

## **ORDINANCE NO. 1792**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING SPECIFIC PLAN AMENDMENTS NOS. 18-002 AND 18-006 TO REVISE THE SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN TO ALLOW FOR COMPREHENSIVE SIGN PROGRAMS AND TO CLARIFY AND REVISE WAREHOUSE DEFINITIONS.**

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

**Section 1.** The applicant, Ms. Pam Steele of MIG Hogle-Ireland submitted applications on September 20, 2018, for Specific Plan Amendment (SPA) No.18-002 for a provision to allow for comprehensive sign programs for properties in SWIP, which is a companion application to Comprehensive Sign Program (DRS) No. 18-069 for monument, wayfinding, and wall signs for the buildings located at 10985 Oleander Avenue and 11263 Oleander Avenue. In addition, an additional Specific Plan Amendment (SPA) No. 18-006 has been included to revise and provide clarity for the various warehouse definitions in SWIP.

**Section 2.** City Council adopted a Resolution on May 8, 2012 certifying the Final Program Environmental Impact Report (PEIR) and approving the Southwest Industrial Park (SWIP) Specific Plan Update and Annexation with nine (9) Districts (Speedway Industrial District [SID], Freeway Industrial/Commercial District [FID], Slover East Industrial District [SED], Slover West Industrial District [SWD], Slover Central Manufacturing District [SCD], Jurupa North Research and Development District [JND], Residential Trucking District [RTD], Public Facilities District [PF], and Jurupa South Industrial District [JSD]), State Clearinghouse (SCH) No. 2009091089.

**Section 3.** City Council adopted a Resolution on January 23, 2018 certifying Environmental Impact Report (EIR) and approving the Southwest Fontana Logistics Center Project (Master Case (MCN 15-089), General Plan Amendment (GPA No. 15-006), Zone Change (ZC No. 16-003), Specific Plan Amendment (SPA No. 16-002), Design Review (DR No. 15-017), Tentative Parcel Map 19711 (TPM No. 15-010), Development Agreement (DA No. 16-005) that annexed the site at 10985 Oleander Avenue and 11263 Oleander Avenue into the Southwest Industrial Park Specific Plan into the Slover East Industrial District [SED] and also included a future park site (SCH No. 2016091057) to accommodate the development of two warehousing buildings.

**Section 4.** At a duly noticed public hearing on January 15, 2019, the Planning Commission on a vote of 5-0 approved a resolution that recommended approval to the City Council of Specific Plan Amendment Nos. 18-002 & 18-006 and Design Review Signs No. 18-069 for a Comprehensive Sign Program along with Addendums to the SWIP Program Environmental Impact Report (SWIP PEIR) (SCH No. 2009091089) and Southwest Fontana Logistics Center Project Environmental Impact Report (SWFLC EIR) (SCH No. 2016091057) was held by the Planning Commission ("Commission"), after

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carefully considering all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing.

**Section 5.** On February 12, 2019, the City Council held a duly noticed public hearing on Specific Plan Amendments Nos. 18-002 & 18-006 along with the entitlements referenced herein, received testimony, and the supporting documents in evidence, the City Council found that the Specific Plan Amendments are 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.

**Section 6.** Specific Plan Amendments Nos. 18-002 & 18-006 are consistent with the goals and policies of the City of Fontana, General Plan in Goal 1 of Chapter 13 to promote a diversified economy that builds on the existing business sectors and develops, attracts and retains future job-creating sectors; as well as, Goal 7 in Chapter 15 of supporting developments that meets high design standards.

**Section 7.** The California Environmental Quality Act (CEQA) Guidelines Section 15164 and the City's Local Guidelines for Implementing CEQA requires lead agencies to prepare addendums to a previously certified EIRs if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council considered a Resolution adopting the EIR Addendums to the certified Final Environmental Impact Report (SCH No. 2016091057) for the Southwest Fontana Logistics Center project and the Certified Final Southwest Industrial Park Specific Plan Program Environmental Impact Report (SCH No. 2009091089).

