

ORDINANCE NO. 1944

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, APPROVING, PURSUANT TO THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FONTANA BUSINESS CENTER 3 PROJECT, ZONING DISTRICT MAP AMENDMENT NO. 23-002 TO CHANGE THE ZONING DESIGNATION FOR APNS 0255-101-24 AND -30 FROM RESIDENTIAL PLANNED COMMUNITY (R- PC) TO SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN, SLOVER EAST INDUSTRIAL DISTRICT FOR APPROXIMATELY 1.6 ACRES LOCATED ON THE EAST SIDE OF JUNIPER AVENUE, SOUTH OF SANTA ANA AVENUE.

WHEREAS, Assessor Parcel Numbers: 0255-101-24 and -30 were annexed from San Bernardino County and incorporated into the City of Fontana on November 23, 1964 and September 19, 2006; and

WHEREAS, on November 13, 2018, the most recent edition of the City of Fontana General Plan ("General Plan") was adopted by the Fontana City Council ("City Council") and the City of Fontana Housing Element was adopted by the City Council on February 8, 2022; and

WHEREAS, on April 10, 2023, the City of Fontana ("City") received an application from Chase Partners ("Applicant") for a General Plan Amendment (GPA) No. 23-001, Zone Change Application (ZCA) No. 23-002, Specific Plan Amendment (SPA) No. 23-001, Development Agreement (DA) No. 23-001, Administrative Site Plan (ASP) No. 23-006, and Tentative Parcel Map (TPM) No. 20795 (TPM No. 23-006) - a request for the site and architectural review for the construction of one (1) industrial commerce center totaling 33,585 square feet on a 1.6 acre site; and a Development Agreement No. 23-001 to include a review of the development agreement for a public benefit fee of \$150,896.25. All of the amendments together are known as Master Case Number 23-013 ("MCN 23-013"); and

WHEREAS, on March 19, 2024, the Fontana Planning Commission ("Planning Commission") received public testimony and evidence presented by the Applicant, City staff, and other interested parties at a public hearing held on the Fontana Business Center 3, Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP") and MCN No. 23-013. After carefully considering all information pertaining to the project, recommended approval of the Project to the Fontana City Council ("City Council"); and

WHEREAS, the amendments to the Zoning District Map will contribute to mixture of industrial, service, and residential uses that will contribute to a sustainable community where future workers at the project site could live and utilize the services in the area as anticipated in the General Plan; and

Ordinance No. 1944

WHEREAS, all the notices required by statute and the Fontana City Code have been given as required; and

WHEREAS, on March 19, 2024, the Fontana Planning Commission ("Planning Commission") held a noticed public hearing for the project MND, MMRP, and MCN 23-013, received public testimony and evidence presented by the Applicant, City staff, and other interested parties and recommended approval to the City Council by Resolution No. 2023-023 by a vote of 4-0; and

WHEREAS, the Zoning District Map Amendment is considered a "Project" as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, on April 9, 2024, the City Council conducted a duly noticed public hearing on the project MND and MMRP and MCN No. 23-013, received testimony from all parties and documentation from the Planning Commission's public hearing on March 19, 2024; and

WHEREAS, an amendment to the boundaries of the SWIP specific plan and zoning classifications would allow for the development of an industrial commerce building; and

WHEREAS, the subject property is to be developed below the assumed capacity as identified in the approved Housing Element, however there is still sufficient capacity in the city at the "above moderate" income category to meet the City's Regional House Needs Assessment (RHNA) allocation; and

WHEREAS, based on the evidence and testimony presented to the City Council at the public hearing held for the project MND, MMRP, and MCN 23-013, the City Council found that the amendments and project are in conformance with the goals and policies of the General Plan.

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

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

Section 2. CEQA. Having considered the adopted Mitigated Negative Declaration and all written and oral evidence presented to the City Council, the Council finds that all environmental impacts of the Project has been addressed within the Mitigated Negative Declaration, and that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the Mitigated Negative Declaration. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA the City Council finds that the preparation of a subsequent or supplemental CEQA document is not required for the Project.

Section 3. Zoning District Map Amendments Findings. The City Council hereby makes the following findings for ZCA No. 23-002 in accordance with Section 30-40 "Purpose" of the Fontana Zoning and Development Code:

Finding No. 1: **The Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries 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 Applicant is proposing to change the zoning designation from R-PC to SP in order to include the Subject Property into the Slover East Industrial District (SED) of the SWIP. This would allow for the construction of a 33,585 square foot industrial commerce center building. The development will assist with the growing industrial commerce demand in the City of Fontana and the surrounding area. The zone change, and corresponding specific plan amendment will provide consistency with the existing development to the south and west of the Subject Property and will provide safe and attractive development.

