

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
MARCH 6, 2018**

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

Wapner, Bowman, Dorst-Porada, Valencia, Mayor/Chairman Leon

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Kelvin Haynes vs. City of Ontario; CIVDS 161186.*

In attendance: Wapner, Bowman, Dorst-Porada, Valencia, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Valencia

INVOCATION

Member Becky Dulay, Bahai Faith

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS The City Manager will go over all updated materials and correspondence received after the Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

SPECIAL CEREMONIES

RECOGNITION OF US NAVY VETERAN EARL R. PHARES

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of February 6, 2018, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills January 14, 2018 through January 27, 2018 and **Payroll** January 14, 2018 through January 27, 2018, when audited by the Finance Committee.

3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20076 LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND EDISON AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20076 located at the northwest corner of Haven Avenue and Edison Avenue within The Avenue Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20076 LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND EDISON AVENUE.

4. A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN THE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM (FISCAL YEAR 2017-18) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVER (CALRECYCLE)

That the City Council adopt a resolution approving the submittal of an application for approximately \$44,000 from the Beverage Container Recycling City/County Payment Program (Fiscal Year 2017-18), and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN THE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM (FISCAL YEAR 2017-18) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

5. REJECTION OF BIDS RECEIVED FOR WELL NO. 47 EMERGENCY BACKUP POWER UPGRADES

That the City Council reject all bids received through the City's electronic bid management system for Bid No. 866 Well No. 47 Emergency Backup Power Upgrades project.

6. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT – FILE NO PDA08-001) BETWEEN THE CITY OF ONTARIO AND TNHYIF REIV INDIA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT ALLOWING FOR THE CONSTRUCTION OF UP TO 870,000 SQUARE FEET OF CLASS “A” MIXED USE OFFICE PARK AND THE REQUIRED INFRASTRUCTURE, ON APPROXIMATELY 24.8 ACRES OF LAND WITHIN THE GUAISTI SPECIFIC PLAN, FOR PROPERTY LOCATED NORTH OF GUAISTI ROAD AND SOUTH OF THE I-10 FREEWAY, BETWEEN TURNER AVENUE AND ARCHIBALD AVENUE (APN: 0210-192-13, 0210-192-14, 0210-192-15, 0210-192-16, 0210-192-17, 0210-192-18, 0210-192-19, 0210-192-20, 0210-192-21, 0210-192-22, 0210-192-23, AND 0210-192-24)

That the City Council consider and adopt an ordinance approving an amendment to a Development Agreement (first amendment to File No. PDA08-001, on file with the Records Management Department) between the City of Ontario and TNHYIF REIV India, LLC, a Delaware Limited Liability Company, to extend the term of the Development Agreement.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA08-001, BETWEEN THE CITY OF ONTARIO AND TNHYIF REIV INDIA, LLC, A DELAWARE LIMITED LIABILITY COMPANY TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT ALLOWING FOR THE CONSTRUCTION OF UP TO 870,000 SQUARE FEET OF CLASS “A” MIXED USE OFFICE PARK AND THE REQUIRED INFRASTRUCTURE, ON APPROXIMATELY 24.8 ACRES OF LAND WITHIN THE GUAISTI SPECIFIC PLAN, FOR PROPERTY LOCATED NORTH OF GUAISTI ROAD AND SOUTH OF THE I-10 FREEWAY, BETWEEN TURNER AVENUE AND ARCHIBALD AVENUE (APNS: 0210-192-13, 0210-192-14, 0210-192-15, 0210-192-16, 0210-192-17, 0210-192-18, 0210-192-19, 0210-192-20, 0210-192-21, 0210-192-22, 0210-192-23, AND 0210-192-24).

7. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (THIRD AMENDMENT – FILE NO PDA13-003) BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY, LLC, TO CLARIFY AND UPDATE THE PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE TO SERVE TRACT MAP NO’S 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 AND 18913, GENERALLY LOCATED NORTH OF RIVERSIDE COUNTY LINE CHANNEL (BELLEGRAVE FLOOD CONTROL CHANNEL), SOUTH OF EUCALYPTUS AVENUE, EAST OF ARCHIBALD AVENUE, AND WEST OF THE SCE UTILITY CORRIDOR, WITHIN PLANNING AREAS 4 THROUGH 27, OF THE SUBAREA 29 SPECIFIC PLAN WITHIN THE PARK PLACE COMMUNITY (APN: 0218-022-02, 0218-563-01 THROUGH 04, 0218-022-10 AND 11, 0218-554-01 THROUGH 68, 218-573-01 THROUGH 06, 0218-033-01 THROUGH 06, 0218-583-01, AND 0218-014-01 THROUGH 07)

That the City Council consider and adopt an ordinance approving the third amendment (File PDA13-003) to the Development Agreement between the City of Ontario and SL Ontario Development Company LLC, a Delaware Limited Liability Company, to clarify and update the phasing of the construction of public infrastructure to serve Tract Map No’s 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA13-003, A THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA13-003, BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY, LLC, TO CLARIFY AND UPDATE THE PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE TO SERVE TRACT MAP NO'S 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 AND 18913. THE PROJECT IS GENERALLY LOCATED NORTH OF THE RIVERSIDE COUNTY LINE CHANNEL (BELLEGRAVE FLOOD CONTROL CHANNEL), SOUTH OF EUCALYPTUS AVENUE, EAST OF ARCHIBALD AVENUE, AND WEST OF THE SCE UTILITY CORRIDOR, WITHIN PLANNING AREAS 4 THROUGH 27, OF THE SUBAREA 29 SPECIFIC PLAN (PARK PLACE COMMUNITY), AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-022-02, 0218-563-01, 0218-563-02, 0218-563-03, 0218-563-04, 0218-022-10, 0218-022-11, 0218-554-01, 0218-554-02, 0218-554-03, 0218-554-04, 0218-554-05, 0218-554-06, 0218-554-07, 0218-554-08, 0218-554-09, 0218-554-10, 0218-554-11, 0218-554-12, 0218-554-13, 0218-554-14, 0218-554-15, 0218-554-16, 0218-554-17, 0218-554-18, 0218-554-19, 0218-554-20, 0218-554-21, 0218-554-22, 0218-554-23, 0218-554-24, 0218-554-25, 0218-554-26, 0218-554-27, 0218-554-28, 0218-554-29, 0218-554-30, 0218-554-31, 0218-554-32, 0218-554-33, 0218-554-34, 0218-554-35, 0218-554-36, 0218-554-37, 0218-554-38, 0218-554-39, 0218-554-40, 0218-554-41, 0218-554-42, 0218-554-43, 0218-554-44, 0218-554-45, 0218-554-46, 0218-554-47, 0218-554-48, 0218-554-49, 0218-554-50, 0218-554-51, 0218-554-52, 0218-554-53, 0218-554-54, 0218-554-55, 0218-554-56, 0218-554-57, 0218-554-58, 0218-554-59, 0218-554-60, 0218-554-61, 0218-554-62, 0218-554-63, 0218-554-64, 0218-554-65, 0218-554-66, 0218-554-67, 0218-554-68, 0218-573-01, 0218-573-02, 0218-573-03, 0218-573-04, 0218-573-05, 0218-573-06, 0218-033-01, 0218-033-02, 0218-033-03, 0218-033-04, 0218-033-05, 0218-033-06, 0218-583-01, 0218-014-01, 0218-014-02, 0218-014-03, 0218-014-04, 0218-014-05, 0218-014-06 and 0218-014-07.

8. PURCHASE OF A TACTICAL RESPONSE VEHICLE

That the City Council authorize the City Manager to execute sole source purchase contracts with (1) Lenco Armored Vehicles of Pittsfield, Massachusetts, in the amount of \$520,000 for the response vehicle and (2) Patriot3, Inc. of Fredericksburg, Virginia, in the amount of \$230,000 for vehicle appurtenances.

9. APPLICATION FOR GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2019 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT PROGRAM

That City Council authorize the City Manager or his designee to execute all documents necessary to apply for and accept 12-month grants in the amount of \$717,400 from the California Office of Traffic Safety (OTS) for participation in the FY2019 Selective Traffic Enforcement Program (STEP) Grant Program.

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

10. INTRODUCTION OF AN ORDINANCE REAUTHORIZING AND AMENDING ORDINANCE NO. 3035 INCLUDING THE FEE PAID TO THE CITY BY STATE VIDEO FRANCHISE HOLDERS FOR PUBLIC EDUCATIONAL AND GOVERNMENT ACCESS (PEG) PURPOSES

That the City Council introduce and waive further reading of an ordinance reauthorizing City of Ontario Ordinance No. 3035 and amending Title 4, Chapter 20A so that as each state video franchise ordinance expires and is renewed by the California Public Utilities Commission ("CPUC") now and in future years, state video franchise holders continue to pay to the City of Ontario such fees in support of public, educational, and government access ("PEG") purposes.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

- Written communication.
- Oral presentation.
- Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REAUTHORIZING AND AMENDING ORDINANCE NO. 3035 INCLUDING THE FEE PAID TO THE CITY BY STATE VIDEO FRANCHISE HOLDERS FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS PURPOSES.

II. A PUBLIC HEARING TO CONSIDER A CITY INITIATED GENERAL PLAN AMENDMENT REQUEST (FILE NO. PGPA17-001) TO [1] MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATIONS SHOWN ON THE LAND USE PLAN MAP (EXHIBIT LU-1) FOR APPROXIMATELY 450 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY; AND [2] MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES

That City Council adopt a resolution approving an Addendum to The Ontario Plan Environmental Impact Report (SCH # 2008101140) adopted by City Council on January 27, 2010, and adopt a resolution approving General Plan Amendment, File No. PGPA17-001, to change The Ontario Plan (TOP) land use designation of certain properties located throughout the City. (Amending Exhibits LU-01 & LU-03)

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PGPA17-001.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA17-001, A CITY INITIATED REQUEST TO [1] MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATIONS SHOWN ON THE LAND USE PLAN MAP (EXHIBIT LU-01) FOR APPROXIMATELY 450 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY; AND [2] MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND MAKING FINDINGS IN SUPPORT THEREOF—APN: AS SHOWN IN EXHIBIT A (ATTACHED). (LAND USE ELEMENT CYCLE 1 FOR THE 2018 CALENDAR YEAR).

12. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA16-005) TO: [1] MODIFY THE LAND USE MAP (EXHIBIT LU-01), CHANGING THE LAND USE DESIGNATION ON A PORTION OF A LOT TOTALING 2.8 ACRES FROM INDUSTRIAL TO BUSINESS PARK, GENERALLY LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND MISSION BOULEVARD, AT 1192 EAST CALIFORNIA STREET; AND [2] MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND A ZONE CHANGE (FILE NO. PZC16-003) ON A PORTION OF THE PROJECT SITE, FROM IG (GENERAL INDUSTRIAL) TO IL (LIGHT INDUSTRIAL), TO BRING PROPERTY ZONING INTO CONSISTENCY WITH THE POLICY PLAN

That City Council adopt a resolution approving an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010, adopt a resolution approving General Plan Amendment File No. PGPA16-005 and introduce and waive further reading on an ordinance approving File No. PZC16-003.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PGPA16-005 AND PZC16-003.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA16-005, AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN TO [1] MODIFY THE LAND USE PLAN (EXHIBIT LU-01), CHANGING THE LAND USE DESIGNATION ON A PORTION OF A LOT TOTALING 2.8 ACRES, FROM INDUSTRIAL TO BUSINESS PARK, GENERALLY LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND MISSION BOULEVARD, AT 1192 EAST CALIFORNIA STREET; AND [2] MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1049-382-05 AND 1049-172-01). (SEE ATTACHMENTS A AND B) (LAND USE ELEMENT CYCLE 1 FOR THE 2018 CALENDAR YEAR).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC16-003, A ZONE CHANGE ON A PORTION OF A LOT TOTALING 2.8 ACRES, FROM IG (GENERAL INDUSTRIAL) TO IL (LIGHT INDUSTRIAL), TO BRING PROPERTY ZONING INTO CONSISTENCY WITH THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01), ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND MISSION BOULEVARD, AT 1192 EAST CALIFORNIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1049-382-05 AND 1049-172-01. (SEE ATTACHMENT A).

13. A PUBLIC HEARING TO CONSIDER A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS (FILE NO. PZC17-001) ON APPROXIMATELY 800 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND UTILITY CORRIDORS LOCATED MOSTLY ON THE EAST AND SOUTH SIDES OF THE CITY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY, IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN (TOP) LAND USE DESIGNATIONS OF THE PROPERTIES.

That City Council introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC17-001) to create consistency between the zoning and the General Plan land use designations of the subject properties.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC17-001, A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS ON APPROXIMATELY 800 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND UTILITY CORRIDORS LOCATED MOSTLY ON THE EAST AND SOUTH SIDES OF THE CITY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY, IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN (TOP) LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: AS SHOWN IN EXHIBIT A (ATTACHED).

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

Mayor Leon
Mayor pro Tem Wapner
Council Member Bowman
Council Member Dorst-Porada
Council Member Valencia

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
March 6, 2018

ROLL CALL: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Kelvin Haynes vs. City of Ontario: CIVDS 161186

No Reportable Action	Continue	Approved
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/ /

/ /

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Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20076 LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND EDISON AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20076 located at the northwest corner of Haven Avenue and Edison Avenue within The Avenue Specific Plan area.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

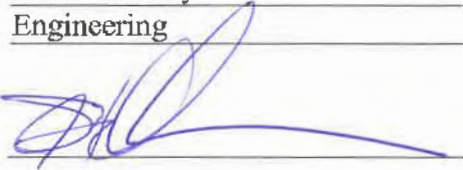
BACKGROUND: Final Tract Map No. 20076, consisting of sixty two (62) residential lots and thirty (30) lettered lots on 7.65 acres as shown on Exhibit A, has been submitted by the developer, Brookcal Ontario, LLC of Costa Mesa, California (Mr. Richard Cuoco, Vice President).

Tentative Tract Map No. 20076 was approved by the Planning Commission (7 to 0) on July 25, 2017 and is consistent with the adopted The Avenue Specific Plan.

Improvements will include, entry driveway, ADA access ramps, landscaped parkway, sewer, water, recycled, water and fiber optic systems. Improvements in parkway landscaping will be consistent with current City approved drought measures.

The developer has entered into an improvement agreement with the City for Final Tract Map No. 20076 and has posted adequate security to ensure construction of the required public improvements.

STAFF MEMBER PRESENTING: Louis Abi-Younes, P.E., City Engineer

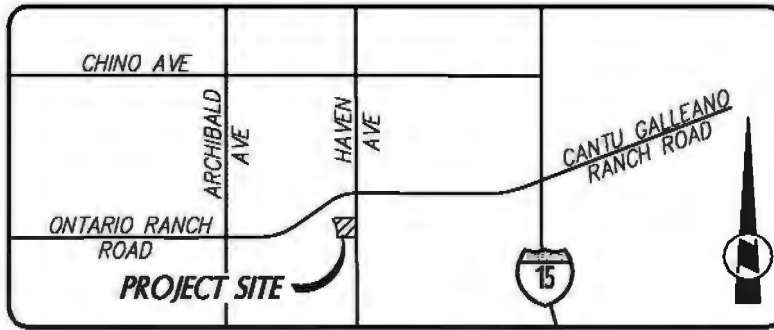
Prepared by: Naiim Khoury
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

3

This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT A TM - 20076



VICINITY MAP
NOT TO SCALE



PREPARED BY:



**ENGINEERING
LAND PLANNING
SURVEYING**

357 N. SHERIDAN STREET
SUITE 117
CORONA, CALIFORNIA 92880
TEL. (951) 279-1800
FAX (951) 279-4380

APPLICANT/OWNER:

BROOKCAL ONTARIO LLC
3200 PARK CENTER DRIVE,
STE 1000
COSTA MESA, CA 92626

**CITY OF ONTARIO
ENGINEERING DEPARTMENT**

FILE NO. TM-20076

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20076 LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND EDISON AVENUE.

WHEREAS, Tentative Tract Map No. 20076, submitted for approval by the developer, Brookcal Ontario, LLC of Costa Mesa, California (Mr. Richard Cuoco, Vice President) was approved by the Planning Commission of the City of Ontario on July 25, 2017; and

WHEREAS, Tentative Tract Map No. 20076, consisting of sixty two (62) residential lots and thirty (30) lettered lots, being a subdivision of all of Lot 2, as shown on Tract No. 18922-4, recorded in Book 341, Pages 66 through 69, inclusive of Maps, Official Records of the County of San Bernardino, State of California, lying within Section 14, Township 2 South, Range 7 West, S.B.M.; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 20076, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

WHEREAS, the subdivider of the underlying Tract Map No. 18922, has previously prepared and recorded Covenants, Conditions and Restrictions (CC&Rs), and they have been reviewed and approved by the City Attorney's office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as follow:

1. That said improvement agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said improvement security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 20076 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of March 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 6, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held March 6, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 6, 2018

**SECTION:
CONSENT CALENDAR**

SUBJECT: A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN THE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM (FISCAL YEAR 2017-18) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVER (CALRECYCLE)


RECOMMENDATION: That the City Council adopt a resolution approving the submittal of an application for approximately \$44,000 from the Beverage Container Recycling City/County Payment Program (Fiscal Year 2017-18), and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The City is eligible to receive approximately \$44,000 through the Beverage Container Recycling City/County Payment Program (Fiscal Year 2017-18) for implementation of beverage container recycling and litter cleanup activities. There are no additional costs or matching fund requirements for the City to participate in this program. There is no impact to the General Fund.

BACKGROUND: Through the California Beverage Container Recycling and Litter Reduction Act, CalRecycle distributes annual payments to local governments for the implementation of Beverage Container Recycling and Litter cleanup activities. The eligible funding costs covered by this program include public education promoting beverage container recycling, curbside recycling programs, litter reduction, and cleanup where the waste stream includes beverage containers that will be recycled. The program works to assist the state in maintaining the goals to reduce the amount of waste sent to landfills by 50%, and an 80% recycling rate for all California Refund Value beverage containers.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Thomas Coates
Department: MU/Solid Waste
City Manager: 
Approval: _____

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN THE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM (FISCAL YEAR 2017-18) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

WHEREAS, pursuant to Public Resources Code §14581 the Department of Resources Recycling and Recovery (CalRecycle) has established the Beverage Container Recycling City/County Payment Program to make payments to qualifying jurisdictions for implementation of their beverage container recycling and litter cleanup activities; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Beverage Container Recycling City/County Payment Programs; and

WHEREAS, CalRecycle's procedures for administering the Beverage Container Recycling City/County Payment Program require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Beverage Container Recycling City/County Payment

NOW, THEREFORE, BE IT RESOLVED that the City of Ontario is authorized to submit an application to CalRecycle for the Beverage Container City/County Payment Program; and

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized and empowered to execute in the name of the City of Ontario all documents, including but not limited to applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Beverage Container Recycling Program

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the signature authority or this Governing Body.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 6th day of March, 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 6, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held March 6, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: REJECTION OF BIDS RECEIVED FOR WELL NO. 47 EMERGENCY BACKUP POWER UPGRADES

RECOMMENDATION: That the City Council reject all bids received through the City's electronic bid management system for Bid No. 866 Well No. 47 Emergency Backup Power Upgrades project.

COUNCIL GOALS: Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains, and Public Facilities)

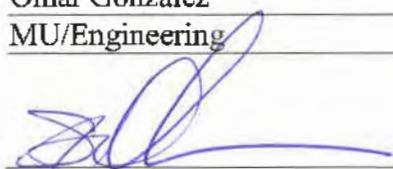
FISCAL IMPACT: None.

BACKGROUND: The Ontario Municipal Utilities Company (OMUC) is committed to minimizing the loss of water service to its customers during emergencies. A sudden loss of power caused by an emergency, such as an earthquake, would limit the City's ability to pump water from its wells. For this reason, the Water Master Plan recommends equipping a sufficient number of wells with backup power to ensure that the residents and businesses of the City have reliable water service in the event of a power outage.

Wells to be equipped with backup power are selected based on several factors including age of the well, water production capacity, electrical requirements, and hydraulic pressure zone. Four (4) of the City's twenty-two (22) operating wells currently have stationary emergency backup generators. The City has completed modifications to eight (8) wells to allow connections of mobile emergency generators. Well No. 47, located at 4255 E. Concours Street was determined to require a 1,000-kilowatt (kW) stationary generator that will be housed in an all-weather, sound attenuated steel enclosure on the well site. A site location exhibit is provided for reference.

On December 5, 2017, eight (8) bids were received through the City's electronic bid management system in response to Bid No. 866. The responding bidders were:

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manger

Prepared by: Omar Gonzalez
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

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Bidder

ACS Electrical Inc.
AMTEK Construction
Baker Electric, Inc.
Cora Construction Inc.
Eco Energy Solutions dba High Volt Electric
Global Power Group, Inc.
R.I.C. Construction Co. Inc.
Sunbelt Electric

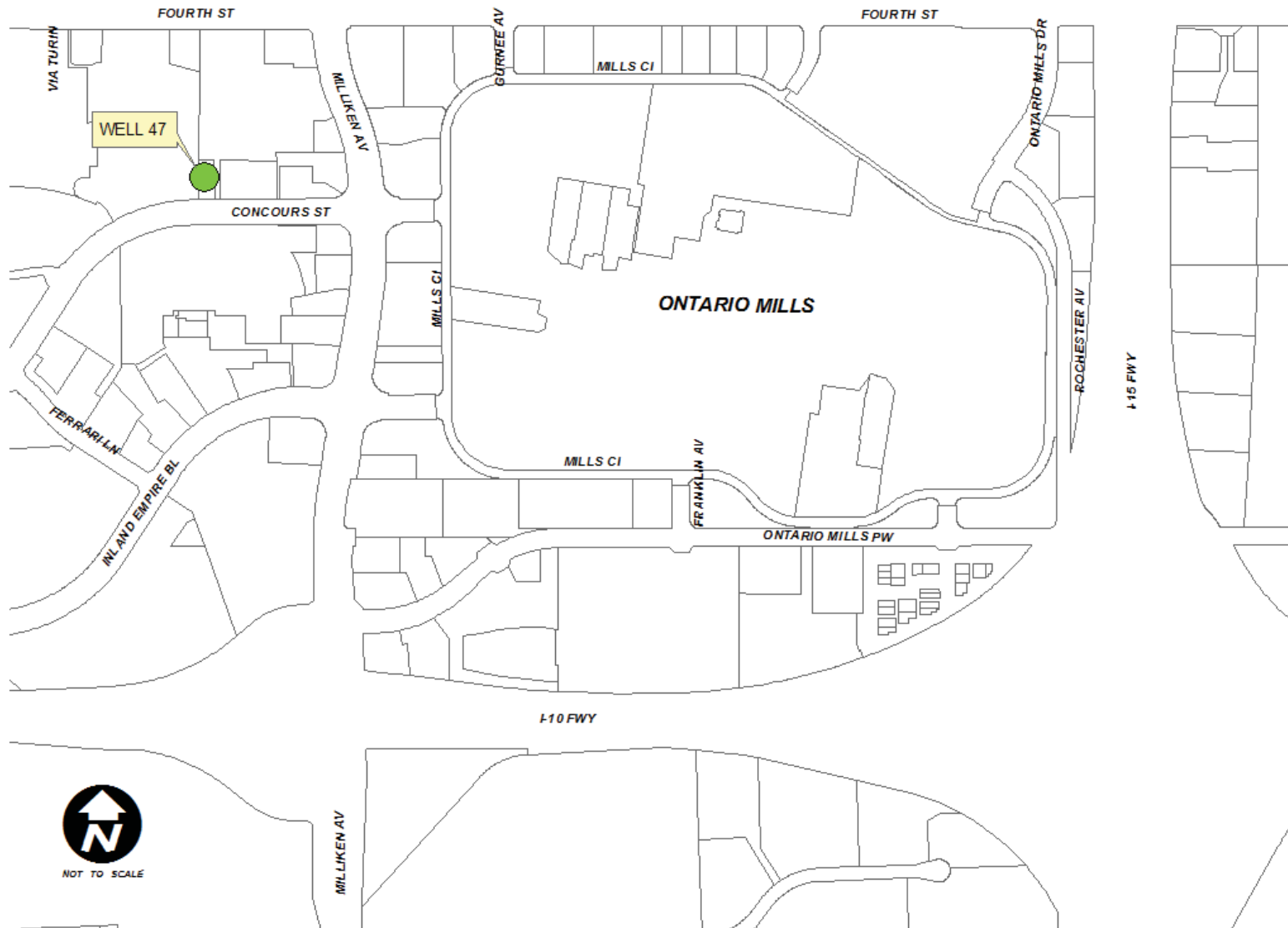
Location

Irvine, CA
Whittier, CA
Escondido, CA
Palm Desert, CA
Chatsworth, CA
Lakeside, CA
Hesperia, CA
Glendale, CA

A bid protest was received from AMTEK Construction, the second lowest bidder, claiming inconsistencies in the apparent low bid submitted by ACS Electrical Inc. related to the identification of subcontracted work. After reviewing all bid responses, the bid protest, and in consultation with the City Attorney's office, staff determined that it is in the best interest of the City to reject all bids in accordance with Ontario Municipal Code Title 2, Chapter 6, Section 2-6.20(a), and to rebid the project. The eight (8) bidders were notified via certified mail of staff's recommendation to the City Council as well as the date of this City Council meeting.



WELL NO 47 EMERGENCY BACKUP POWER UPGRADES
OMUC PROJECT NO. UT 1008



SITE LOCATION EXHIBIT

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT – FILE NO PDA08-001) BETWEEN THE CITY OF ONTARIO AND TNHYIF REIV INDIA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT ALLOWING FOR THE CONSTRUCTION OF UP TO 870,000 SQUARE FEET OF CLASS “A” MIXED USE OFFICE PARK AND THE REQUIRED INFRASTRUCTURE, ON APPROXIMATELY 24.8 ACRES OF LAND WITHIN THE GUASTI SPECIFIC PLAN, FOR PROPERTY LOCATED NORTH OF GUASTI ROAD AND SOUTH OF THE 1-10 FREEWAY, BETWEEN TURNER AVENUE AND ARCHIBALD AVENUE (APN: 0210-192-13, 0210-192-14, 0210-192-15, 0210-192-16, 0210-192-17, 0210-192-18, 0210-192-19, 0210-192-20, 0210-192-21, 0210-192-22, 0210-192-23, AND 0210-192-24

RECOMMENDATION: That the City Council consider and adopt an ordinance approving an amendment to a Development Agreement (first amendment to File No. PDA08-001, on file with the Records Management Department) between the City of Ontario and TNHYIF REIV India, LLC, a Delaware Limited Liability Company, to extend the term of the Development Agreement.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy

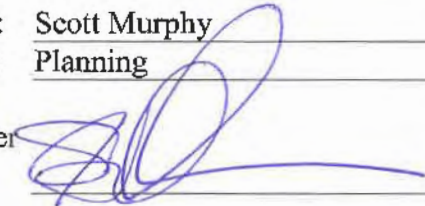
Operate in a Businesslike Manner

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: None.

BACKGROUND: On February 20, 2018 the City Council introduced an ordinance approving a Development Agreement Amendment. In September 2008, the City Council approved the Development Agreement for the Ontario Airport Towers (File No. PDA08-001). The original Development Plan application provided for the construct of up to 870,000 square feet of Class “A” mixed use office space. The conditions of approval for the project required the construction of a substantial amount of infrastructure early in the project. To assist with the financing of these improvements, a Mello-Roos

STAFF MEMBER PRESENTING: Scott Murphy, Assistant Development Director

Prepared by: Scott Murphy
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

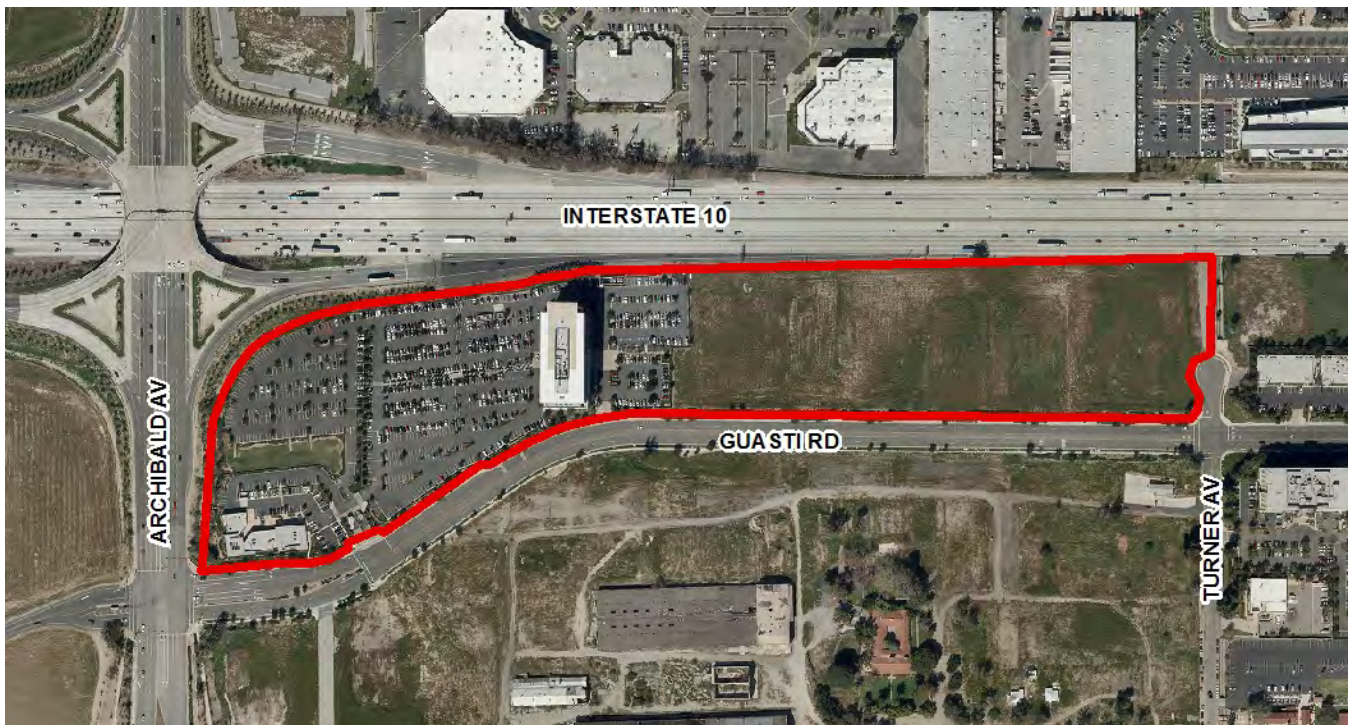
6

Community Facilities District was established which levies assessments against the various properties within the project. In order to provide assurances regarding the financing of the project, the property owner requested approval of a Development Agreement. Additionally, City staff desired to restrict the development of limited service hotels in the Guasti area, and the owner agreed to accept this restriction in exchange for the Development Agreement. The original term of the agreement was for ten years and is due to expire in September of this year.

The applicant is now seeing increased activity in the office market and renewed interest in development of the site. The project site, at the entry to Ontario International Airport, is a site viewed as a desirable location for Class “A” office and hotel development. To that end, staff and the applicant believe that extending the term of the Development Agreement will help the marketing of the property and encourage the type of development desired by the City.

The term of the Development Agreement is proposed to be extended five years to 2023. Additionally, the City Manager would have the ability to extend the agreement for an additional five years if reasonable cause is provided. The main points of the agreement remain unchanged (see attached Development Agreement).

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with File Nos. PSPA06-002, PDEV06-001, and PMTT06-019, for which a Negative Declaration was adopted by the City Council on June 6, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are incorporated herein by reference. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA08-001, BETWEEN THE CITY OF ONTARIO AND TNHYIF REIV INDIA, LLC, A DELAWARE LIMITED LIABILITY COMPANY TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT ALLOWING FOR THE CONSTRUCTION OF UP TO 870,000 SQUARE FEET OF CLASS "A" MIXED USE OFFICE PARK AND THE REQUIRED INFRASTRUCTURE, ON APPROXIMATELY 24.8 ACRES OF LAND WITHIN THE GUASTI SPECIFIC PLAN, FOR PROPERTY LOCATED NORTH OF GUASTI ROAD AND SOUTH OF THE I-10 FREEWAY, BETWEEN TURNER AVENUE AND ARCHIBALD AVENUE (APNS: 0210-192-13, 0210-192-14, 0210-192-15, 0210-192-16, 0210-192-17, 0210-192-18, 0210-192-19, 0210-192-20, 0210-192-21, 0210-192-22, 0210-192-23, AND 0210-192-24).

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

"The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development."

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

"Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ..."