**Section 8.** The City Council approves Specific Plan Amendment No. 18-002 to include provisions for a Comprehensive Sign Program that will add the following as the last paragraph in subsection **A. Applicability** in Sections 6.7, 7.7, 8.7, 9.7, 10.7, 11.7, and 12.7 to the SWIP. All language added has been depicted in bold and italicized has been approved.

***A Comprehensive Sign Program (CSP) may be developed to create customized sign standards for projects with buildings over 500,000 square feet of area or multiple buildings, if they are located within a campus setting comprised of at least three (3) buildings next to one another, that may be separated by streets, with a total floor area of all buildings in the campus that exceeds 500,000 square feet. Once a CSP is approved by the Planning Commission, tenants may receive approval for their individual signs administratively.***

**Section 9.** The City Council approves Specific Plan Amendment No. 18-006 to clarify and revise warehouse definitions on pages A-5, A-13, and A-14 of Appendix A in SWIP as depicted in the following paragraph below. All language proposed to be deleted shall be depicted as strikethrough and language proposed to be added as bold and italicized, is hereby approved.

## Ordinance No. 1792

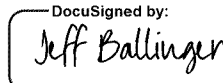
- **Logistics and Distribution Facility.** Warehouse/distribution facilities used for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials **and excludes bulk storage of materials, which are flammable or explosive or create hazardous or commonly recognized offensive conditions**) before their distribution to retail locations or other warehouses. Warehouse/distribution centers are generally greater than 2400,000 square feet in size, with a land coverage ratio of approximately 50 to 80 percent, and a dock-high loading door ratio of approximately 1:5,000 – 840,000 square feet. They are characterized by **dock high loading doors on opposing sides of the building (Cross Dock Facility); significant movement and storage of products, materials , or equipment;** truck activities frequently outside of the peak hour of the adjacent street system; and good freeway access, including:
  - Freight Yards/Forwarding Terminals
  - **Warehousing Distribution/High Cube Distribution Centers**
  - Moving Agencies
  - Parcel Delivery Terminals
  - Railroad Freight Stations
  - Shipping/Receiving Yards
  - Truck Terminals
- **Warehousing Facility.** The use of a building primarily for the storage of goods of any type **by one or two businesses and used for the sale or distribution of those goods to their direct customers** (excluding bulk storage of materials which are flammable or explosive or which create hazardous or commonly recognized offensive conditions). **Typically, 200,000 square feet or less in size with a land coverage ratio of approximately 45 to 55 percent with dock high and/or ground level loading doors on one side of the building only.**
- ~~Warehousing/Distribution Center, High Cube. A warehouse/distribution center greater than 200,000 square feet in size with a typical ceiling height of at least 28 feet, employing a high level of automation, and used primarily for distribution to other warehouses. A warehousing use engaged primarily in receipt and distribution of goods, products, supplies etc., with incidental storage and typically identified with a quick turnaround of goods. Excludes bulk storage of materials, which are flammable or explosive or create hazardous or commonly recognized offensive conditions.~~

**Section 10.** 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.

Ordinance No. 1792

**APPROVED AND ADOPTED** this February 26, 2019.

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

DocuSigned by:  
  
9656A1483C6E407...  
\_\_\_\_\_  
City Attorney

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 adopted by the City Council and was introduced at a regular meeting on the 12<sup>th</sup> day of February 2019, and was finally passed and adopted not less than five days thereafter on the 26<sup>th</sup> day of February 2019, by the following vote to wit:

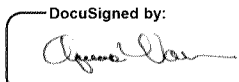
**AYES:** Mayor Warren, Mayor Pro Tem Armendarez, Council Members Roberts, Sandoval and Cothran

**NOES:**

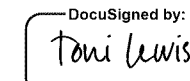
**ABSENT:**

**ABSTAIN:**

DocuSigned by:  
  
EBCDCFDA17754F5...  
\_\_\_\_\_  
City Clerk of the City of Fontana

DocuSigned by:  
  
