentative Parcel Map No. 20708 (TPM No. 22-030R1) (Building No. 2), and Tentative Parcel Map No. 20707 (TPM No. 22-031R1) (Building No. 3), and Design Review No. 22-029R1 (Building No. 1), Design Review No. 22-061R1 (Building No. 2), and Design Review No. 22-062R1 (Building No. 3), received testimony and the supporting documents in evidence, and found that the Zoning District Map Amendment 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

WHEREAS, based on the information presented to the City Council at the Public hearing 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

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wish to invest in the City.

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

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

Section 2. CEQA. The City Council hereby finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines. The City Council finds that the EIR reflects the independent judgment and analysis of the City. The City Council declares that no evidence of new significant impacts or any new information of “substantial importance” as defined by State CEQA Guidelines section 15088.5, has been received by the City after circulation of the Draft EIR that would require recirculation. Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

Section 3. Specific Plan Amendment Findings. The City of Fontana City Council hereby makes the following findings for Specific Plan Amendment No. 23-004 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 to the existing Southwest Industrial Park Specific Plan (SWIP) by expanding the SWIP boundary to include the entire 29.4 acres to allow for the potential development of three industrial commerce buildings totaling 521,030 square feet. This development will provide attractive development with quality modern type of architecture and vast landscaping. This type of development will enhance the industrial areas with an attractive street scene and high-quality industrial development. This type of development will be consistent with the areas to the south and west.

Section 4. Specific Plan Amendment Approval. Specific Plan Amendment No. 23-004 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”** and attached hereto and by this reference incorporated herein.

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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

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Reguanetta Warren

Mayor of the City of Fontana

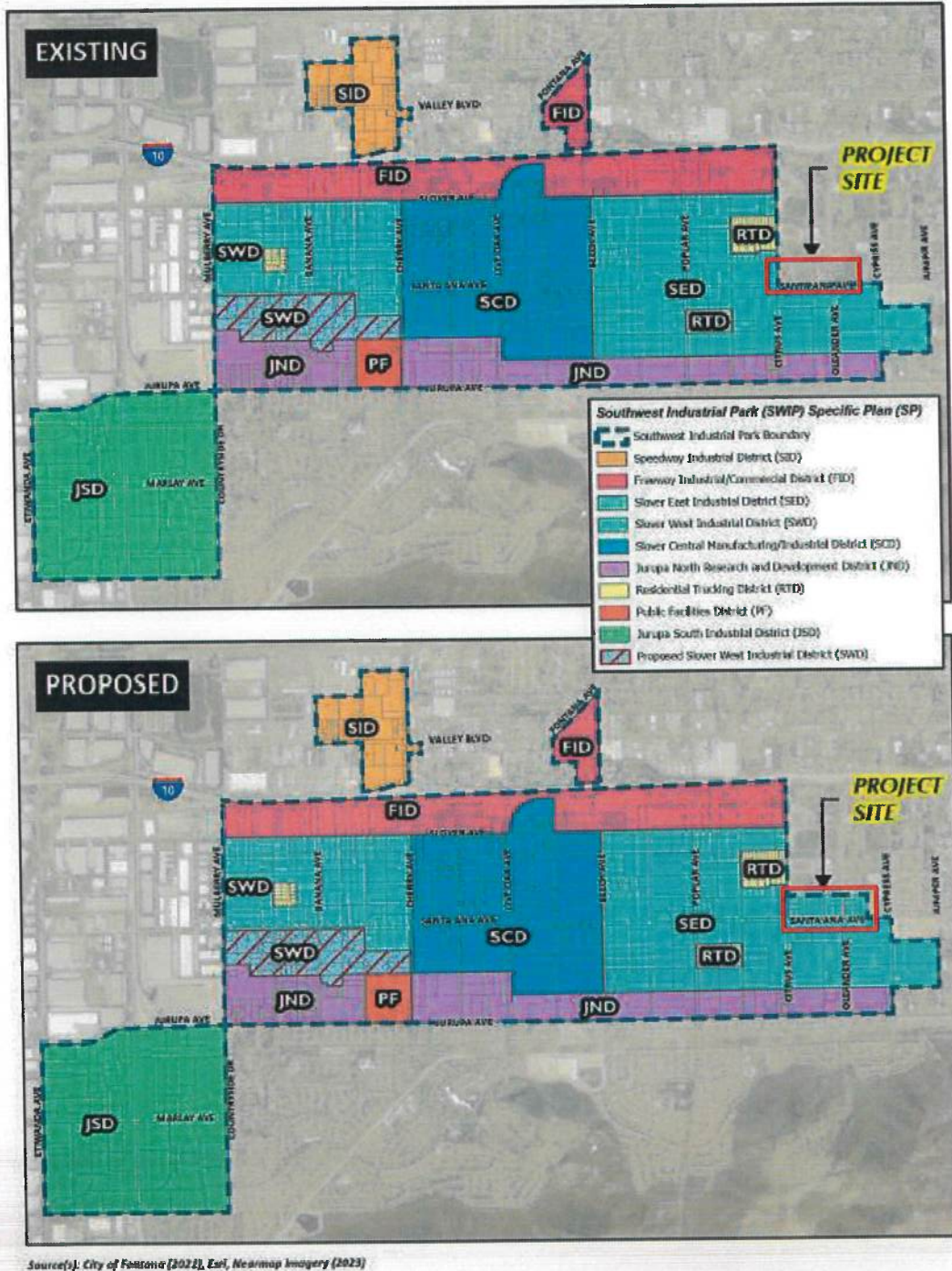
ATTEST:

