

**ORDINANCE NO. 1909**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, APPROVING ZONE CODE AMENDMENT NO. 21-010 FOR CHANGES TO THE ZONING DISTRICT MAP TO CHANGE THE ZONING ON ONE PARCEL (APN: 0240-011-17) FROM GENERAL COMMERCIAL (C-2) TO MULTI FAMILY RESIDENTIAL (R-3), REMOVE THE PARCEL (APN: 0240-011-17) FROM THE FONTANA AUTO CENTER OVERLAY AND AMEND SECTION 30-639, FIGURE 1 OF THE FONTANA ZONING CODE TO REMOVE THE PROJECT SITE FROM THE FONTANA AUTO CENTER OVERLAY DISTRICT.**

**WHEREAS**, the applicant submitted a request for approval of Zone Code Amendment No. 21-010, to amend the zoning map designation for parcel APN: 0240-011-17 from the General Commercial (C-2) Zoning District to the Multi-Family Residential (R-3) Zoning District and remove the site from the Auto Center Overlay District; and

**WHEREAS**, on October 4, 2022, the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties at a Public Hearing held with respect hereto on Zone Change Amendment No. 21-010 and related entitlements, 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 this public hearing , the Planning Commission approved Resolution No. PC 2022-043 and recommended approval to the City Council of Zone Change Amendment No. 21-010; and

**WHEREAS**, after the publication of notice as required by law, the City Council of the City of Fontana, California conducted a public hearing on Zoning Code Amendment No. 21-010; and

**WHEREAS**, on October 25, 2022, the City Council held a duly noticed public hearing on Zone Code Amendment No. 21-010 along with the entitlement referenced herein, received testimony and the supporting documents in evidence, and the City Council found that the Zoning Code 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**, Zone Code Amendment No. 21-010 is consistent with the goals and policies of the City of Fontana, General Plan Goal 7 of Chapter 15, "support high-quality development in design standards and land use decisions", in addition to Goal 7 of Chapter 15, Action Item #B "ensure that public and private developments are attractive,

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comfortable, and welcoming”; and

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

**Section 1.** Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds this Ordinance promotes the public health, safety, and welfare of the community; and

**Section 2.** The City of Fontana City Council hereby makes the following findings for Zone Code Amendment No. 21-010 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 remove the project site from the Auto Center Overlay District and modify the Zoning District Map to General Commercial (C-2) to Multi Family Residential (R-3). The development is appropriate for the area as it would provide a multi-family development site that would act as a transition from the commercial area located north of the site and the existing single-family areas to the south along Citrus Ave. As mentioned above, the project will include high quality multi-family housing with paseos, landscaping, adequate parking and amenities.

**Section 3.** The City Council hereby adopts the Mitigated Negative Declaration on the proposed project. The City Council finds that the Mitigated Negative Declaration contains a complete and accurate reporting of all the environmental impacts associated with the Project. The City Council further finds that the Mitigated Negative Declaration has been completed in compliance with CEQA, 2019 Local Guidelines for Implementing the California Environmental Quality Act, and the State CEQA Guidelines; and

**Section 4.** The City Council approves Zoning Code Amendment No. 21-010 to amend the zoning designation for APN 0240-011-17 from General Commercial (C-2) to Multi Family Residential (R-3) as shown on **Exhibit “A”**, and attached hereto and by this reference incorporated; and

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**Section 5.** 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.

**APPROVED AND ADOPTED** this 13<sup>th</sup> day of December 2022.

**READ AND APPROVED AS TO LEGAL FORM:**

*Ruben Duran*

\_\_\_\_\_  
City Attorney

I, Germaine McClellan 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 25th day of October, 2022, and was finally passed and adopted not less than five days thereafter on the 13<sup>th</sup> day of December, 2022, by the following vote to wit:

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

*Germaine McClellan Key*

\_\_\_\_\_  
City Clerk of the City of Fontana

*Acquanetta Warren*

\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**

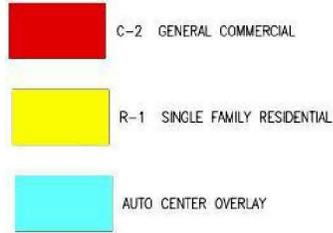
*Germaine McClellan Key*

\_\_\_\_\_  
City Clerk

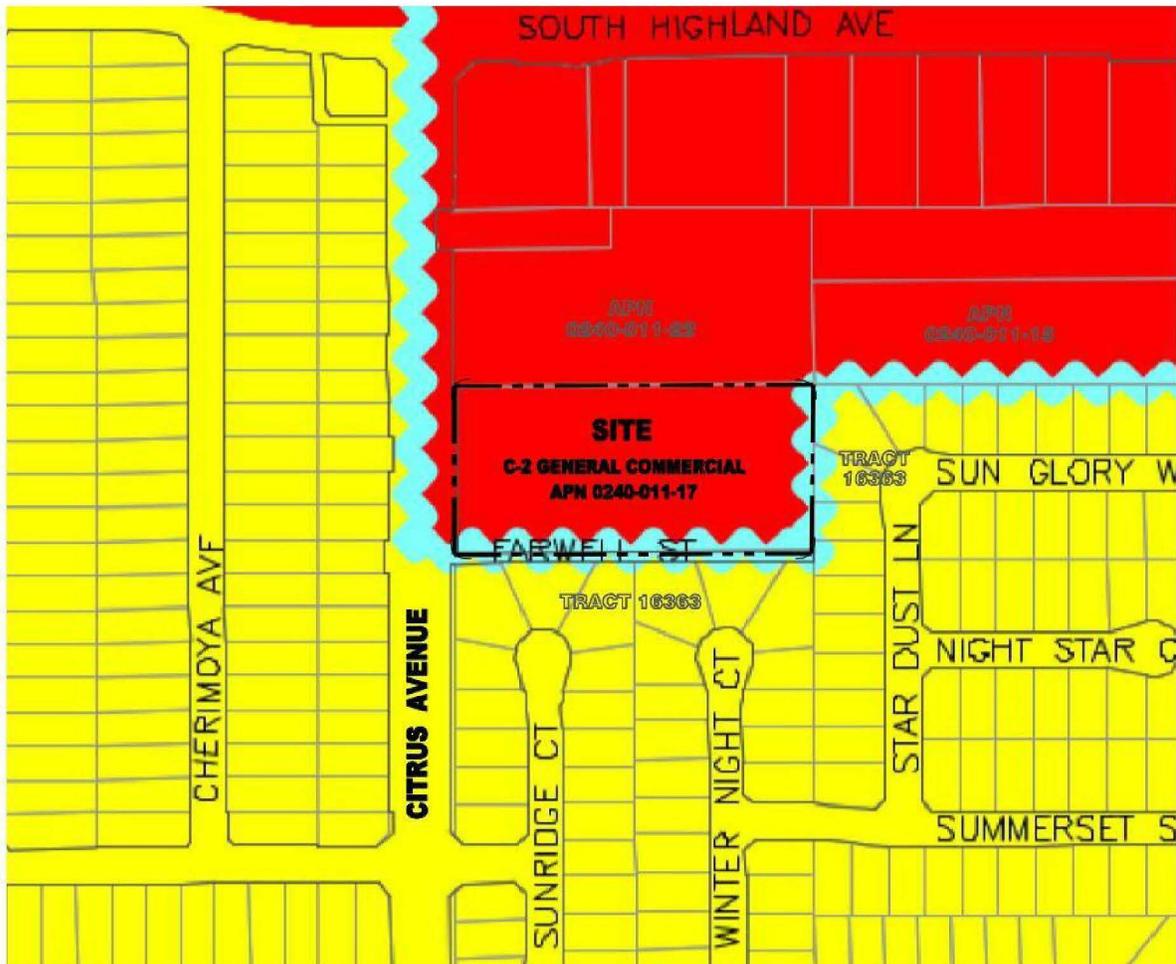
Ordinance No. 1909

# EXHIBIT "A"

## EXISTING ZONING DESIGNATION GENERAL COMMERCIAL (C-2) WITHIN AUTO CENTER OVERLAY



SCALE: 1"=120'