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 16, 2008, the City Council of the City of Ontario, adopted Ordinance No. 2895, approving a Development Agreement between Ontario Airport Center, LLC and the City; and

WHEREAS, attached to this Ordinance, marked Exhibit “A” and incorporated herein by this reference, is the proposed First Amendment to the Development Agreement between TNHYIF REIV INDIA, LLC, (the successor to Ontario Airport Center, LLC) and the City of Ontario, File No. PDA08-001. Hereinafter in this Ordinance, the Development Agreement Amendment is referred to as the “Development Agreement”; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File Nos. PSPA06-002, PDEV06-001, and PMTT06-019, for which a Negative Declaration was adopted by the City Council on June 6, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are incorporated herein by reference. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on January 23, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all public testimony, the Planning Commission voted unanimously to recommend approval of the Development Agreement Amendment to the City Council; and

WHEREAS, on February 20, 2018, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and ordained by the City Council of the City of Ontario as follows:

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Negative Declaration and supporting documentation. Based upon the facts and information contained in the previous Negative Declaration and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with a Negative Declaration, previously adopted by the City of Ontario City Council on June 6, 2006, in conjunction with File Nos. PSPA06-002, PDEV06-001, and PMTT06-019.

(2) The previous Negative Declaration contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Negative Declaration was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Negative Declaration reflects the independent judgment of the City Council; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Negative Declaration, and all mitigation measures previously adopted with the Negative Declaration, are incorporated herein by this reference.

SECTION 2. Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Negative Declaration is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Negative Declaration that will require major revisions to the Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Negative Declaration was prepared, that will require major revisions to the Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Negative Declaration was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Negative Declaration; or

(b) Significant effects previously examined will be substantially more severe than shown in the Negative Declaration; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Negative Declaration would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units and density specified within the Subarea 29 Specific Plan. Per the Available Land Inventory, the Subarea 29 Specific Plan is required to provide 2,291 dwelling units with an overall density of 5 DU/AC.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based upon substantial evidence presented to the City Council during the above-referenced hearing on February 20, 2018, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The Development Agreement applies to approximately 24.7 acres of land generally located north of Guasti Road, south of Interstate 10, Freeway, east of Archibald Avenue, and west of Turner Avenue within the Office/Commercial designation of the Guasti Specific Plan; and

b. The property to the north is the Interstate 10 Freeway. The properties to the south of the project site are developed with a historic winery and single family residences. The properties to the east are within the Centrelake Specific Plan and are developed with office buildings. The properties to the west are within the mixed use land use designation and are vacant and contain a warehouse facility; and

c. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously adopted addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015, and supporting documentation. This application introduces no new significant environmental impacts; and

d. All adopted mitigation measures of the related Negative Declaration shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. ***City Council Action.*** Based upon the findings and conclusions set forth in paragraphs 1 through 5 above, the City Council hereby APPROVES the First Amendment of the Development Agreement, File No. PDA08-001, to the City Council.

SECTION 7. ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8. ***Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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 Ontario 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 30 days following its adoption.

SECTION 11. **Publication and Posting.** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California, within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 6th day of March 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3090 was duly introduced at a regular meeting of the City Council of the City of Ontario held February 20, 2018 and adopted at the regular meeting held March 6, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3090 duly passed and adopted by the Ontario City Council at their regular meeting held March 6, 2018 and that Summaries of the Ordinance were published on February 27, 2018 and March 13, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A:

Development Agreement Amendment

(Document to follow this page.)

**FIRST AMENDMENT
TO
DEVELOPMENT AGREEMENT
(ONTARIO AIRPORT TOWERS)**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (Ontario Airport Towers) ("**First Amendment**") is dated effective as of _____, 2018, ("**Effective Date**"), and is entered into by and between THE CITY OF ONTARIO, a California municipal corporation ("**City**"), and TNHYIF REIV INDIA, LLC, a Delaware limited liability company, as successor to Ontario Airport Center, LLC, a Delaware limited liability company ("**Owner**"). The City and the Owner are sometimes referred to in this First Amendment, each individually as a "**Party**," or collectively, as the "**Parties**." The City and Owner enter into this Agreement with reference to the following recited facts (each a "**Recital**"):

RECITALS

A. The City and Ontario Airport Center, LLC, a Delaware limited liability company, the predecessor in interest to Owner entered into that certain Development Agreement dated as of September 16, 2008, and recorded in the Official Records of County of San Bernardino (the "**Official Records**") as Document No. 2008-0544740 (the "**Agreement**"), which Agreement contains certain rights, duties and obligations relating to the development of the Development. Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to such terms in the Agreement.

B. Owner has assigned rights under the Agreement to various parties pursuant to that certain recorded Partial Assignment and Assumption of Development Agreement. Pursuant to those assignments, Owner is authorized to extend the Term of this Agreement as to the entire Development for a period of up to ten (10) years.

C. The purpose of this First Amendment is to amend and modify the Agreement to confirm the term of the Agreement and extend the term of the Agreement.

NOW, THEREFORE, in consideration of the above Recitals and the material covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Extension.** City and Owner hereby confirm and acknowledge that the "Effective Date" of the Agreement is currently September 16, 2008. Section 2.3 of the Agreement is hereby amended and modified to extend the term of the Agreement for a period of five (5) years until September 16, 2023, unless the Agreement is earlier terminated, modified or extended pursuant to the terms of the Agreement. Prior to the expiration of the Development Agreement, Owner may request to extend the term of the Agreement for an additional five year. The request shall be submitted to the City 60 days prior to the expiration of the Agreement and shall be reviewed by the City. Upon showing of reasonable cause, the City Manager shall be authorized to extend the Agreement to September 16, 2028.

2. Miscellaneous.

2.1 Conflict. In the event of any conflict or inconsistency between the provisions of this First Amendment and the provisions of the Agreement or any other documents, the provisions of this First Amendment shall govern and prevail.

2.2 Recordation. The parties hereby authorize this First Amendment to be recorded in the Official Records.

2.3 Successors and Assigns. This First Amendment shall be binding upon and inure to the benefit of the respective successors, assigns, personal representations, heirs and legatees of City and Owner.

[Signatures on the following page)

**SIGNATURE PAGE
TO
FIRST AMENDMENT
TO
DEVELOPMENT AGREEMENT
(ONTARIO AIRPORT TOWERS)**

IN WITNESS WHEREOF, the City and Owner have executed this First Amendment to Development Agreement (Ontario Airport Towers) by and through the signatures of their duly authorized representative(s) set forth below:

TNHYIF REIV INDIA, LLC

"OWNER"

TNHYIF REIV INDIA, LLC, a California limited liability company

By: _____

Name:

Title: Authorized Representative

Date: _____

"CITY"

CITY OF ONTARIO

By: _____

Scott Ochoa
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:

BEST, BEST & KREIGER LLP

City Attorney

A notary public or other officer completing this certificate certifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

A notary public or other officer completing this certificate certifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (THIRD AMENDMENT – FILE NO PDA13-003) BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY, LLC, TO CLARIFY AND UPDATE THE PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE TO SERVE TRACT MAP NO'S 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 AND 18913, GENERALLY LOCATED NORTH OF RIVERSIDE COUNTY LINE CHANNEL (BELLEGRAVE FLOOD CONTROL CHANNEL), SOUTH OF EUCALYPTUS AVENUE, EAST OF ARCHIBALD AVENUE, AND WEST OF THE SCE UTILITY CORRIDOR, WITHIN PLANNING AREAS 4 THROUGH 27, OF THE SUBAREA 29 SPECIFIC PLAN WITHIN THE PARK PLACE COMMUNITY (APN: 0218-022-02, 0218-563-01 THROUGH 04, 0218-022-10 AND 11, 0218-554-01 THROUGH 68, 218-573-01 THROUGH 06, 0218-033-01 THROUGH 06, 0218-583-01, AND 0218-014-01 THROUGH 07)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the third amendment (File PDA13-003) to the Development Agreement between the City of Ontario and SL Ontario Development Company LLC, a Delaware Limited Liability Company, to clarify and update the phasing of the construction of public infrastructure to serve Tract Map No's 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: On February 20, 2018 the City Council introduced an ordinance approving a Development Agreement Amendment. The proposed Development Agreement Amendment will update the phasing of the construction of public infrastructure to serve Tract Map No's 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913. In addition, the City will receive Public Service Funding fees plus

STAFF MEMBER PRESENTING: Scott Murphy, Assistant Development Director

Prepared by: Rudy Zeledon
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018

Approved: _____

Continued to: _____

Denied: _____

7

development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the New Model Colony development. The Development Agreement and the related tract map(s) conditions require the developer to construct public infrastructure

BACKGROUND: On February 20, 2018 the City Council introduced an ordinance approving the Development Agreement Amendment. In November 2006, the City Council approved a Development Agreement, File No. PDA13-003, between the City of Ontario and SL Ontario Development Company, LLC, to develop to 279 acres of land within Planning Areas 4 through 27 of the Subarea 29 Specific Plan, known as Park Place. Subsequently, in June 2009, the City Council approved the First Amendment to the Development Agreement and a Second Amendment in August 2012.

The Third Amendment continues to apply to the same area as the original Development Agreement and proposes to clarify and update the phasing of the construction of public infrastructure to serve Tract Map No's 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913 by cleaning up the map numbering for all three phases and splitting up and revising the Phase III Improvements into Phases IIIA and IIIB. This will allow SL Ontario Development Company, LLC, to sell the tracts within phase III to independent developers. Key points of the Third Amendment are as follows:

Phase III

- Splits Phase III into two sub-phases, Phase IIIA and Phase IIIB;
- Splits the public improvements between Phases IIIA & IIIB;
- Eliminates the condition requiring the extension of Parkview Street to Haven Avenue and replaces it with the requirement to construct the northern last lane on Eucalyptus Avenue east of the project frontage;
- Provides a mechanism by which the City may issue grading and encroachment permits prior to final map approval;
- Establishes conditions precedent to issuance of Production Building Permits;
- Allows for the deferral of the traffic signal and back of curb improvements at Celebration Avenue and Eucalyptus Avenue up to the issuance of a maximum of 112 production building permits in Phase III; and
- Provides for the construction of twelve (12) and eighteen (18) models prior to completion of the public improvements in Phases IIIA and IIIB respectively.

Phase II

- Eliminates completion of Celebration Park North as a condition precedent to issuance of Phase IIIC Production Building Permits;
- Ties completion of the Merrill Avenue and Celebration traffic signal and SCE trail to Phase IID; and
- Allows for the deferral of the southern last lane improvements on Merrill Avenue, beyond the project frontage, until the issuance of the 961st building permit for the project or the filing of an application for a final map for PA 27.

The term of the Development Agreement remains at ten years with a five year option. The main points of the agreement address funding for all new City expenses created by the project which includes; Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, police, fire, open space/parks etc.); Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for

reimbursement of public improvements and maintenance of public facilities; and the Park/Open Space Policy Plan requirement of five acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees. Other points addressed by the Agreement include provisions for affordable housing, as required by the Policy Plan, through construction, rehabilitation, or by paying an in-lieu fee, and satisfaction of the Mountain View Elementary School District and Chaffey High School District school facilities requirements.

In considering the application at their meeting of January 23, 2018, the Planning Commission found that the Third Amendment to the Development Agreement was consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for Ontario Ranch developments; and with a 6 to 0 vote (Resolution No. PC18-013), recommended approval of the Third Amendment to the Development Agreement to the City Council.

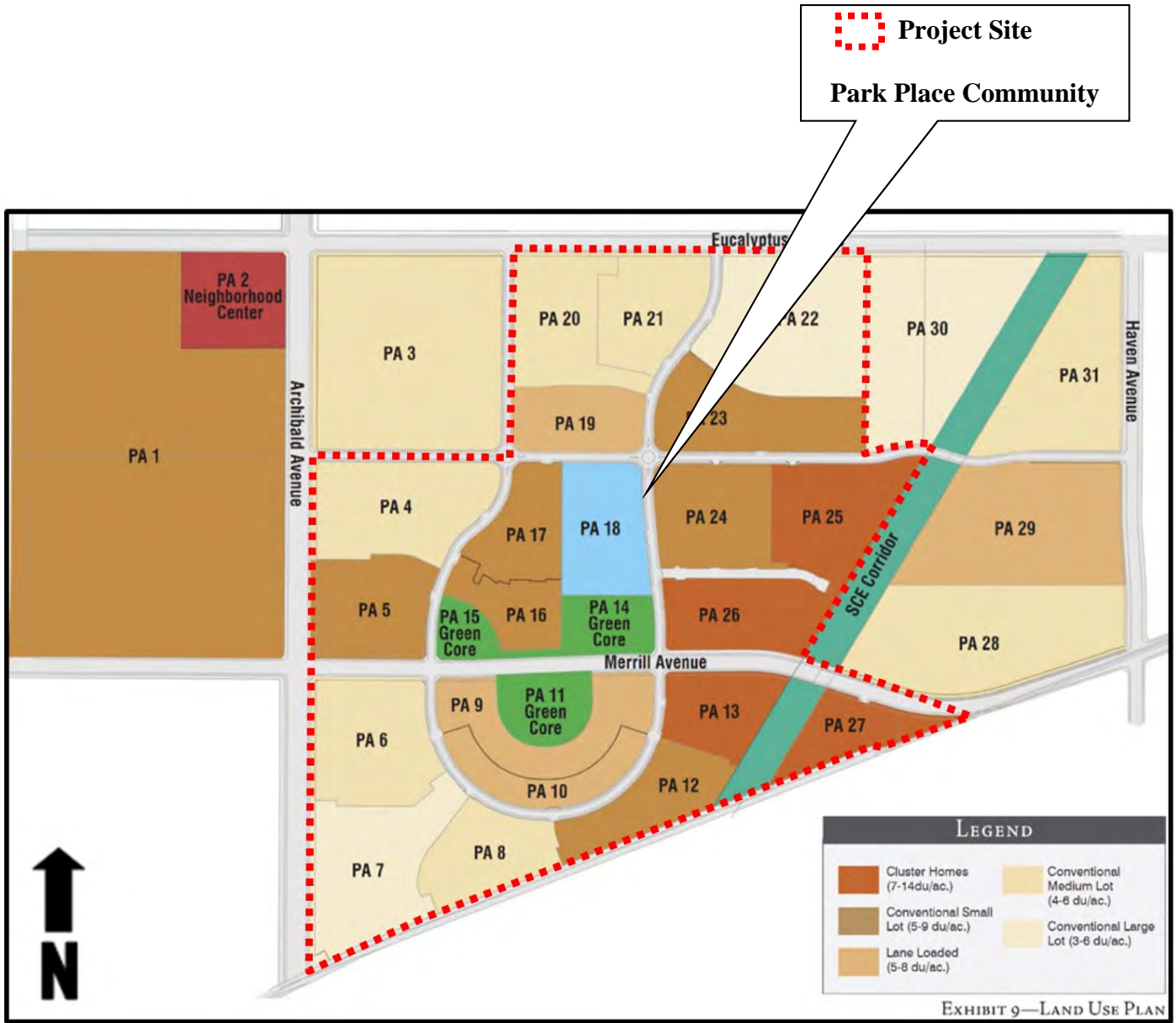
HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units and density specified within the Subarea 29 Specific Plan. Per the Available Land Inventory, the Subarea 29 Specific Plan is required to provide 2,291 dwelling units with an overall density of 5 DU/AC.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015. This project introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A"

Subarea 29 Specific Plan Land Use Plan



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA13-003, A THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA13-003, BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY, LLC, TO CLARIFY AND UPDATE THE PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE TO SERVE TRACT MAP NO'S 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 AND 18913. THE PROJECT IS GENERALLY LOCATED NORTH OF THE RIVERSIDE COUNTY LINE CHANNEL (BELLEGRAVE FLOOD CONTROL CHANNEL), SOUTH OF EUCALYPTUS AVENUE, EAST OF ARCHIBALD AVENUE, AND WEST OF THE SCE UTILITY CORRIDOR, WITHIN PLANNING AREAS 4 THROUGH 27, OF THE SUBAREA 29 SPECIFIC PLAN (PARK PLACE COMMUNITY), AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-022-02, 0218-563-01, 0218-563-02, 0218-563-03, 0218-563-04, 0218-022-10, 0218-022-11, 0218-554-01, 0218-554-02, 0218-554-03, 0218-554-04, 0218-554-05, 0218-554-06, 0218-554-07, 0218-554-08, 0218-554-09, 0218-554-10, 0218-554-11, 0218-554-12, 0218-554-13, 0218-554-14, 0218-554-15, 0218-554-16, 0218-554-17, 0218-554-18, 0218-554-19, 0218-554-20, 0218-554-21, 0218-554-22, 0218-554-23, 0218-554-24, 0218-554-25, 0218-554-26, 0218-554-27, 0218-554-28, 0218-554-29, 0218-554-30, 0218-554-31, 0218-554-32, 0218-554-33, 0218-554-34, 0218-554-35, 0218-554-36, 0218-554-37, 0218-554-38, 0218-554-39, 0218-554-40, 0218-554-41, 0218-554-42, 0218-554-43, 0218-554-44, 0218-554-45, 0218-554-46, 0218-554-47, 0218-554-48, 0218-554-49, 0218-554-50, 0218-554-51, 0218-554-52, 0218-554-53, 0218-554-54, 0218-554-55, 0218-554-56, 0218-554-57, 0218-554-58, 0218-554-59, 0218-554-60, 0218-554-61, 0218-554-62, 0218-554-63, 0218-554-64, 0218-554-65, 0218-554-66, 0218-554-67, 0218-554-68, 0218-573-01, 0218-573-02, 0218-573-03, 0218-573-04, 0218-573-05, 0218-573-06, 0218-033-01, 0218-033-02, 0218-033-03, 0218-033-04, 0218-033-05, 0218-033-06, 0218-583-01, 0218-014-01, 0218-014-02, 0218-014-03, 0218-014-04, 0218-014-05, 0218-014-06 AND 0218-014-07.

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on November 7, 2006, the City Council of the City of Ontario, adopted Ordinance No. 2844, approving a Development Agreement between SL Ontario Development Company, LLC and the City; and

WHEREAS, on June 16, 2009, the City Council of the City of Ontario, adopted Ordinance No. 2908, approving an Amendment to the Development Agreement between SL Ontario Development Company, LLC and the City; and

WHEREAS, on October 1, 2013, the City Council of the City of Ontario, adopted Ordinance No. 2965, approving a Second Amendment to the Development Agreement between SL Ontario Development Company, LLC and the City; and

WHEREAS, attached to this Ordinance, marked Exhibit “A” and incorporated herein by this reference, is the proposed Third Amendment to the Development Agreement between SL Ontario Development Company, LLC, and the City of Ontario,

File No. PDA13-003. Hereinafter in this Ordinance, the Development Agreement is referred to as the "Development Agreement"; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015. This project introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on January 23, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC19-013 recommending the City Council approve the Application; and

WHEREAS, on February 20, 2018, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the recommending body for the Project, the City Council has reviewed and considered the information contained in the previously adopted addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015, and supporting documentation. Based upon the facts and information contained in the addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with the previously adopted addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015. This application introduces no new significant environmental impacts; and

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2. Subsequent or Supplemental Environmental Review Not Required. Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. Housing Element Consistency. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the

properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units and density specified within the Subarea 29 Specific Plan. Per the Available Land Inventory, the Subarea 29 Specific Plan is required to provide 2,291 dwelling units with an overall density of 5 DU/AC.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

a. The Development Agreement applies to approximately 279 acres of land generally located north of Riverside County Line Channel (Bellegrave Flood Control Channel), south of Eucalyptus Avenue, east of Archibald Avenue, and west of the SCE utility corridor, within Planning Areas 4 through 27, of the Subarea 29 Specific Plan (Park Place Community), and is presently improved with residential development (Phase 1 of the Park Place Community) and grading and residential construction is on-going (Phase 2 and 3 of the Park Place Community); and

b. The properties to the north of the Project site are within the Grand Park Specific Plan, are designated for open space uses and are vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 28, 29, 30 and 31 -29 of the Subarea 29 Specific Plan and are vacant. The properties to the west are within planning area 1, 2 and 3 of the Subarea 29 Specific Plan (designated for single family residential and commercial) are vacant and developed with a dairy; and

The Third Amendment continues to apply to the same area as the original Development Agreement and proposes to clarify and update the phasing of the construction of public infrastructure to serve Tract Map No's 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913 by cleaning up the Map numbering for all three phases and splitting up and revising the Phase III Improvements into Phases IIIA and IIIB. This will allow SL Ontario Development Company, LLC to sell the tracts within phase III to independent developers to develop. Key points of the Third Amendment are as follows:

Phase III

- Splits Phase III into two sub-phases, Phase IIIA and Phase IIIB;
- Splits the public improvements between Phases IIIA & IIIB;
- Eliminates the condition requiring the extension of Parkview Street to Haven Avenue and replaces it with the requirement to construct the northern last lane on Eucalyptus Avenue east of the project frontage;
- Provides a mechanism by which the City may issue grading and encroachment permits prior to final map approval;
- Establishes conditions precedent to issuance of Production Building Permits;
- Allows for the deferral of the traffic signal and back of curb improvements at Celebration Avenue and Eucalyptus Avenue up to the issuance of a maximum of 112 production building permits in Phase III; and
- Provides for the construction of twelve (12) and eighteen (18) models prior to completion of the public improvements in Phases IIIA and IIIB respectively.

Phase II

- Eliminates completion of Celebration Park North as a condition precedent to issuance of Phase IIIC Production Building Permits;
- Ties completion of the Merrill Avenue and Celebration traffic signal and SCE trail to Phase IID; and
- Allows for the deferral to complete the southern last lane improvements on Merrill Avenue beyond the project frontage until the issuance of the 961st building permit for the project or the filing of an application for a final map for PA 27.

c. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously adopted addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015, and supporting documentation. This application introduces no new significant environmental impacts; and

d. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the Third Amendment to the Development Agreement, File No. PDA13-003, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 7. Indemnification. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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 Ontario 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 30 days following its adoption.

SECTION 11. Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 6th day of March 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3089 was duly introduced at a regular meeting of the City Council of the City of Ontario held February 20, 2018 and adopted at the regular meeting held March 6, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3089 duly passed and adopted by the Ontario City Council at their regular meeting held March 6, 2018 and that Summaries of the Ordinance were published on February 27, 2018 and March 13, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A:

**File No. PDA13-003;
Development Agreement Third Amendment**

(Document follows this page.)

**THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT
COMPANY, LLC
FILE NO. PDA13-003**

This Third Amendment (hereinafter "Third Amendment") is entered into as of the _____ day of _____ 20__ by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and SL ONTARIO DEVELOPMENT COMPANY LLC, a Delaware limited liability company (hereinafter "OWNER").

RECITALS

WHEREAS, the CITY and OWNER's predecessor have previously entered into a Development Agreement dated November 7, 2006 and recorded in San Bernardino County, California on March 19, 2007 as Instrument No. 2007-0171238 pursuant to Section 65864, et seq., of the Government Code, (hereinafter the "Original Development Agreement"); and

WHEREAS, the CITY and OWNER have previously entered into a First Amendment to the Development Agreement dated June 16, 2006 and recorded in San Bernardino County, California on September 14, 2009, as Instrument No. 2009-0403691, pursuant to Section 65864, et seq., of Government Code, (hereinafter the "First Amendment"); and

WHEREAS, the CITY and OWNER have previously entered into a Second Amendment to the Development Agreement dated October 1, 2103 and recorded in San Bernardino County, California on October 3, 2013, as Instrument No. 2013-0431431, pursuant to Section 65864, et seq., of Government Code, (hereinafter the "Second Amendment"); and

WHEREAS, the OWNER's predecessor has previously assigned the entered into an assignment and assumption agreement whereby OWNER's predecessor assigned to OWNER, and OWNER assumed all of the rights, duties and obligations of OWNER's predecessor; and

WHEREAS, the CITY and OWNER have previously entered into the First Supplemental Memorandum, Second Supplemental Memorandum, Third Supplemental Memorandum and Fourth Supplemental Memorandum to the Development Agreement (collectively, "Supplemental Memoranda"); and

WHEREAS, Section 2.5 of the Development Agreement specifies that the Development Agreement may be amended in whole or in part only in the manner provided for in Government Code Section 65868.1 and the procedure for adopting and entering into an amendment to the Development Agreement shall be the same as the procedure for adopting and entering into the Development Agreement; and

WHEREAS, the CITY and NMC Builders, LLC, a California limited liability company (“NMC Builders”), entered into that certain Agreement for the Financing and Construction of Phase I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony dated October 4, 2005, which is referred to both herein and in the Development Agreement as the “Construction Agreement;” and

WHEREAS, the CITY and NMC Builders have entered into the Amended and Restated Construction Agreement dated August 21, 2012 that supersedes and replaces the Construction Agreement (the “Construction Agreement Amendment”); and

WHEREAS, the City and NMC Builders have entered into an Amendment to the Amended and Restated Construction Agreement dated September 19, 2017 (the “First Amendment to the Construction Agreement Amendment”); and

WHEREAS, NMC Builders is identified as the “Developer” under the Construction Agreement Amendment; and

WHEREAS, OWNER is a member of NMC Builders and is a “Member” as such term is defined in the Construction Agreement Amendment; and

WHEREAS, OWNER and CITY have agreed to apply certain specified provisions of the Construction Agreement Amendment and modify the Development Agreement by and between the CITY and OWNER; and

WHEREAS, the CITY and OWNER agree that execution of this Third Amendment shall also constitute Certification of Agreement Compliance under Section 6.4 of the Development Agreement and City shall issue “Certificate of Agreement Compliance” within 20 days following the Effective Date of this Third Amendment.

AGREEMENTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual agreements hereinafter contained, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Existing Definitions. The following terms when used in this Third Amendment shall be defined as in the Original Development Agreement; the First Amendment to the Development Agreement and the Second Amendment to the Development Agreement: “CITY”; Construction Agreement; Construction Agreement Amendment, Deferred Infrastructure; Development; Effective Date; Existing Development Approvals; Development Exaction; Development Impact Fee; Development Plan; General Plan; Existing Land Use Regulations; “OWNER”; OWNER’s Fire Station No. 9 Capital Contribution, OWNER’s Storm Water Treatment Improvements Capital Contribution; Project, Property, Model Units, Production Units, Specific Plan; Storm Water Capacity Equivalents, Subsequent Development Approvals; and Subsequent Land Use Regulations, Water Availability Equivalents (WAE).

1.2 Revised Definitions. The definitions for the following terms shall be added or revised as follows:

“Phase I Improvements” means the public infrastructure and improvements that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for Production Units and as shown in Exhibit F- Phase I Improvements.”

“Phase I Units” means the first four hundred thirty-five (435) units for which the CITY issues building permits to OWNER and shall include up to thirty-five (35) Model Units.

“Phase II Units” means the residential units to be constructed in the Phase IIA, IIB, IIC and IID areas of the Property, as shown on the attached Exhibit “E-R3” titled “Conceptual Phasing Plan”.

“Phase II Improvements” means the public infrastructure and improvements that shall be designed, constructed and completed by OWNER for Phase II in phases, as shown on the attached Exhibits titled “Exhibit F- Phase IIA Improvements”, “Exhibit F-Phase IIB Improvements”, “Exhibit F-Phase IIC Improvements”, and “Exhibit F-Phase IID Improvements”.

“Phase II Area” means the combined areas with Phase IIA, IIB, IIC and IID, as shown on the attached Exhibit E-R3 titled “Conceptual Phasing Plan,” including the areas within Tract Nos. 18266, 18267, 18977, 18978, 18998, 18073, 18074 and the area described as “PA 27”.

“Phase IIA Improvements” means the public infrastructure and improvements, as described in the conditions of approval for Tract Nos. 18266 and 18267 and as further described in the attached Exhibit F- “Phase IIA Improvements”.

“Phase IIA Units” means the Production Units in Tract Nos. 18266 and 18267, excluding a maximum of twelve (12) Model Units.

“Phase IIB Improvements” means the public infrastructure and improvements as described in the conditions of approval for Tract Nos. 18977 and 18978 and as further described in the attached Exhibit “F-Phase IIB Improvements”.

“Phase IIB Units” means the Production Units in Tract Nos. 18977 and 18978, excluding a maximum of twelve (12) Model Units.

“Phase IIC Improvements” means the public infrastructure and improvements as described in the conditions of approval of Tract Nos. 18073, 18074 and 18998 and as further described in the attached Exhibit F- “Phase IIC Improvements”.

“Phase IIC Units” means the Production Units in Tract Nos. 18073, 18074 and 18998, excluding a maximum of twenty (20) Model Units.

“Phase IID Improvements” means the public infrastructure and improvements described in the attached “Exhibit F -Phase IID Improvements”.

“Phase IID Units” means the Production Units in Planning Area 27, excluding a maximum of six (6) Model Units.

“Phase III Improvements” means the public infrastructure and improvements that shall be designed, constructed and completed by OWNER for Phase III in phases, as shown on the attached “Exhibit F-Phase IIIA Improvements” and “Exhibit F- Phase IIIB Improvements”.

“Phase III Units” means the units in Phases IIIA and IIIB inclusive of the Phase IIIA Units in Tract Nos. 18067 and 18068 and the Phase IIIB Units in Tract Nos. 18065, 18066 and 18081 for which the CITY issues building permits to OWNER.

“Phase III Area” means the combined areas within Phase IIIA and IIIB as shown on the attached Exhibit E-R3 titled “Conceptual Phasing Plan”, including tracts 18065, 18066, 18067, 18068 and 18081.

“Improvement or Improvements” means those public improvements required to support the development of the Project, as described in the Tract Map conditions for the “A” Tract Map No’s 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913 and the “B” Tract Maps for Tract Nos. 18075, 18076, 18077, 18078, 18079, and 18080 and as set forth on the attached Exhibits: Exhibit F-Phase IIA Improvements“, “Exhibit F- Phase IIB Improvements,” Exhibit F- Phase IIC Improvements, “Exhibit F – Phase IID Improvements, “Exhibit F – Phase IIIA Improvements” and Exhibit F – Phase IIIB Improvements” which describe Improvements for Phases 1, IIA, IIB, IIC, IID, IIIA and IIIB.

“Phase IIIA Additional Model Units” means a maximum of twelve (12) units constructed by OWNER prior to the construction of any Production Units and not offered for sale and occupancy prior to the issuance of building permits for any Production Units in Phase III A.

“Phase IIIA Improvements” means the public infrastructure and improvements, as described in the conditions of approval of “A” map Tract No. 18913-5, and “B” map Tract Nos. 18067 and 18068 and as further described in the attached Exhibit F- “Phase IIIA Improvements”.

“Phase IIIA Units” means the residential Production Units within Tract Nos. 18067 and 18068 of Phase IIIA.

“Phase IIIB Additional Model Units” means a maximum of eighteen (18) units constructed by OWNER prior to the construction of any Production Units in Phase IIIB and not offered

for sale and occupancy prior to the issuance of building permits for any Production Units in Phase IIIB.

“Phase IIIB Improvements” means the public infrastructure and improvements as described in the conditions of approval of “A” map Tract No. 18913 and “B” map Tract Nos. 18065, 18066 and 18081 and as further described in the attached Exhibit F-Phase IIIB Improvements”.

“Phase IIIB Units” means the residential Production Units within Tract Nos. 18065, 18066 and 18081 of Phase IIIB.

1.3 Revised Exhibits. The following documents are attached to, and by this reference made a part of, this Third Amendment. These revised Exhibits shall replace previous attached Exhibits to the Original Development Agreement, the First Amendment to the Development Agreement, the Second Amendment to the Development Agreement and the Supplemental Memoranda.

Exhibit E-R3 - “Conceptual Phasing Plan”

Exhibit F- “Phase IIA Improvements”

Exhibit F- “Phase IIB Improvements”

Exhibit F- “Phase IIC Improvements”

Exhibit F- “Phase IID Improvements”

Exhibit F – “Phase IIIA Improvements”

Exhibit F – “Phase IIIB Improvements”

2. Revised Phasing Plan. Section 3.4 of the Development Agreement is deleted in its entirety and replaced by the following:

“3.4 Phasing Plan. Development of the Property is contingent on the phasing of infrastructure improvements. Attached hereto as Exhibit “E-R3” is a revised phasing plan which is based on the OWNER’s established phasing for the completion of needed infrastructure improvements and the availability of improvements and services to serve Tract Map No’s 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913.”

3. Revised Phase II References. Section 3.7.2.2 of the Development Agreement is deleted in its entirety and replaced by the following:

“3.7.2.2 (a) CITY and OWNER agree that OWNER shall file an application with CITY for approval of “A” map Tract Map No. 18913-2 and shall design, construct and

complete all public infrastructure for the areas within Phase IIA, as shown in the attached collective exhibits of Exhibit F-Phase IIA Improvements prior to, and as a condition precedent to, CITY's issuance of any building permits for any Production Units in the Phase IIA area, inclusive of the areas covered by "B" map Tract No. 18267 and "B" map Tract No. 18266. CITY and OWNER also agree that all Subdivision/Tract Map conditions, all other required improvements and all other conditions or requirements of "B" map Tract Map No. 18266 and "B" map Tract Map No. 18267 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for the Phase IIA Units.