Section 4. Zoning District Map Amendment Approval. The City Council approves ZCA No. 23-002 to amend the zoning designation for APNs: 0255-101-24 and -30 from Residential Planned Community (R-PC) to Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District for approximately 1.6 acres as shown on **Exhibit "A"** which is attached hereto and 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, or 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 23rd day of April 2024.

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 9th day of April 2024, and was finally passed and adopted not less than five days thereafter on the 23rd day of April 2024, by the following vote to wit:

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

NOES: Council Member Sandoval

ABSENT: Mayor Warren

ABSTAIN: N/A

Germaine Key

City Clerk of the City of Fontana

Reguanetta Warren

Mayor of the City of Fontana

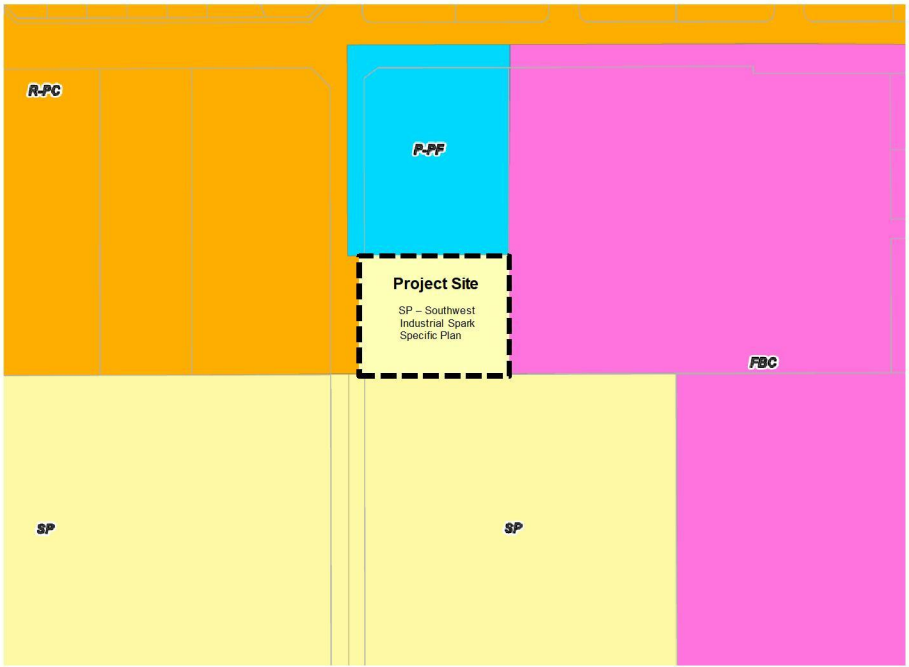
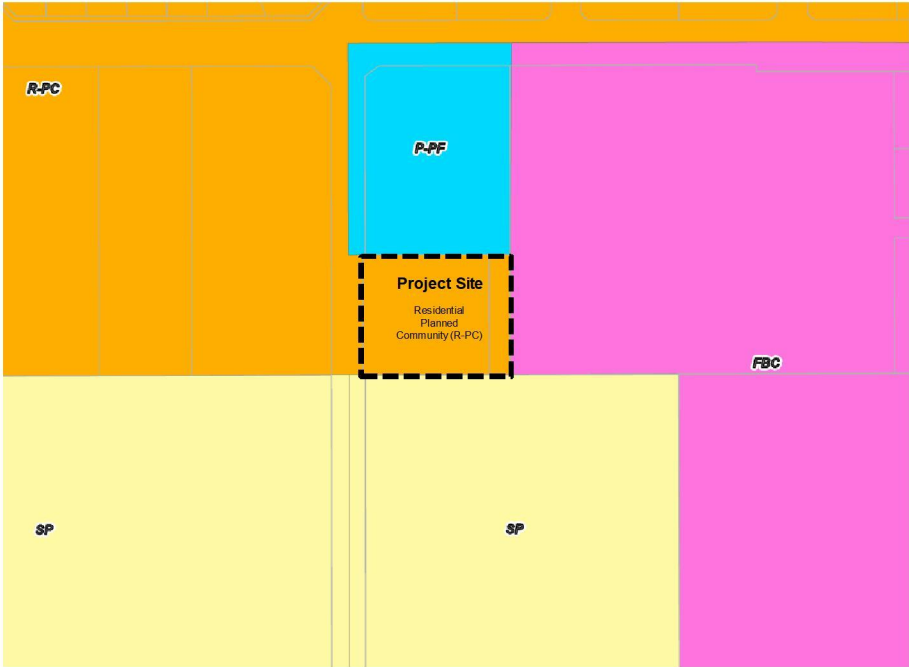
ATTEST:

Germaine Key

City Clerk

EXHIBIT “A”

EXISTING AND PROPOSED ZONING MAP DESIGNATION -
RESIDENTIAL PLANNED COMMUNITY (R-PC) AND TO SOUTHWEST
INDUSTRIAL PARK (SWIP) SPECIFIC PLAN, SLOVER EAST INDUSTRIAL
DISTRICT



Certificate Of Completion

Envelope Id: D7154AB623C54EF0A25EA12AFD3AEFDB

Subject: Please DocuSign: Ordinance 1944

Source Envelope:

Document Pages: 5

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

4/29/2024 | 10:15 AM

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: 174.218.64.38

Signed using mobile

Timestamp

Sent: 4/29/2024 | 10:16 AM

Viewed: 4/29/2024 | 11:15 AM

Signed: 4/29/2024 | 11:15 AM

Electronic Record and Signature Disclosure:

Accepted: 4/29/2024 | 11:15 AM

ID: 196e5098-b71b-4fd8-92c5-8f8f20044146

Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication
(None)

Signature Adoption: Pre-selected Style

Using IP Address: 174.219.238.70

Signed using mobile

Sent: 4/29/2024 | 11:15 AM

Viewed: 4/30/2024 | 03:04 AM

Signed: 4/30/2024 | 03:05 AM

Electronic Record and Signature Disclosure:

Accepted: 4/30/2024 | 03:04 AM

ID: e6bee6e8-8030-4c8a-9690-30e7ca2b973c

Germaine Key

gkey@fontana.org

Security Level: Email, Account Authentication
(None)

Signature Adoption: Pre-selected Style

Using IP Address: 107.201.246.59

Signed using mobile

Sent: 4/30/2024 | 03:05 AM

Viewed: 4/30/2024 | 06:37 AM

Signed: 4/30/2024 | 06:38 AM

Electronic Record and Signature Disclosure:

Accepted: 4/30/2024 | 06:37 AM

ID: ac03bc76-afd2-4e2b-8124-f7fe298b0553

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)

Status

COPIED

Timestamp

Sent: 4/30/2024 | 06:38 AM
Viewed: 4/30/2024 | 10:08 AM

Electronic Record and Signature Disclosure:
Accepted: 4/1/2024 | 08:37 AM
ID: 8e412281-9886-4a34-b75f-40f0daae88b5

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

| | |
|---------------------|------------------|
| Envelope Sent | Hashed/Encrypted |
| Certified Delivered | Security Checked |
| Signing Complete | Security Checked |
| Completed | Security Checked |

4/29/2024 | 10:16 AM
4/30/2024 | 06:37 AM
4/30/2024 | 06:38 AM
4/30/2024 | 06:38 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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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.

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: April 18, 2024

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO 1944.

PUBLISH ONE TIME ONLY ON OR BEFORE April 26, 2024. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO 1944.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **April 9, 2024**, 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. 1944**, an ordinance of the City of Fontana, California, approving, pursuant to the mitigated negative declaration and mitigation monitoring and reporting program for the Fontana Business Center 3 project, Zoning District Map Amendment No. 23-002 to change the zoning designation for APNs 0255-101-24 and -30 from residential planned community (R-PC) to southwest industrial park (SWIP) specific plan, Slover East Industrial District for approximately 1.6 acres located on the east side of Juniper Avenue, south of Santa Ana Avenue., 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: April 24, 2024

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO 1944.

PUBLISH ONE TIME ONLY ON OR BEFORE May 3, 2024. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO 1944.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **April 23, 2024**, at City Hall, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Second reading/adopt **Ordinance No. 1944**, an ordinance of the City of Fontana, California, approving, pursuant to the mitigated negative declaration and mitigation monitoring and reporting program for the Fontana Business Center 3 project, Zoning District Map Amendment No. 23-002 to change the zoning designation for APNs 0255-101-24 and -30 from residential planned community (R-PC) to southwest industrial park (SWIP) specific plan, Slover East Industrial District for approximately 1.6 acres located on the east side of Juniper Avenue, south of Santa Ana Avenue.

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