

ORDINANCE NO. 1845

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING SPECIFIC PLAN AMENDMENT NO. 19-010 TO AMEND SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN (SWIP) SPECIFIC PLAN - SLOVER CENTRAL MANUFACTURING/INDUSTRIAL DISTRICT (SCD) AND SLOVER WEST INDUSTRIAL DISTRICT (SWD) TO INCLUDE MOTOR VEHICLE RENTAL, SALES, AND LEASE WITH APPROVAL OF A CONDITIONAL USE PERMIT.

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

Section 1. The City of Fontana received applications on August 20, 2019, for Specific Plan Amendment No. 19-010 to include provisions for motor vehicle rental, sales, and leasing with a Conditional Use Permit for properties in the Southwest Industrial Park Specific Plan (SWIP) Specific Plan - Slover Central Manufacturing/Industrial District (SCD) and Slover West Industrial District (SWD) along with accompany applications that includes: Tentative Parcel Map No. 20156 (TPM19-014), Conditional Use Permit No. 19-035, and Administrative Site Plan No. 19-060 to allow for a trailer leasing use and to combine two (2) existing parcels into one parcel along with paving and landscaping improvements at 10686 and 10730 Banana Avenues (APN: 0236-081-24 and 0236-081-27); and

Section 2. On May 5, 2020, 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 Specific Plan Amendment No. 19-010 along with accompany applications that includes: Tentative Parcel Map No. 20156 (TPM19-014), Conditional Use Permit No. 19-035, and Administrative Site Plan No. 19-060; and

Section 3. On May 5, 2020, the Planning Commission approved Resolution No. PC 2020-025 and recommended approval to City Council of Specific Plan Amendment No. 19-010 along with accompany applications that include: Tentative Parcel Map No. 20156 (TPM19-014), Conditional Use Permit No. 19-035, and Administrative Site Plan No. 19-060 and after carefully considering all information pertaining to the proposed project, including the staff report, findings, and all the information, evidence, and testimony presented at its public hearing on May 5, 2020; and

Section 4. On June 9, 2020, June 23, 2020, and July 14, 2020 the City Council held a duly noticed public hearing on Specific Plan Amendment No. 19-010 along with the entitlements referenced herein, received testimony, and the supporting documents in evidence, the City Council found that the Specific Plan 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

Ordinance No. 1845

Section 5. On June 9, 2020 the City Council continued the noticed public hearing to June 23, 2020 and on June 23, 2020, at the applicant's request the City Council continued the noticed public hearing on Specific Plan Amendment No. 19-010 along with the entitlements referenced herein, until July 14, 2020 to research options regarding the existing paving material for the trailer storage;

Section 6. Specific Plan Amendment No. 19-010 is consistent with the General Plan Land Use Designation for the site, because the project is for a use to allow the rental, sale and lease of new and used passenger automobiles, panel trucks or vans, trailers, and recreational vehicles (RV's) , which is similar to the truck and equipment sales allowed in the Light Industrial (I-L) land use district of the General Plan;

Section 7. Based on the foregoing, the City of Fontana City Council determines that this project is Categorically Exempt pursuant to Sections Nos. 15301, Class No. 1 (Existing Facilities) and 15303 (Class No. 3, New Construction) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA because the site has been developed and current utilized for a trucking use. Additionally, none of the exceptions to the categorical exemptions set forth in State CEQA Guideline section 15300.2 applies to the proposed project because the proposed project (1) is not located in a uniquely sensitive environment, (2) is not located within a highway officially designated as a state scenic highway, (3) is not located on a hazardous waste site, (4) would not have a cumulative impact, (5) would not have a significant effect and (6) would not have a significant substantial adverse change in the significance of a historical resource;

Section 8. Specific Plan Amendment No. 19-010 is hereby approved, and the text and exhibits modified as shown on Exhibit "A", attached hereto and by this reference incorporated; and

Section 9. 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 28th day of July 2020.

READ AND APPROVED AS TO LEGAL FORM:

DocuSigned by:

622D5F9CCD6240C...