(b) CITY and OWNER agree that OWNER shall file an application with CITY for approval of "A" map Tract Map 18913-3 and shall design, construct and complete all public infrastructure for the areas within Phase IIB, as shown in the attached collective exhibits of Exhibit F-Phase IIB Improvements prior to, and as a condition precedent to, CITY's issuance of any building permits for any Production Units in the Phase IIB area, inclusive of the areas covered by "B" map Tract No. 18977 and "B" map Tract No. 18978. CITY and OWNER agree that all Subdivision/Tract Map conditions, all other required improvements and all other conditions or requirements of "B" map Tract Map No. 18977 and "B" map Tract No. 18978 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for Phase IIB Units.

(c) CITY and OWNER agree that OWNER shall file an application with CITY for approval of "A" map Tract Map 18913-4 and shall design, construct and complete all public infrastructure for the areas within Phase IIC, as shown in the attached collective exhibits of Exhibit F-Phase IIC Improvements prior to, and as a condition precedent to, CITY's issuance of any building permits for any Production Units in the Phase IIC area, inclusive of the areas covered by "B" map Tract No. 18073, "B" map Tract No. 18074 and "B" map Tract No. 18998. CITY and OWNER agree that all Subdivision/Tract Map conditions, all other required improvements and all other conditions or requirements of "B" map Tract Map No. 18073, "B" map Tract Map No. 18074 and "B" map Tract Map No. 18998 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for Phase IIC Units.

(d) CITY and OWNER agree that OWNER shall file an application with CITY for approval of "A" map Tract Map No. 18913-4 and shall design, construct and complete the Phase IID Improvements for the area within Phase IID, as shown in the attached collective exhibits of Exhibit F-Phase IID prior to, and as a condition precedent to, CITY's issuance of any building permits for any Production Units in the Phase IID area, inclusive of the areas covered by Planning Area 27.

Notwithstanding (d) of the above, CITY and OWNER agree that OWNER may defer the design and construction of the portion of the street Improvements to the South side of Merrill Avenue beyond the Eastern limits of Planning Area 27 to an intersection with Haven/Sumner Avenue. CITY and OWNER agree that OWNER shall acquire and dedicate the necessary Rights of Way and shall design and construct such

deferred Improvements prior to and a condition precedent to, either: (i) submittal of application by OWNER to CITY for CITY approval and recordation of a Final Tract Map for all or any portion of Planning Area 27; or (ii) OWNER requesting and CITY granting of the nine-hundred sixty first (961st) building permit for Production Units within the Property, whichever comes first.”

4. Revised Phase III References. Section 3.7.2.3 of the Development Agreement deleted in its entirety and replaced by the following:

“3.7.2.3 (a) CITY and OWNER agree that OWNER shall file an application with CITY for approval of “A” map Tract Map No. 18913-5 and “A” map Tract Map No. 18913 and shall design, construct and complete all Phase IIIA Improvements as shown in Exhibit F- Phase IIIA Improvements prior to, and as a condition precedent to, the earlier of: CITY’s issuance of the nine hundred sixty fourth (964th) building permit for the Property or CITY’s issuance of the first building permit for any Production Units in the Phase IIIA area inclusive of all Production Units in “B” map Tract Map Nos. 18067, or 18068.

(b) CITY and OWNER agree that the extension of Parkview Avenue to Haven Avenue shall no longer be required as a condition of approval for Tract 18067 and 18068 and the construction of the northern last lane street improvements on Eucalyptus Avenue from the eastern boundary of “A” map Tract Map No. 18913-5 to Haven Avenue shall be required as a condition of approval for “B’ map Tract Nos. 18067or 18068 and as shown on Exhibit F- Phase IIIA Improvements.

(c) CITY and OWNER agree that CITY may issue grading and encroachment permits prior to recordation of Final Maps for “B” map Tract Nos. 18067, 18068, or “A” map Tract Nos. 18913-5 or 18913, subject to the OWNER providing CITY with an “at risk” letter, in a form acceptable to the City Manager, acknowledging that the improvements are being installed at the OWNER’s risk and subject to OWNER meeting all other CITY requirements for the issuance of such Encroachment Permits.

(d) CITY and OWNER agree that OWNER may defer the completion of the Celebration Avenue / Eucalyptus Avenue traffic signal and the Eucalyptus Avenue Improvements that are outside of the street curb (underground utilities and streetlights behind the back of curb) as described in Exhibit F – Phase IIIA Improvements. CITY’s agreement to allow OWNER to defer the completion of the construction of the traffic signal is conditioned upon OWNER’s agreement that OWNER shall complete the Celebration Avenue / Eucalyptus Avenue traffic signal and the Eucalyptus Avenue Improvements that are outside of the street curb (underground utilities and streetlights behind the back of curb) prior to, and as a condition precedent to, OWNER requesting and the CITY granting a building permit for the one-hundred twelfth (112th) Production Unit in the Phase III Area.

(e) CITY and OWNER agree that OWNER shall not be required to construct full Right of Way Improvements on Celebration Avenue, however, OWNER shall be required to construct the curb-to-curb improvements to Celebration Avenue as described in Exhibit F- Phase IIIA Improvements.

(f) CITY and OWNER agree that OWNER shall be required to construct Improvements on Eucalyptus Avenue along the frontage of "A" map Tract Nos. 18913-5 and 18913 which shall be comprised of full curb to curb street improvements as described in Exhibit F- Phase IIIA Improvements and OWNER shall also be required to construct improvements to extend Eucalyptus Avenue to Haven Avenue from the eastern boundary of the "A" map Tract No. 18913-5 as described in Exhibit F- Phase IIIA Improvements.

3.7.2.3 (g) CITY and OWNER agree that the provisions of this Section 3.7.2.3 (a) through (f), to the extent they may be in conflict with the Subdivision Agreement and/or Tract Map conditions or requirements of the "A" Tract Map 18913-5 or the "B" Tract Map- Nos. 18067 or 18068, shall supersede and take precedence over such Subdivision Agreement provisions and/or Tract Map conditions and requirements. Notwithstanding, and except as expressly set forth herein in Sections 3.7.2.3 (a) through (g) above all other required improvements and all other conditions or requirements of the "A" Tract Map 18913-5 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for any Phase IIIA Unit.

3.7.2.3 (h) CITY and OWNER agree that OWNER shall file an application with CITY for approval of "A" map Tract Map 18913 and shall design, construct and complete all Phase IIIB Improvements as shown in Exhibit F- Phase IIIB Improvements prior to, and as a condition precedent to, the earlier of: CITY's issuance of the one-thousand one hundred and thirty first (1,131st) building permit for the Property; or CITY's issuance of any building permit for any Production Units in the Phase IIIB area, inclusive of all Production Units in "A" map Tract Map No 18913 and "B" map Tract Map Nos. 18065, 18066 and 18081.

3.7.2.3 (i) CITY and OWNER agree that the provisions of this Section 3.7.2.3 (a) through (h), inclusive, to the extent they may be in conflict with the Subdivision Agreement and/or Tract Map conditions or requirements of the "A" Tract Map 18913 or the "B" Tract Map Nos. 18065, 18066 and 18081, shall supersede and take precedence over such Subdivision Agreement provisions or Tract Map conditions and requirements. Notwithstanding and except as expressly set forth herein all other required improvements and all other conditions or requirements of the "A" Tract Map No. 18913-5 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for any Phase IIIB Unit. Additionally, except as expressly set forth herein in Sections 3.7.2.3 (a) through (h), inclusive, all other required improvements and all of the conditions for each Tract Map within Phase IIIB area shall be completed and operational prior to, and as condition precedent to, OWNER requesting and CITY's granting of a building permit for any Production Unit within any such "B" Tract Map."

5. Modification of Second Supplemental Memorandum. Section 2.e.ii of the Second Supplemental Memorandum is deleted in its entirety.

6. Section 5. FINANCING OF PUBLIC IMPROVEMENTS. All provisions of Section 5 of the Development Agreement titled "FINANCING OF PUBLIC IMPROVEMENTS" shall continue and shall be unaffected by this Third Amendment.

7. Additional Model Units. A new Section 3.4.1.1 shall be added to the Development Agreement as follows:

“3.4.1.1 In addition to the previously constructed Model Units and subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction the Phase IIIA Additional Model Units and the Phase IIIB Additional Model Units, OWNER may request and CITY shall issue a maximum of thirty (30) additional building permits for Model Units. The plan to be submitted by OWNER for CITY approval shall describe the utilities and other infrastructure necessary to provide sufficient fire protection and other public health and safety requirements for the Phase IIIA and the Phase IIIB Additional Model Units.”

8. INTEGRATION.

8.1 Integration of Previous Understandings and Clarifications. This Third Second Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this Third Amendment conflicts with the Development Agreement, the First Amendment, the Second Amendment and/or the Supplemental Memoranda, this Third Amendment supersedes such previous document(s). In all other respects, the parties hereto re-affirm and ratify all other provisions of the Development Agreement, the First Amendment, the Second Amendment and the Supplemental Memoranda. This Third Amendment shall be recorded against the Property within 60 days following its full execution.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment as of the date the ordinance adopting this Third Amendment becomes effective.

SIGNATURE PAGE
TO THIRD AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY LLC

"OWNER"

SL ONTARIO DEVELOPMENT COMPANY
LLC, a Delaware California limited liability
company

By: _____
Name: John M. Goodman
Its: Authorized Agent

Date: _____

By: _____
Name: Keyvan Razi
Its: Authorized Agent

Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa, City Manager

Date: _____

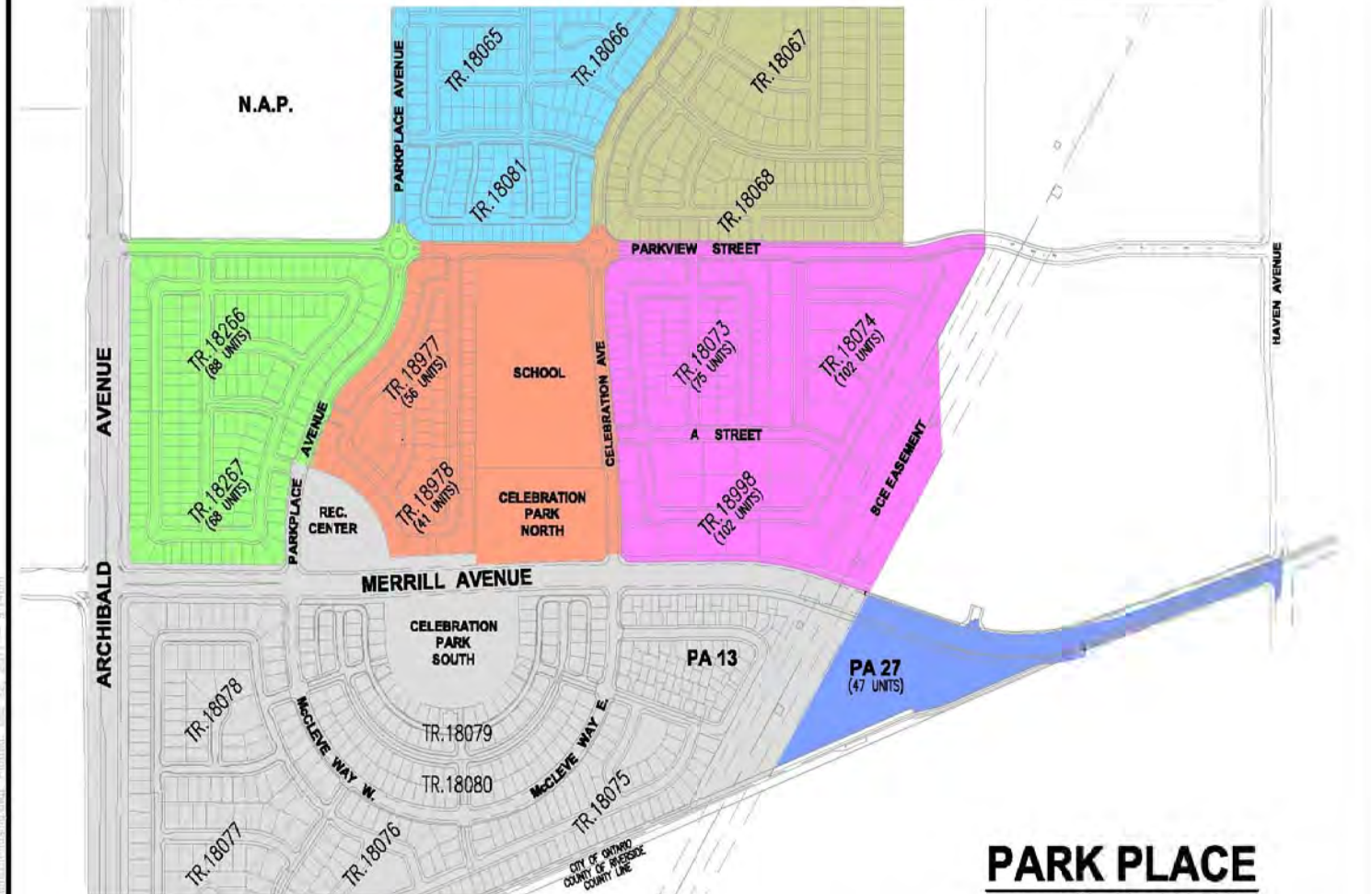
ATTEST:

City Clerk, Ontario

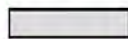





APPROVED AS TO FORM:
BEST, BEST & KRIEGER LLP

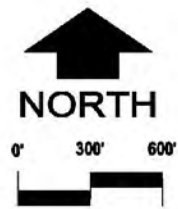
City Attorney

EXHIBIT "E-R3" | REVISED CONCEPTUAL PHASING PLAN



LEGEND

	PHASE I (EXISTING)		PHASE II-D
	PHASE II-A		PHASE III-A
	PHASE II-B		PHASE III-B
	PHASE II-C		



PARK PLACE
ONTARIO, CALIFORNIA
JUNE 27, 2016

LDKING

10390 Commerce Center Drive, Ste. 250
Rancho Cucamonga, California 91730
(909) 945-0526

EXHIBIT "E-R3" – CONCEPTUAL PHANNING PLAN

EXHIBIT F- PHASE IIA IMPROVEMENTS

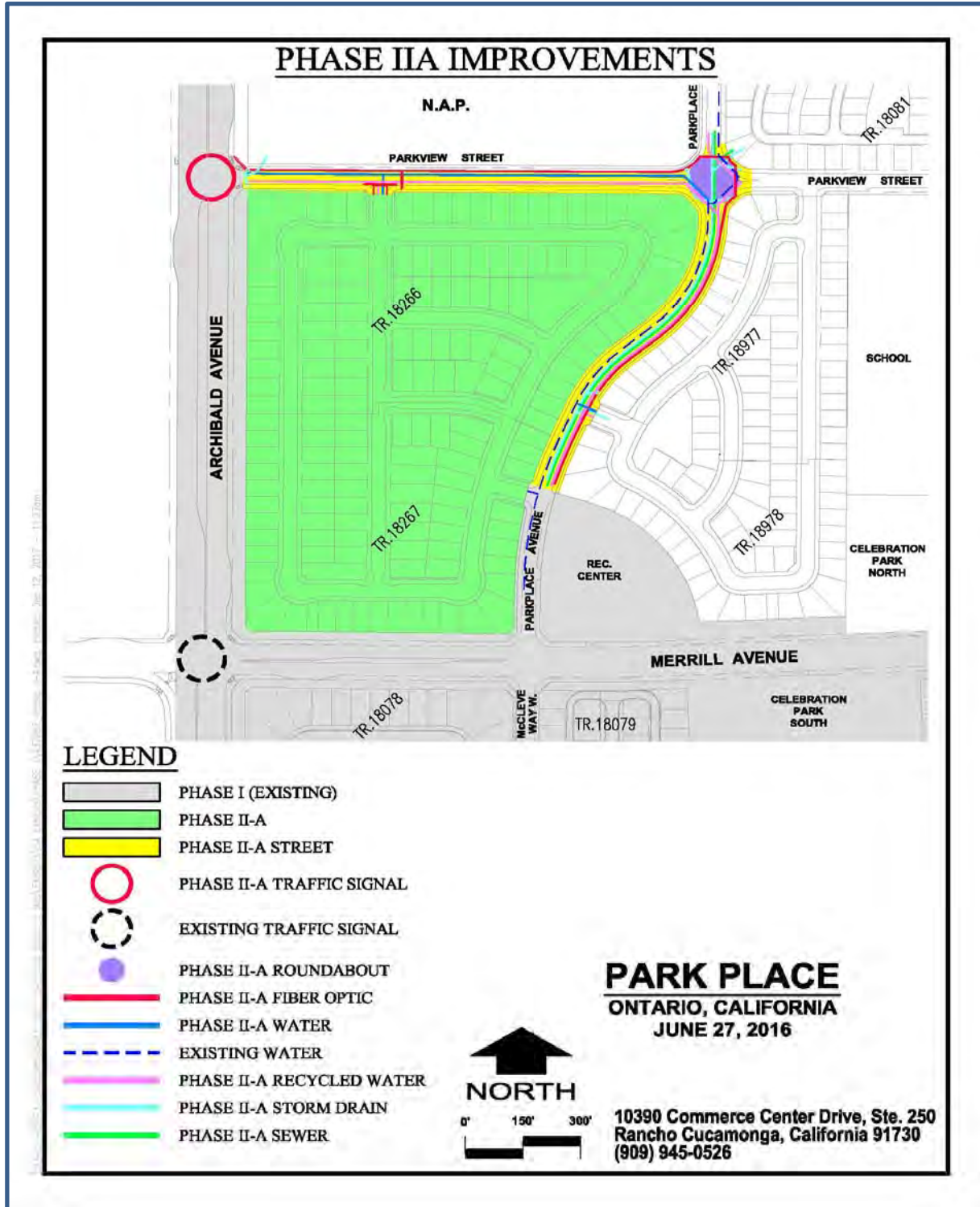


EXHIBIT F- PHASE IIB IMPROVEMENTS

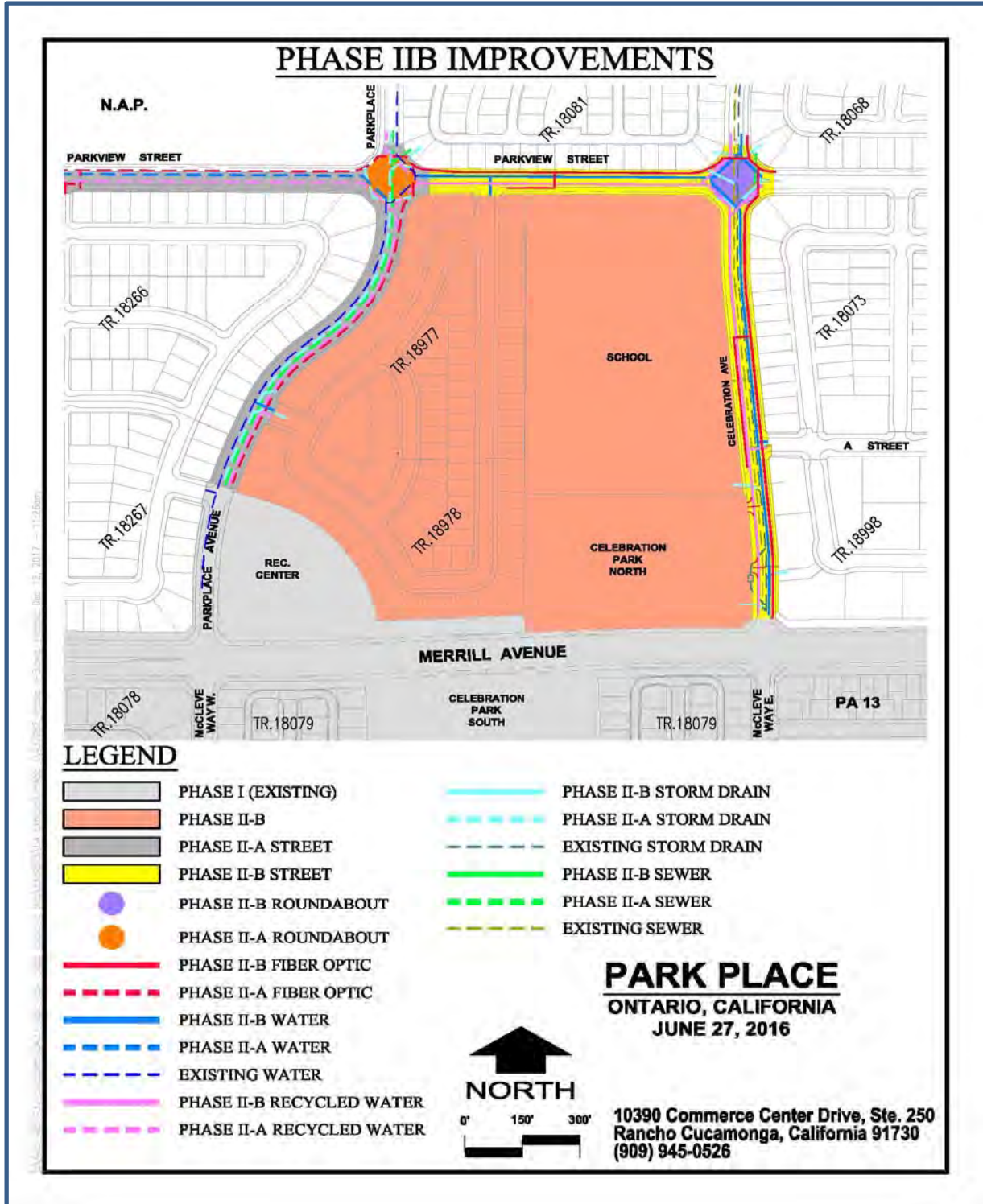
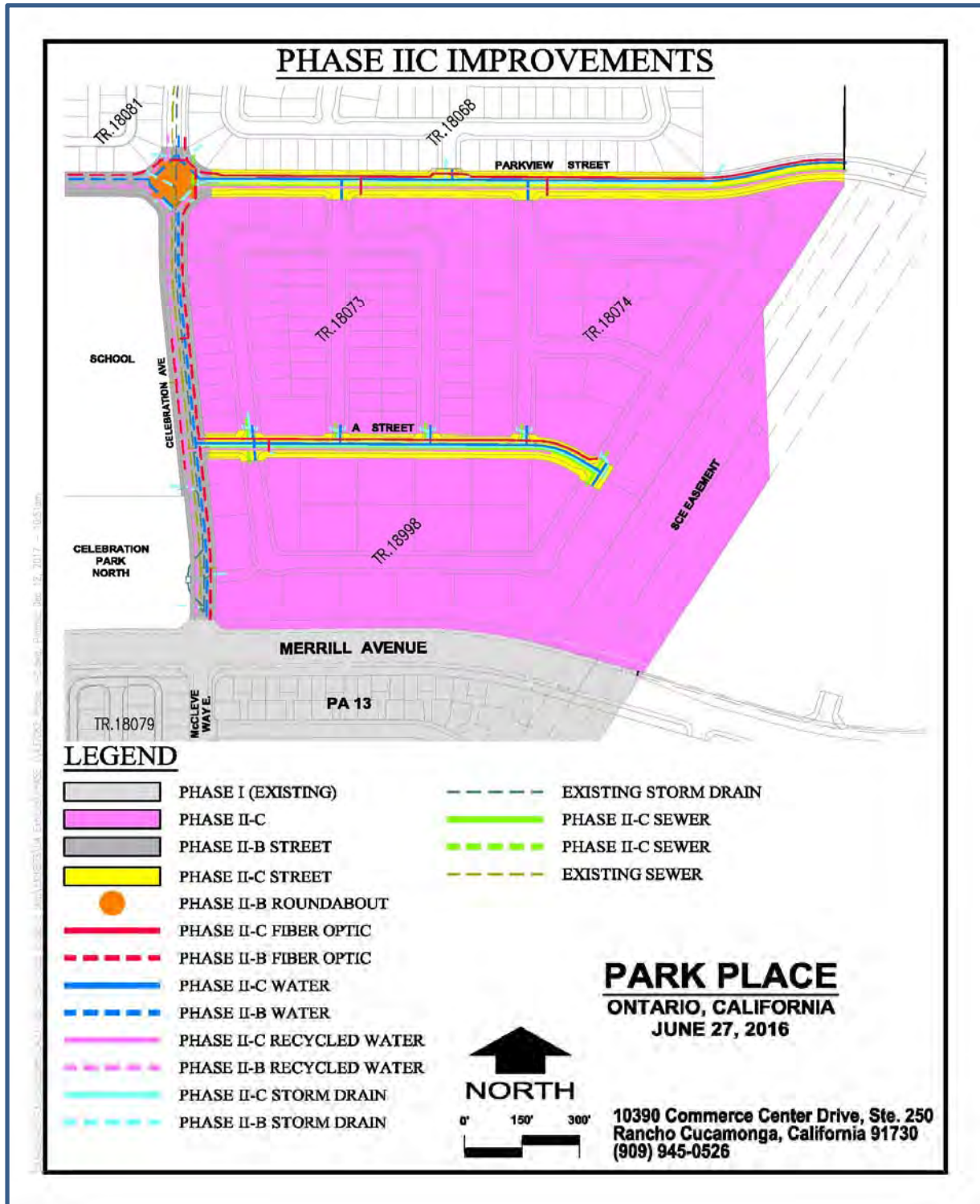
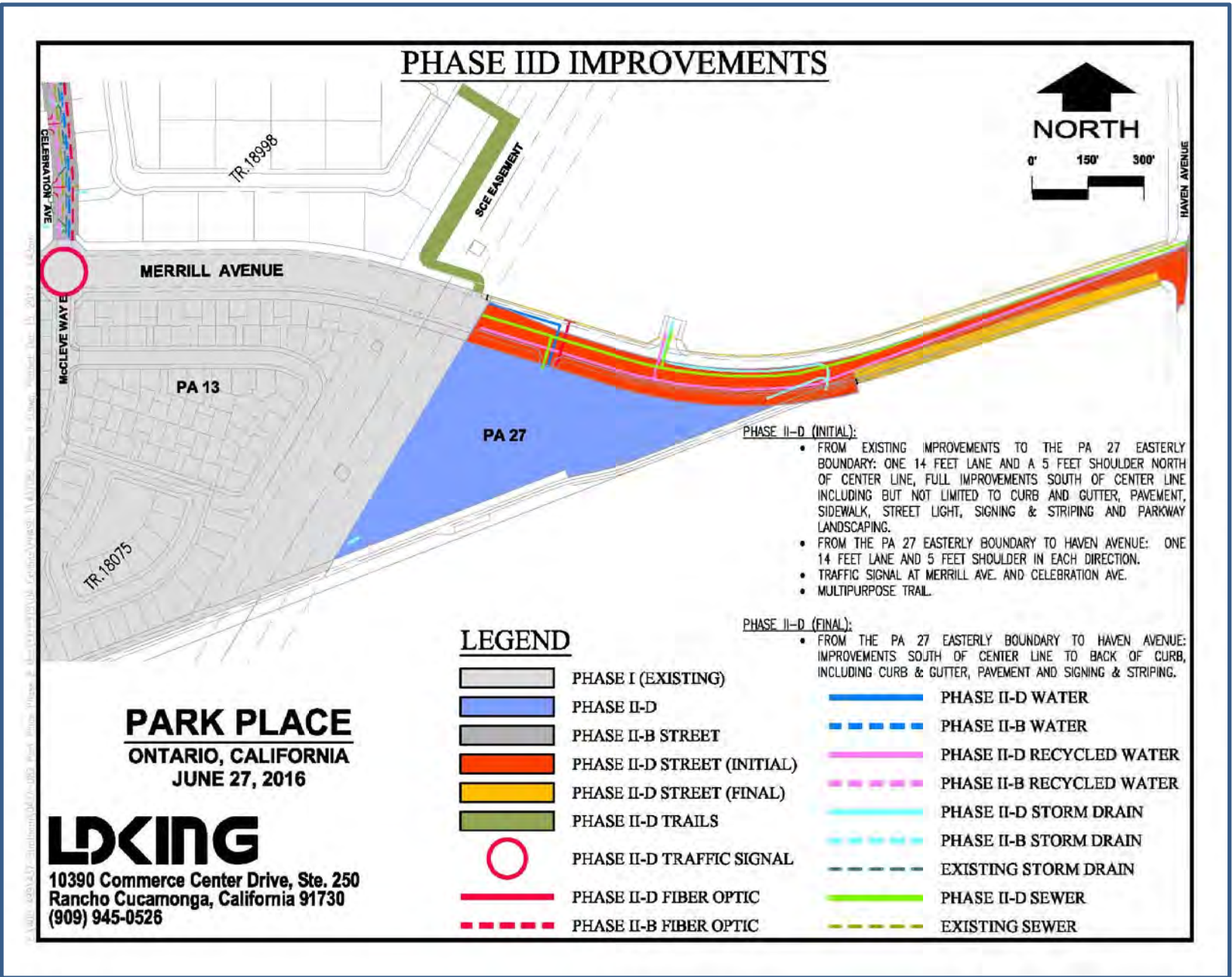


EXHIBIT F- PHASE IIC IMPROVEMENTS






PHASE IIIA IMPROVEMENTS

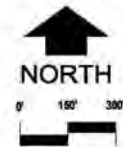


LEGEND

- | | | | |
|---|----------------------------|---|----------------------------|
|  | EXISTING |  | PHASE III-B RECYCLED WATER |
|  | PHASE III-A |  | PHASE III-A STORM DRAIN |
|  | PHASE III-A FIBER OPTIC |  | PHASE III-B STORM DRAIN |
|  | PHASE III-B FIBER OPTIC |  | EXISTING STORM DRAIN |
|  | PHASE III-A WATER |  | PHASE III-B SEWER |
|  | EXISTING WATER |  | EXISTING SEWER |
|  | PHASE III-A RECYCLED WATER |  | PHASE III-A TRAFFIC SIGNAL |

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 (909) 945-0526

PARK PLACE
 ONTARIO, CALIFORNIA
 March 6, 2017

















PHASE IIIB IMPROVEMENTS



N.A.P.

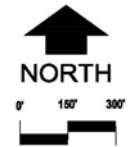
FULL IMPROVEMENTS (EAST)
IMPROVEMENTS TO CURB (WEST)

LEGEND

- | | | | |
|---|----------------------------|---|----------------------------|
|  | EXISTING |  | PHASE III-B RECYCLED WATER |
|  | PHASE III-B |  | PHASE III-A STORM DRAIN |
|  | PHASE III-A FIBER OPTIC |  | PHASE III-B STORM DRAIN |
|  | PHASE III-B FIBER OPTIC |  | EXISTING STORM DRAIN |
|  | PHASE III-A WATER |  | PHASE III-B SEWER |
|  | EXISTING WATER |  | EXISTING SEWER |
|  | PHASE III-A RECYCLED WATER |  | PHASE III-A TRAFFIC SIGNAL |

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 Rancho Cucamonga, California 91730
 (909) 945-0526

PARK PLACE
 ONTARIO, CALIFORNIA
 March 6, 2017



CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: PURCHASE OF A TACTICAL RESPONSE VEHICLE

RECOMMENDATION: That the City Council authorize the City Manager to execute sole source purchase contracts with (1) Lenco Armored Vehicles of Pittsfield, Massachusetts, in the amount of \$520,000 for the response vehicle and (2) Patriot3, Inc. of Fredericksburg, Virginia, in the amount of \$230,000 for vehicle appurtenances.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: On February 21, 2017, the City Council approved acceptance of the Fiscal Year 2016 Urban Area Security Initiative (UASI) Grant and associated program spending plan for \$600,000; and on February 20, 2018, the City Council approved appropriations of \$150,000 from the Police DOJ Asset Seizure Fund to supplement the grant funds for this procurement.

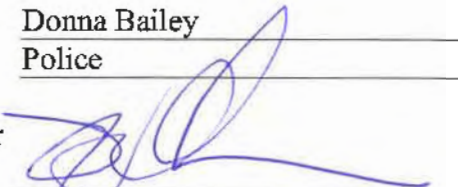
BACKGROUND: The approved 2016 UASI spending plan called for the purchase of a Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) tactical response vehicle to provide an additional resource for the Ontario Police SWAT Team to effectively respond to CBRNE and other high-risk incidents within the City, including the Ontario International Airport and greater RUASI region.

Ontario Municipal Code Section 2-6.23(b) authorizes sole source purchases if there is only one procurement source. Lenco and Patriot3 Inc. are the only manufacturers, distributors, and authorized dealers for the vehicle and associated equipment, or equivalents.

This purchase adheres to the approved grant spending plan and is a permissible use of Federal Sharing Funds under the guidelines set forth in the Department of Justice Guidance.

This action, if approved, will supersede and replace all provisions of the previously approved procurement action of the City Council taken on April 18, 2017.

