

URGENCY ORDINANCE NO. 1922

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858 ENACTING FOR A PERIOD OF FORTY-FIVE (45) DAYS A MORATORIUM ON THE APPROVAL OF ANY BUILDING PERMIT, OCCUPANCY PERMIT, CONDITIONAL USE PERMIT, VARIANCE, SUBDIVISION MAP, DESIGN REVIEW, ADMINISTRATIVE SITE PLAN REVIEW OR OTHER LAND USE ENTITLEMENT OR PERMIT, OR REGULATORY LICENSE OR PERMIT REQUIRED TO COMPLY WITH THE PROVISIONS OF THE MUNICIPAL CODE OR SPECIFIC PLAN FOR SERVICE BASED, NON-ENTERTAINMENT USES.

WHEREAS, the City of Fontana, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, Government Code section 65300, et seq. allows a city to adopt a General Plan to designate its long-term goals and policies related to its respective community and future development of the city; and

WHEREAS, on November 13, 2018, the City adopted its most recent General Plan, detailing the City's goals and objectives over the next 20 years; and

WHEREAS, Chapter 14 of the General Plan establishes the City's intent to make its downtown a local and regional destination hub for dining, shopping, and entertainment; and

WHEREAS, the City has identified Foothill Boulevard and Sierra Avenue to be primary corridors that funnel local and regional visitors to its downtown, thereby promoting the economic growth of the City; and

WHEREAS, the City observes that the Sierra Avenue corridor generally extends from the 10 Freeway to the 210 Freeway, and the Foothill Boulevard corridor extends from Cherry Avenue to Maple Avenue; and

WHEREAS, the City desires to create a balanced environment within its corridors to foster a similar vision to that of the downtown area; and

WHEREAS, to the extent that the land in the Sierra Avenue and Fontana Boulevard corridors are underutilized, underperforming, or inconsistent with the City's General Plan, the City has a responsibility to move forward with studies necessary to implement General Plan policies related to the economic corridors in order to maintain the City's vibrancy; and

WHEREAS, without the enactment of this Ordinance, multiple applicants could quickly receive entitlements that would allow for uses contrary to the City's General Plan, subjecting the City to the potential effects and impacts of uncoordinated and conflicting

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uses, impacts on parking availability in the downtown area of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods and effectively creating a current and immediate threat to the public health, safety, and welfare; and

WHEREAS, the City intends to study zone change prohibiting certain service-related uses along certain portions of two of its main thoroughfares (Sierra Avenue and Foothill Boulevards) in an effort to maximize economic development, sales tax generation, and encourage entertainment-related development along those corridors; and

WHEREAS, Government Code section 65858 authorizes the City to adopt an interim Urgency Ordinance to protect the public safety, health, and welfare and to prohibit uses which may be in conflict with a contemplated General Plan or zoning proposal which the City is considering, studying or intends to study within a reasonable time.

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

Section 1. Findings. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Moratorium. The City shall not issue or approve any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan review or other land use entitlement or permit; or regulatory license or permit required to comply with the provisions of the City's Municipal Code or a Specific Plan for any "Service Based, Non-Entertainment Uses" as defined herein in Section 3 on any property within four hundred (400) feet from the center line of the location of Sierra Avenue between the I-10 Freeway and Arrow Boulevard, and between Foothill Boulevard and the I-210 Freeway (Sierra Avenue corridor), and on any property within four hundred (400) feet from the center line of the location of Foothill Boulevard between Cherry Avenue and Maple Avenue (Foothill Boulevard corridor), as shown on Exhibit A attached hereto and incorporated herein by this reference.

Section 3. "Service Based, Non-Entertainment Uses" shall mean the following uses as these uses are defined in Chapter 30:

- Adult vocational classes, trade schools, computer training
- Animal Kennel
- Animal Training, keeping, or raising
- Antique restoration
- Ambulance services
- Animal hospital
- Auto body painting and repair
- Auto car alarm and stereo installation (within an enclosed building only)
- Auto car washes
- Auto driving schools

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- Auto rental
- Auto rental agencies with parking for vehicle rentals
- Auto stereo, alarm, and upholstery installation or repair
- Auto Storage
- Barber, hair/nail/skincare/tanning salon, as a primary use
- Barber, hair/nail/skincare/tanning salon and day spa
- Bed and Breakfast
- Blueprinting, printing, copying, packing, mailing services as a primary use
- Body Art – tattooing body piercing and / or permanent cosmetics
- Car and Truck washes
- Cemeteries, crematory, mortuary, and mausoleums
- Chemical substance abuse facility
- Check cashing/deferred deposit or payday advance uses with or without ancillary services
- Cleaners / laundry
- Clinic – medical, dental, or cosmetic
- Clothing and costume rental
- Community Care Facility
- Convalescent Hospital
- Commercial day care
- Dress maker or millinery shop
- Dry cleaners/laundry—non-commercial
- Equipment Rental
- Equipment and Appliance Repair
- Fortunetelling
- Funeral parlors
- Furniture refinishing
- Furniture upholstery
- Homeless Shelters
- Hospitals
- Hotels / Motels (less than 50 rooms)
- Jewelry repair, as a primary use
- Laundromat
- Locksmith
- Locksmith/key shops
- Machine Shop
- Massage / Acupressure as a primary use
- Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business
- Medical/dental/counseling/psychology/hearing aids/acupuncture/homeopathy/physical therapy/sports therapy
- Medical services-All
- Mortuary
- Nail salon