City Attorney

Ordinance No. 1845

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 introduced by the City Council at a regular meeting on the 14th day of July, 2020 and was finally passed and adopted not less than five days thereafter on the 28th day of July, 2020, by the following vote to wit:

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

NOES:

ABSENT:

ABSTAIN:

DocuSigned by:

Toni Lewis

EB CDCFDA17754F5...

City Clerk of the City of Fontana

DocuSigned by:

Reguanetta Warren

9B476DADB90D46B...

Mayor of the City of Fontana

ATTEST:

DocuSigned by:

Toni Lewis

EB CDCFDA17754F5...

City Clerk

Ordinance No. 1845

Exhibit “A”

Table 9-2 – Allowable Land Uses and Permit Requirements (continued)	
<i>Land Use</i>	<i>Permit Requirement</i>
	“P”= Use Permitted by Right “C”= Conditional Use Permit Required “M” = Minor Use Permit Required
	Slover Central Manufacturing District
Service Uses	
Animal Kennel Services	P
Industrial Repair	P
Mini Storage Facility (2)	P
Motor Vehicle	
Motor Vehicle Rental, Sales, and Leases	C
Registered Vehicle Storage (4)	C
Service Stations (2)	P
Vehicle Auctions	P
Distribution, Wholesaling and Warehousing Uses	
Industrial Equipment, Materials, and Supplies	C
Logistics and Distribution Facilities	P
Petroleum/Hazardous Material Storage	C
Warehousing Facilities	P
Transportation, Communications and Infrastructure Uses	
Antennas	M
Parking Structures (2)	P
Truck, Truck Trailer Storage	C
Recycling Facility	
• Consumer Recycling Facility (5)	C
• Non-Consumer Recycling Facility (5)	C
Other Uses	
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 14 (Temporary Use).

Ordinance No. 1845

Table 11-2 Allowable Land Use and Permit Requirements (continued)

Land Use	Permit Requirement	
	"P"= Use Permitted by Right	
	"C" = Conditional Use Permit Required	
	"M" = Minor Use Permit Required	
Slover West Industrial District		
Food Service		
<ul style="list-style-type: none">Outdoor Dining		P
<ul style="list-style-type: none">Restaurants		P
Industrial Repair		P
Mini Storage Facility (3)		P
Motor Vehicle		
Motor Vehicle Rental, Sales, and Leases		C
Registered Vehicle Storage (4)		C
Service Stations (3)		C
Vehicle Auction		P
Distribution, Wholesaling and Warehousing Uses		
Industrial Equipment, Materials, and Supplies		C
Logistics and Distribution Facilities		P
Petroleum/Hazardous Material Storage		C
Warehousing Facilities		P
Transportation, Communications and Infrastructure Uses		
Antennas		M
Broadcasting Offices or Studios		P
Parking Structures (3)		P
Truck, Truck Trailer Storage		C
Recycling Facility		
<ul style="list-style-type: none">Consumer Recycling Facilities(5)		C
<ul style="list-style-type: none">Non Consumer Recycling Facilities (5)		C
Other Uses		
Outdoor Display & Sales		M
Public Facilities		P
Temporary Uses	Municipal Code Chapter 30, Division 14 (Temporary Use).	

Certificate of Completion

Envelope Id: 7BAD0008F1C0471EAE0F17007D4D8EBA

Subject: Please DocuSign: Ord 1845 w-Exhibits

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

8/13/2020 1:25:29 PM

Holder: City Clerk

clerks@fontana.org

Location: DocuSign

Signer Events

Ruben Duran

ruben.duran@bbklaw.com

Security Level: Email, Account Authentication
(None)**Signature**DocuSigned by:
Ruben Duran
622D5F9CCD6240C...