STAFF MEMBER PRESENTING: Derek Williams, Acting Police Chief

Prepared by: Donna Bailey
Department: Police
City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: APPLICATION FOR GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2019 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT PROGRAM

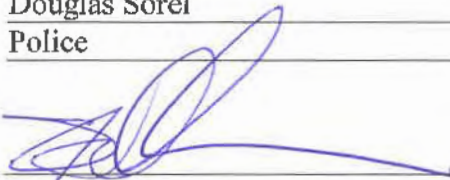
RECOMMENDATION: That City Council authorize the City Manager or his designee to execute all documents necessary to apply for and accept 12-month grants in the amount of \$717,400 from the California Office of Traffic Safety (OTS) for participation in the FY2019 Selective Traffic Enforcement Program (STEP) Grant Program.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: Grant awards will be announced in July 2018 and the grant period is October 1, 2018 – September 30, 2019. These grants are reimbursable on a quarterly basis, funding police overtime, education, equipment, supplies, and training to conduct DUI saturation patrols, special traffic enforcements, field enforcements and education, and sobriety checkpoints. The approximate grant funding reimbursement is \$717,400. The STEP grant may be comprised of, but not limited to, overtime enforcements, field education, equipment, materials, and travel expenses. The City is not required to provide matching funds for the grants. If awarded, the revenue and associated expenditure adjustments will be included in the Fiscal Year 2018-19 Quarterly Budget Report.

BACKGROUND: The California Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), offers local law enforcement agencies overtime grants to migrate traffic safety program deficiencies, expand ongoing activities, develop new programs, and conduct sobriety checkpoints. The grant period includes two "National Impaired Driving Campaign" mobilization periods: the Winter Mobilization is scheduled for December 18, 2018 - January 3, 2019 and the Summer Mobilization occurs around Labor Day. Sobriety checkpoints, DUI saturation patrols and special traffic enforcements will be scheduled during each of the highly publicized mobilization periods, and additional operations will continue to be conducted outside the mobilization periods. Each overtime enforcement

STAFF MEMBER PRESENTING: Derek Williams, Acting Police Chief

Prepared by: Douglas Sorel
Department: Police
City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

9

and checkpoint will be conducted accordingly to each operation which may include supervisors, officers, technicians, and/or clerical/other staff members.

The goals of the grant program include reducing the number of people killed in alcohol-involved crashes through the combined efforts of local law enforcement agencies, California Highway Patrol, and OTS; reducing the total number of traffic collisions that occur in the city; informing drivers about increased enforcement periods and warn drivers that the only way to “Avoid” arrest and/or injury or death is to drive sober; and network law enforcement agencies regionally and conduct multiple joint operations to decrease alcohol related issues such as DUI’s and underage drinking.

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: INTRODUCTION OF AN ORDINANCE REAUTHORIZING AND AMENDING ORDINANCE NO. 3035 INCLUDING THE FEE PAID TO THE CITY BY STATE VIDEO FRANCHISE HOLDERS FOR PUBLIC EDUCATIONAL AND GOVERNMENT ACCESS (PEG) PURPOSES

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance reauthorizing City of Ontario Ordinance No. 3035 and amending Title 4, Chapter 20A so that as each state video franchise ordinance expires and is renewed by the California Public Utilities Commission ("CPUC") now and in future years, state video franchise holders continue to pay to the City of Ontario such fees in support of public, educational, and government access ("PEG") purposes.

**COUNCIL GOALS: Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)**

FISCAL IMPACT: The City of Ontario collects PEG fees from state video franchise holders and the local cable franchise holder. If the recommended ordinance is not adopted, the existing state video franchise holders may stop paying their PEG fees to the City as their state franchises expire and are renewed. This is based on a claim that a reauthorization is required; and the local cable franchise holder may also stop paying fees to the City as its PEG support obligation is contractually contingent upon the incumbent state video franchise holder having to pay comparable PEG support.

BACKGROUND: In 2006, the Digital Infrastructure and Video Competition Act was signed into law and codified at California Public Utilities Code section 5800, et seq., ("DIVCA"). DIVCA established a state video franchising system that replaced local cable franchising but left some limited local authority over state video franchise holders. In 2015, The City Council adopted Ordinance No. 3035 implementing the City's limited authority over state video franchise holders pursuant to DIVCA, including the adoption of a PEG fee payable by state video franchise holders in the amount one percent of gross revenues. The City currently collects PEG fees from two state video franchise holders serving residents: Spectrum (formerly Time Warner Cable), and Inyo Networks. Ontario also collects PEG fees under a local franchise agreement with Frontier (formerly Verizon) under a franchise requirement that is contingent

STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: E. Ellsworth
Department: Information Technology

City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

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upon the City requiring Spectrum to pay comparable PEG support. Frontier's local franchise agreement is set to expire in 2021, at which time Frontier will convert to a state video franchise as well.

Under DIVCA, state video franchises are issued by the CPUC and have a stated term of 10 years. The state video franchise held by Spectrum was recently renewed. Inyo Networks' franchise and is expected to be renewed in 2025. AT&T holds a state video franchise for Ontario which was renewed effective March 30, 2017. However, the company does not appear to be providing any video service in Ontario as it is not paying franchise or PEG fees. If AT&T begins offering video services, it will also be required to pay the franchise and PEG fees, as will any new state video franchise holders.

The DIVCA provision authorizing local entities to establish a PEG fee by ordinance also includes language indicating that an ordinance establishing a PEG fee shall expire, and may be reauthorized, upon the expiration of the state franchise. The statute is ambiguous and subject to different interpretations as to its meaning and application; and it is unclear if it would require the reauthorization of the PEG fee established by Ontario. Ordinance No. 3035 does not specifically address reauthorization, and, to the extent any action is required of the City under DIVCA, it is in the best interests of the City to adopt an ordinance reauthorizing Ordinance No. 3035 as soon as possible, so that when the Spectrum franchise expires and is renewed (effective January 2018), and as each of the other state video franchises expires and is renewed by the CPUC in future years, state video franchise holders continue to pay PEG fees. If approved, this ordinance will reauthorize Ordinance No. 3035 and amend it to provide for future reauthorizations that are automatic without the need for additional City Council action.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REAUTHORIZING AND AMENDING ORDINANCE NO. 3035 INCLUDING THE FEE PAID TO THE CITY BY STATE VIDEO FRANCHISE HOLDERS FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS PURPOSES.

WHEREAS, in 2006, the Digital Infrastructure and Video Competition Act was signed into law and codified at California Public Utilities Code section 5800, et seq., (“DIVCA”); and

WHEREAS, DIVCA established a state video franchising system that replaced local cable franchising but also recognized the continued need to protect local revenues and control of public rights of way; and

WHEREAS, DIVCA provides that state video franchises are issued by the California Public Utilities Commission (“CPUC”) and have a stated term of 10 years; and

WHEREAS, DIVCA provides that a local entity may, by ordinance, establish a fee to support public access, educational, and government (“PEG”) purposes payable by state video franchise holders; and

WHEREAS, in 2015, the City of Ontario (“Ontario”) adopted Ordinance No. 3035, enacting a new Chapter 20A, “State Video Service Franchises,” in Title 4 (Public Safety) of the Municipal Code of the City of Ontario (“Municipal Code”) in order to implement its limited authority over state video franchise holders pursuant to DIVCA, which included adoption of a PEG fee payable by state video franchise holders in the amount of one percent (1%) of gross revenues; and

WHEREAS, Ontario currently collects PEG fees from two state video franchise holders: Spectrum (formerly Time Warner Cable), and Inyo Networks; and

WHEREAS, Spectrum’s state video franchise was renewed on January 2, 2018; and

WHEREAS, Inyo Networks holds a state video franchise set to expire and be renewed on June 26, 2025; and

WHEREAS, AT&T also holds a state video franchise that includes Ontario which expired and was renewed on March 30, 2017 but the company does not appear to be offering any video services in Ontario as it has paid no franchise or PEG fees to date; and

WHEREAS, Ontario currently collects PEG fees from Frontier (formerly Verizon) under its local cable franchise agreement pursuant to a provision which makes payment of PEG fees contingent on the imposition of comparable PEG support obligations on Spectrum, and will continue to do so until Frontier’s local franchise expires on its own terms on August 18, 2021 and is replaced by a state video franchise; and

WHEREAS, DIVCA provides that the ordinance establishing a PEG fee shall expire, and may be reauthorized, upon the expiration of the state franchise, but there is uncertainty as to under what circumstances, if any, the provision applies to Ontario's PEG fee; and

WHEREAS, to the extent any action is required of Ontario, it is deemed to be in the best interests of Ontario to adopt an ordinance reauthorizing and amending Ordinance No. 3035 including the PEG fee so that as each state video franchise expires and is renewed by the CPUC now and in future years, state video franchise holders continue to pay PEG fees.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. To the extent reauthorization is required by law, Chapter 20A, "State Video Service Franchises," in Title 4 (Public Safety) of the Municipal Code of the City of Ontario, including the PEG fee, is hereby reauthorized.

SECTION 3. The text currently comprising Section 4.20-55 is hereby renumbered, with its current text comprising new Subsection 4.20-55(A).

SECTION 4. A new Subsection 4.20-55(B) is hereby added to Chapter 20A of Title 4 (Public Safety) of the Municipal Code of the City of Ontario, to read as follows:

"B. To the extent reauthorization is required by law, this chapter, including the PEG fee in the amount of one percent (1%) of the state franchise holder's gross revenues, is automatically reauthorized as to each affected state video franchise holder upon the expiration of any state franchise. Any and all reauthorizations shall be effective for so long as such reauthorization is required by law."

SECTION 5. CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical changes in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA only applies to projects which have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 6. Custodian of Records. The documents and materials which constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 303 East "B" Street, Ontario, CA 91764. The Custodian of these records is the City Clerk.

SECTION 7. 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 City Council of the City of Ontario hereby declares that it 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 8. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 9. Publication. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held March 6, 2018 and adopted at the regular meeting held _____, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A CITY INITIATED GENERAL PLAN AMENDMENT REQUEST (FILE NO. PGPA17-001) TO [1] MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATIONS SHOWN ON THE LAND USE PLAN MAP (EXHIBIT LU-1) FOR APPROXIMATELY 450 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY; AND [2] MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES

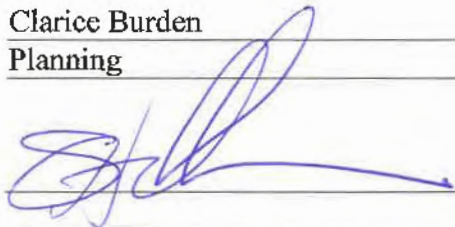
RECOMMENDATION: That City Council adopt a resolution approving an Addendum to The Ontario Plan Environmental Impact Report (SCH # 2008101140) adopted by City Council on January 27, 2010, and adopt a resolution approving General Plan Amendment, File No. PGPA17-001, to change The Ontario Plan (TOP) land use designation of certain properties located throughout the City. (Amending Exhibits LU-01 & LU-03)

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: No fiscal impact is anticipated because the proposed General Plan Amendment is in alignment with the existing uses of the properties.

BACKGROUND: In January 2010, The Ontario Plan ("TOP") was adopted, which sets forth the land use pattern for the City to achieve its Vision. Since that time, staff has been working to ensure that the zoning for all properties in the City are consistent with the land use designations established in The Ontario Plan. The proposed General Plan Amendment is designed to support the zone changes being processed concurrently (File No. PZC17-001) for properties generally concentrated in the downtown area, the residential area north of the I-10 Freeway, and additional areas located throughout the City. The proposed

STAFF MEMBER PRESENTING: Scott Murphy, Assistant Development Director

Prepared by: Clarice Burden
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

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changes would align with the type and intensity of existing development and/or would closely coordinate with the surrounding areas.

The changes proposed by the General Plan Amendment include proposed changes to: the Land Use Plan (Exhibit LU-01), and the Future Buildout Table (Exhibit LU-03) as shown in Exhibits A and B of the attached resolution.

Input was sought from subject and surrounding property owners at community open houses held on November 13, and 14, 2017, for this General Plan Amendment and the associated Zone Change application (File No. PZC17-001). Eighty-eight people attended the open houses. One property owner provided a written response that was not in support of the General Plan Amendment. The owner requested that his property, which is located in the residential area north of the I-10 Freeway, keep its High Density Residential designation and receive HDR-45 zoning. Staff reanalyzed the area and is recommending High Density Residential for the property (as indicated for Group F34 in Exhibit A of the accompanying Zone Change). No other comments were received regarding the proposed General Plan Amendment.

One letter, signed by 6 property owners, was provided to the Planning Commission at the hearing on January 23, 2018, requesting that an area located east of Euclid Avenue, between Locust and Cedar Streets (Group G38 as shown in Exhibit A, attached), receive LDR-5, Low Density Residential zoning, which is consistent with the current TOP land use designation of Low Density Residential. The proposed General Plan Amendment would change the designation to Rural Residential and the proposed Zone Change to RE-2, Residential Estate (as indicated for Group G38 in Exhibit A of the accompanying Zone Change). Public comment regarding these properties was provided at the public hearing with one speaker commenting in favor of allowing animal keeping and one speaker in favor of the Low Density Residential land use designation.

The Planning Commission reviewed the proposed General Plan Amendment on January 23, 2018, including the written and oral arguments presented at the public hearing. The Planning Commission voted 6 to 0, to recommend that City Council approve the project as presented.

In addition to the letter received by the Planning Commission as described above, staff has received a letter signed by an additional 6 residents representing 7 properties, (for a total of 12 residents representing 13 properties) requesting LDR-5 zoning for the G38 area.

AIRPORT LAND USE COMPATIBILITY: The Proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) Ontario.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The environmental impacts of this project were previously reviewed in conjunction The Ontario Plan Environmental Impact Report (SCH # 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001 and an Addendum prepared for File No. PGPA17-001. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

To: The Planning Commission
City Council
City of Ontario



Re: Zoning Proposals

January 23, 2018

Dear Sirs,

We are residents on East Locust. We are trying to voice our opinions about the proposed zoning of our block: We prefer the proposed zoning of last year- LDR-5.

First of all, we'd like to say that we don't mind our neighbors keeping horses. They don't bother us at all because they always transport their horses somewhere else to ride instead of on the city streets. And new neighbors from the past few years do not have horses.

Our properties locate at almost the Center of the City, but our half-acre lots remain so rural. Most houses on our block are fairly small therefore do not occupy much of the land. Water is now too expensive, so our huge backyards just sit to grow weeds. While all city streets around us are well developed, the big and bare land of ours are now homes for thousands of gophers (probably more gophers than human beings on the block), rats, big spiders and ants. Gophers dig through our backyards so badly that we would step into holes walking on the bare land. It makes us feel that our backyards someday will collapse because the land is so hollow now. Gophers also eat up our plants and fruit trees while city officials want us to keep planting to have beautiful yards. We have rats running around into our garages, big spiders climbing on us picking fruits from fruit trees, and ants marching in our bedrooms and bathrooms. Our neighbor even hired pest control to get rid of the ants.

We are requesting the City to consider zoning our block into LDR-5, because we think that would give our surroundings a new life, helping to get rid of the unhealthy phenomenon in our huge, unused backyards. Since a few lots on the same block already have more houses than RE-2, it is just practical and logical to make it all uniform for the whole. Even if the LDR-5 zoning is approved, we may not see any changes for a number of years till properties change ownership. With the 46,000 new houses planned to come up in Ontario Ranch, the level of density from our small block seems to be minimal.

We hope the City hears our voices, understand and consider our opinions.

Thank you for the assistance.

Yours Truly.

229 CHING WANG *Ching Wang* 2/3/2018 > 626-275-2421
323 CHING WANG *Ching Wang* 2/3/2018
225 remote F Home
234 Maria Lopez *Maria Lopez* 2/7/2018 - 909-993-4073
222 Hugo Lopez *Hugo Lopez* 2/7/2018 (909) 489-6499
220 " " 2/8/2018 (909) 208-7604

To: The Planning Commission
City Council
City of Ontario



Re: Zoning Proposals

January 23, 2018

Dear Sirs,

We are residents on East Locust. We are trying to voice our opinions about the proposed zoning of our block: We prefer the proposed zoning of last year- LDR-5.

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Our properties locate at almost the Center of the City, but our half-acre lots remain so rural. Most houses on our block are fairly small therefore do not occupy much of the land. Water is now too expensive, so our huge backyards just sit to grow weeds. While all city streets around us are well developed, the big and bare land of ours are now homes for thousands of gophers (probably more gophers than human beings on the block), rats, big spiders and ants. Gophers dig through our backyards so badly that we would step into holes walking on the bare land. It makes us feel that our backyards someday will collapse because the land is so hollow now. Gophers also eat up our plants and fruit trees while city officials want us to keep planting to have beautiful yards. We have rats running around into our garages, big spiders climbing on us picking fruits from fruit trees, and ants marching in our bedrooms and bathrooms. Our neighbor even hired pest control to get rid of the ants.

We are requesting the City to consider zoning our block into LDR-5, because we think that would give our surroundings a new life, helping to get rid of the unhealthy phenomenon in our huge, unused backyards. Since a few lots on the same block already have more houses than RE-2, it is just practical and logical to make it all uniform for the whole. Even if the LDR-5 zoning is approved, we may not see any changes for a number of years till properties change ownership. With the 46,000 new houses planned to come up in Ontario Ranch, the level of density from our small block seems to be minimal.

We hope the City hears our voices, understand and consider our opinions.

Thank you for the assistance.

Yours Truly.

405 E LOCUST ST
Ontario CA 91761

Sonyeon

SUYEON SON

01/30/2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PGPA17-001.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study, and approved for attachment to the certified Environmental Impact Report, an addendum to The Ontario Plan (TOP) certified Environmental Impact Report (SCH # 2008101140) for File No. PGPA17-001 (hereinafter referred to as "Initial Study/Environmental Impact Report Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, File No. PGPA17-001 analyzed under the Initial Study/Environmental Impact Report Addendum, consists of a General Plan Amendment to change the land use designations of various properties generally concentrated in the downtown area, the residential area north of the I-10 Freeway, and additional areas located throughout the City; and modify the Future Buildout Table to be consistent with the land use designation changes (amending Exhibits LU-01 and LU-03) in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the Initial Study/Environmental Impact Report Addendum concluded that implementation of the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in The Ontario Plan (TOP) certified Environmental Impact Report (SCH # 2008101140). No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures; and

WHEREAS, The Ontario Plan (TOP) Environmental Impact Report was certified on January 27, 2010, in conjunction with File No. PGPA06-001; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the decision making authority for the Addendum, initial study, and the Project; and

WHEREAS, on January 23, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum to a previous Environmental Impact Report, the initial study, and the Project, and unanimously adopted Resolution No. PC18-010 recommending City Council approval of the Addendum; and

WHEREAS, City Council has reviewed and considered the Initial Study/Environmental Impact Report Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent or supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Environmental Impact Report Addendum for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. ***Environmental Determination and Findings.*** As the decision making body for the Project, City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan (TOP) Environmental Impact Report — State Clearinghouse No. 2008101140, certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001 (hereinafter referred to as “Certified EIR”); and

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference; and

(5) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts.

SECTION 2. Additional Environmental Review Not Required. Based on the Addendum, all related information presented to City Council, and the specific findings set forth in Section 1, above, City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. **City Council Action.** City Council hereby finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby APPROVE the Addendum to the Certified EIR, incorporated herein by this reference.

SECTION 4. **Indemnification.** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. **Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. **Certification to Adoption.** The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of March 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Sheila Mautz, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 6, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held March 6, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA17-001, A CITY INITIATED REQUEST TO [1] MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATIONS SHOWN ON THE LAND USE PLAN MAP (EXHIBIT LU-01) FOR APPROXIMATELY 450 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY; AND [2] MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND MAKING FINDINGS IN SUPPORT THEREOF—APN: AS SHOWN IN EXHIBIT A (ATTACHED). (LAND USE ELEMENT CYCLE 1 FOR THE 2018 CALENDAR YEAR).

WHEREAS, City of Ontario ("Applicant") has initiated an Application for the approval of a General Plan Amendment, File No. PGPA17-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 450 properties, generally concentrated in the downtown area, and the residential area north of the I-10 Freeway, and additional areas located throughout the City; and

WHEREAS, the proposed changes to Figure LU-01 Official Land Use Plan include changes to land use designations of certain properties as shown in Exhibit A (attached) to make the land use designations of these properties consistent with the existing use of the property or to coordinate with the surrounding land use designations; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for Ontario with the adopted land use designations. The proposed changes to Figure LU-01 Official Land Use Plan will require Figure LU-03 Future Buildout to be modified, as shown in Exhibit B (attached), to be consistent with LU-01 Official Land Use Plan; and

WHEREAS, the City of Ontario held community open houses on November 13 and November 14, 2017, to gain input from impacted property owners and property owners within a 300 foot radius; and

WHEREAS, one written comment that was not in support of the General Plan Amendment was received at the community open houses from a property owner in the residential area north of the I-10 Freeway that requested that his property keep its High Density Residential designation rather than the proposed Medium Density Residential designation; and

WHEREAS, staff re-analyzed the area and has removed these properties from the proposed General Plan Amendment resulting in the properties keeping a High Density Residential designation; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on January 23, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum to a previous Environmental Impact Report (State Clearinghouse No. 2008101140), the initial study, and the Project, and

WHEREAS, one letter signed by 6 property owners was provided to the Planning Commission at the hearing requesting that an area, located east of Euclid Avenue, between Locust and Cedar Streets (Group G38 as shown in Exhibit A, attached), receive LDR-5, Low Density Residential zoning, which is consistent with the current TOP land use designation, instead of the proposed General Plan Amendment to change the designation to Rural Residential and the proposed Zone Change to RE-2, Residential Estate (as indicated for Group G38 in Exhibit A of the accompanying Zone Change, File No. PZC17-001). Public comment regarding these properties was provided at the public hearing with one speaker commenting in favor of allowing animal keeping and one speaker in favor of the Low Density Residential land use designation; and

WHEREAS, the Planning Commission unanimously adopted Resolution No. PC18-011 recommending City Council approval of the Project as presented; and

WHEREAS, in addition to the letter received by the Planning Commission as described above, staff received a letter signed by an additional 6 residents representing 7 properties, (for a total of 12 residents representing 13 properties) requesting LDR-5 zoning for the G38 area; and

WHEREAS, as the first action on the Project, on March 6, 2018, the City Council approved a resolution adopting an Addendum to a previous Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in

conjunction with File No. PGPA06-001, prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of less than significant; and

WHEREAS, on March 6, 2018, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. ***Environmental Determination and Findings.*** As the decision making body for the Project, the City Council has reviewed and considered the information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan (TOP) Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001; and

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(6) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. ***Additional Environmental Review Not Required.*** Based on the Addendum, all related information presented to City Council, and the specific findings set forth in Section 1, above, City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision making body for the Project, City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project sites are not properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix (as amended).

SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts

of current and future airport activity. As the decision making body for the Project, City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, City Council finds and determines that the Project, when implemented, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. Concluding Facts and Reasons. Based upon the substantial evidence presented to City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, City Council hereby concludes as follows:

a. The proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan as follows:

LU1-6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Compliance: The proposed General Plan Amendment reflects the existing uses of the properties or closely coordinates with land use designations in the surrounding area which provides opportunities for choice in living and working environments.

LU2-1 Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment reflects the existing uses of the properties or closely coordinates with land use designations in the surrounding area which will not increase adverse impacts on adjacent properties.

LU5-7 ALUCP Consistency with Land Use Regulations. We comply with state law that required general plans, specific plans and all new development by consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment is consistent with the adopted Airport Land Use Compatibility Plan for both Ontario Airport and Chino Airport.

S4-6 Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject properties are located within the 60 to 65 CNEL or the 65 to 70 CNEL Noise Impact areas. The proposed land use designations are compatible with the Noise Impact area or are existing uses.

b. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

c. The Land Use Element is a mandatory element of the Policy Plan (General Plan) component of The Ontario Plan, which, pursuant to GC Section 65358, may be amended up to four times per calendar year, and the proposed General Plan Amendment is the first cycle amendment to the Land Use Element within the 2018 calendar year.

d. During the amendment of the Policy Plan (General Plan) component of The Ontario Plan, opportunities for the involvement of citizens, California Native American Indian tribes (pursuant to GC Section 65352.3), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means, were implemented consistent with GC Section 65351.

SECTION 6. ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Application, as detailed in “Exhibit A” and “Exhibit B” attached hereto, and incorporated herein by this reference.

SECTION 7. ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8. ***Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 9. ***Certification to Adoption.*** The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of February 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 6, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held March 6, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A:

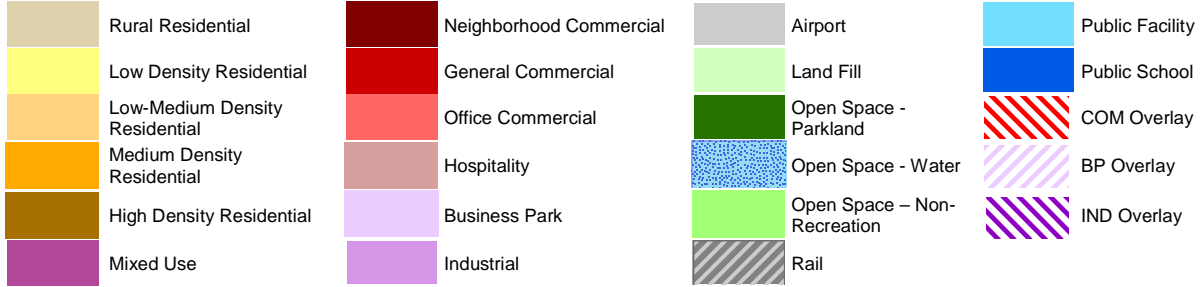
File No. PGPA17-001

General Plan Amendments to Land Use Plan Map (Exhibit LU-1)

(Proposed General Plan Amendments follow this page)

Exhibit A PGPA17-001

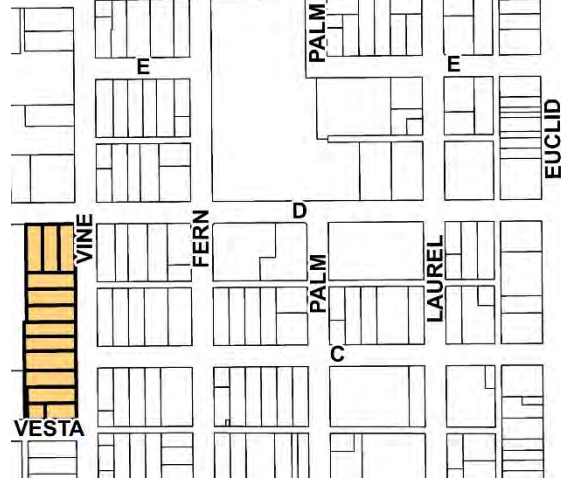
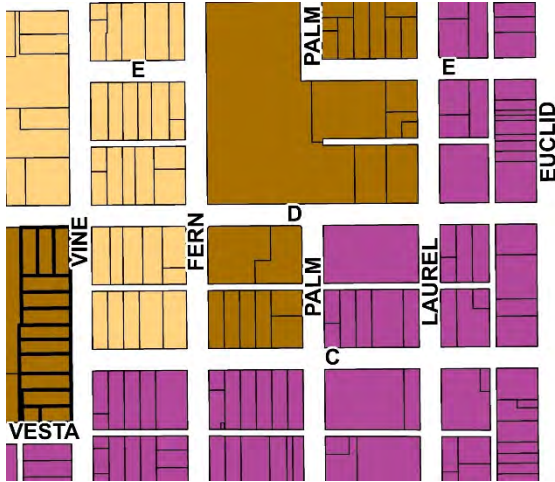
TOP Legend:



EXISTING

PROPOSED

B4



TOP: High Density Residential
Zoning: MDR-11, Low-Medium Density Residential

Low-Medium Density Residential
 No Change

Parcels: (14 Properties)

- 1048-581-20
- 1048-581-21
- 1048-581-22
- 1048-581-23
- 1048-581-24

- 1048-581-25
- 1048-581-26
- 1048-581-27
- 1048-581-28
- 1048-581-29

- 1048-581-31
- 1048-581-32
- 1048-581-63
- 1048-581-64

EXISTING

PROPOSED

B5



TOP: High Density Residential

Low-Medium Density Residential

Zoning: CN, Neighborhood Commercial

MDR-11, Low-Medium Density Residential

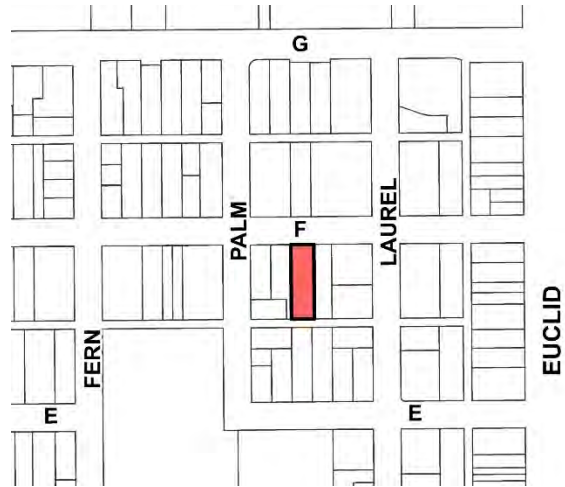
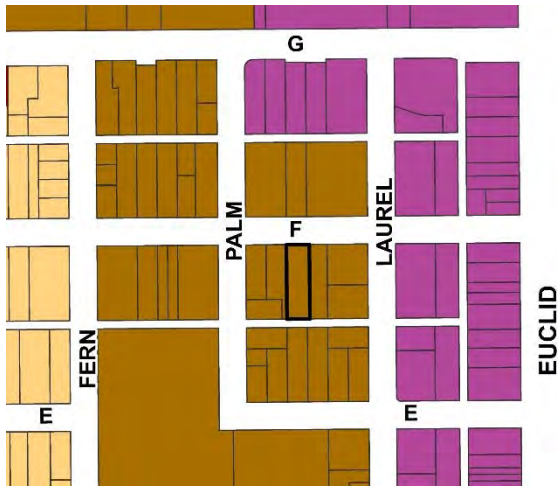
Parcels: (18 Properties)

1048-271-35	1048-346-03	1048-346-10	1048-346-14	1048-346-17
1048-271-36	1048-346-07	1048-346-11	1048-346-15	1048-351-07
1048-271-37	1048-346-08	1048-346-12	1048-346-16	1048-351-08
1048-271-38	1048-346-09	1048-346-13		

EXISTING

PROPOSED

B39



TOP: High Density Residential
Zoning: HDR-45, High Density Residential

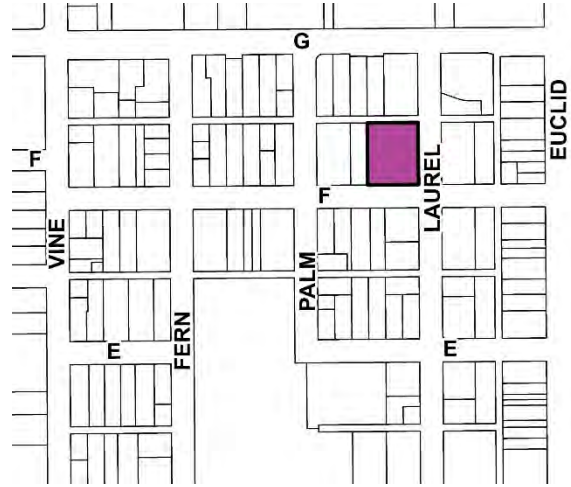
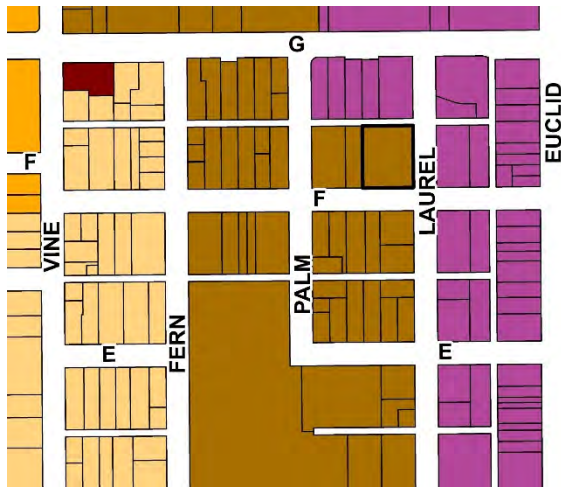
Office Commercial
OL, Low Intensity Office