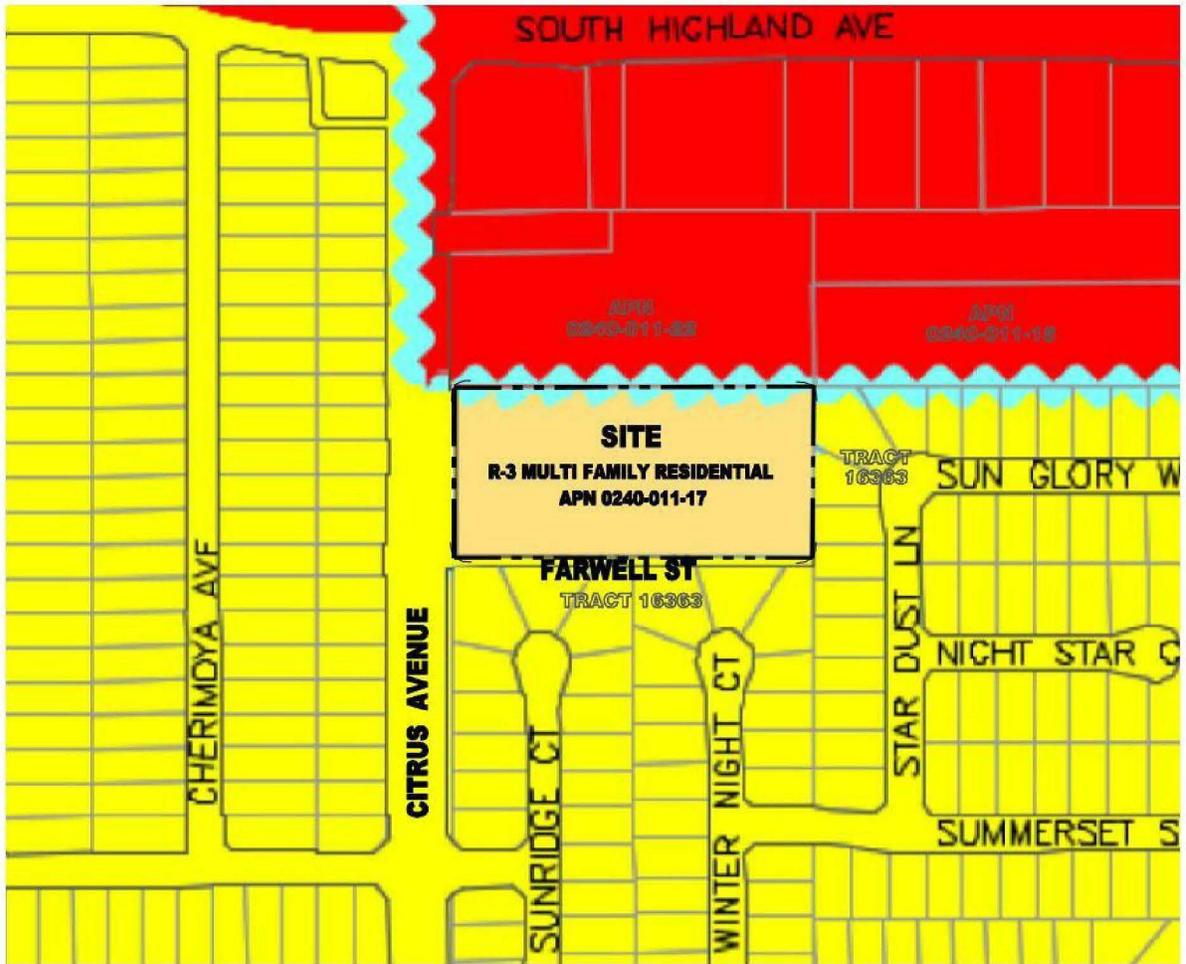


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PROPOSED ZONING DESIGNATION  
MULTI FAMILY RESIDENTIAL (R-3)  
OUTSIDE AUTO CENTER OVERLAY



