

ORDINANCE NO. 1990

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. 19-00002R1, FOR ASSESSOR'S PARCEL NUMBERS 0255-091-20, -23, -63, -64, AND -65, FINDING THAT THE PROJECT WAS ADEQUATELY ANALYZED IN THE PREVIOUSLY CERTIFIED GOODMAN LOGISTICS CENTER FONTANA III ENVIRONMENTAL IMPACT REPORT (EIR) (STATE CLEARINGHOUSE [SCH] NO. 2019039071) AND THE SUBSEQUENT ADDENDUM, DETERMINING PURSUANT TO CEQA GUIDELINES SECTION 15162 THAT NO SUBSEQUENT OR SUPPLEMENTAL EIR IS REQUIRED, AND DIRECT STAFF TO FILE A NOTICE OF DETERMINATION

WHEREAS, California Government Code Sections 65864 et seq. ("Development Agreement Statutes") and Section 30-322 of the City's of Fontana's Zoning and Development Code ("ZDC") authorizes the City Council of the City of Fontana ("City Council") to enter into development agreements with those having a legal or equitable interest in real property in order to establish certain development rights in such property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within its jurisdiction; and

WHEREAS, the City of Fontana Planning Commission ("Planning Commission") has found that development agreements strengthen the public planning process, encourage private participation in comprehensive planning reduces the economic costs of development, allows for orderly planning of public improvements and services, allocates costs to achieve maximum utilization of public and private resources in the development process, and ensures that appropriate measures are taken to enhance and protect the environment; and

WHEREAS, pursuant to Section 30-322 of the ZDC and Section 4 of City Council Resolution No. 85-217, the Planning Commission shall conduct a public hearing on any proposed development agreements in accordance with Government Code Section 65867 and shall adopt a resolution recommending approval or denial of the proposed development agreement to the City Council, including the reasons for its recommendation and an evaluation of the relationship of the proposed development agreement or amendment to applicable general and specific plans, as well as zoning requirements; and

WHEREAS, on June 23, 2020 the City of Fontana ("City") approved entitlements for the GLC Fontana III Project (MCN No. 19-000016), an industrial commerce center consisting of three buildings, through a General Plan Amendment (GPA 19-000001), Zone Change (ZCA 19-000001), Specific Plan Amendment (SPA 19-000001), Tentative Parcel Map (TPM 19-000002), Design Review (DRP 19-000005), and the certification of

the Goodman Logistics Center Fontana III Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2019039071) (collectively, GLC Fontana III Development); and

WHEREAS, concurrent with the GLC Fontana III Development, the City Council approved Ordinance No. 1840 authorizing Development Agreement No. 19-000002 for the project (“DA”); and

WHEREAS, on April 20, 2021, the Planning Commission approved MCN No. 21-000002 which consisted of Tentative Parcel Map No. 20354, Conditional Use Permit No. 21-001 and Administrative Site Plan No. 21-002 with an Addendum to the project’s EIR to subdivide the southern portion of the project site and establish a tractor trailer parking lot; and

WHEREAS, the DA together with the underlying project, was adequately analyzed in the previously certified Goodman Logistics Center Fontana III EIR (SCH No. 2019039071) and the subsequent Addendum. Pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR is required because there are no substantial changes to the project or its circumstances, and no new information of substantial importance has been identified that would result in any new or more severe significant environmental impacts; and

WHEREAS, the DA gave GLC Fontana III vested rights to develop the GLC Industrial Center Development consistent with the SWIP, and in exchange obliged GLC III, LLC. (the “Applicant”) to provide specified public benefit fees to the City; and

WHEREAS, the City received an application from the Applicant on April 6, 2026, for an Amendment to the DA (“AGR No. 19-000002R1”) to amend the term of the DA and include sustainability features; and

WHEREAS, the terms and conditions of AGR No. 19-000002R1 were reviewed by the Planning Commission at a duly noticed public hearing held on May 5, 2026, at which time the Planning Commission recommended that the City Council approve the amendment; and