Parcels: (1 Property)
1048-352-03

EXISTING

PROPOSED

B46



TOP: High Density Residential

Downtown Mixed Use

Zoning: CN, Neighborhood Commercial

MU-1, Downtown Mixed Use

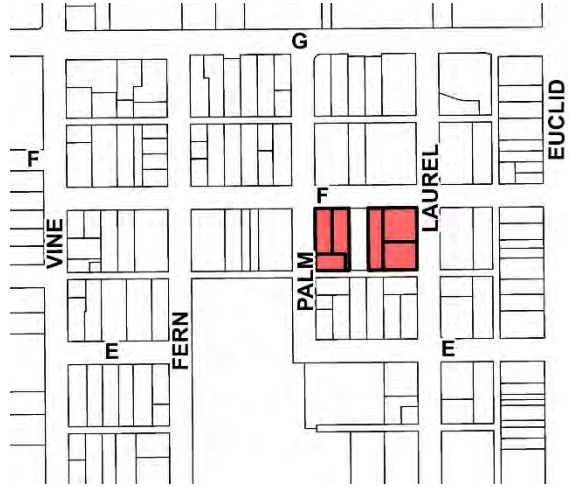
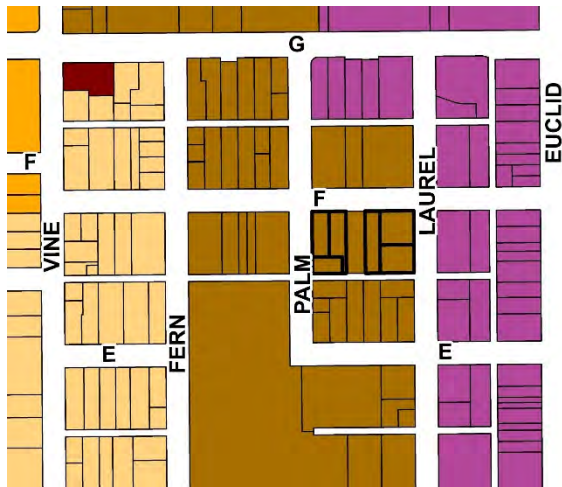
Parcels: (1 Property)

1048-351-06

EXISTING

PROPOSED

B47



TOP: High Density Residential

Office Commercial

Zoning: CN, Neighborhood Commercial

OL, Low Intensity Office

Parcels: (6 Properties)

1048-352-01
1048-352-02

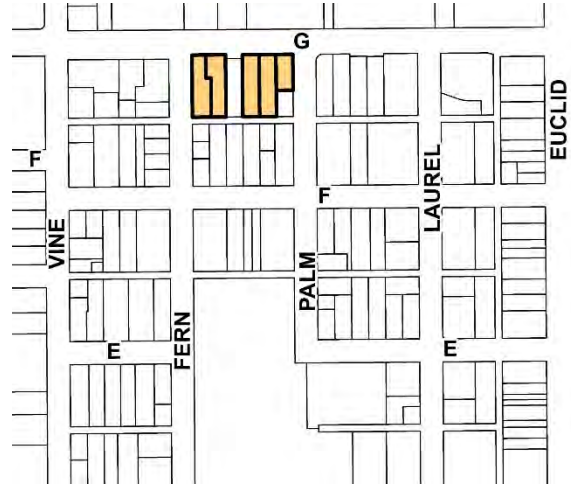
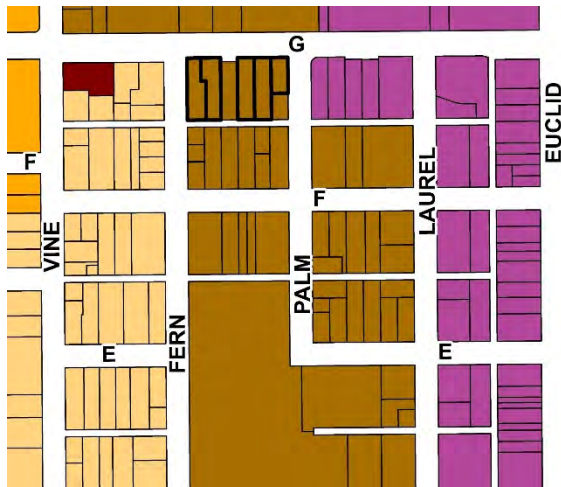
1048-352-04
1048-352-05

1048-352-06
1048-352-16

EXISTING

PROPOSED

B48



TOP: High Density Residential

Low-Medium Density Residential

Zoning: MDR-25, Medium-High Density Residential

MDR-11, Low-Medium Density Residential

Parcels: (5 Properties)

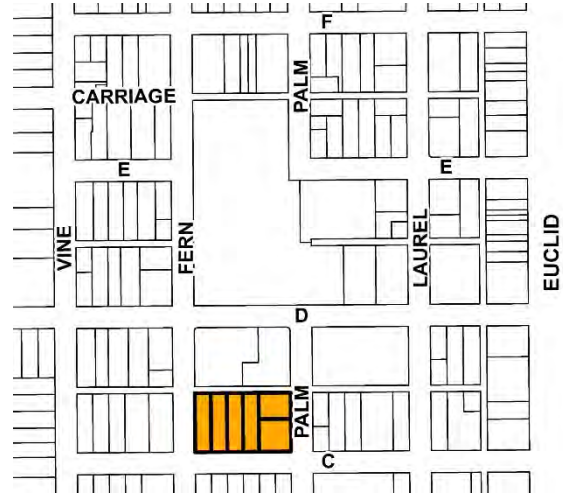
- 1048-346-01
- 1048-346-02
- 1048-346-04

- 1048-346-05
- 1048-346-06

EXISTING

PROPOSED

B49



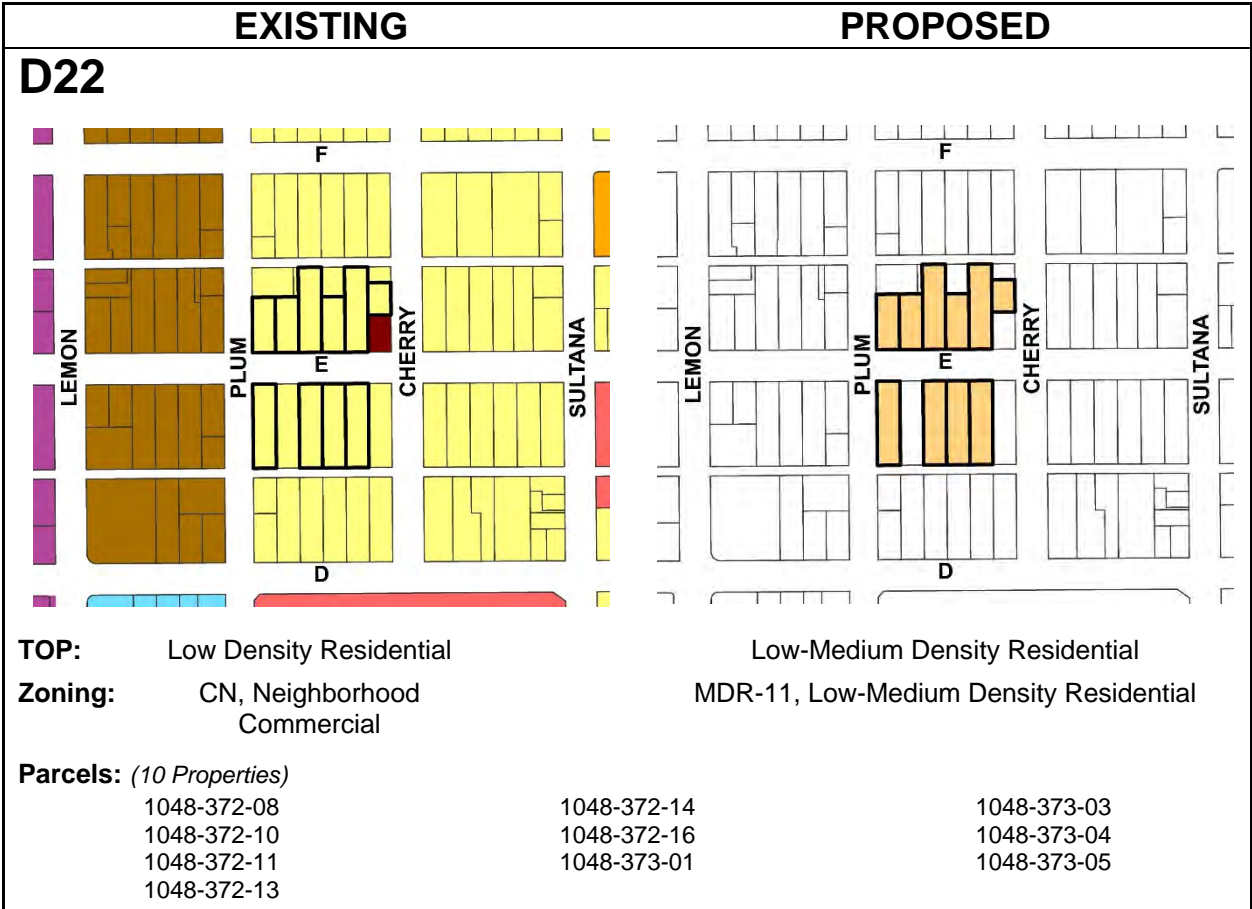
TOP: High Density Residential
Zoning: MDR-25, Medium-High Density Residential

Medium Density Residential
MDR-18, Medium Density Residential

Parcels: (6 Properties)
1048-576-06
1048-576-07

1048-576-08
1048-576-09

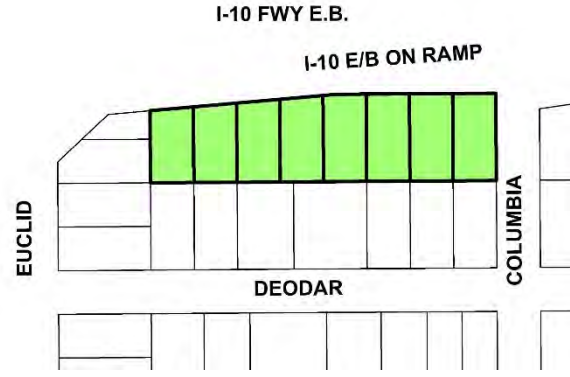
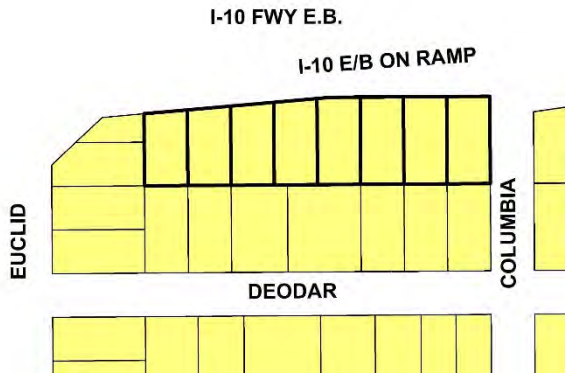
1048-576-10
1048-576-11



EXISTING

PROPOSED

D23



TOP: Low Density Residential
Zoning: CIV, Civic

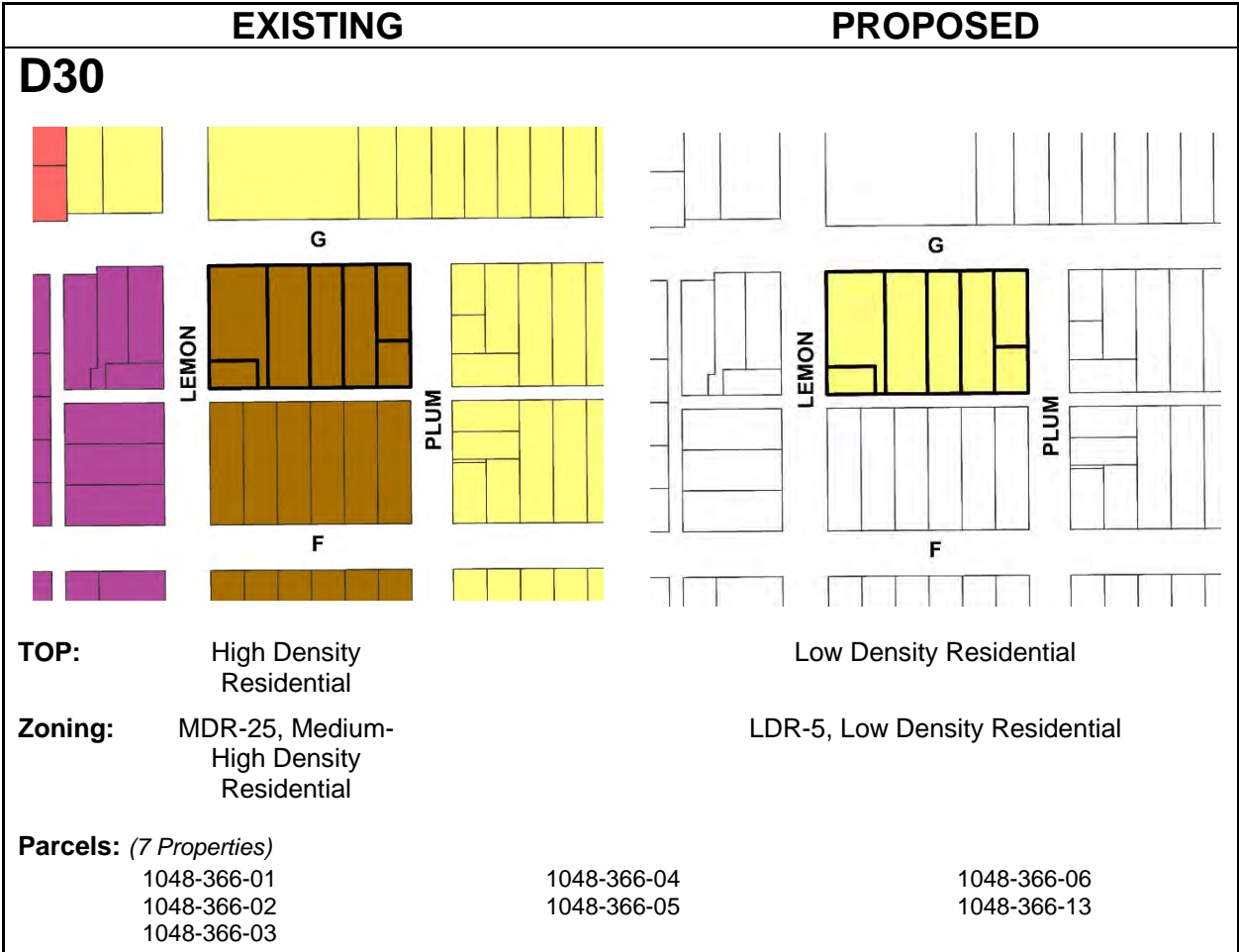
Open Space – Non-Recreation
UC, Utilities Corridor

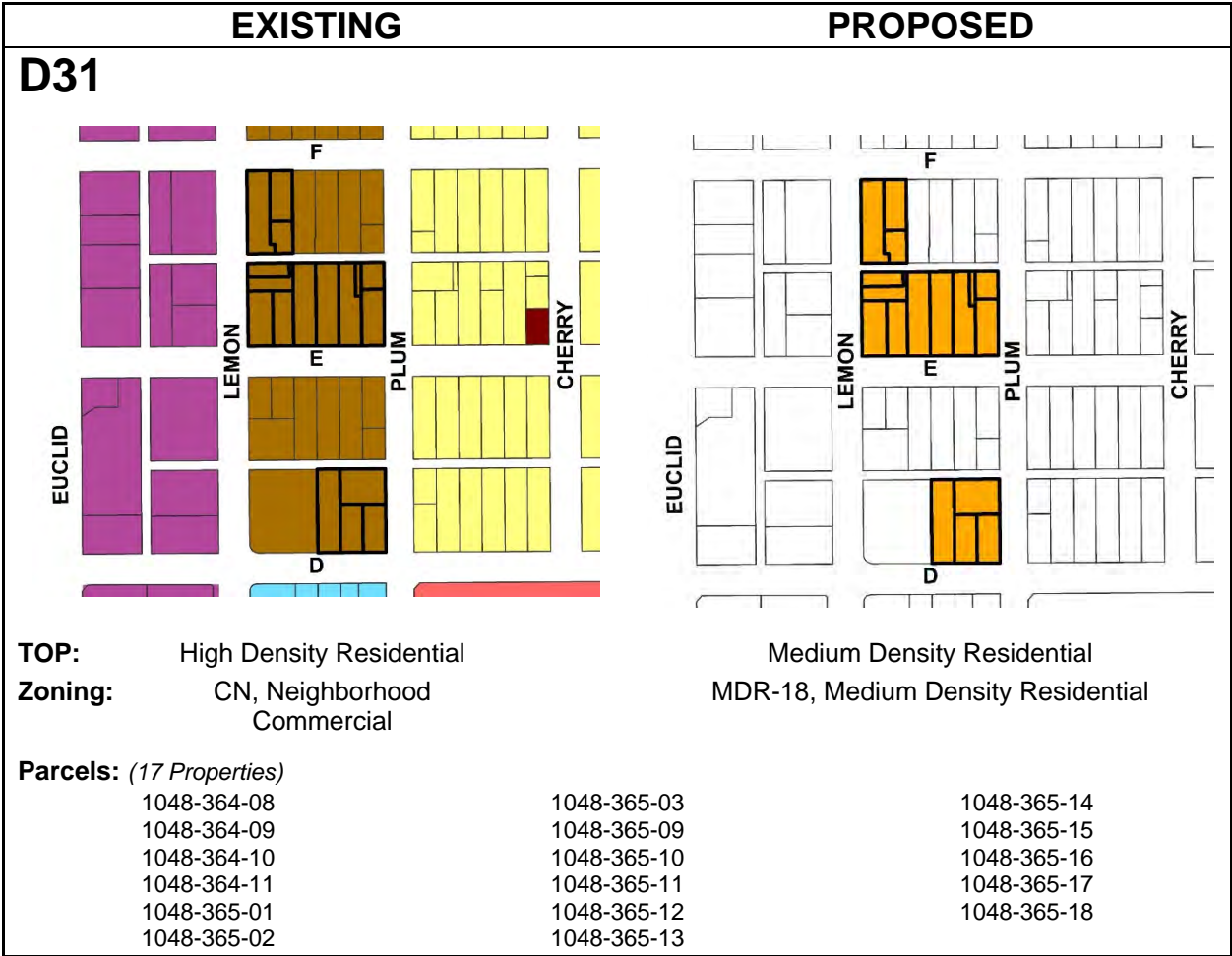
Parcels: (8 Properties)

- 1047-242-12
- 1047-242-13
- 1047-242-14

- 1047-242-15
- 1047-242-16
- 1047-242-17

- 1047-242-18
- 1047-242-19

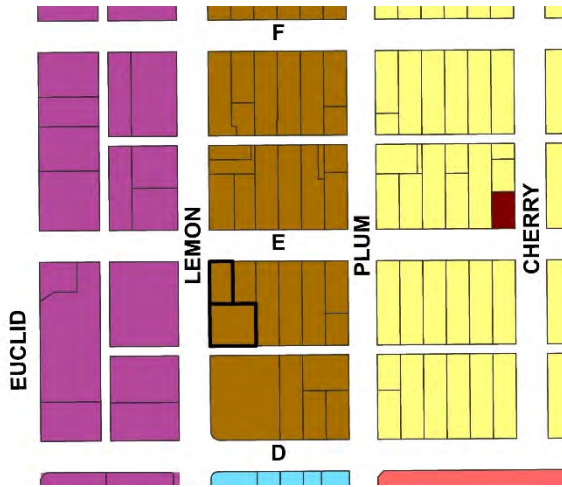




EXISTING

PROPOSED

D33



TOP: High Density Residential
Zoning: MU-1, Downtown Mixed Use

Office Commercial
OL, Low Intensity Office

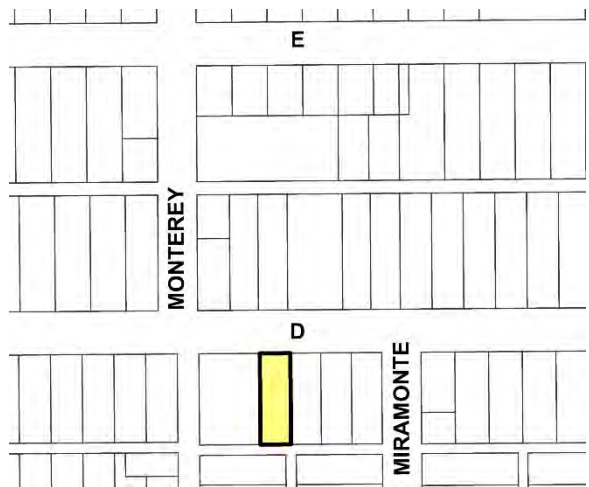
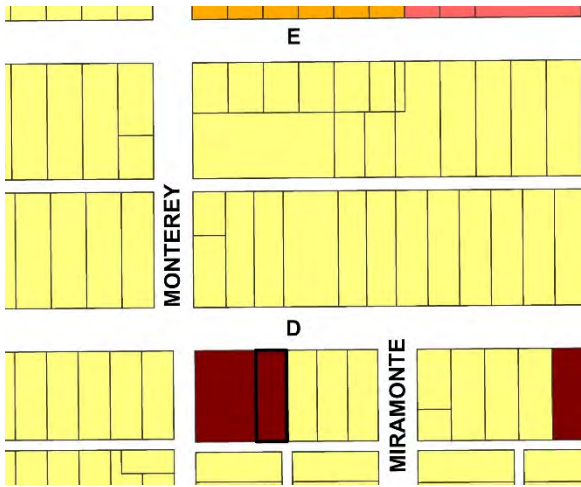
Parcels: (2 Properties)
1048-364-01
1048-364-16



EXISTING

PROPOSED

D38



TOP: Neighborhood Commercial
Zoning: LDR-5, Low Density Residential

Low Density Residential
No Change

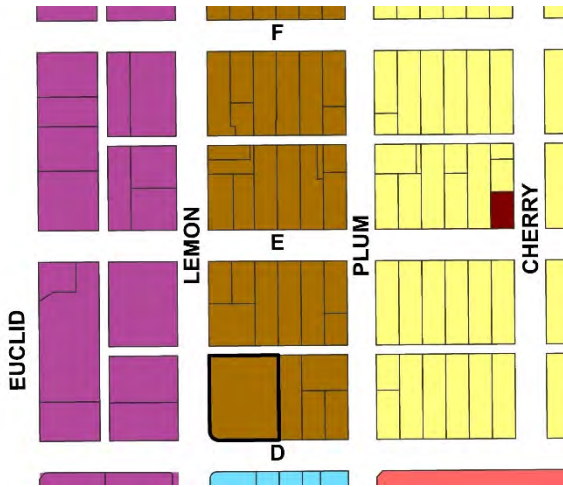
Parcels: (1 Property)

1048-533-02

EXISTING

PROPOSED

D39



TOP: High Density Residential

Office Commercial

Zoning: CN, Neighborhood Commercial

OL, Low Intensity Office

Parcels: (1 Property)

1048-364-17

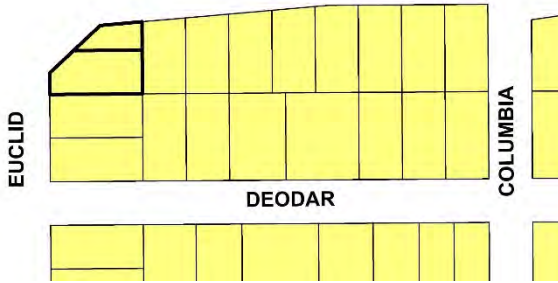
EXISTING

PROPOSED

D40

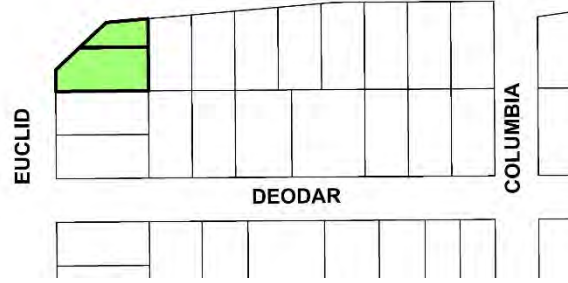
I-10 FWY E.B.

I-10 E/B ON RAMP



I-10 FWY E.B.

I-10 E/B ON RAMP



TOP: Low Density Residential

Zoning: LDR-5, Low Density Residential

Parcels: (2 Properties)

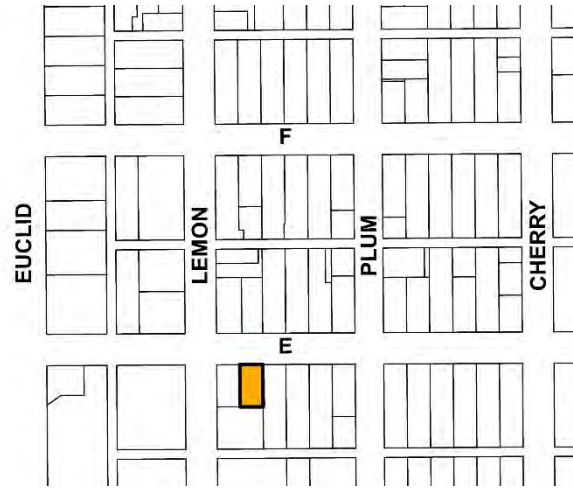
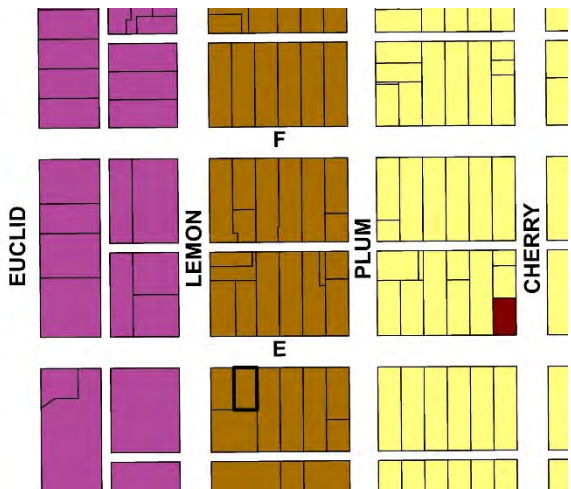
1047-242-10
1047-242-11

Open Space – Non-Recreation
UC, Utilities Corridor

EXISTING

PROPOSED

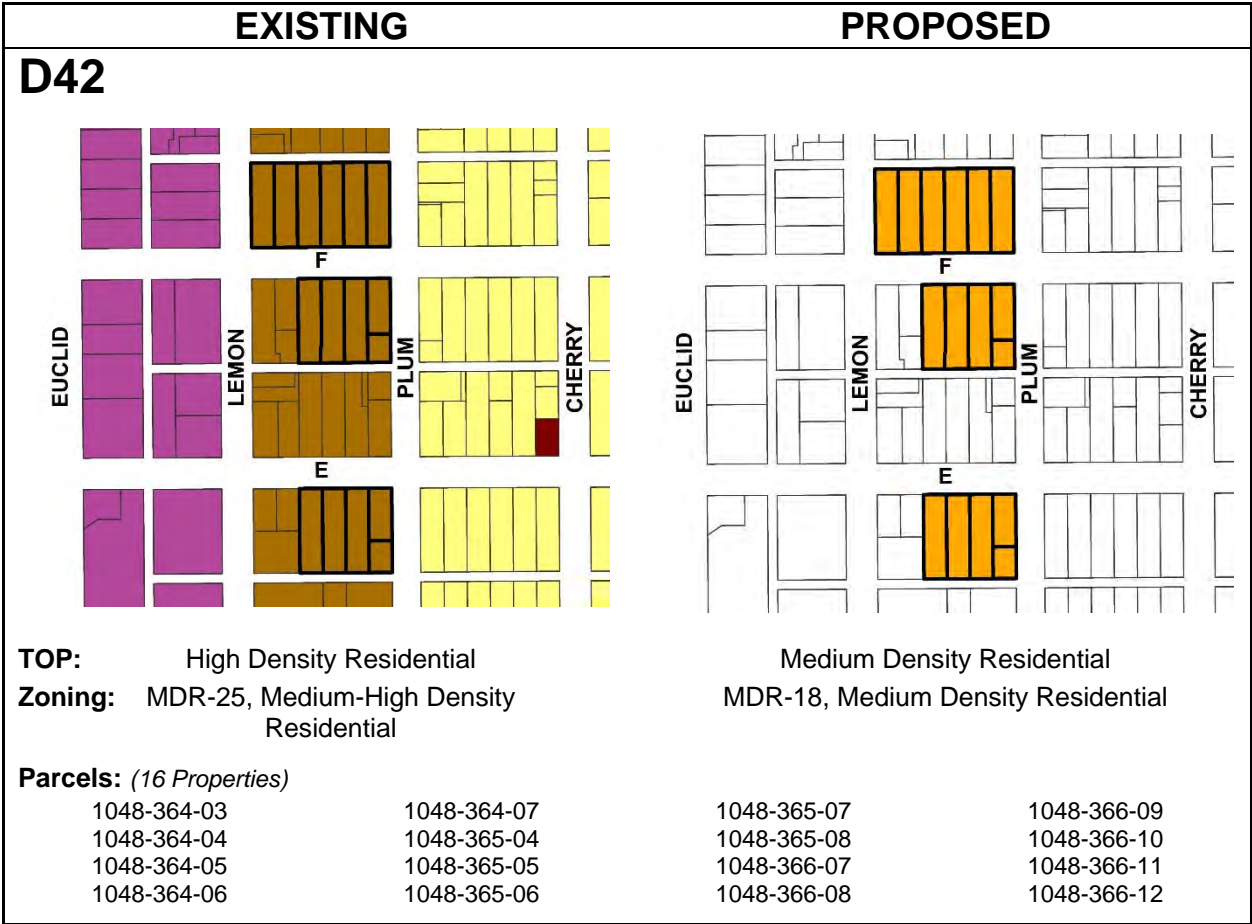
D41



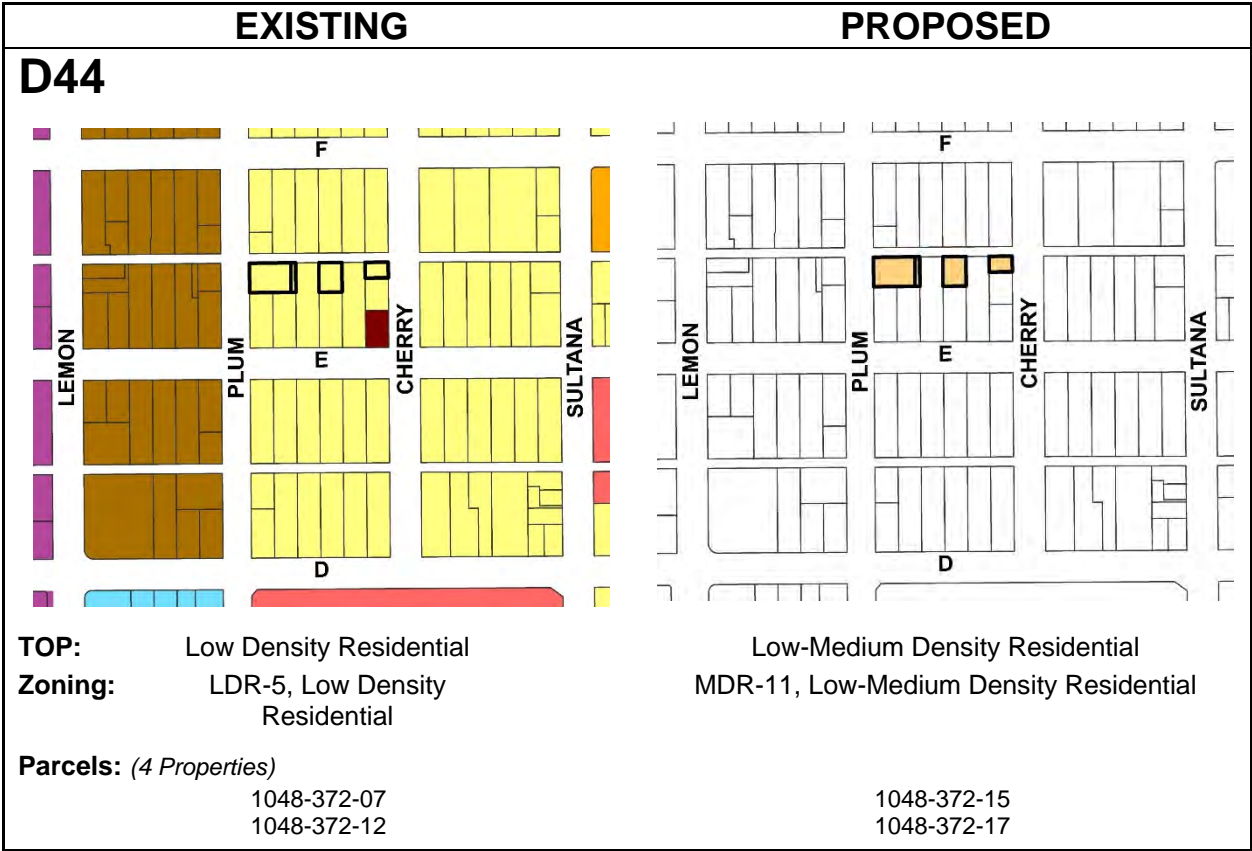
TOP: High Density Residential
Zoning: HDR-45, High Density Residential