9B476DADB90D46B...  
\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**

DocuSigned by:  
  
EBCDCFDA17754F5...  
\_\_\_\_\_  
City Clerk

## Certificate Of Completion

Envelope Id: 7C787027BF1B4D23B9E0A7A10E3524DA

Subject: Please DocuSign: Ord 1792 SWIP

Source Envelope:

Document Pages: 4

Certificate Pages: 5

AutoNav: Enabled

EnvelopeId 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

3/5/2019 2:57:48 PM

Holder: City Clerk

clerks@fontana.org

Location: DocuSign

## Signer Events

Jeff Ballinger

jeff.ballinger@bbklaw.com

Security Level: Email, Account Authentication  
(None)

## Signature

DocuSigned by:  
*Jeff Ballinger*  
9656A1483C6E407...

Signature Adoption: Pre-selected Style

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Sent: 3/5/2019 2:57:54 PM

Viewed: 3/6/2019 10:11:21 AM

Signed: 3/6/2019 10:11:28 AM

## Electronic Record and Signature Disclosure:

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ID: 49bce3bd-df4d-4cff-8659-0af6d478de62

Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication  
(None)

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*Acquanetta Warren*  
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Signature Adoption: Uploaded Signature Image

Using IP Address: 174.212.9.112

Signed using mobile

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Signed: 3/6/2019 10:57:12 AM

## Electronic Record and Signature Disclosure:

Accepted: 3/6/2019 10:56:47 AM

ID: b838fe16-486d-4751-98ee-7048df8edfe

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

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Signed: 3/6/2019 11:03:32 AM

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## Editor Delivery Events

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## Timestamp

## Agent Delivery Events

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## 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:**  
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## Status

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Jesse Raymundo  
jraymundo@fontana.org

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Kathy Kasinger  
kkasinger@fontana.org

Security Level: Email, Account Authentication  
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Susana Gallardo  
sgallardo@fontana.org  
Security Level: Email, Account Authentication  
(None)

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## Notary Events

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## Timestamp

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Security Checked  
Security Checked

## Timestamps

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3/6/2019 11:03:34 AM  
3/6/2019 11:03:34 AM  
3/6/2019 11:03:34 AM

## Payment Events

## Status

## Timestamps

**Electronic Record and Signature Disclosure**

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

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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.

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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: [cteveda@fontana.org](mailto: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](mailto: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](mailto: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](mailto: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"><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: FEBRUARY 13, 2019

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO. 1792

PUBLISH ONE TIME ONLY ON OR BEFORE FEBRUARY 22, 2019 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO. 1792

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **February 12, 2019** in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinance:

Waive further reading and introduce **Ordinance No. 1792** an ordinance of the City of Fontana:

- a) Approving Specific Plan Amendment No. 18-002: to include provisions in the Southwest Industrial Park Specific Plan (SWIP) to allow for Comprehensive Sign Programs; and
- b) Approving Specific Plan Amendment No. 18-006: to revise/clarify the definitions for the various types of warehouse uses in SWIP; 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

Tonia Lewis  
City Clerk

P.O. #800496

TO: HERALD NEWS  
EMAIL: LEGALS@FONTANAHERALDNEWS.COM  
FROM: FONTANA CITY CLERK'S DEPARTMENT  
DATE: FEBRUARY 27, 2019

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO. 1792

PUBLISH ONE TIME ONLY ON OR BEFORE MARCH 8, 2019 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO. 1792

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **February 26, 2019** in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, adopted of the following ordinance:

Second Reading/Adopt **Ordinance No. 1792** an ordinance of the City of Fontana:

- a) Approving Specific Plan Amendment No. 18-002: to include provisions in the Southwest Industrial Park Specific Plan (SWIP) to allow for Comprehensive Sign Programs; and
- b) Approving Specific Plan Amendment No. 18-006: to revise/clarify the definitions for the various types of warehouse uses in SWIP.

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