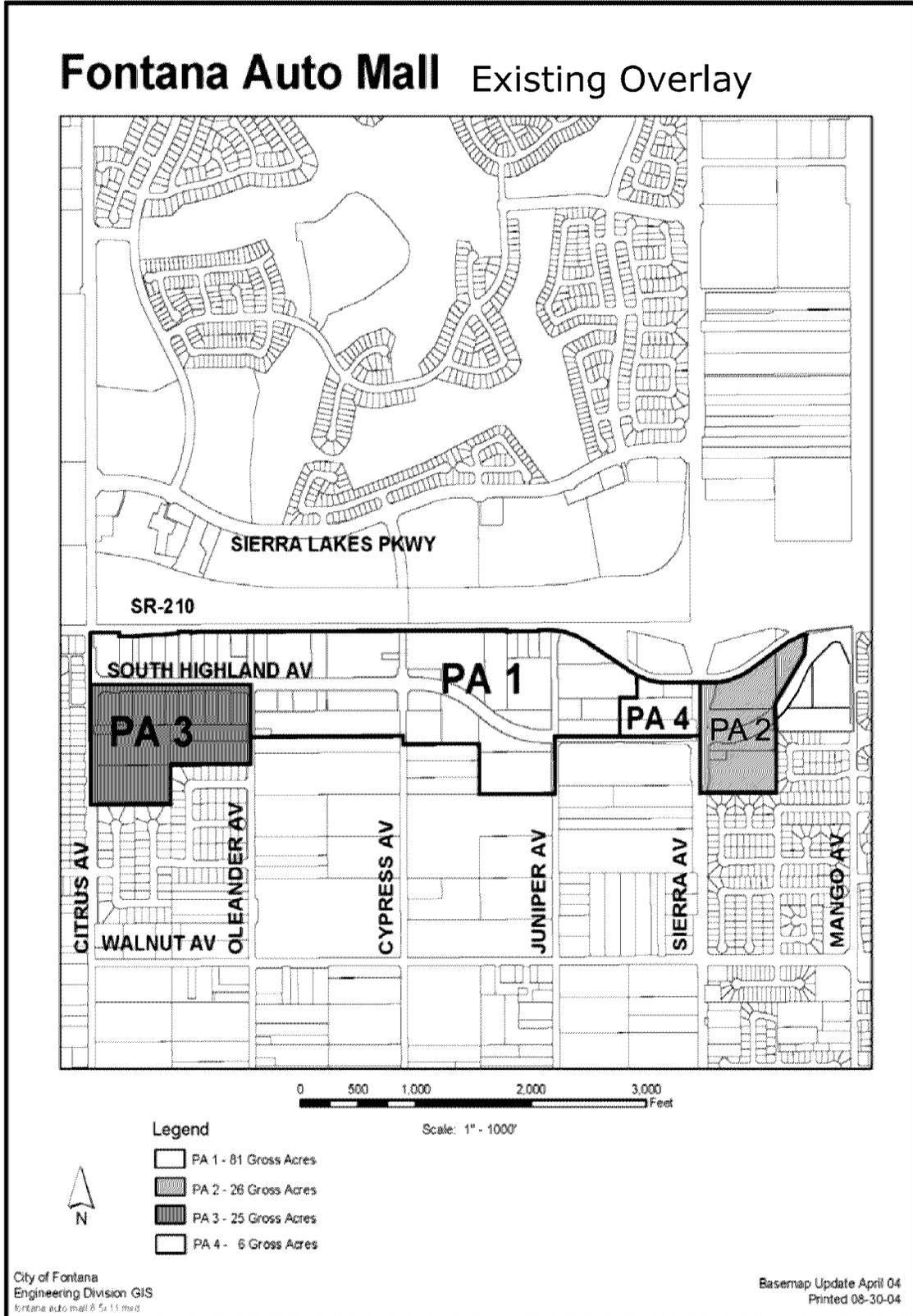
SCALE: 1"=120'