WHEREAS, the terms and conditions of AGR No. 19-000002R1 were found to be fair, just and reasonable, and it was further determined that (i) the economic interests of the City's residents, as well as the public health, safety and welfare, will be best served by the amendment; (ii) the amendment is consistent with the General Plan; (iii) the amendment conforms to public convenience, general welfare and sound land use practices; (iv) the amendment will not be detrimental to the public health, safety and general welfare; and (v) the amendment will not adversely affect the orderly development or the preservation of property values for the subject property or any other property; and

WHEREAS, on May 26, 2026, the City Council held a public hearing on AGR No. 19-000002R1 where it received evidence and public testimony and documentation from the Planning Commission’s public hearing on May 5, 2026; and

WHEREAS, the City Council carefully considered all information pertaining to AGR No. 19-000002R1 presented at its public hearing on May 26, 2026; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF FONTANA DOES ORDAIN AS FOLLOWS:

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

Section 2. Compliance with the California Environmental Quality Act. Based on the substantial evidence set forth in the record, including but not limited to, the Goodman Logistics Center Fontana III EIR and the subsequent Addendum thereto, and all related information presented to the City Council, the Council finds pursuant to State CEQA sections 15162 and 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA that the preparation of a subsequent or supplemental EIR is not required for the proposed Projects because the Project:

- A. Will not result in substantial changes that would require major revisions of the Goodman Logistics Center Fontana III EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. Will not result in substantial changes with respect to the circumstances under which the project is developed that would require major revisions of the Goodman Logistics Center Fontana III EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. Does not present new information of substantial importance that was not known and could not have known with the exercise of reasonable diligence at the time the Goodman Logistics Center Fontana III Project EIR documents were certified showing any of the following:
 - (i) The Modified Project would have one or more significant effects not discussed in the EIR;
 - (ii) That significant effects previously examined would be substantially more severe than shown in the EIR;
 - (iii) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such

measures; and

- (iv) That mitigation measures or alternatives are considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt

Section 3. Public Health, Safety and Welfare. Based on the entire record before it and all written and oral evidence presented, the City Council hereby finds that AGR No. 19-000002R1 promotes the public health, safety and welfare of the community because it will enable enhanced sustainability and environmental improvements at the project site, as well as support economic development within the surrounding communities and the City as a whole.

Section 4. Approval. The City Council hereby approves AGR No. 19-000002R1, in substantially the form attached hereto as **Exhibit A** and incorporated herein by this reference.

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, 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 16860 Valencia Avenue, Fontana, CA 92335. The custodian of records is the City Clerk.

Section 7. Certification. The City Clerk of the City Council shall certify 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 9th day of June 2026.

READ AND APPROVED AS TO LEGAL FORM:

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 26th day of May 2026, and was finally passed and adopted not less than five days thereafter on the 9th day of June 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

Exhibit A

RECORDING REQUESTED BY:

Order No:

WHEN RECORDED MAIL

DOCUMENT TO:

City of Fontana
8353 Sierra Avenue
Fontana, California 92335
Attn: City Clerk

Space Above This Line for Recorder's Use Only
Exempt From Recording Fees Pursuant
To Govt. Code §§ 27383, 6103

**FIRST AMENDMENT TO THE GOODMAN LOGISTICS CENTER
FONTANA III DEVELOPMENT AGREEMENT**

This First Amendment to the Goodman Logistics Center Fontana II Development Agreement (“First Amendment”) is made and entered into as of _____ by and between the City of Fontana, a California municipal corporation (“CITY”), and GLC FONTANA III LLC, a Delaware limited liability company (“DEVELOPER”).

Recitals

- a. CITY, through its City Council, and DEVELOPER entered into that certain Goodman Logistics Center Fontana III Development Agreement (“DA”), dated June 23, 2020.
- b. The Effective Date of the DA is March 9, 2021.
- c. Unless otherwise set forth herein, the defined terms used in this First Amendment shall be as defined in the DA.
- d. The DA allows for the Development of the Property in accordance with its terms and pursuant to the approved Development Plan and provides substantial benefits to CITY that will further important policies and goals of CITY.
- e. The DA provides that DEVELOPER and CITY may mutually agree to extend the Term of the DA, provided such extension agreement is in writing.
- f. The Parties mutually wish to extend the Term of the DA for an additional ten (10) years and to clarify additional design features that will be incorporated by DEVELOPER into the Project in exchange for the benefits set forth in this First Amendment.

g. Except for extending the Term of the DA and specifying those design features that DEVELOPER shall incorporate into the Project as set forth in Sections 1 and 2, below, this First Amendment does not otherwise modify any provisions of the DA.