Medium Density Residential
MDR-18, Medium Density Residential

Parcels: (1 Property)
1048-364-02



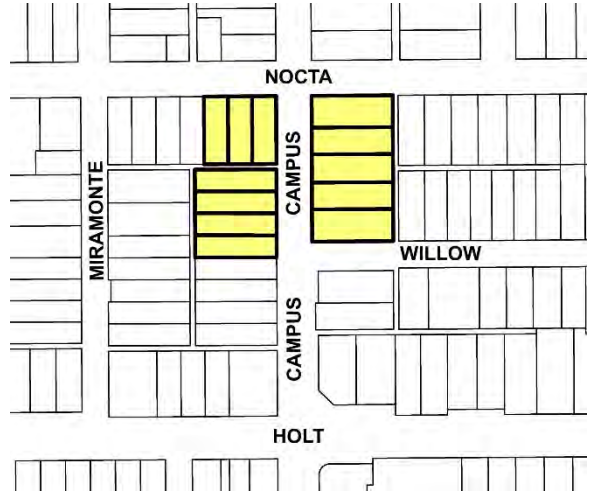
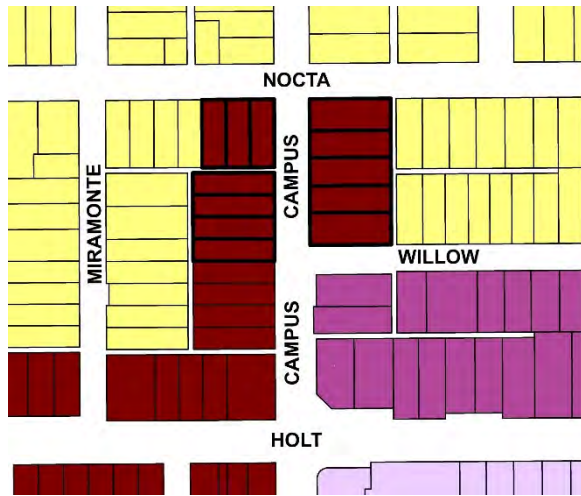




EXISTING

PROPOSED

E11



TOP: Neighborhood Commercial
Zoning: CC, Community Commercial

Low Density Residential
 LDR-5, Low Density Residential

Parcels: (12 Properties)

1048-511-01
 1048-511-02
 1048-511-03

1048-511-04
 1048-511-05
 1048-525-05

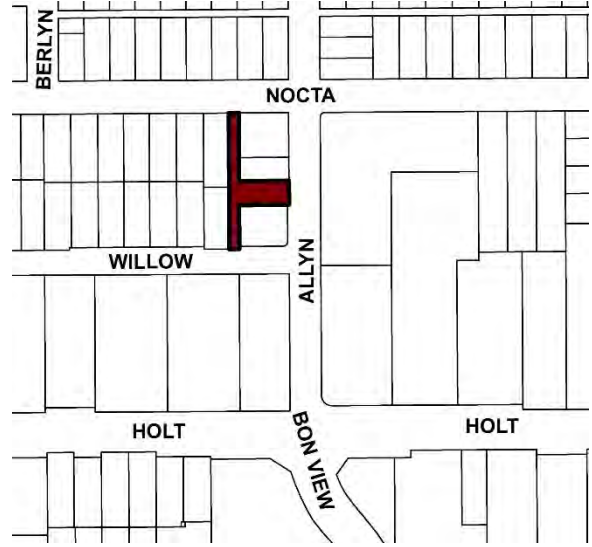
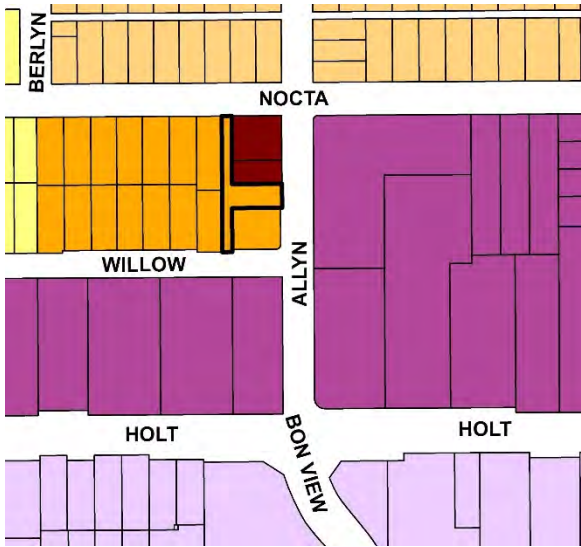
1048-525-06
 1048-525-07
 1048-525-08

1048-525-09
 1048-525-10
 1048-525-11

EXISTING

PROPOSED

E27



TOP: Medium Density Residential
Zoning: CN, Neighborhood Commercial

Neighborhood Commercial
No Change

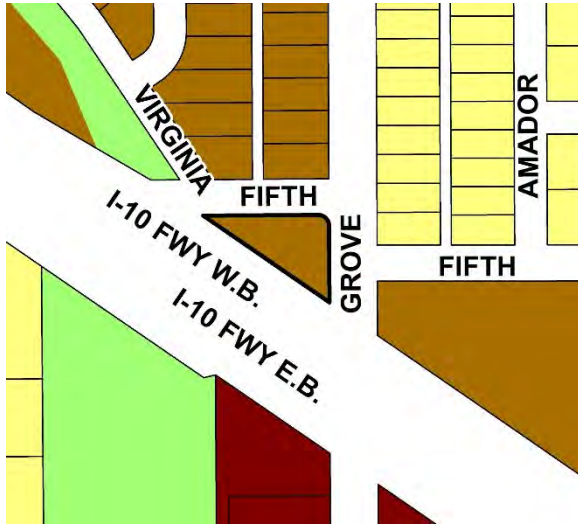
Parcels: (1 Property)

1048-511-26

EXISTING

PROPOSED

F1



TOP: High Density Residential
Zoning: CN, Neighborhood Commercial

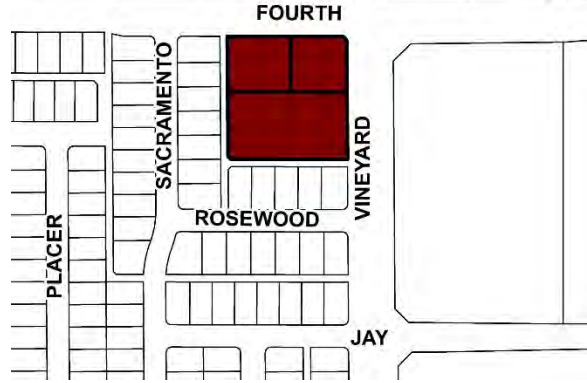
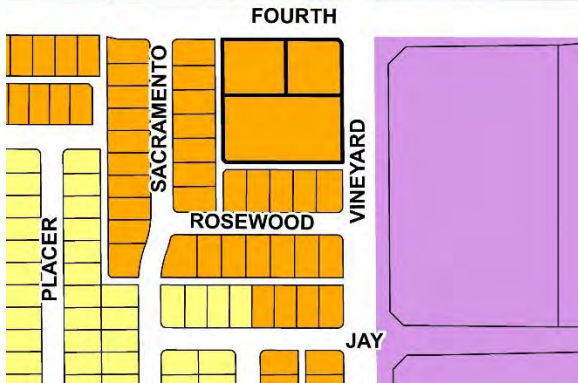
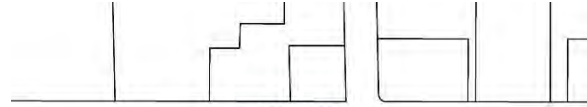
Neighborhood Commercial
No Change

Parcels: (1 Property)
1047-452-01

EXISTING

PROPOSED

F11



TOP: Medium Density Residential

Neighborhood Commercial

Zoning: CC, Community Commercial

CN, Neighborhood Commercial

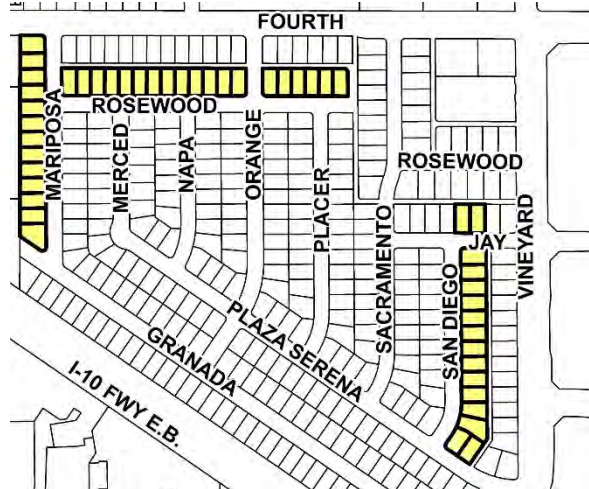
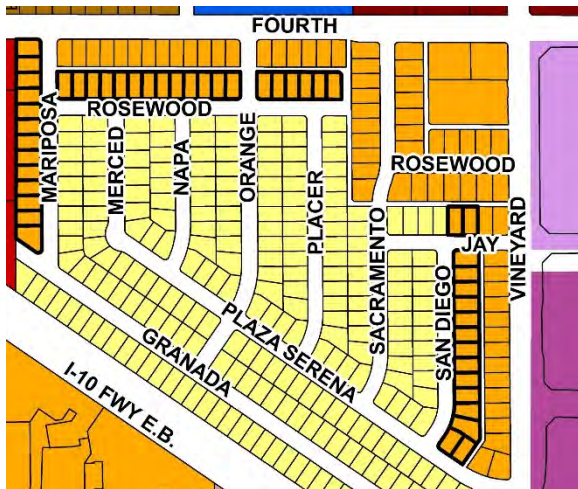
Parcels: (3 Properties)

- 0110-334-14
- 0110-334-19
- 0110-334-20

EXISTING

PROPOSED

F12



TOP: Medium Density Residential

TOP: Low Density Residential

Zoning: LDR-5, Low Density Residential

Zoning: No Change

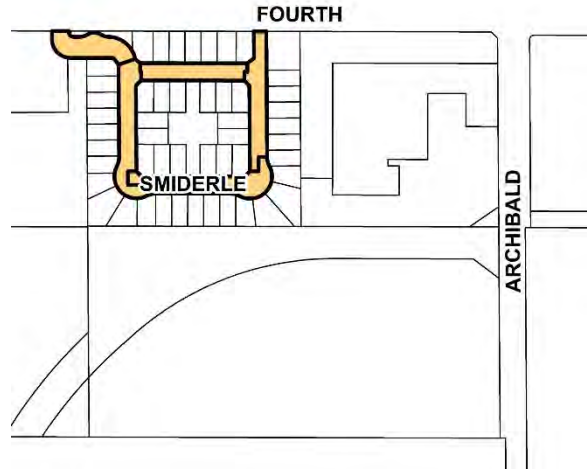
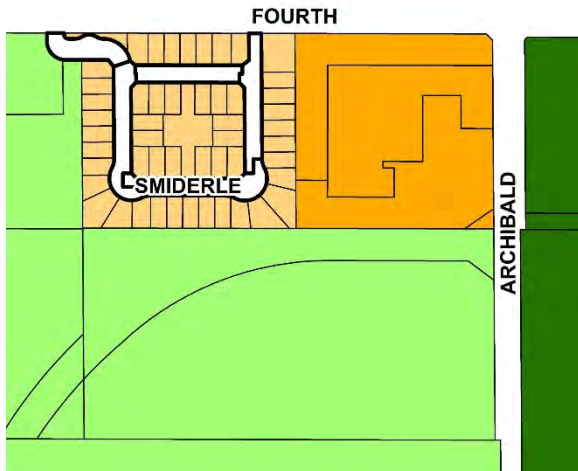
Parcels: (48 Properties)

0110-332-12	0110-341-07	0110-342-04	0110-343-01	0110-374-04
0110-332-13	0110-341-08	0110-342-05	0110-343-02	0110-374-05
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0110-332-15	0110-341-10	0110-342-07	0110-362-04	0110-374-07
0110-341-01	0110-341-11	0110-342-08	0110-363-01	0110-374-08
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0110-341-04	0110-342-01	0110-342-11	0110-363-04	0110-374-11
0110-341-05	0110-342-02	0110-342-12	0110-374-03	0110-374-12
0110-341-06	0110-342-03	0110-342-13		

EXISTING

PROPOSED

F17



TOP: Right of Way
Zoning: ROW, Right of Way

Low-Medium Density Residential
MDR-11, Low-Medium Density Residential

Parcels: (5 Properties)

0210-601-51
0210-601-52

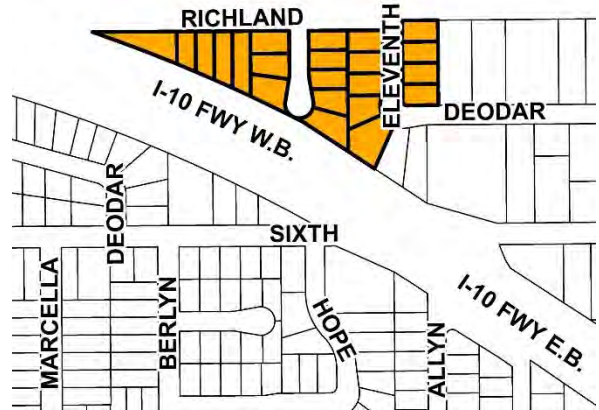
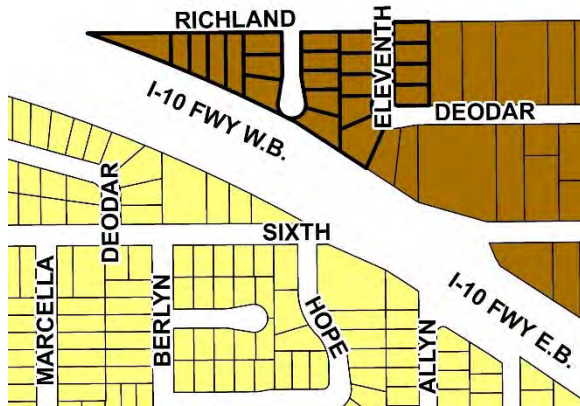
0210-601-53
0210-601-54

0210-601-55

EXISTING

PROPOSED

F21

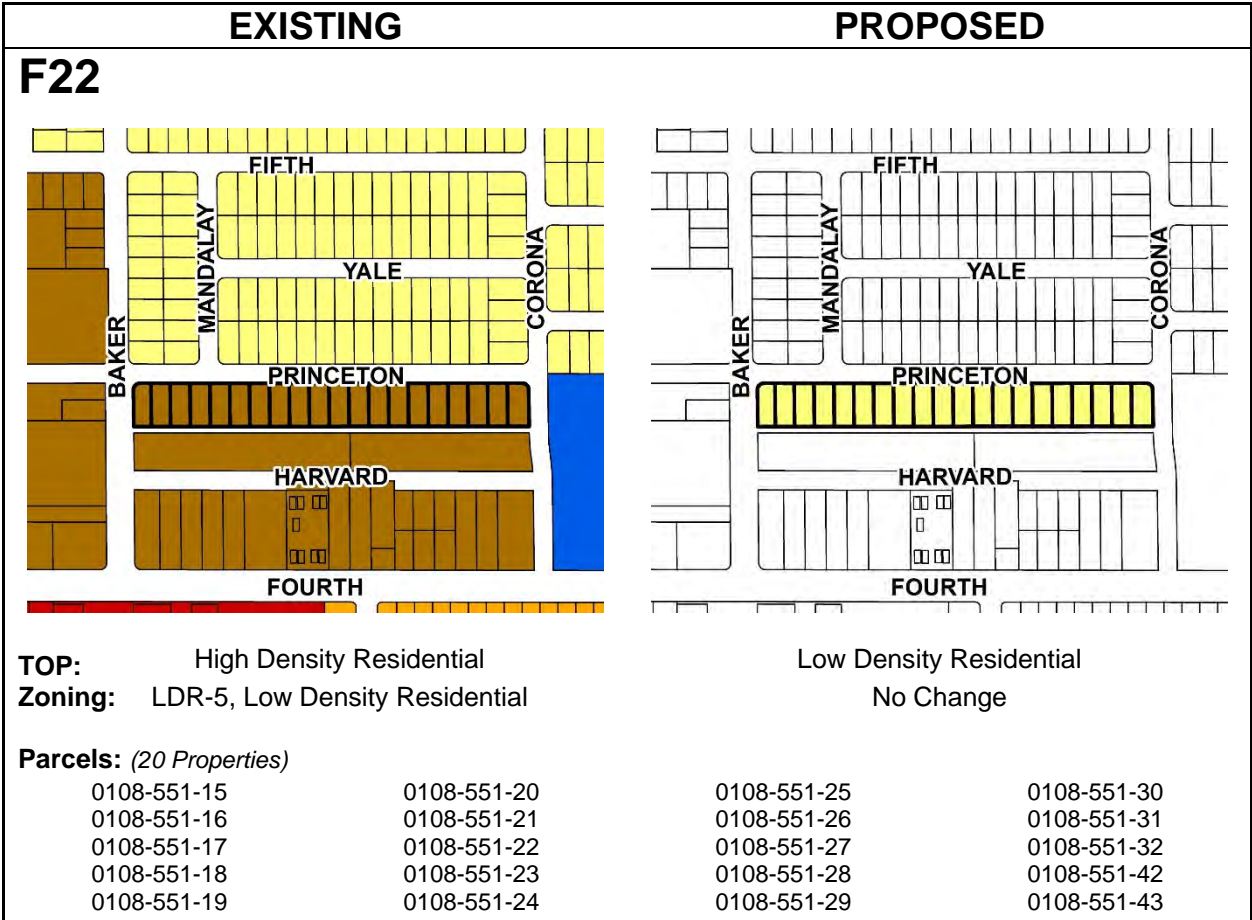


TOP: High Density Residential
Zoning: MDR-25, Medium-High Density Residential

Medium Density Residential
 No Change

Parcels: (22 Properties)

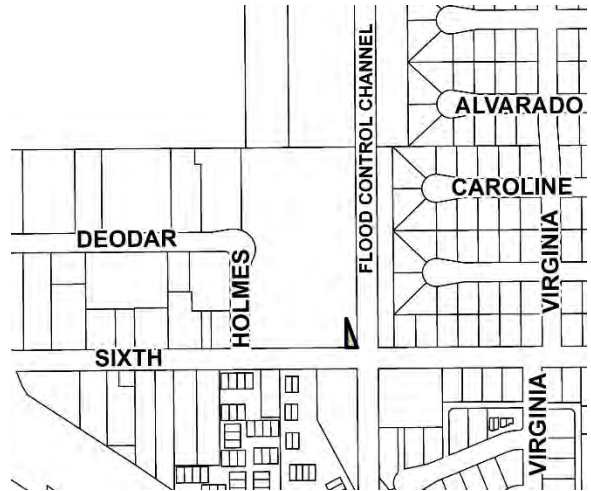
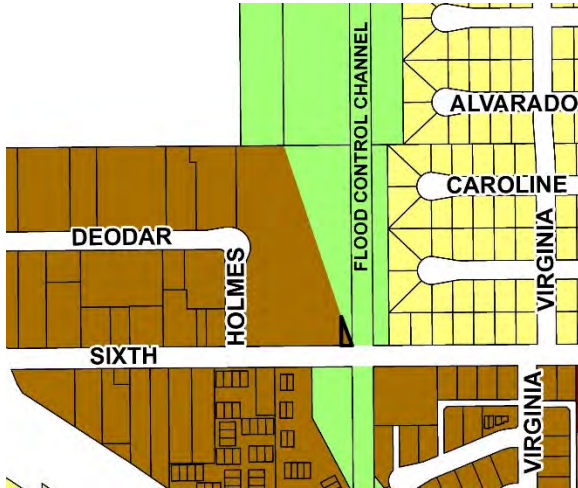
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1047-171-11	1047-201-03	1047-201-08	1047-201-12	1047-201-16
1047-171-12	1047-201-04	1047-201-09	1047-201-13	1047-201-17
1047-171-13	1047-201-05	1047-201-10	1047-201-14	1047-201-18
1047-201-01	1047-201-06			



EXISTING

PROPOSED

F24



TOP: High Density Residential

Zoning: OS-R, Open Space – Recreation

Parcels: (1 Property)

1047-171-01

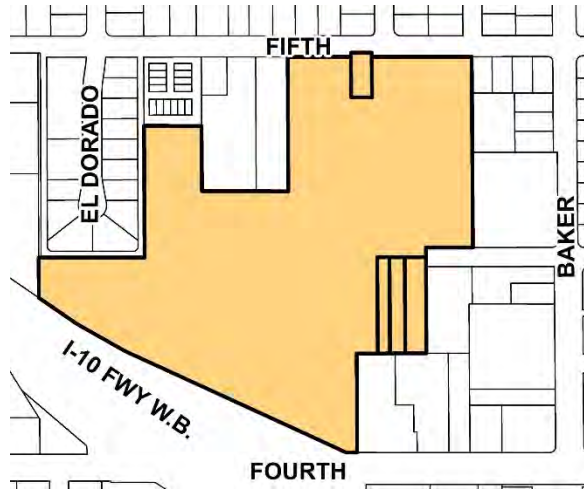
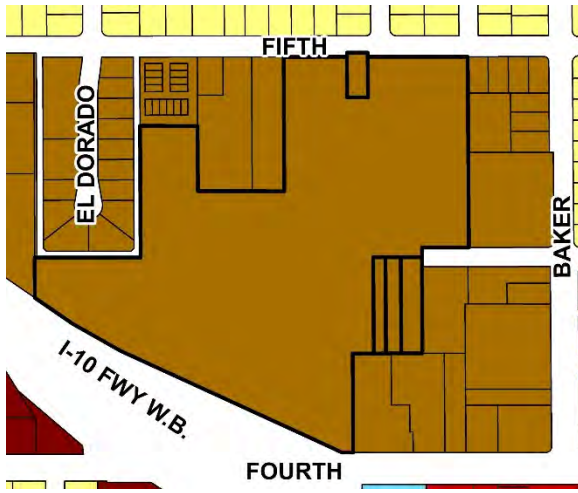
Open Space-Non-Recreation

UC, Utilities Corridor

EXISTING

PROPOSED

F29



TOP: High Density Residential
Zoning: MHP, Mobile Home Park

Low-Medium Density Residential
No Change

Parcels: (5 Properties)

0108-382-06
0108-382-07

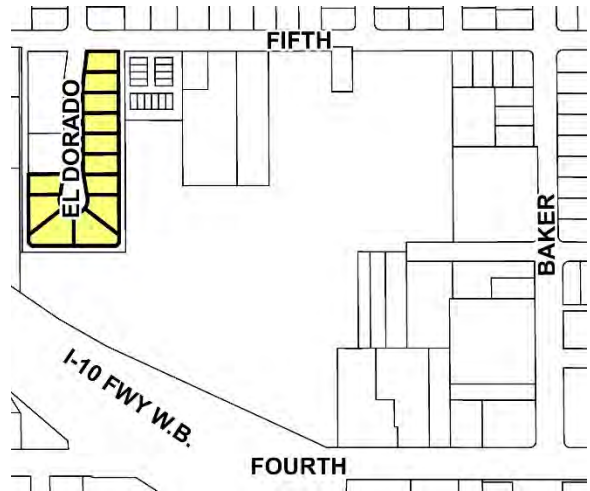
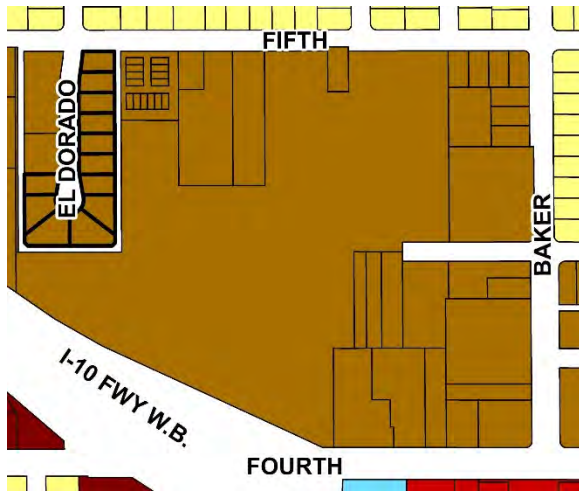
0110-391-02
0110-391-03

0110-391-23

EXISTING

PROPOSED

F35



TOP: High Density Residential

Low Density Residential

Zoning: LDR-5, Low Density Residential

No Change

Parcels: (12 Properties)

0108-501-31
0108-501-32
0108-501-33
0108-501-34

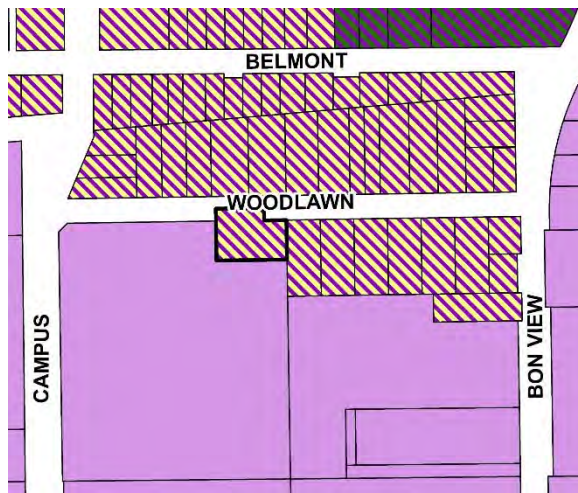
0108-501-35
0108-501-36
0108-501-37
0108-501-38

0108-501-39
0108-501-40
0108-501-41
0108-501-42

EXISTING

PROPOSED

G37



TOP: Low Density Residential with Industrial Transitional Overlay

Industrial

Zoning: IG, General Industrial

IL, Light Industrial

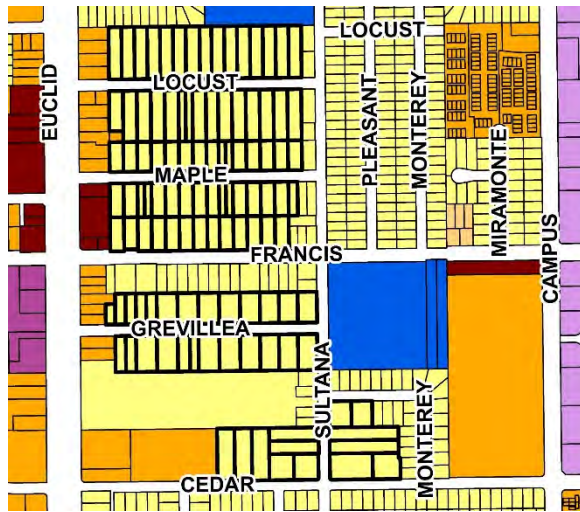
Parcels: (1 Property)

1049-472-02

EXISTING

PROPOSED

G38



TOP: Low Density Residential
Zoning: AR-2, Residential-Agricultural

Rural Residential
RE-2, Residential Estate

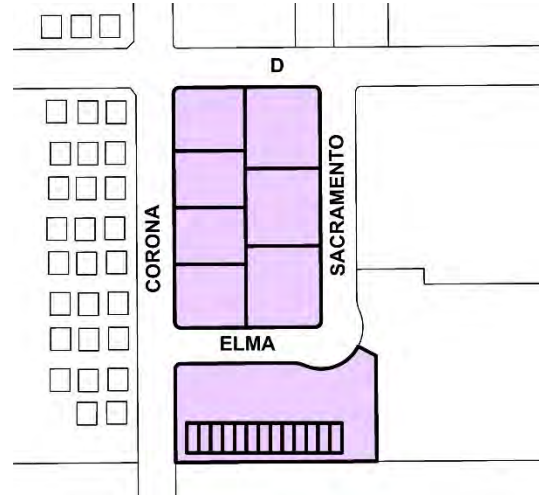
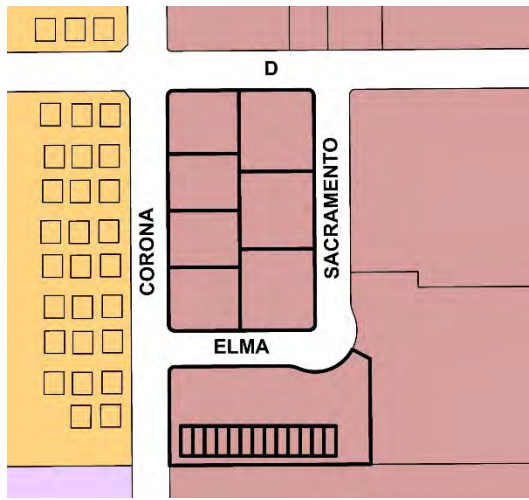
Parcels: (112 Properties)

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1050-251-03	1050-251-25	1050-261-07	1050-262-14	1050-262-33	1050-401-23	1050-402-07
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1050-251-07	1050-251-29	1050-261-11	1050-262-18	1050-262-37	1050-401-27	1050-402-11
1050-251-08	1050-251-30	1050-261-12	1050-262-19	1050-262-38	1050-401-28	1050-402-12
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1050-251-16	1050-261-04	1050-262-11	1050-262-30	1050-391-09	1050-402-04	1050-411-40
1050-251-17	1050-261-05	1050-262-12	1050-262-31	1050-391-22	1050-402-05	1050-411-41

EXISTING

PROPOSED

H25



TOP: Hospitality
Zoning: CCS, Convention Center Support

Business Park
 BP, Business Park

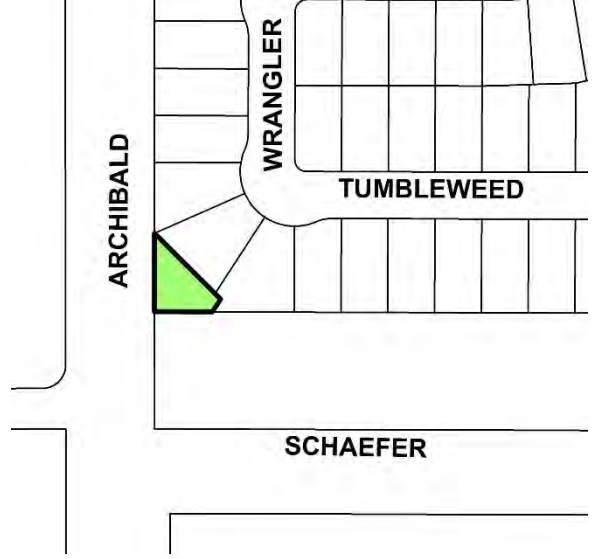
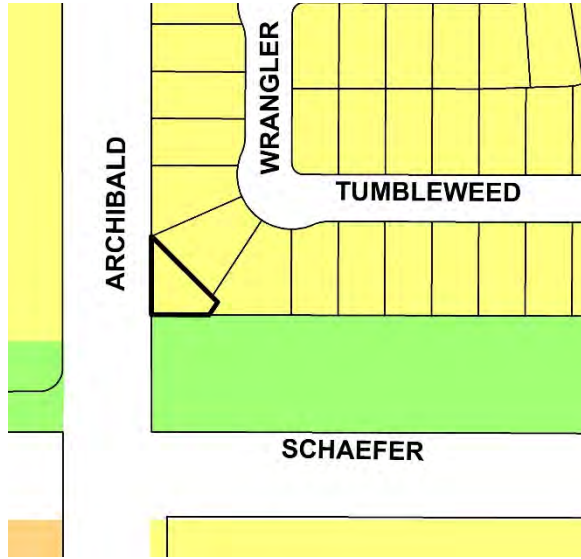
Parcels: (21 Properties)

- | | | | |
|-------------|-------------|-------------|-------------|
| 0110-022-03 | 0110-022-02 | 0110-022-19 | 0110-022-17 |
| 0110-022-04 | 0110-022-29 | 0110-022-21 | 0110-022-20 |
| 0110-022-07 | 0110-022-24 | 0110-022-28 | 0110-022-18 |
| 0110-022-06 | 0110-022-25 | 0110-022-16 | 0110-022-26 |
| 0110-022-05 | 0110-022-23 | 0110-022-27 | 0110-022-22 |
| 0110-022-08 | | | |

EXISTING

PROPOSED

J7



TOP: Low Density Residential
Zoning: OS-R, Open Space – Recreation

Open Space – Non-Recreation
UC, Utilities Corridor

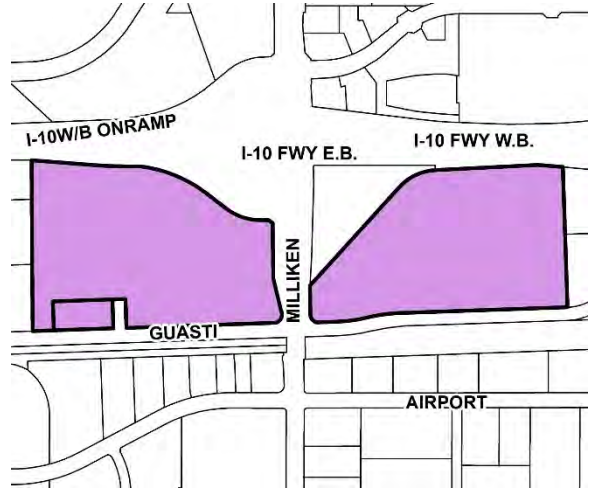
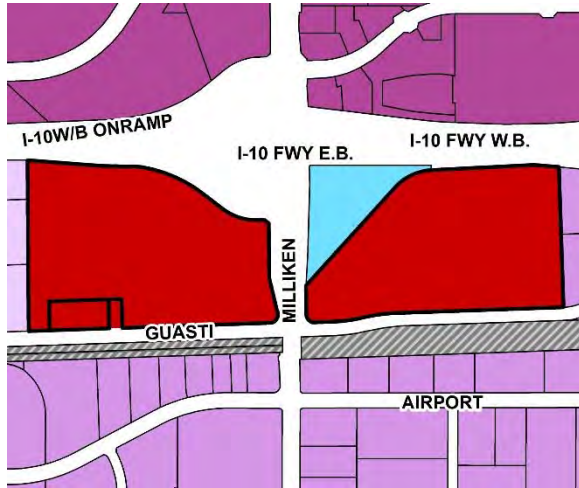
Parcels: (1 Property)