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- Nursing Home
- Pet boarding
- Pet boarding and kennels
- Pet grooming
- Photography Studios
- Photocopying and photo developing (retail)
- Postal services/mailbox rentals
- Private Schools (pre-K-12)
- Publishing establishments
- Self-storage facility
- Shoe Repair
- Tailor and alterations
- Traffic and automobile driving schools
- Traffic schools
- Trailer rental
- Trailer repair
- Trailer custom repair
- Truck Driving Schools
- Truck Fueling
- Truck rental
- Truck body painting and repair
- Truck repair including customization
- Truck stereo, alarm, and upholstery installation or repair
- Truck Storage
- Veterinarian clinic and hospitals (with incidental boarding)

Section 4. Compliance with California Environmental Quality Act. The City finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of zoning code revisions and related impact studies.

Section 5. Effective Date. This Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to Government Code section 65858 and shall take effect immediately upon its adoption.

Section 6. Written Report. At least ten (10) days before this Urgency Ordinance or any extension expires, the City Manager shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of this Urgency Ordinance.

Section 7. Publishing. The City Clerk shall certify to the passage of this Urgency Ordinance and cause the same or a summary thereof to be published within fifteen (15)

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days after adoption in a newspaper of general circulation, printed and published in San Bernardino, California.

Section 8. Term. This Ordinance is an Urgency Ordinance, enacted pursuant to Government Code section 65858. The term of this Urgency Ordinance shall be for forty-five (45) days from the date of adoption and shall expire and be of no further force or effect, unless and until extended in accordance with Government Code section 65858.

Section 9. The Custodian of Records for this Ordinance is the City Clerk and the records compromising the administrative record for this Ordinance are located at 8353 Sierra Avenue, Fontana, California 92335.

Section 10. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

APPROVED AND ADOPTED this 25th day of July, 2023.

READ AND APPROVED AS TO LEGAL FORM:

Ruben Duran
City Attorney

I, 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 July 2023, 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 Key
City Clerk of the City of Fontana

Reguanetta Warren
Mayor of the City of Fontana

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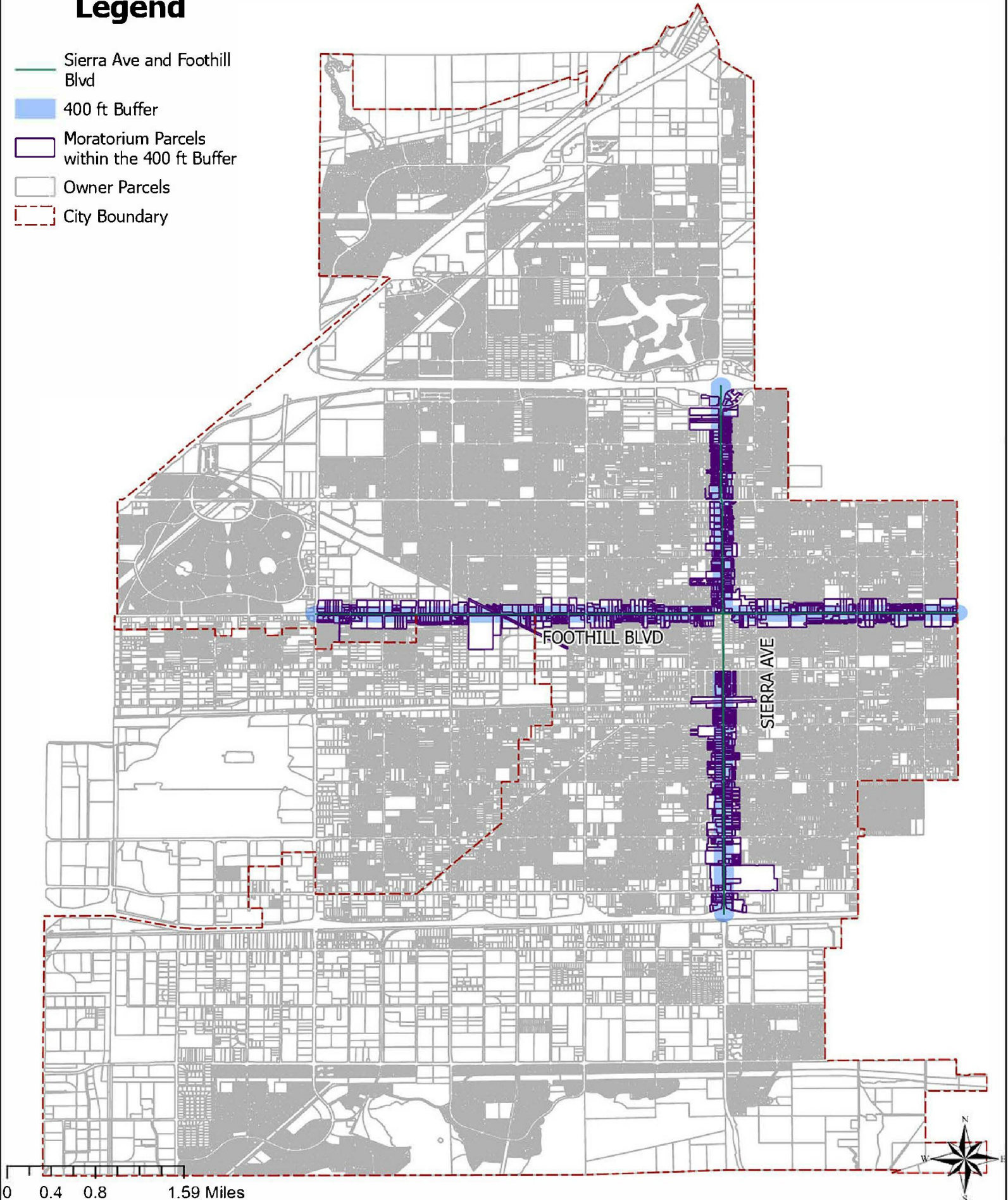
ATTEST:

Germaine Key
City Clerk

Sierra Ave and Foothill Blvd
Moratorium Parcels Within 400 Feet of Center Line

Legend

- Sierra Ave and Foothill Blvd
- 400 ft Buffer
- Moratorium Parcels within the 400 ft Buffer
- Owner Parcels
- City Boundary



Certificate Of Completion

Envelope Id: BD2A886B783142EEAE3C0E9740D30893

Subject: Please DocuSign: Urgency Ordinance 1922

Source Envelope:

Document Pages: 7

Signatures: 4

Certificate Pages: 5

Initials: 0

AutoNav: Enabled

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Envelope Originator:

City Clerk

8353 Sierra Avenue

Fontana, CA 92335

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

7/27/2023 | 05:27 PM

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: 108.185.61.125

Signed using mobile

Timestamp

Sent: 7/27/2023 | 05:28 PM

Viewed: 7/27/2023 | 05:53 PM

Signed: 7/27/2023 | 05:59 PM

Electronic Record and Signature Disclosure:

Accepted: 7/27/2023 | 05:53 PM

ID: 88ef1cae-2f1a-4359-b125-9f738f4c857e

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: 7/27/2023 | 05:59 PM

Viewed: 7/27/2023 | 06:04 PM

Signed: 7/27/2023 | 06:04 PM


Electronic Record and Signature Disclosure:

Accepted: 7/27/2023 | 06:04 PM

ID: da31b00c-c50f-4882-a73e-c81adc53b181

Germaine Key

gkey@fontana.org

Security Level: Email, Account Authentication
(None)

Signature Adoption: Pre-selected Style

Using IP Address: 107.201.246.59

Signed using mobile

Sent: 7/27/2023 | 06:04 PM

Viewed: 7/27/2023 | 07:26 PM

Signed: 7/27/2023 | 07:27 PM

Electronic Record and Signature Disclosure:

Accepted: 7/27/2023 | 07:26 PM

ID: 61c1968c-0f37-49af-99f2-ae2bc2d8d422

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

Kathy Kasinger

kkasinger@fontana.org

Records Coordinator

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 6/26/2023 | 12:01 PM

ID: 313ff663-c622-41d0-ac8d-292f7d782a66

Status

COPIED

Timestamp

Sent: 7/27/2023 | 07:27 PM

Viewed: 7/31/2023 | 08:19 AM

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent

Hashed/Encrypted

7/27/2023 | 05:28 PM

Certified Delivered

Security Checked

7/27/2023 | 07:26 PM

Signing Complete

Security Checked

7/27/2023 | 07:27 PM

Completed

Security Checked

7/27/2023 | 07:27 PM

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.

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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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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.

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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, US 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.

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- 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 31, 2023

PUBLICATION OF SUMMARY OF ADOPTED URGENCY ORDINANCE NO 1922.

PUBLISH ONE TIME ONLY ON OR BEFORE **August 4, 2023.** ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED URGENCY ORDINANCE NO 1922.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **July 25, 2023**, at City Hall, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Adopt **Urgency Ordinance No. 1922**, an ordinance of the City of Fontana, California, in accordance with Government Code Section 65858 enacting for a period of Forty-Five (45) days a Moratorium on the approval of any Building Permit, Occupancy Permit, Conditional Use Permit, Variance, Subdivision Map, Design Review, Administrative Site Plan Review or other Land Use Entitlement or Permit, or Regulatory License or Permit Required to Comply with the Provisions of the Municipal Code or Specific Plan for Service Based, Non-Entertainment Uses.

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

Susana Gallardo
Specialist to the Deputy City Clerk

P.O. #800496