Agreement

NOW THEREFORE, in consideration of the above Recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Recitals. The foregoing recitals are true, correct and hereby incorporated into this First Amendment by this reference as though fully set forth herein.

2. Term Extension. The Term of the DA is extended by an additional ten (10) years from the Effective Date, for a total term of twenty (20) years from the Effective Date.

3. Project Design Features. The Project, having been approved prior to the adoption of Ordinance No. 1891 with the DA vesting same, is not subject to the requirements of Ordinance No. 1891. However, DEVELOPER agrees and covenants to incorporate the following design features (collectively, the "Design Features") into those portions of the Project that have not been constructed as of the date that the City approves this First Amendment:

- a. Any new trees installed will be 36-inch box trees and shall be spaced no greater than 40 feet on center.
- b. DEVELOPER will install signage indicating a three-minute diesel truck engine idling restriction shall be posted on site along entrances to the site and in the dock areas and shall be strictly enforced by the facility operator.
- c. Prior to issuance of certificate of occupancy facility operators shall establish and submit for approval to the Planning Director a truck routing plan to and from the state highway system based on the city's latest truck route map. The plan shall describe the operational characteristics of the use of the facility operator, including, but not limited to, hours of operations, types of items to be stored within the building, and proposed truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors, to the greatest extent possible. The plan shall include measures, such as signage and pavement markings, queuing analysis and enforcement, for preventing truck queuing, circling, stopping, and parking on public streets. Facility operator shall be responsible for enforcement of the plan. A revised plan shall be submitted to by the Planning Director prior to a business license being issued by the city for any new tenant of the property. The Planning Director shall have discretion to determine if changes to the plan are necessary including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- d. Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.
- e. Facility operators shall post signs in prominent locations inside and outside of the building indicating that off-site parking for any employee, truck, or other operation related vehicle is strictly prohibited. City may require facility operators to post signs on surface streets indicating that off-site truck parking is prohibited by city ordinance and/or the truck routing plan.
- f. Signs shall be installed in public view with contact information for a local designated representative who works for the facility operator and who is designated to receive complaints about excessive dust, fumes, or odors, and truck and parking complaints for the site, as well as contact information for the SCAQMD's on-line complaint system and its complaint call-line: 1-800-288-7664. Any complaints made to the facility operator's designee shall be answered within 72 hours of receipt.
- g. Signs shall be installed at all truck exit driveways directing truck drivers to the truck route as indicated in the truck routing plan and state highway system.
- h. On-site motorized operational equipment shall be ZE (zero emission equipment).
- i. The office portion of a building's rooftop that is not covered with solar panels or other utilities shall be constructed with light colored roofing material with a solar reflective index ("SRI") of not less than .29. This material shall be the minimum solar reflective rating of the roof material for the life of the building.
- j. The Project shall include a minimum 100 kilowatt (kw) solar generation facility. This facility shall incorporate decorative screening and facility along with screening shall be depicted on plans to be submitted for review and approval from the Planning Director prior to installation.
- k. All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the future installation of a rooftop solar photovoltaic (PV) system.
- l. A minimum of 10% of all passenger vehicle parking will have EV conduit infrastructure for future charging stations. Signage shall be installed indicating EV charging stations and specifying that spaces are reserved for clean air/EV vehicles. Unless superior technology is developed that would replace the EV charging units, facility operator and any successors in interest shall be responsible for maintaining the EV charging stations in working order for the life of the facility.

