

ORDINANCE NO. 1812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, APPROVING AN AMENDMENT TO CHAPTER 30 (ZONING AND DEVELOPMENT CODE) OF THE FONTANA MUNICIPAL CODE BY ADDING ARTICLE XV ENTITLED “FORM BASED CODE (FBC)” AND AMENDING THE ZONING DISTRICT MAP FOR PROPERTIES WITH A GENERAL PLAN LAND USE DESIGNATION OF WALKABLE MIXED USE 1 (WMXU-1) AND WALKABLE MIXED USE 2 (WMXU-2) AND PROPERTY WITH THE DOWNTOWN AREA PLAN TO THE NEW ZONING CATEGORY OF “FORM BASED CODE (FBC)” TO PROVIDE CONSISTENCY WITH THE GENERAL PLAN.

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

Section 1. On May 21, 2019, the Planning Commission duly conducted a noticed public hearing on Zoning Code Amendment No. 18-004 (Form Based Code), received testimony and information from any and all parties, and recommended its approval to the City Council by Planning Commission Resolution No. 19-037; and

Section 2. On August 20, 2019, the Planning Commission duly conducted a noticed public hearing on Zoning Code Amendment No. 19-003 (Zoning District Map), received testimony and information from any and all parties, and recommended its approval to the City Council by Planning Commission Resolution No. 19-055; and

Section 3. On September 10, 2019, the City Council held a duly noticed public hearing on Zoning Code Amendment No. 18-004 and Zoning Code Amendment No. 19-003, received testimony and the supporting documents in evidence, the City Council found that the proposed zoning code amendments are in conformance with the goals and policies of the General Plan to provide a community that is balanced between residential and commercial and that is developed to high standards and provides diverse housing and social opportunities for our citizens and those who wish to invest here; and

Section 4. Based on the information presented to the City council at the public hearing held for Zoning Code Amendment No. 18-004 and Zoning Code Amendment No. 19-003, on September 10, 2019, the testimony received, and the supporting documents in evidence, the City Council found that the proposed amendments are in conformance with the goals and polices of the General Plan in Goal 3, Chapter 14, new housing options, walkable environments, and a mixture of uses attracting residents and visitors in the Downtown and General Plan Goal 4, Chapter 14, compact, walkable, mixed-use centers are located at key locations along corridors, where neighborhood retail and diverse housing options can succeed; and

Section 5. Pursuant to Section 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.10 of the City of Fontana’s

Ordinance No. 1812

2019 local CEQA Guidelines, the project has been reviewed under a previously approved Final Environmental Impact Report (State Clearinghouse No. 2016021099) and a Notice of Determination has been prepared; and

Section 6. Zoning Code Amendment No. 19-003 is hereby approved, and the zoning is changed as shown on Exhibit "A", attached hereto and by this reference incorporated.

Section 7. Zoning Code Amendment No. 18-004 to add Article XV to Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code relating to Form Based Code (FBC) is hereby added as shown on Exhibit "B", attached hereto and by this reference incorporated;

Section 8. 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 of these records is the City Clerk.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The people of the City of Fontana hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 10. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

Section 11. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

APPROVED AND ADOPTED this 24th day of September 2019.

Ordinance No. 1812

READ AND APPROVED AS TO LEGAL FORM:

DocuSigned by:
Ruben Duran
622D5F9CCD6240C...

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 10th day of September 2019, and was finally passed and adopted not less than five days thereafter on the 24th day of September, 2019, by the following vote to wit:

AYES: Mayor Warren, Council Members Roberts, Sandoval and Cothran

NOES:

ABSENT: Mayor Pro Tem Armendarez

ABSTAIN:

DocuSigned by:
Tonia Lewis
EBCDCFDA17754F5...

City Clerk of the City of Fontana

DocuSigned by:
Acquanetta Warren
9E476DADB90D46B...

Mayor of the City of Fontana

ATTEST:

DocuSigned by:
Tonia Lewis
EBCDCFDA17754F5...

City Clerk

Certificate Of Completion

Envelope Id: 6C560F403E4B4F2F9C331905807A191B
Subject: Please DocuSign: Ord 1812 Form-Based
Source Envelope:
Document Pages: 107
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
9/30/2019 2:21:33 PM

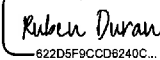
Holder: City Clerk
clerks@fontana.org

Location: DocuSign

Signer Events

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

Signature

DocuSigned by:

822D5F9CCD9240C...


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

Timestamp

Sent: 9/30/2019 2:21:51 PM
Viewed: 9/30/2019 2:51:58 PM
Signed: 9/30/2019 2:54:16 PM

Electronic Record and Signature Disclosure: Not Offered via DocuSign

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

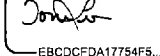
DocuSigned by:

9B476DAD990D48B...

Signature Adoption: Pre-selected Style
Using IP Address: 174.209.33.147
Signed using mobile

Sent: 9/30/2019 2:54:20 PM
Viewed: 10/3/2019 8:44:58 AM
Signed: 10/3/2019 8:45:15 AM

Electronic Record and Signature Disclosure: Accepted: 10/3/2019 8:44:58 AM ID: 411cbdf4-c6d8-4ecc-a0f2-e02bd9303230

Toni Lewis
tlewis@fontana.org
City Clerk
City of Fontana
Security Level: Email, Account Authentication
(None)

DocuSigned by:

EBCDCFD17754F5...

Signature Adoption: Drawn on Device
Using IP Address: 76.218.56.24
Signed using mobile

Sent: 10/3/2019 8:45:19 AM
Viewed: 10/3/2019 8:46:16 AM
Signed: 10/3/2019 8:46:47 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

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: 10/3/2019 8:46:50 AM

Sent: 10/3/2019 8:46:50 AM

Sent: 10/3/2019 8:46:50 AM
 Viewed: 10/3/2019 9:19:57 AM

Sent: 10/3/2019 8:46:51 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

10/3/2019 8:46:51 AM
 10/3/2019 8:46:51 AM
 10/3/2019 8:46:51 AM
 10/3/2019 8:46:51 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: 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"> •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: SEPTEMBER 11, 2019

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO. 1812

PUBLISH ONE TIME ONLY ON OR BEFORE SEPTEMBER 20, 2019 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO. 1812

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **September 10, 2019** in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinance:

Waive further reading of and introduce **Ordinance No. 1812**, an Ordinance of the City Council of the City of Fontana, approving an amendment to Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code by adding Article XV entitled "Form Based Code (FBC)" and amending the Zoning District Map for properties with the General Plan Land Use designation of Walkable Mixed Use 1 (WMXU-1) and Walkable Mixed Use 2 (WMXU-2), and property within the Downtown Area Plan to the new zoning category of "Form Based Code (FBC)" to provide consistency with the General Plan; and 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: SEPTEMBER 25, 2019

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO. 1812

PUBLISH ONE TIME ONLY ON OR BEFORE OCTOBER 4, 2019 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO. 1812

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **September 24, 2019** in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Second Reading/Adopt **Ordinance No. 1812**, an Ordinance of the City Council of the City of Fontana, adopting an amendment to Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code by adding Article XV entitled "Form Based Code (FBC)" and amending the Zoning District Map for properties with the General Plan Land Use designation of Walkable Mixed Use 1 (WMXU-1) and Walkable Mixed Use 2 (WMXU-2), and property within the Downtown Area Plan to the new zoning category of "Form Based Code (FBC)" to provide consistency with the General Plan.

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