Germaine key

City Clerk

EXHIBIT "A"

SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN LAND
USE MAP AMENDMENT



Certificate Of Completion

Envelope Id: 6894EF7D8AB94350AE6FAAF58D8C80D3
Subject: Please DocuSign: Ordinance 1934
Source Envelope:
Document Pages: 6
Certificate Pages: 5
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 | 12:06 PM

Holder: City Clerk
clerks@fontana.org

Location: DocuSign

Signer Events

Ruben Duran
ruben.duran@bbklaw.com
Security Level: Email, Account Authentication
(None)

Signature



Signature Adoption: Pre-selected Style
Using IP Address: 74.116.243.2

Timestamp

Sent: 12/19/2023 | 12:06 PM
Viewed: 12/21/2023 | 03:17 PM
Signed: 12/21/2023 | 03:17 PM

Electronic Record and Signature Disclosure:

Accepted: 12/21/2023 | 03:17 PM
ID: 23691402-5266-407c-8efb-bd86c8a0fb4c

Acquanetta Warren
awarren@fontana.org
Security Level: Email, Account Authentication
(None)



Signature Adoption: Pre-selected Style
Using IP Address: 174.218.119.77
Signed using mobile

Sent: 12/21/2023 | 03:17 PM
Viewed: 12/23/2023 | 10:54 AM
Signed: 12/23/2023 | 10:54 AM

Electronic Record and Signature Disclosure:

Accepted: 12/23/2023 | 10:54 AM
ID: 0c4834b8-4a04-49c8-ae6e-f172e8bec9f0

Germaine Key
gkey@fontana.org
Security Level: Email, Account Authentication
(None)



Signature Adoption: Pre-selected Style
Using IP Address: 172.56.176.10
Signed using mobile

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Viewed: 12/23/2023 | 12:37 PM
Signed: 12/23/2023 | 12:38 PM

Electronic Record and Signature Disclosure:

Accepted: 12/23/2023 | 12:37 PM
ID: 3262ff5a-32a2-4b8b-92ad-747b7edb7c54

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	Status	Timestamp
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	COPIED	Sent: 12/23/2023 12:38 PM Viewed: 1/9/2024 10:22 AM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	12/19/2023 12:06 PM
Certified Delivered	Security Checked	12/23/2023 12:37 PM
Signing Complete	Security Checked	12/23/2023 12:38 PM
Completed	Security Checked	12/23/2023 12:38 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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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..

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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.

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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.

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- 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.