0218-801-76

EXISTING

PROPOSED

L8



TOP: General Commercial
Zoning: ONT, Ontario International Airport

Industrial
IG, General Industrial

Parcels: (3 Properties)

0210-212-15
0210-212-16
0238-042-26

EXHIBIT B:

**File No. PGPA17-001
General Plan Amendments to Future Buildout Table
(Exhibit LU-03)**

(Proposed changes to TOP Exhibit LU-03 follow this page)

LU-03 Future Buildout



Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	483 529	2.0 du/ac	965 1,059	3,858 4,232		
Low Density ⁶	7,294 7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,739 30,584	122,865 122,244		
Low-Medium ⁶ Density	966 999	8.5 du/ac	8,210 8,492	32,814 33,941		
Medium Density	1,894 1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,143 38,200	133,572 133,791		
High Density	234 183	35.0 du/ac	8,178 6,415	27,373 21,470		
<i>Subtotal</i>	10,870 10,864		86,236 84,750	320,482 315,679		
Mixed Use						
• Downtown	112 113	• 60% of the area at 35 du/ac • 40% of the area at 0.80 FAR for office and retail	2,352 2,365	4,704 4,729	1,561,330 1,569,554	2,793 2,808
• East Holt Boulevard	57	• 25% of the area at 30 du/ac • 50% of the area at 1.0 FAR office • 25% of area at 0.80 FAR retail	428	856	1,740,483	3,913
• Meredith	93	• 23% of the area at 37.4 du/ac • 72% at 0.35 FAR for office and retail uses • 5% at 0.75 FAR for Lodging	800	1,600	1,172,788	1,462
• Transit Center	76	• 10% of the area at 60 du/ac • 90% of the area at 1.0 FAR office and retail	457	913	2,983,424	5,337
• Inland Empire Corridor	37	• 50% of the area at 20 du/ac • 30% of area at 0.50 FAR office • 20% of area at 0.35 FAR retail	368	736	352,662	768
• Guasti	77	• 20% of the area at 30 du/ac • 30% of area at 1.0 FAR retail • 50% of area at .70 FAR office	500	1,001	2,192,636	4,103
• Ontario Center	345	• 30% of area at 40 du/ac • 50% of area at 1.0 FAR office • 20% of area at 0.5 FAR retail	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	• 5% of area at 40 du/ac • 20% of area at 0.75 FAR office • 75% of area at 0.5 FAR retail	479	958	5,477,126	7,285
• NMC West/South	315	• 30% of area at 35 du/ac • 70% of area at 0.7 FAR office and retail	3,311	6,621	6,729,889	17,188
• NMC East	264	• 30% of area at 25 du/ac • 30% of area at 0.35 FAR for office • 40% of area at 0.3 FAR for retail uses	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	• 50% of the area at 30 du/ac • 50% of area at 0.8 FAR retail	156	312	181,210	419
• SR-60/Hamner Tuscana Village	41	• 18% of the area at 25 du/ac • 57% of the area at 0.25 FAR retail • 25% of the area at 1.5 FAR office	185	369	924,234	2,098
<i>Subtotal</i>	1,667 1,668		15,116 15,129	30,232 30,257	34,914,612 34,922,836	72,368 72,383
Retail/Service						
Neighborhood ⁶ Commercial	280 281	0.30 FAR			3,658,256 3,671,585	8,852 8,884
General Commercial	601 533	0.30 FAR			7,850,209 6,964,199	7,293 6,470

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Office/ Commercial	512 516	0.75 FAR			16,728,347 16,872,748	37,097 37,418
Hospitality	145 141	1.00 FAR			6,312,715 6,157,642	7,237 7,060
<i>Subtotal</i>	1,538 1,472				34,549,527 33,666,174	60,479 59,831
Employment						
Business Park	1,550 1,553	0.40 FAR			27,000,753 27,062,783	47,372 47,481
Industrial	6,253 6,321	0.55 FAR			149,799,312 151,37,081	131,617 133,056
<i>Subtotal</i>	7,802 7,874				176,800,065 178,499,863	178,989 180,537
Other						
Open Space– Non-Recreation	1,230 1,232	Not applicable				
Open Space– Parkland ⁶	950	Not applicable				
Open Space– Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,875 4,872	Not applicable				
<i>Subtotal</i>	9,907 9,906					
Total	31,784		101,35 2 99,878	350,715 345,936	246,264,204 247,088,873	311,836 312,750

- Notes
- Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
 - Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
 - Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
 - Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
 - To view the factors used to generate the number of employees by land use category, access the Methodology report.
 - Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA16-005) TO: [1] MODIFY THE LAND USE MAP (EXHIBIT LU-01), CHANGING THE LAND USE DESIGNATION ON A PORTION OF A LOT TOTALING 2.8 ACRES FROM INDUSTRIAL TO BUSINESS PARK, GENERALLY LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND MISSION BOULEVARD, AT 1192 EAST CALIFORNIA STREET; AND [2] MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND A ZONE CHANGE (FILE NO. PZC16-003) ON A PORTION OF THE PROJECT SITE, FROM IG (GENERAL INDUSTRIAL) TO IL (LIGHT INDUSTRIAL), TO BRING PROPERTY ZONING INTO CONSISTENCY WITH THE POLICY PLAN

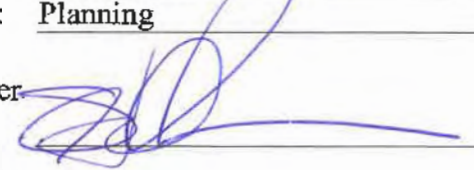
RECOMMENDATION: That City Council adopt a Resolution approving an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010, adopt a resolution approving General Plan Amendment File No. PGPA16-005 and introduce and waive further reading on an ordinance approving File No. PZC16-003.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: No fiscal impact is anticipated because the proposed General Plan Amendment and Zonc Change are in alignment with the existing use of the property.

BACKGROUND: In 2010, The Ontario Plan ("TOP") was adopted which sets forth the land use pattern for the City to achieve its Vision. Following adoption of TOP, staff embarked on a two pronged effort to ensure that the zoning and TOP land use designations are consistent for all properties in the City and to update the Development Code. Staff worked to establish zones that will effectively implement the intent of TOP. In 2015, the Development Code update was adopted, which went into effect January 1, 2016. The applications described below are part of this TOP-Zoning Consistency effort.

STAFF MEMBER PRESENTING: Scott Murphy, Assistant Development Director

Prepared by: Jeanie Irene Aguilo
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

12

In March 2016, the property owner for 1192 East California Street submitted a Tentative Parcel Map (File No. PMTT16-007/PM 19721) to merge 2.8 acres of land into a single parcel and a Development Plan (File No. PDEV16-009) to construct a 52,445-square foot industrial building. The Tentative Tract Map and Development Plan were approved by the Planning Commission in September 2016 and the project is currently under construction. The Project involved two separate parcels of land, each with a different land use designation, and the vacation of a paper street. In order to establish a single land use designation for the entire Project site, consistent with TOP's Vision, staff has initiated a General Plan Amendment (File No. PGPA16-005) to modify the Official Land Use Plan (Exhibit LU-01 of TOP's Policy Plan component), changing the land use designation on a portion of the project site from Industrial (IND) to Business Park (BP). Furthermore, the Future Buildout Table (Exhibit LU-03 of TOP's Policy Plan component) will be modified to be consistent with the proposed changes to the Official Land Use Plan.

In addition to the General Plan Amendment, staff has initiated a Zone Change (File No. PZC16-003) to change the zoning designation on the portion of the project site affected by the General Plan Amendment from IG (General Industrial) to IL (Light Industrial). Similar to the General Plan Amendment, the proposed Zone Change will serve to further TOP's Vision through alignment of the project site's zoning designation with the type and intensity of development existing on the project site and throughout the surrounding area.

On January 23, 2018, The Planning Commission conducted a public hearing to consider the proposed General Plan Amendment and Zone Change. Upon conclusion of the public hearing, the Planning Commission voted unanimously (6-0) to approve resolutions recommending that the City Council adopt an Addendum to The Ontario Plan Environmental Impact Report and approve the General Plan Amendment and Zone Change.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan (ALUCP).

ENVIRONMENTAL REVIEW: As supported by the analysis presented in the Addendum to The Ontario Plan Environmental Impact Report (EIR), the potential environmental effects of the proposed General Plan Amendment, File No. PGPA 16-005, and Zone Change, File No. PZC16-003, have been adequately addressed in The Ontario Plan EIR (SCH# 2008101140), prepared pursuant to the Environmental Quality Act (CEQA) and the CEQA Guidelines promulgated thereunder, and the City of Ontario Local CEQA Guidelines. The Ontario Plan EIR was originally prepared in conjunction with General Plan Amendment No. PGPA06-001, and was certified by the City of Ontario City Council on January 27, 2010, by Resolution No. 2010-003. The proposed project does not introduce any new environmental impacts.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PGPA16-005 AND PZC16-003.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved, for attachment to the certified Environmental Impact Report, an addendum to The Ontario Plan (TOP) certified Environmental Impact Report (SCH #2008101140) for File Nos. PGPA16-005 and PZC16-003 (hereinafter referred to as "Initial Study/Environmental Impact Report Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, File Nos. PGPA16-005 and PZC16-003 analyzed under the Initial Study/Environmental Impact Report Addendum, consist of an Amendment to the Policy Plan (General Plan) component of The Ontario Plan to: [1] modify the Land Use Plan (Exhibit LU-01), changing the land use designation on a portion of a lot totaling 2.8 acres, from Industrial to Business Park, generally located at the northwest corner of Grove Avenue and Mission Boulevard, at 1192 East California Street; and [2] modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and a Zone Change on a portion of the project site, from IG (General Industrial) to IL (Light Industrial), to bring property zoning into consistency with the Policy Plan changes (hereinafter referred to as the "Project"); and

WHEREAS, the Initial Study/Environmental Impact Report Addendum concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, The Ontario Plan Environmental Impact Report was certified on January 27, 2010, in which development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the approving authority for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Initial Study/Environmental Impact Report Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Environmental Impact Report Addendum for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2. ***Additional Environmental Review Not Required.*** Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the Addendum to the Certified EIR, incorporated herein by this reference.

SECTION 4. ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. ***Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. ***Certification to Adoption.*** The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of March 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 6, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held March 6, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA16-005, AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN TO [1] MODIFY THE LAND USE PLAN (EXHIBIT LU-01), CHANGING THE LAND USE DESIGNATION ON A PORTION OF A LOT TOTALING 2.8 ACRES, FROM INDUSTRIAL TO BUSINESS PARK, GENERALLY LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND MISSION BOULEVARD, AT 1192 EAST CALIFORNIA STREET; AND [2] MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1049-382-05 AND 1049-172-01). (SEE ATTACHMENTS A AND B) (LAND USE ELEMENT CYCLE 1 FOR THE 2018 CALENDAR YEAR).

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA16-005, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan, the City has evaluated Exhibits LU-01: Official Land Use Plan and LU-03: Future Buildout further and is proposing modifications; and

WHEREAS, the Application applies to a portion of a property totaling 2.8 acres of land generally located at the northwest corner of Grove Avenue and Mission Boulevard, at 1192 East California Street; and

WHEREAS, the proposed changes to Exhibit LU-01 Official Land Use Plan include changes to land use designations of certain properties shown on Exhibit A to make the land use designation of the property consistent with the existing use of the property; and

WHEREAS, Policy Plan Exhibit LU-03 (Future Buildout) specifies the expected buildout for the City of Ontario, incorporating the adopted land use designations. The proposed changes to Exhibit LU-01 (Official Land Use Plan) will require that Exhibit LU-03 (Future Buildout) is modified to be consistent with Exhibit LU-01 (Official Land Use Plan), as depicted on Exhibit B, attached; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the City of Ontario consulted with the Gabrieleño Band of Mission Indians - Kizh Nation pursuant to SB18. The consultation included contacting the local Native American individuals identified by the NAHC via informative letters mailed on November 29, 2017. Consultation with the Gabrieleño Band occurred on January 17, 2018, and, based on the current construction and disturbed nature of the area for industrial use, the Gabrieleño Band did not have any specific concerns regarding known cultural resources in the specified areas that the project encompasses and, therefore, concluded consultation of the project; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed;

WHEREAS, on January 23, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC18-008 recommending the City Council approve the Application; and

WHEREAS, on March 6, 2018 the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report — State Clearinghouse No. 2008101140 ("Certified EIR"), which was certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and.

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(6) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. ***Additional Environmental Review Not Required.*** Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental environmental impact report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4. Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Sections 1 through 3, above, the City Council hereby concludes as follows:

(1) The proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan as follows:

LU2-1 Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment closely coordinates with land use designations in the surrounding area which will not increase adverse impacts on adjacent properties.

LU4-1 Commitment to Vision. We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.

Compliance: The proposed land use designation will provide consistency between the portion of the property from Industrial to Business Park while maintaining a logical land use pattern in and around the affected areas.

LU5-7 ALUCP Consistency with Land Use Regulations. We comply with state law that required general plans, specific plans and all new development by consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed project is located within the Safety, Noise, Airspace Protection and Overflight Zones of the ALUCP. A consistency determination was completed and the proposed project is consistent with the policies and criteria of the ALUCP, subject to conditions.

S4-6 Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The project site is located entirely within the 70-75 dB CNEL Noise Impact Zone of the ALUCP. The proposed uses include warehouse, light manufacturing and ancillary office uses. These uses are consistent with ALUCP Table 2-3 (Noise Criteria); provided, the light manufacturing and office uses are able to meet noise attenuating criteria of 50 dB interior noise levels. The proposed land use designations are compatible with the Noise Impact area.

(2) The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

(3) The Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the first amendment to the Land Use Element of the 2018 calendar year consistent with Government Code Section 65358;

(4) During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with Government Code Section 65351.

SECTION 5. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the proposed General Plan Amendment, as depicted in Attachment 1 (Policy Plan Land Use Plan (Exhibit LU-01) Revision) and Attachment 2 (Future Buildout (Exhibit LU-03) Revision) of this Resolution.

SECTION 6. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of March 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 6, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)





















The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held March 6, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A: Policy Plan Land Use Plan (Exhibit LU-01) Revision

TOP Legend:

	Rural Residential		Mixed Use		Business Park		Open Space - Water
	Low Density Residential		Neighborhood Commercial		Industrial		Open Space – Non Recreation
	Low-Medium Density Residential		General Commercial		Airport		Public Facility
	Medium Density Residential		Office Commercial		Land Fill		Public School
	High Density Residential		Hospitality		Open Space - Recreation		Rail

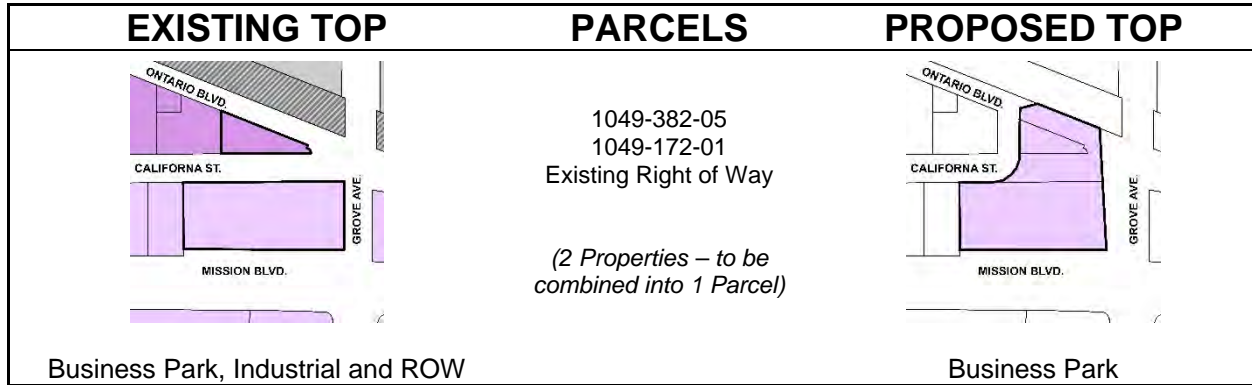


EXHIBIT B: Future Buildout (Exhibit LU-03) Revision



LU-03 Future Buildout¹

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	483	2.0 du/ac	965	3,858		
Low Density ⁶	7,294	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,739	122,865		
Low-Medium ⁶ Density	966	8.5 du/ac	8,210	32,814		
Medium Density	1,894	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,143	133,572		
High Density	234	35.0 du/ac	8,178	27,373		
Subtotal	10,870		86,236	320,482		
Mixed Use						
• Downtown	112	<ul style="list-style-type: none"> • 60% of the area at 35 du/ac • 40% of the area at 0.80 FAR for office and retail 	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	<ul style="list-style-type: none"> • 25% of the area at 30 du/ac • 50% of the area at 1.0 FAR office • 25% of area at 0.80 FAR retail 	428	856	1,740,483	3,913
• Meredith	93	<ul style="list-style-type: none"> • 23% of the area at 37.4 du/ac • 72% at 0.35 FAR for office and retail uses • 5% at 0.75 FAR for Lodging 	800	1,600	1,172,788	1,462
• Transit Center	76	<ul style="list-style-type: none"> • 10% of the area at 60 du/ac • 90% of the area at 1.0 FAR office and retail 	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> • 50% of the area at 20 du/ac • 30% of area at 0.50 FAR office • 20% of area t 0.35 FAR retail 	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> • 20% of the area at 30 du/ac • 30% of area at 1.0 FAR retail • 50% of area at .70 FAR office 	500	1,001	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> • 30% of area at 40 du/ac • 50% of area at 1.0 FAR office • 20% of area at 0.5. FAR retail 	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> • 5% of area at 40 du/ac • 20% of area at 0.75 FAR office • 75% of area at 0.5 FAR retail 	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> • 30% of area at 35 du/ac • 70% of area at 0.7 FAR office and retail 	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> • 30% of area at 25 du/ac • 30% of area at 0.35 FAR for office • 40% of area at 0.3 FAR for retail uses 	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> • 50% of the area at 30 du/ac • 50% of area at 0.8 FAR retail 	156	312	181,210	419
• SR-60/ Hamner Tuscana Village	41	<ul style="list-style-type: none"> • 18% of the area at 25 du/ac • 57% of the area at 0.25 FAR retail • 25% of the area at 1.5 FAR office 	185	369	924,234	2,098
Subtotal	1,667		15,116	30,232	34,914,612	72,368

LU-03 Future Buildout¹ (Cont.)

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood ⁶ Commercial	280	0.30 FAR			3,658,256	8,852
General Commercial	601	0.30 FAR			7,850,209	7,293
Office/Commercial	512	0.75 FAR			16,728,347	37,097
Hospitality	145	1.00 FAR			6,312,715	7,237
Subtotal	1,538				34,549,527	60,479
Employment						
Business Park	1,550	0.40 FAR			27,000,753 27,014,692	47,372 47,397
Industrial	6,253 6,252	0.55 FAR			149,799,312 149,789,728	131,617 131,608
Subtotal	7,002 7,803				176,800,065 176,804,421	178,989 179,005
Other						
Open Space–Non-Recreation	1,230	Not applicable				
Open Space–Parkland ⁶	950	Not applicable				
Open Space–Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,875 4,874	Not applicable				
Subtotal	9,907					
Total	31,784		101,352	350,715	246,264,204 246,268,560	311,836 311,852

Notes

- Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
- Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
- To view the factors used to generate the number of employees by land use category, access the Methodology report.
- Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC16-003, A ZONE CHANGE ON A PORTION OF A LOT TOTALING 2.8 ACRES, FROM IG (GENERAL INDUSTRIAL) TO IL (LIGHT INDUSTRIAL), TO BRING PROPERTY ZONING INTO CONSISTENCY WITH THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01), ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND MISSION BOULEVARD, AT 1192 EAST CALIFORNIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1049-382-05 AND 1049-172-01. (SEE ATTACHMENT A).

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC16-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to a portion of a property totaling 2.8 acres of land generally located at the northwest corner of Grove Avenue and Mission Boulevard, at 1192 East California Street; and

WHEREAS, the Project was filed in conjunction with a Tentative Parcel Map (File No. PMTT16-007/PM 19721), to merge 2.8 acres of land into a single parcel and a Development Plan (File No. PDEV16-009) to construct a 52,445-square foot industrial building. The Development Plan required that the Policy Plan (General Plan) land use designation for a portion of the property be changed from Industrial (IND) to Business Park (BP), consistent with the Vision of The Ontario Plan (TOP). The proposed Zone Change is designed to support the General Plan Amendment being processed concurrently, from IG (General Industrial) to IL (Light Industrial), to bring property zoning into consistency with the Policy Plan (general plan) component of TOP, as shown on Exhibit A, attached; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on January 23, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC18-009 recommending the City Council approve the Application; and

WHEREAS, on March 6, 2018 the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report — State Clearinghouse No. 2008101140 ("Certified EIR"), which was certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and.

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(6) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental environmental impact report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2]

Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Sections 1 through 3, above, the City Council hereby concludes as follows:

(1) The proposed zone change is consistent with the goals and policies of The Ontario Plan as follows:

LU2-1 Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed zone change closely coordinates with land use designations in the surrounding area which will not increase adverse impacts on adjacent properties.

LU4-1 Commitment to Vision. We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.

Compliance: The proposed zone change will provide consistency between the portion of the property from General Industrial to Light Industrial while maintaining a logical land use pattern in and around the affected areas.

LU5-7 ALUCP Consistency with Land Use Regulations. We comply with state law that required general plans, specific plans and all new development by consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed project is located within the Safety, Noise, Airspace Protection and Overflight Zones of the ALUCP. A consistency determination was completed and the proposed project is consistent with the policies and criteria of the ALUCP, subject to conditions.

S4-6 Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The project site is located entirely within the 70-75 dB CNEL Noise Impact Zone of the ALUCP. The proposed uses include warehouse, light manufacturing and ancillary office uses. These uses are consistent with ALUCP Table 2-3 (Noise Criteria); provided, the light manufacturing and office uses are able to meet noise attenuating criteria of 50 dB interior noise levels. The proposed land use designations are compatible with the Noise Impact area.

(2) The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The proposed Zone Change will not be detrimental to the public interest, health, safety, convenience or general welfare, as the Zone Change is required to make the zoning designations consistent with TOP and will not change the existing built environment.

(3) The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses. The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses, as the Zone Change is required to make the zoning designations consistent with TOP and will not change the existing built environment.

(4) The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development. The proposed Zone Change will not affect the existing built environment and the future redevelopment of the property will be required to meet the Light Industrial (IL) development standards.

(5) During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with Government Code Section 65351.

SECTION 5. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described zone change application, as detailed in "Exhibit A," attached hereto, and incorporated herein by this reference.

SECTION 6. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7. *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8. *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 Ontario 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 9. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

SECTION 10. **Publication and Posting.** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held March 6, 2018 and adopted at the regular meeting held _____ by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)









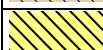

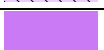
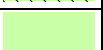
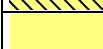






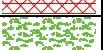


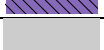










I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

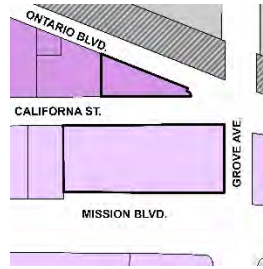

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A: Proposed Zone Change

ZONING Legend:

	AR-2, Residential-Agricultural		PUD, Planned Unit Development		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay
	MHP, Mobile Home Park						

EXISTING ZONING	PARCELS	PROPOSED ZONING
	<p>1049-382-05 1049-172-01 Existing Right of Way</p> <p><i>(2 Properties – to be combined into 1 Parcel)</i></p>	
IG, General Industrial, IL, Light Industrial and ROW		IL, Light Industrial and ROW

CITY OF ONTARIO

Agenda Report
March 6, 2018

SECTION:
PUBLIC HEARING

SUBJECT: A PUBLIC HEARING TO CONSIDER A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS (FILE NO. PZC17-001) ON APPROXIMATELY 800 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND UTILITY CORRIDORS LOCATED MOSTLY ON THE EAST AND SOUTH SIDES OF THE CITY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY, IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN (TOP) LAND USE DESIGNATIONS OF THE PROPERTIES.

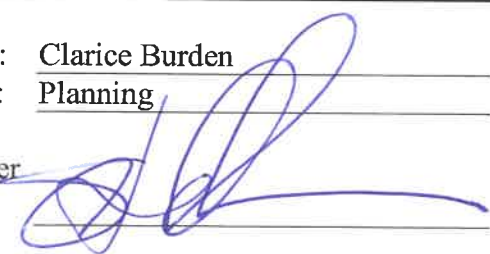
RECOMMENDATION: That City Council introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC17-001) to create consistency between the zoning and the General Plan land use designations of the subject properties.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: The potential fiscal impacts of the project were analyzed as part of The Ontario Plan ("TOP") adopted in January 2010. The proposed Zone Change will not introduce any fiscal impacts that were not previously analyzed as part of TOP.

BACKGROUND: In January 2010, the City Council approved TOP, which lays out the long term land use pattern for the City. Since that time, the City has undertaken an effort to ensure that the zoning and TOP land use designations are consistent for all properties in the City. In addition, a comprehensive update to the Ontario Development Code to implement TOP was adopted and went into effect on January 1, 2016, which established zones in alignment with TOP land use designations. This Zone Change proposes changes to approximately 800 properties generally concentrated in the downtown area, the residential area north of the I-10 Freeway, utility corridors located mostly on the east and south sides of the City, and additional areas located throughout the City, is part of the TOP-Zoning Consistency Project.

STAFF MEMBER PRESENTING: Scott Murphy, Assistant Development Director

Prepared by: Clarice Burden
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 03/06/2018
Approved: _____
Continued to: _____
Denied: _____

13

The proposed changes are shown in Exhibit A of the Ordinance and the area maps contained in the Planning Commission staff report. The changes are proposed in order to:

- Provide consistency with TOP land use designation of properties;
- Place flood control basins, flood control channels, electric transmission corridors, City well sites and other such uses in the UC, Utilities Corridor zone;
- Allow for lot consolidation to provide larger sites for residential development at higher densities;
- Encourage new investment in certain areas by allowing higher residential densities ;
- Place a surplus school site in MDR-18, Medium Density Residential zone in conformance with TOP Housing Element;
- Allow the ongoing use of properties uniquely designed to accommodate commercial uses by the use of an ICC, Interim Community Commercial Overlay;
- Eliminate split zoning of properties which are difficult to develop;
- Place smaller commercial development sites within the appropriate CN, Neighborhood Commercial zone, which is more in keeping with the location, size, and uses of these sites;
- Place sites with Business Park type development in the BP, Business Park zone which is more in keeping with the uses of these sites;
- Protect existing historic homes by providing appropriate zoning within the correct density ranges;
- Place an area of existing small offices within the OL, Low Intensity Office zone;
- Provide for higher residential densities in appropriate areas of Downtown;
- Provide IL, Light Industrial zoning, for a property that is adjacent to industrial development;
- Provide a lighter industrial zone in close proximity to existing residential uses;
- Allow the continued use of large animal keeping by placing RE-2, Residential Estate zoning, on properties that currently have AR-2, Agricultural Residential zoning, but more closely meet the RE-2 standards for lot size. The standards for the number and type of animals and placement of animal keeping areas will remain the same;
- Accommodate CC, Community Commercial zoning for the shopping centers on Archibald Ave., adjacent to the SR-60 Freeway; and
- Place the land fill and adjacent property within the appropriate UC, Utilities Corridor and IG, General Industrial zones.

Input was sought from subject and surrounding property owners at community open houses held on November 13, and 14, 2017 for this zone change and the associated General Plan Amendment application (File No. PGPA17-001). Eighty-eight people attended the open houses. The majority of the people in attendance were seeking information about the proposed zone changes and did not voice opposition to the project. Written comments received regarding the proposed zone changes, as well as comments received that were not directly related to the zone change application, are listed in the Planning Commission staff report.

One letter, signed by 6 property owners, was provided to the Planning Commission at the hearing on January 23, 2018 requesting that an area, located east of Euclid Avenue, between Locust and Cedar Streets (Group G38 as shown in Exhibit A, attached to the Ordinance), receive LDR-5, Low Density Residential zoning. LDR-5 zoning is consistent with the current TOP land use designation of Low Density Residential. Per the accompanying General Plan Amendment, the land use designation of Group G38 is proposed to change to Rural Residential and this Zone Change proposes to change the zoning of these properties to RE-2, Residential Estate. Public comment regarding these properties was provided at the public hearing with one speaker commenting in favor of allowing animal keeping and one speaker in favor of LDR-5 zoning.

The Planning Commission reviewed the proposed Zone Change on January 23, 2018, including the written and oral arguments presented at the public hearing. One Commissioner was concerned that changing the zoning on the St. George church/school site (per Group B45 as shown in Exhibit A, attached to the Ordinance) to HDR-45, High Density Residential from MDR-25, Medium-High Density Residential would increase the likelihood that the historic church might be sold for development. The proposed HDR-45 zoning is consistent with the General Plan land use designation of High Density Residential. The Planning Commission voted 5 to 1 to recommend City Council approval the project as presented.

In addition to the letter received by the Planning Commission as described above, staff has received a letter signed by an additional 6 residents representing 7 properties, (for a total of 12 residents representing 13 properties) requesting LDR-5 zoning for the G38 area.

AIRPORT LAND USE COMPATIBILITY: The Proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) Ontario.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The environmental impacts of this project were previously reviewed in conjunction The Ontario Plan Environmental Impact Report (SCH # 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001 and an Addendum prepared for File No. PGPA17-001. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

To: The Planning Commission
City Council
City of Ontario



Re: Zoning Proposals

January 23, 2018

Dear Sirs,

We are residents on East Locust. We are trying to voice our opinions about the proposed zoning of our block: We prefer the proposed zoning of last year- LDR-5.

First of all, we'd like to say that we don't mind our neighbors keeping horses. They don't bother us at all because they always transport their horses somewhere else to ride instead of on the city streets. And new neighbors from the past few years do not have horses.

Our properties locate at almost the Center of the City, but our half-acre lots remain so rural. Most houses on our block are fairly small therefore do not occupy much of the land. Water is now too expensive, so our huge backyards just sit to grow weeds. While all city streets around us are well developed, the big and bare land of ours are now homes for thousands of gophers (probably more gophers than human beings on the block), rats, big spiders and ants. Gophers dig through our backyards so badly that we would step into holes walking on the bare land. It makes us feel that our backyards someday will collapse because the land is so hollow now. Gophers also eat up our plants and fruit trees while city officials want us to keep planting to have beautiful yards. We have rats running around into our garages, big spiders climbing on us picking fruits from fruit trees, and ants marching in our bedrooms and bathrooms. Our neighbor even hired pest control to get rid of the ants.

We are requesting the City to consider zoning our block into LDR-5, because we think that would give our surroundings a new life, helping to get rid of the unhealthy phenomenon in our huge, unused backyards. Since a few lots on the same block already have more houses than RE-2, it is just practical and logical to make it all uniform for the whole. Even if the LDR-5 zoning is approved, we may not see any changes for a number of years till properties change ownership. With the 46,000 new houses planned to come up in Ontario Ranch, the level of density from our small block seems to be minimal.

We hope the City hears our voices, understand and consider our opinions.

Thank you for the assistance.

Yours Truly.

229 CHING WANG *Ching Wang* 2/3/2018 > 626-275-2421
323 CHING WANG *Ching Wang* 2/3/2018
225 *imote F. Hua*
234 Maria Lopez *Maria Lopez* 2/7/2018 - 909-983-4073
222 Hugo Lopez *Hugo Lopez* 2/7/2018 (909) 489-6499
220 " " 2/8/2018 (909) 208-7604

To: The Planning Commission
City Council
City of Ontario



Re: Zoning Proposals

January 23, 2018

Dear Sirs,

We are residents on East Locust. We are trying to voice our opinions about the proposed zoning of our block: We prefer the proposed zoning of last year- LDR-5.

First of all, we'd like to say that we don't mind our neighbors keeping horses. They don't bother us at all because they always transport their horses somewhere else to ride instead of on the city streets. And new neighbors from the past few years do not have horses.