Signature Adoption: Pre-selected Style

Using IP Address: 174.195.142.104

Signed using mobile

Timestamp

Sent: 8/13/2020 1:25:35 PM

Viewed: 8/13/2020 1:26:40 PM

Signed: 8/13/2020 1:26:53 PM

Electronic Record and Signature Disclosure:

Accepted: 8/13/2020 1:26:40 PM

ID: 75beb39a-991f-482c-915c-26e0a7cb72ae

Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication
(None)DocuSigned by:
Acquanetta Warren
9B476DADB90D46B...

Signature Adoption: Pre-selected Style

Using IP Address: 108.184.102.134

Sent: 8/13/2020 1:26:54 PM

Viewed: 8/14/2020 2:52:17 PM

Signed: 8/14/2020 2:52:28 PM

Electronic Record and Signature Disclosure:

Accepted: 8/14/2020 2:52:17 PM

ID: 5af5d307-e531-4e67-afba-6d8a5d8a305f

Toni Lewis

tlewis@fontana.org

City Clerk

City of Fontana

Security Level: Email, Account Authentication
(None)DocuSigned by:
Toni Lewis
EBDCDFDA17754F5...

Signature Adoption: Pre-selected Style

Using IP Address: 76.218.56.24

Signed using mobile

Sent: 8/14/2020 2:52:30 PM

Viewed: 8/14/2020 4:12:35 PM

Signed: 8/16/2020 8:19:12 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

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

Evelyne Ssenkoloto
essenkol@fontana.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Jesse Raymundo
jraymundo@fontana.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Kathy Kasinger
kkasinger@fontana.org

Records Coordinator

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Susana Gallardo
sgallardo@fontana.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Status

COPIED

COPIED

COPIED

COPIED

Timestamp

Sent: 8/16/2020 8:19:14 AM

Sent: 8/16/2020 8:19:14 AM

Sent: 8/16/2020 8:19:14 AM
Viewed: 8/18/2020 1:19:54 PM

Sent: 8/16/2020 8:19:14 AM

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent
Certified Delivered
Signing Complete
Completed

Hashed/Encrypted
Security Checked
Security Checked
Security Checked

8/16/2020 8:19:14 AM
8/16/2020 8:19:14 AM
8/16/2020 8:19:14 AM
8/16/2020 8:19:14 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.

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.

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: cteveda@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 cteveda@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 cteveda@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 cteveda@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.

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: JULY 15, 2020

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCES NO. **1844 and 1845**

PUBLISH ONE TIME ONLY ON OR BEFORE **JULY 24, 2020** ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO. **1844 and 1845**

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **July 14, 2020** in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinances:

Read by title only and waive further reading of and introduce Ordinance **Ordinance No. 1844** levying special taxes within the City of Fontana Community Facilities District No. 99 (The Retreat); and that the reading of the title constitutes the first reading thereof.

Read by title only and waive further reading of and introduce **Ordinance No. 1845**, an Ordinance of the City Council of the City of Fontana approving Specific Plan Amendment No. 19-010 to amend Southwest Industrial Park Specific Plan (SWIP) Specific Plan - Slover Central Manufacturing/Industrial District (SCD) and Slover West Industrial District (SWD) to include motor vehicle rental, sales, and lease with approval of a Conditional Use Permit, and that the reading of the title constitutes the first reading thereof; and

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: JULY 29, 2020

PUBLICATION OF SUMMARY OF APPROVED ORDINANCES NO. **1844 and 1845**

PUBLISH ONE TIME ONLY ON OR BEFORE **AUGUST 7, 2020** ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCES NO. **1844 and 1845**

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **July 28, 2020** in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, adopted the following ordinances:

- Second Reading/Adopt **Ordinance No. 1844** levying special taxes within the City of Fontana Community Facilities District No. 99 (The Retreat).
- Second Reading/Adopt **Ordinance No. 1845**, an Ordinance of the City Council of the City of Fontana approving Specific Plan Amendment No. 19-010 to amend Southwest Industrial Park Specific Plan (SWIP) Specific Plan - Slover Central Manufacturing/Industrial District (SCD) and Slover West Industrial District (SWD) to include motor vehicle rental, sales, and lease with approval of a Conditional Use Permit.

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