Ordinance No. 1909

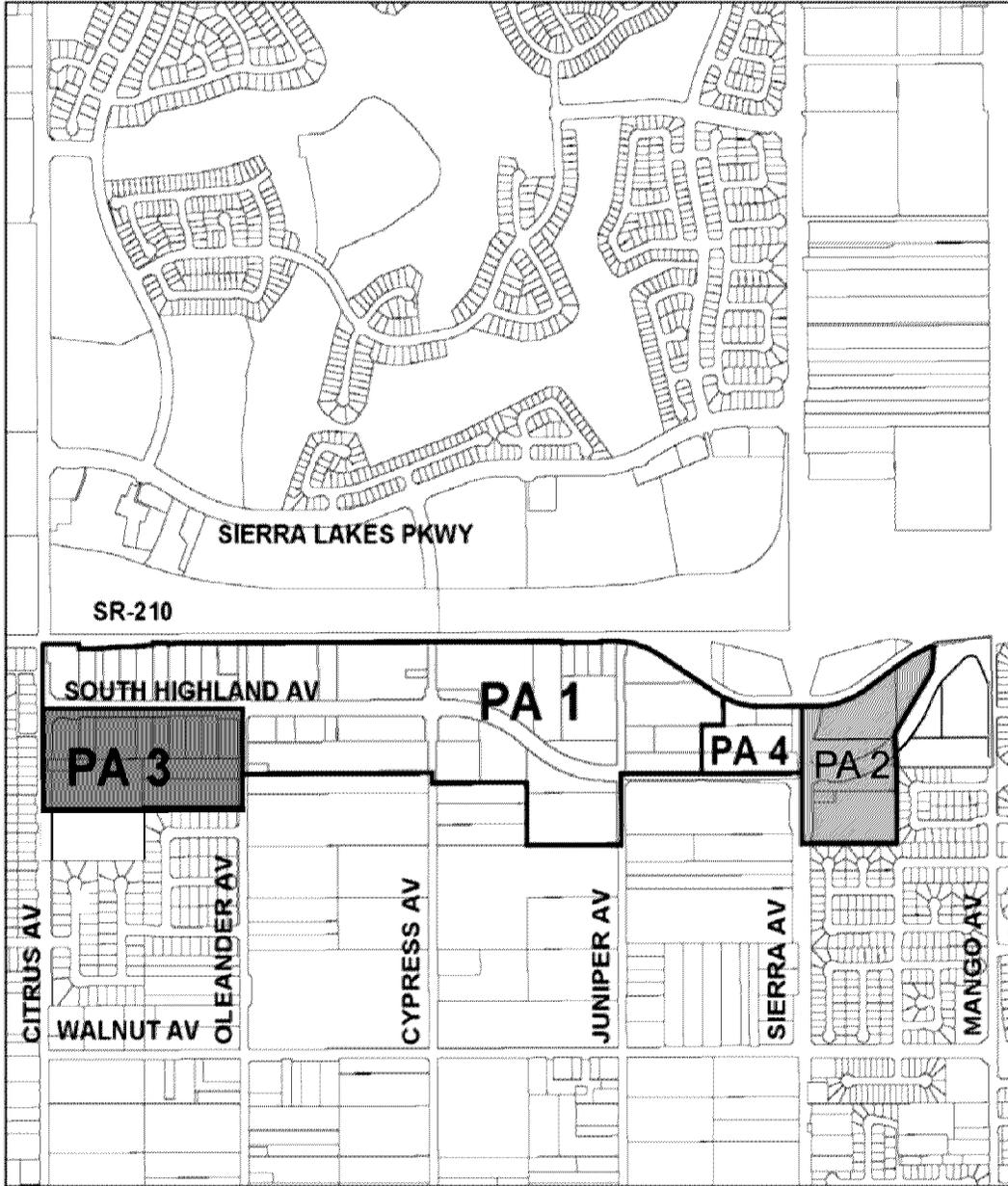
**Sec. 30-639. - Authority and requirements.**

Figure 1. Fontana Auto Center Overlay District Planning Area Boundaries Map



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# Fontana Auto Mall Proposed Overlay



Scale: 1" = 1000'

### Legend

-  PA 1 - 81 Gross Acres
-  PA 2 - 26 Gross Acres
-  PA 3 - 25 Gross Acres
-  PA 4 - 6 Gross Acres



**Certificate Of Completion**

Envelope Id: C97981BFCE424225A5049D928BE54611  
Subject: Please DocuSign: Ordinance 1909  
Source Envelope:  
Document Pages: 7  
Certificate Pages: 5  
AutoNav: Enabled  
Envelope 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  
1/4/2023 | 10:47 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: 74.116.243.2