- m. Bicycle racks are required per section 30-714 of the zoning and development code and in the amount required for warehouse uses by table 30-714 of the zoning and development code. The racks shall include locks as well as electric plugs to charge electric bikes. The racks shall be located as close as possible to employee entrance(s). Nothing in this section shall preclude the warehouse operator from satisfying this requirement by utilizing bicycle parking amenities considered to be superior such as locating bicycle parking facilities indoors or providing bicycle lockers.
- n. Cool surface treatments shall be added to all drive aisles and parking areas or such areas shall be constructed with a solar-reflective cool pavement such as concrete.
- o. To ensure that warehouse electrical rooms are sufficiently sized to accommodate the potential need for additional electrical panels, either a secondary electrical room shall be provided in the building, or the primary electrical room shall be sized 25 percent larger than is required to satisfy the service requirements of the building or the electrical gear shall be installed with the initial construction with 25 percent excess demand capacity.
- p. DEVELOPER will install a conduit and associated infrastructure to charge future electric yard equipment and electric trucks.
- q. Use of low VOC architectural and industrial maintenance coatings (e.g., paints) shall be required.
- r. The facility operator shall incorporate a recycling program.
- s. The following environmentally responsible practices shall be required during construction: (1)The contractor shall use reasonable best efforts to deploy the highest rated CARB Tier technology that is available at the time of construction. Prior to permit issuance, the construction contractor shall submit an equipment list confirming equipment used is compliant with the highest CARB Tier at the time of construction. Equipment proposed for use that does not meet the highest CARB Tier in effect at the time of construction, shall only be approved for use at the discretion of the planning director and shall require proof from the construction contractor that, despite reasonable best efforts to obtain the highest CARB Tier equipment, such equipment was unavailable.(2)Use of electric-powered hand tools, forklifts, and pressure washers.(3)Designation of an area in any construction site where electric-powered construction vehicles and equipment can charge.(4)Identification in site plans of a location for future electric truck charging stations and installation of a conduit to that location.(5)Diesel-powered generators shall be prohibited except in case of emergency or to establish temporary power during construction.
- t. A property maintenance program shall be submitted for review and approval by the Planning Director or his/her designee prior to the issuance of building permits.

The program shall provide for the regular maintenance of building structures, landscaping, and paved surfaces in good physical condition, and appearance. The methods and maximum intervals for maintenance of each component shall be specified in the program.

- u. Property owner shall provide facility operator with information on incentive programs such as the Carl Moyer Program and voucher incentive program and shall require all facility operators to enroll in the United States Environmental Protection Agency's SmartWay Program.

4. Exhibits. The following documents are attached hereto and, by this reference, are incorporated into and made a part of this Agreement and shall replace the DA exhibits:

Exhibit A — Legal Description of the Property

Exhibit B — Map showing Property and its location

Exhibit E — Existing Development Approvals

5. Recordation of Agreement. This Agreement shall be recorded with the San Bernardino County Recorder within the period required by Section 65868.5 of the Government Code.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF FONTANA,
a California municipal corporation

By: _____

GLC FONTANA III LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: _____
Dated: _____

UPDATED EXHIBIT A TO
DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF FONTANA AND GLC FONTANA III, LLC

Legal Description of the Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FONTANA,

IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

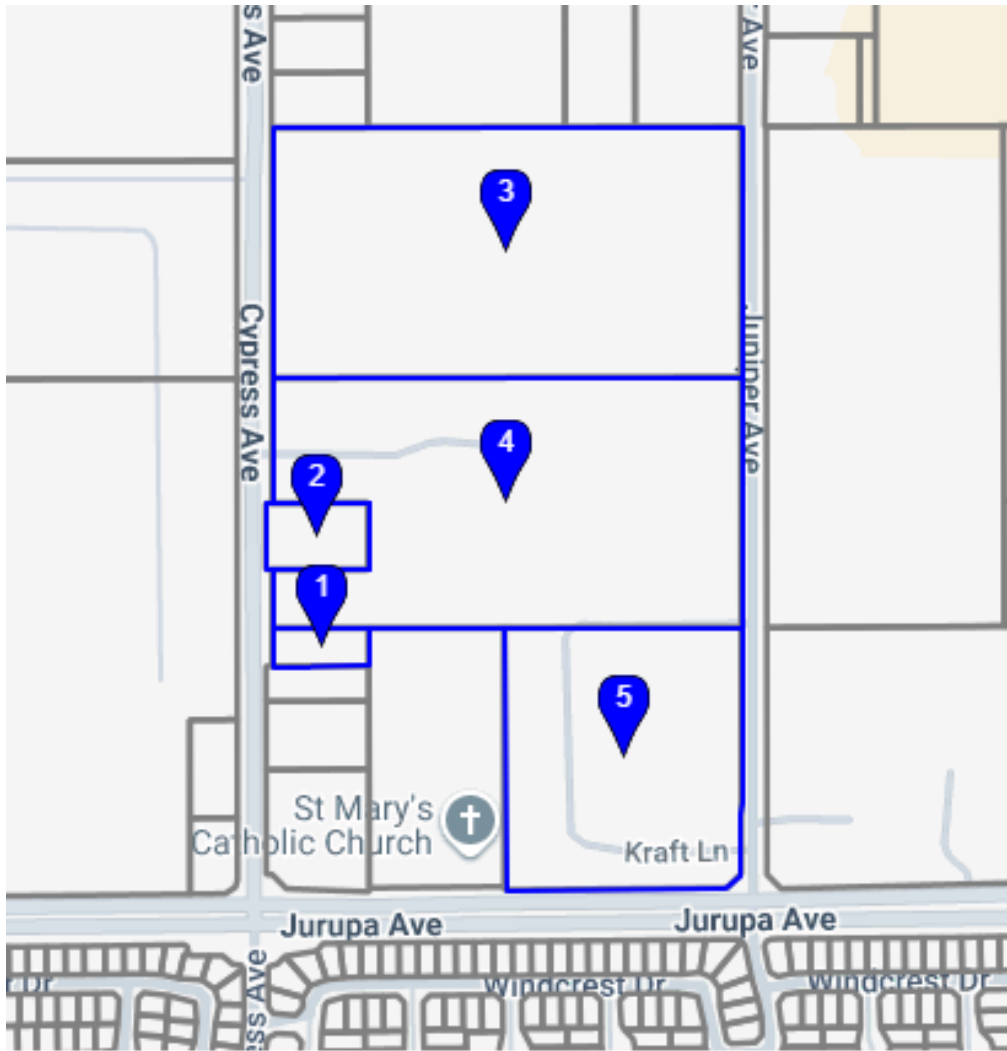
1. THE NORTH 93.3 FEET OF THE WEST HALF OF LOT 775, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAID COUNTY.

SAVING AND EXCEPTING THEREFROM THAT PORTION THEREIN LYING WITHIN THE EAST 6.17 ACRES OF THE WEST HALF OF SAID LOT.

2. THE NORTH 175 FEET OF THE WEST 300 FEET OF THE SOUTH HALF OF LOT 770, ACCORDING TO PLAT SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COPMNAV, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RECORDED IN BOOK 11 OF MAPS, PAGE 12, RECORDS OF SAID COUNTY.
3. PARCEL 1 OF PARCEL MAP NO. 20084, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 255, PAGES 74 THROUGH 79, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
4. PARCEL 2 OF PARCEL MAP NO. 20084, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 255, PAGES 74 THROUGH 79, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
5. PARCEL 3 OF PARCEL MAP NO. 20084, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 255, PAGES 74 THROUGH 79, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

UPDATED EXHIBIT B TO
DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF FONTANA AND GLC FONTANA III, LLC

Map showing Property and its location



UPDATED EXHIBIT E TO
DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF FONTANA AND GLC FONTANA III, LLC

Existing Development Approvals

- A. General Plan Amendment No. 19-001, approved by City Council Resolution No. 2020-071 on June 23, 2020.

- B. Southwest Industrial Park (SWIP) Specific Plan Amendment No. 19-002 approved by City Ordinance No. 1839 on June 23, 2020.
- C. Zone Change No. 19-01, approved by City Council Ordinance No. 1838 on June 23, 2020.
- D. Tentative Parcel Map No. 18109 (TPM No. 19-002), approved by the City Council on June 23, 2020.
- E. Design Review No. 19-005, approved by the City Council on June 23, 2020.
- F. Goodman Logistics Center Fontana III Environmental Impact Report (EIR) (SCH No. 2019039071) certified by City Council Resolution No. 2020-071 on June 23, 2020.
- G. Design Review Sign Program No. 19-007, approved by City Council on June 23, 2020.
- H. Tentative parcel Map 20354, Conditional Use Permit 21-001 and Administrative Site Plan 21-002, approved by Planning Commission on April 20, 2021