**Timestamp**

Sent: 1/4/2023 | 10:47 AM  
Viewed: 1/5/2023 | 10:02 AM  
Signed: 1/5/2023 | 10:02 AM

**Electronic Record and Signature Disclosure:**

Accepted: 1/5/2023 | 10:02 AM  
ID: 61d14115-d446-4e41-8486-fe4063c7ffef

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



Signature Adoption: Pre-selected Style  
Using IP Address: 108.184.102.134  
Signed using mobile

Sent: 1/5/2023 | 10:02 AM  
Viewed: 1/5/2023 | 03:16 PM  
Signed: 1/5/2023 | 03:17 PM

**Electronic Record and Signature Disclosure:**

Accepted: 1/5/2023 | 03:16 PM  
ID: 27ae0438-24fc-421c-9356-c5d3544a101a

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



Signature Adoption: Pre-selected Style  
Using IP Address: 107.201.246.59

Sent: 1/5/2023 | 03:17 PM  
Viewed: 1/5/2023 | 03:21 PM  
Signed: 1/5/2023 | 03:22 PM

**Electronic Record and Signature Disclosure:**

Accepted: 1/5/2023 | 03:21 PM  
ID: bf0d0a60-979c-408f-a545-6a1cea89b769

**In Person Signer Events**

**Signature**

**Timestamp**

**Editor Delivery Events**

**Status**

**Timestamp**

**Agent Delivery Events**

**Status**

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**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: 11/29/2022 | 09:43 AM  
ID: 09fba19b-9269-4024-8db3-77a66e98b0a7

**Status**

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Viewed: 1/10/2023 | 07:25 AM

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**Notary Events**

**Signature**

**Timestamp**

**Envelope Summary Events**

**Status**

**Timestamps**

Envelope Sent  
Certified Delivered  
Signing Complete  
Completed

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Security Checked  
Security Checked  
Security Checked

1/4/2023 | 10:47 AM  
1/5/2023 | 03:21 PM  
1/5/2023 | 03:22 PM  
1/5/2023 | 03:22 PM

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**Status**

**Timestamps**

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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.

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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, 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"> <li>•Allow per session cookies</li> <li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li> </ul>

\*\* 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:

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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.

TO: HERALD NEWS  
EMAIL: LEGALS@FONTANAHERALDNEWS.COM  
FROM: FONTANA CITY CLERK'S DEPARTMENT  
DATE: October 26, 2022

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO 1909.

PUBLISH ONE TIME ONLY ON OR BEFORE November 4, 2022. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO 1909.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **October 25, 2022**, 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. 1909**, an ordinance of the City of Fontana, California, approving Zone Code Amendment No. 21-010 for changes to the Zoning District Map to change the zoning on one parcel (APN 0240-011-17) from General Commercial (C-2) to Multi-Family Residential (R-3), remove the parcel (APN 0240-011-17) from the Fontana Auto Center Overlay and amend Section 30-639, Figure 1 of the Fontana Zoning Code to remove the project site from the Fontana Auto Center Overlay District, 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

Ashton R. Arocho  
Deputy City Clerk

P.O. #800496

TO: HERALD NEWS  
EMAIL: LEGALS@FONTANAHERALDNEWS.COM  
FROM: FONTANA CITY CLERK'S DEPARTMENT  
DATE: December 14, 2022

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO 1909.

PUBLISH ONE TIME ONLY ON OR BEFORE December 23, 2022. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO 1909.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **December 13, 2022**, at City Hall, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Second reading/adopt **Ordinance No. 1909**, an ordinance of the City of Fontana, California, approving Zone Code Amendment No. 21-010 for changes to the Zoning District Map to change the zoning on one parcel (APN 0240-011-17) from General Commercial (C-2) to Multi-Family Residential (R-3), remove the parcel (APN 0240-011-17) from the Fontana Auto Center Overlay and amend Section 30-639, Figure 1 of the Fontana Zoning Code to remove the project site from the Fontana Auto Center Overlay District.

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

Ashton R. Arocho  
Deputy City Clerk

P.O. #800496