Our properties locate at almost the Center of the City, but our half-acre lots remain so rural. Most houses on our block are fairly small therefore do not occupy much of the land. Water is now too expensive, so our huge backyards just sit to grow weeds. While all city streets around us are well developed, the big and bare land of ours are now homes for thousands of gophers (probably more gophers than human beings on the block), rats, big spiders and ants. Gophers dig through our backyards so badly that we would step into holes walking on the bare land. It makes us feel that our backyards someday will collapse because the land is so hollow now. Gophers also eat up our plants and fruit trees while city officials want us to keep planting to have beautiful yards. We have rats running around into our garages, big spiders climbing on us picking fruits from fruit trees, and ants marching in our bedrooms and bathrooms. Our neighbor even hired pest control to get rid of the ants.

We are requesting the City to consider zoning our block into LDR-5, because we think that would give our surroundings a new life, helping to get rid of the unhealthy phenomenon in our huge, unused backyards. Since a few lots on the same block already have more houses than RE-2, it is just practical and logical to make it all uniform for the whole. Even if the LDR-5 zoning is approved, we may not see any changes for a number of years till properties change ownership. With the 46,000 new houses planned to come up in Ontario Ranch, the level of density from our small block seems to be minimal.

We hope the City hears our voices, understand and consider our opinions.

Thank you for the assistance.

Yours Truly,

405 E. LOCUST ST
Ontario CA 91761

A handwritten signature in cursive script that reads "Suyeon Son".

SUYEON SON

01/30/2018

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC17-001, A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS ON APPROXIMATELY 800 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND UTILITY CORRIDORS LOCATED MOSTLY ON THE EAST AND SOUTH SIDES OF THE CITY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY, IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN (TOP) LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: AS SHOWN IN EXHIBIT A (ATTACHED).

WHEREAS, City of Ontario ("Applicant") has initiated an Application for the approval of a Zone Change, File No. PZC17-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 800 properties, generally concentrated in the downtown area, the residential area north of the I-10 Freeway, utility corridors located mostly on the east and south sides of the City, and additional areas located throughout the City; and

WHEREAS, the zoning of the properties is inconsistent with The Ontario Plan ("TOP") land use designations of the properties and the proposed zone changes will make the zoning consistent with TOP land use designations of the properties as shown in Exhibit A (attached); and

WHEREAS, the City of Ontario held community open houses on November 13, and November 14, 2017, to gain input from impacted property owners and property owners within a 300 foot radius; and

WHEREAS, about 90 people attended the open house meetings. 42 response cards were received regarding the proposed zone changes at the community open houses. Of the response cards 12 were in support of the changes, 9 were not in support, 4 filled out a response card but did not indicate if they were in support or not, and 17 provided no specific written comments about the proposed zone changes; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (TOP) Environmental Impact Report (SCH # 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001, and this Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants City Council the responsibility and authority to review and make decision on the subject Application; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, on January 23, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date and adopted Resolution PC18-12 by a vote of 5 to 1, recommending City Council approval of the Project as presented; and

WHEREAS, in addition to the letter received by the Planning Commission as described above, staff received a letter signed by an additional 6 residents representing 7 properties, (for a total of 12 residents representing 13 properties) requesting LDR-5 zoning for the G38 area; and

WHEREAS, on March 6, 2018, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with The Ontario Plan (TOP) Environmental Impact Report (SCH # 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001 and this Application introduces no new environmental impacts; and

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the City Council; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2. Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision making body for the Project, City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as most of the project sites are not properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix (as amended). A few properties are listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix (see Groups F8, F15 and F27 in Exhibit A attached). The proposed project establishes land use designations for the listed properties within appropriate density ranges that are consistent with the Housing Element requirements.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the City Council hereby concludes as follows:

a. The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan as follows:

LU1-6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Compliance: Undertaking the zone changes to provide consistency between the zoning and TOP land use designations will further the City's intent of becoming a complete community which will result in a land use pattern that provides residents, employers, workers and visitors a wide spectrum of choices to live, work, shop and recreate within Ontario.

H1-2 Neighborhood Conditions. We direct efforts to improve the long-term sustainability of neighborhoods through comprehensive planning, provisions of neighborhood amenities, rehabilitation and maintenance of housing, and community building efforts.

Compliance: Changing the zoning of certain existing residential properties, to comply with our Vision, will provide for long term stability of the neighborhoods.

S4-6 Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The proposed zone changes are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario Airport and Chino Airport and do not allow the addition of new units in noise sensitive locations near the airports.

b. The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

c. The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.

d. The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described zone change application, as detailed in "Exhibit A," attached hereto, and incorporated herein by this reference.

SECTION 7. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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 Ontario 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 30 days following its adoption.

SECTION 11. Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held March 6, 2018 and adopted at the regular meeting held _____, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

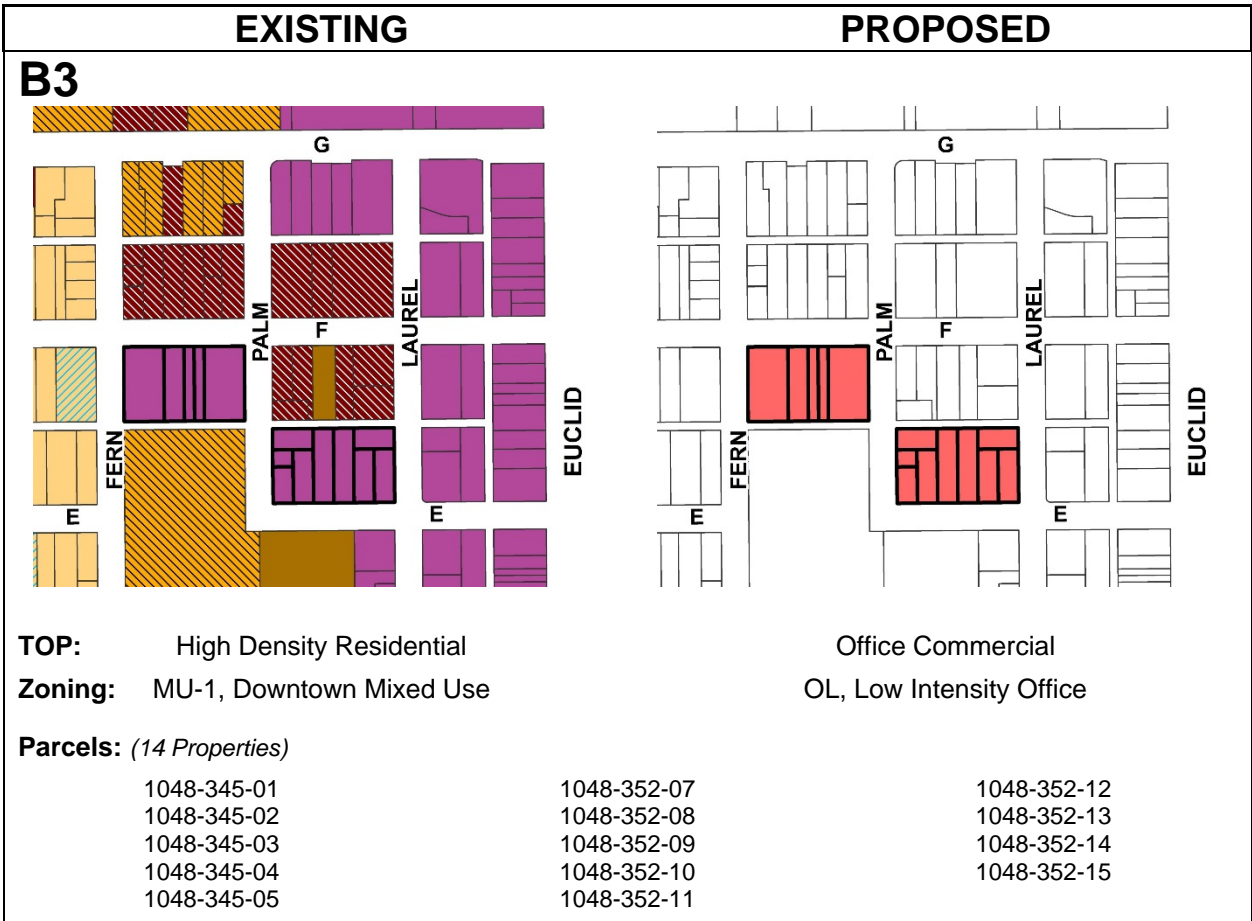
**File No. PZC17-001;
Zone Changes**

(Proposed Zone Changes follow this page)

PZC17-001

ZONING Legend:

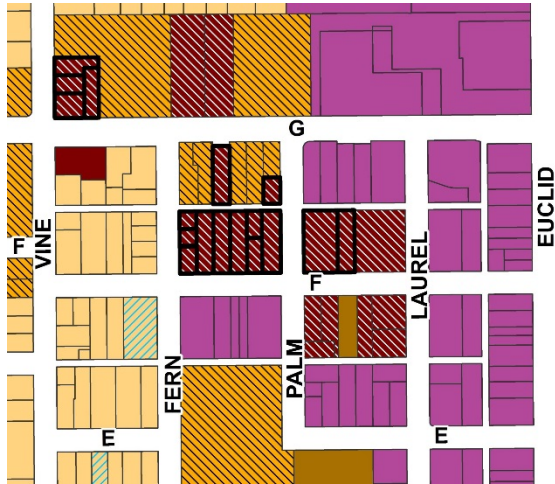
	AR-2, Residential-Agricultural		PUD, Planned Development Unit		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay
	MHP, Mobile Home Park						



EXISTING

PROPOSED

B5



TOP: High Density Residential

Low-Medium Density Residential

Zoning: CN, Neighborhood Commercial

MDR-11, Low-Medium Density Residential

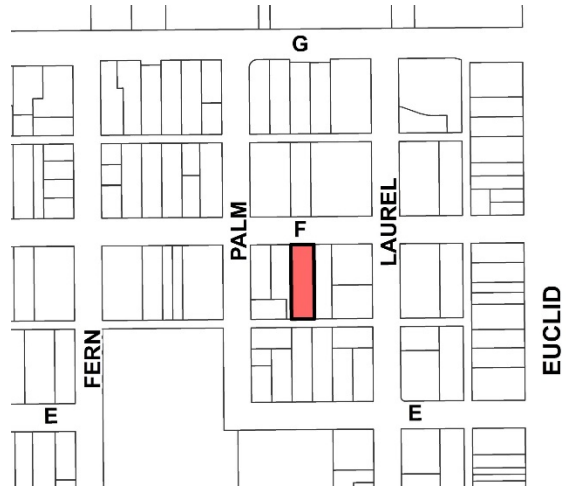
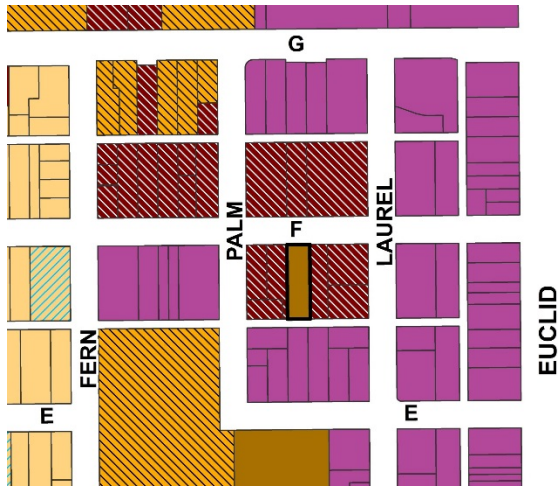
Parcels: (18 Properties)

1048-271-35	1048-346-03	1048-346-10	1048-346-14	1048-346-17
1048-271-36	1048-346-07	1048-346-11	1048-346-15	1048-351-07
1048-271-37	1048-346-08	1048-346-12	1048-346-16	1048-351-08
1048-271-38	1048-346-09	1048-346-13		

EXISTING

PROPOSED

B39



TOP: High Density Residential
Zoning: HDR-45, High Density Residential

Office Commercial
OL, Low Intensity Office

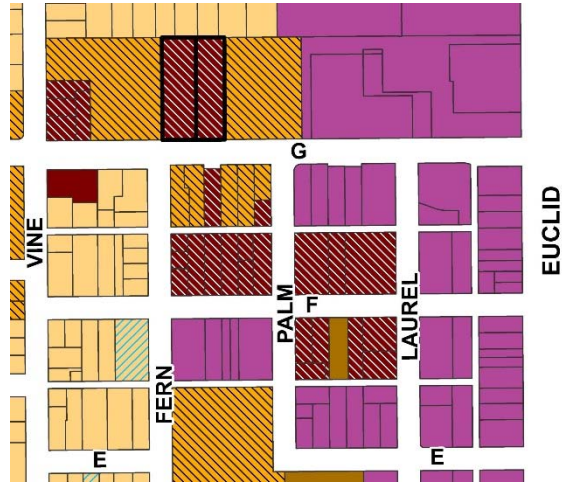
Parcels: (1 Property)

1048-352-03

EXISTING

PROPOSED

B42



TOP: High Density Residential
Zoning: CN, Neighborhood Commercial

No Change
HDR-45, High Density Residential with ICC,
Interim Community Commercial Overlay

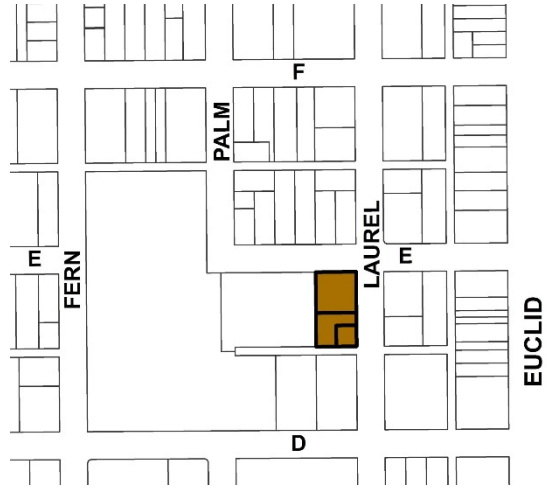
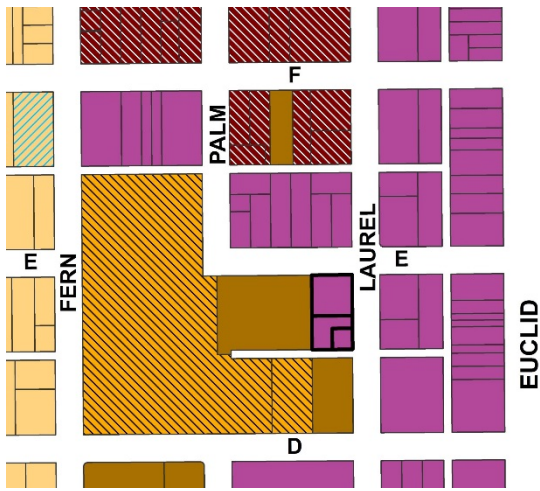
Parcels: (2 Properties)

1048-271-49
1048-271-50

EXISTING

PROPOSED

B43



TOP: High Density Residential
Zoning: MU-1, Downtown Mixed Use

No Change
HDR-45, High Density Residential

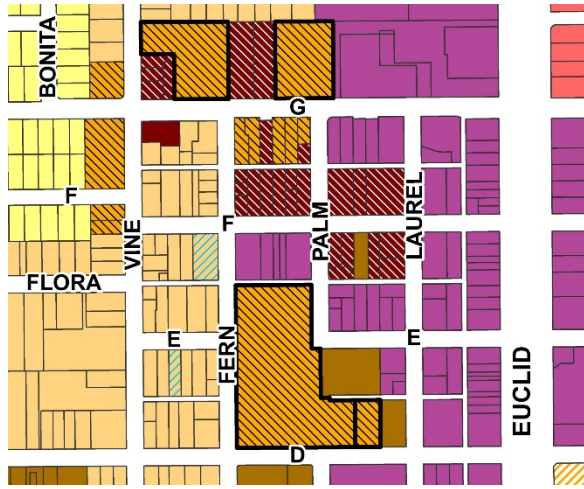
Parcels: (3 Properties)

- 1048-353-04
- 1048-353-05
- 1048-353-06

EXISTING

PROPOSED

B45



TOP: High Density Residential

No Change

Zoning: MDR-25, Medium-High Density Residential

HDR-45, High Density Residential

Parcels: (4 Properties)

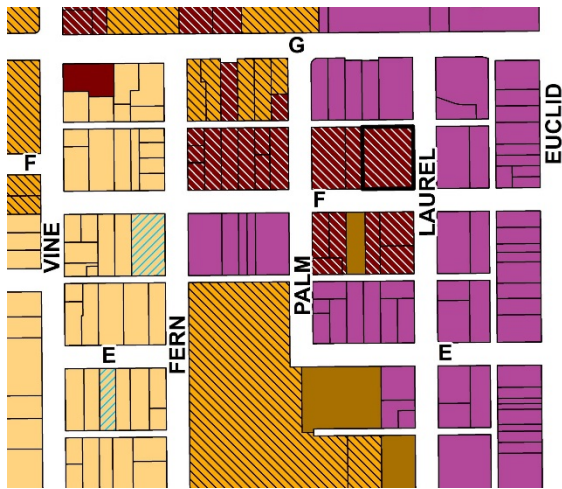
1048-271-47
1048-271-48

1048-344-03
1048-353-09

EXISTING

PROPOSED

B46



TOP: High Density Residential

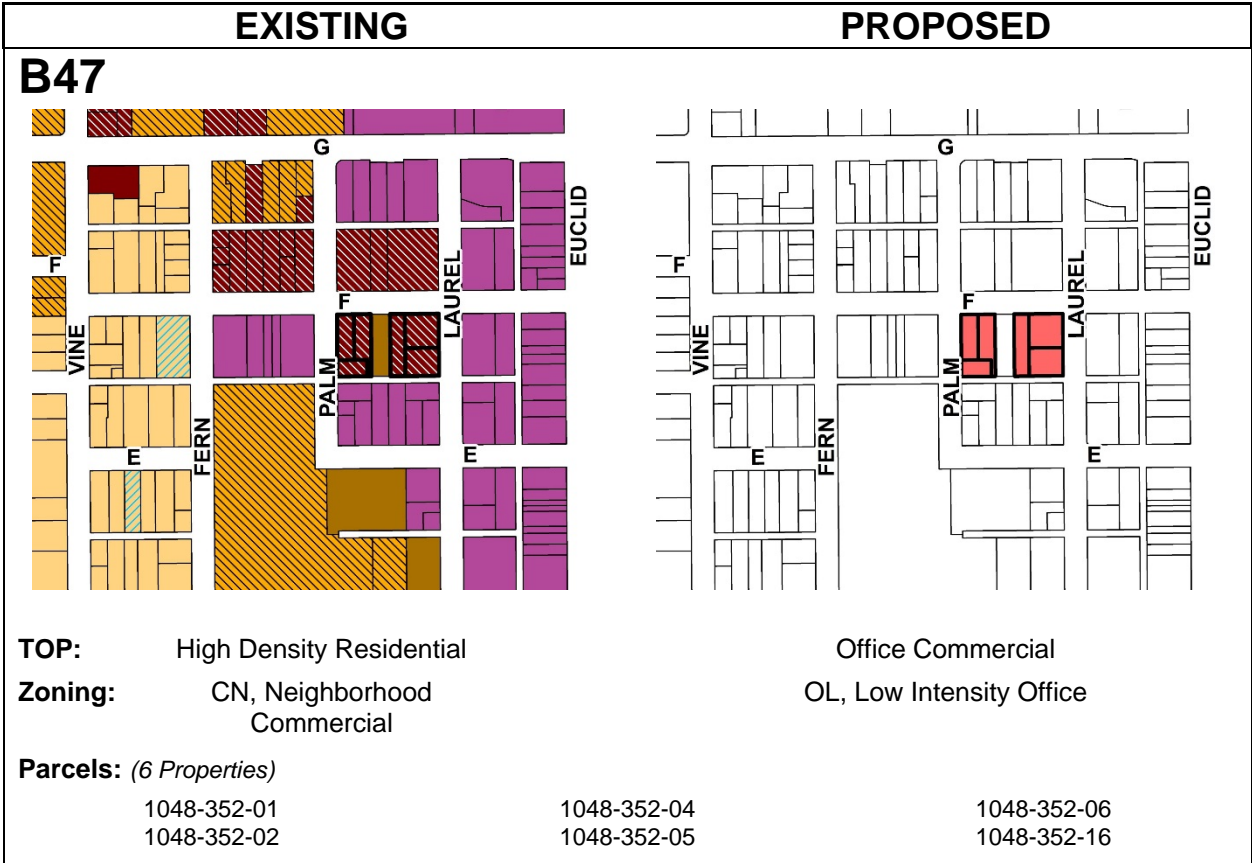
Downtown Mixed Use

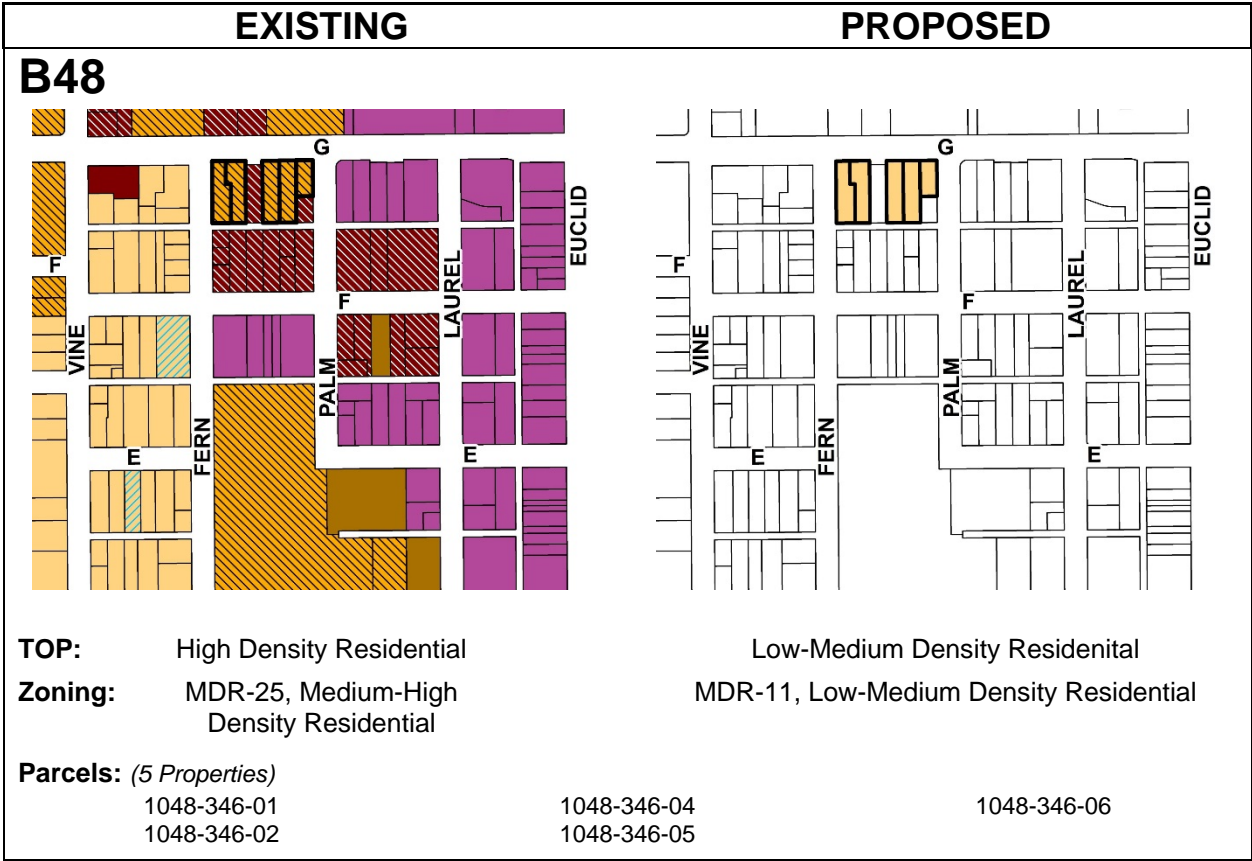
Zoning: CN, Neighborhood Commercial

MU-1, Downtown Mixed Use

Parcels: (1 Property)

1048-351-06

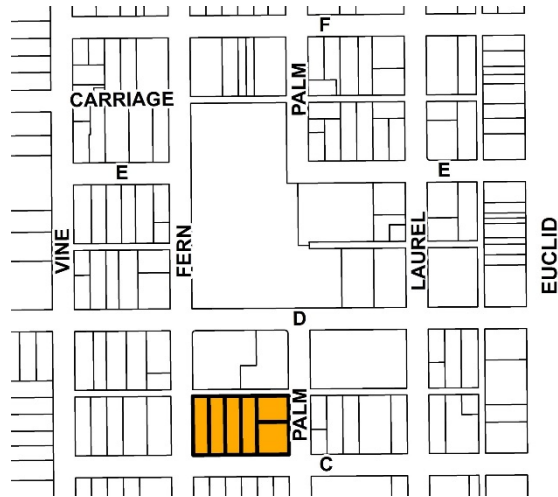




EXISTING

PROPOSED

B49



TOP: High Density Residential
Zoning: MDR-25, Medium-High Density Residential

Medium Density Residential
 MDR-18, Medium Density Residential

Parcels: (6 Properties)
 1048-576-06
 1048-576-07

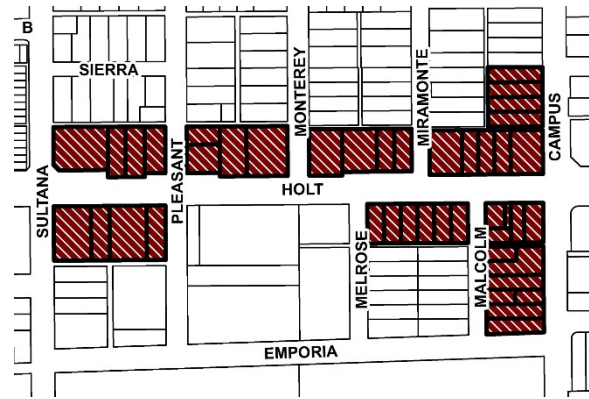
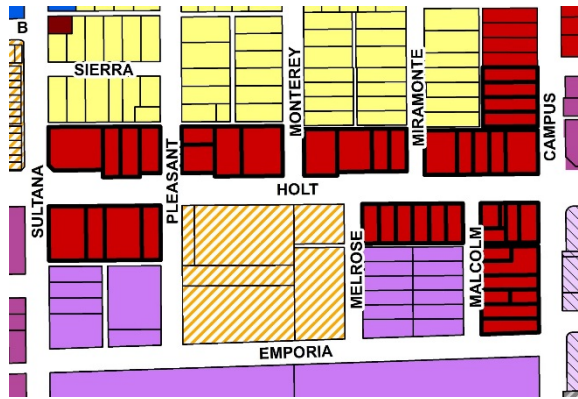
1048-576-08
 1048-576-09

1048-576-10
 1048-576-11

EXISTING

PROPOSED

D6



TOP: Neighborhood Commercial

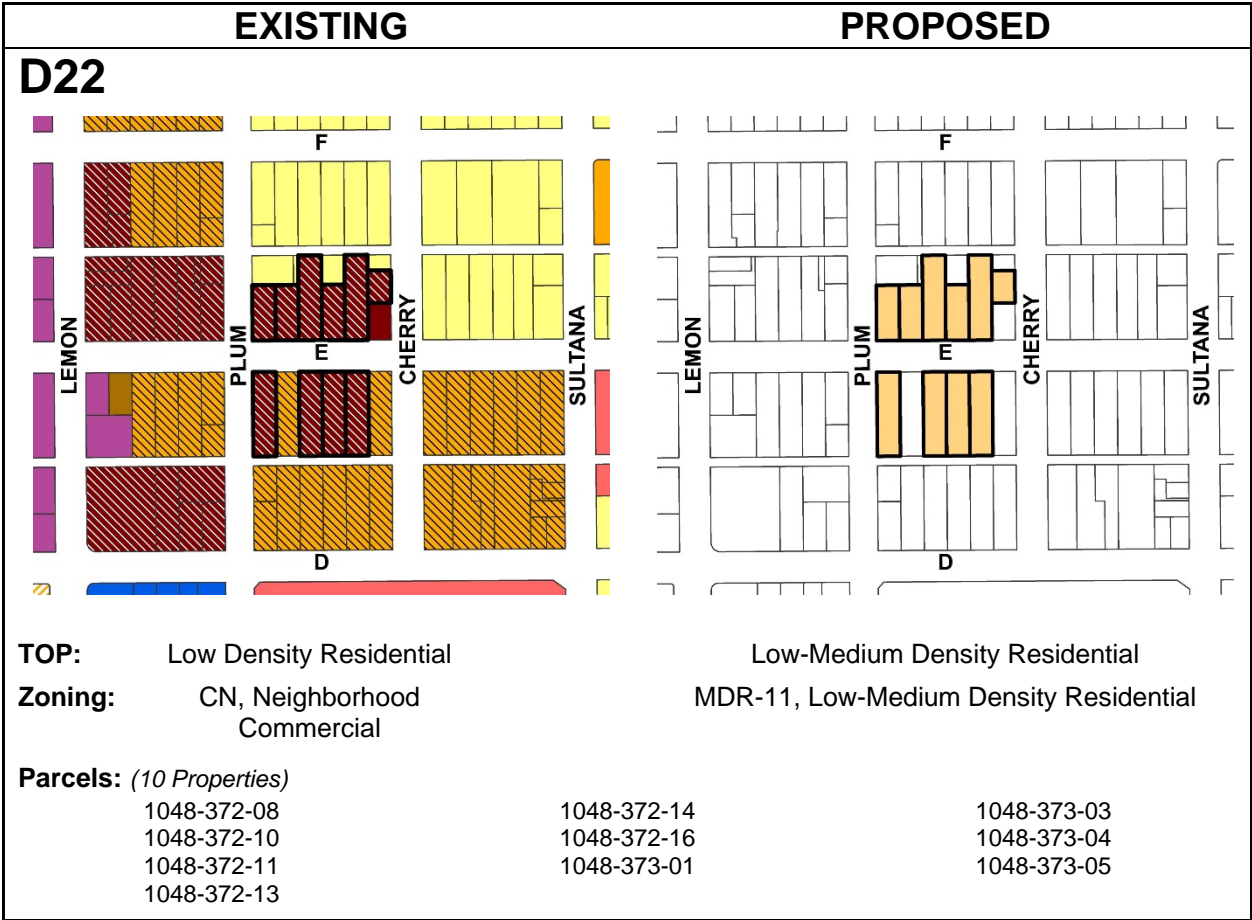
No Change

Zoning: CC, Community Commercial

CN, Neighborhood Commercial

Parcels: (45 Properties)

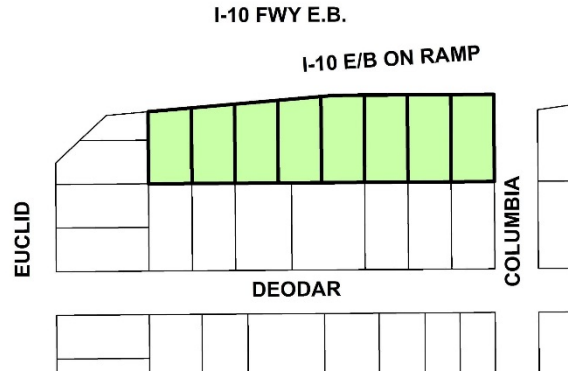
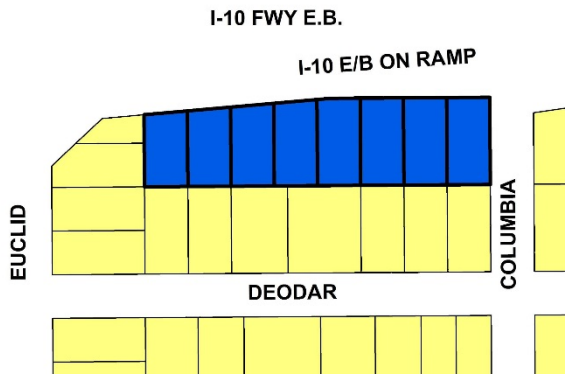
1048-522-08	1048-524-15	1048-525-18	1049-093-03	1049-093-05
1048-522-09	1048-524-16	1048-525-19	1049-093-04	1049-093-06
1048-522-10	1048-524-17	1048-525-20	1049-093-06	1049-093-07
1048-522-11	1048-525-12	1049-091-01	1049-093-07	1049-093-08
1048-523-15	1048-525-13	1049-091-02	1049-093-09	1049-093-09
1048-523-16	1048-525-14	1049-091-03	1049-093-10	1049-093-10
1048-523-17	1048-525-15	1049-091-04	1049-094-01	1049-094-11
1048-523-18	1048-525-16	1049-093-01	1049-094-02	1049-094-13
1048-524-14	1048-525-17	1049-093-02	1049-093-04	1049-094-14



EXISTING

PROPOSED

D23



TOP: Low Density Residential
Zoning: CIV, Civic

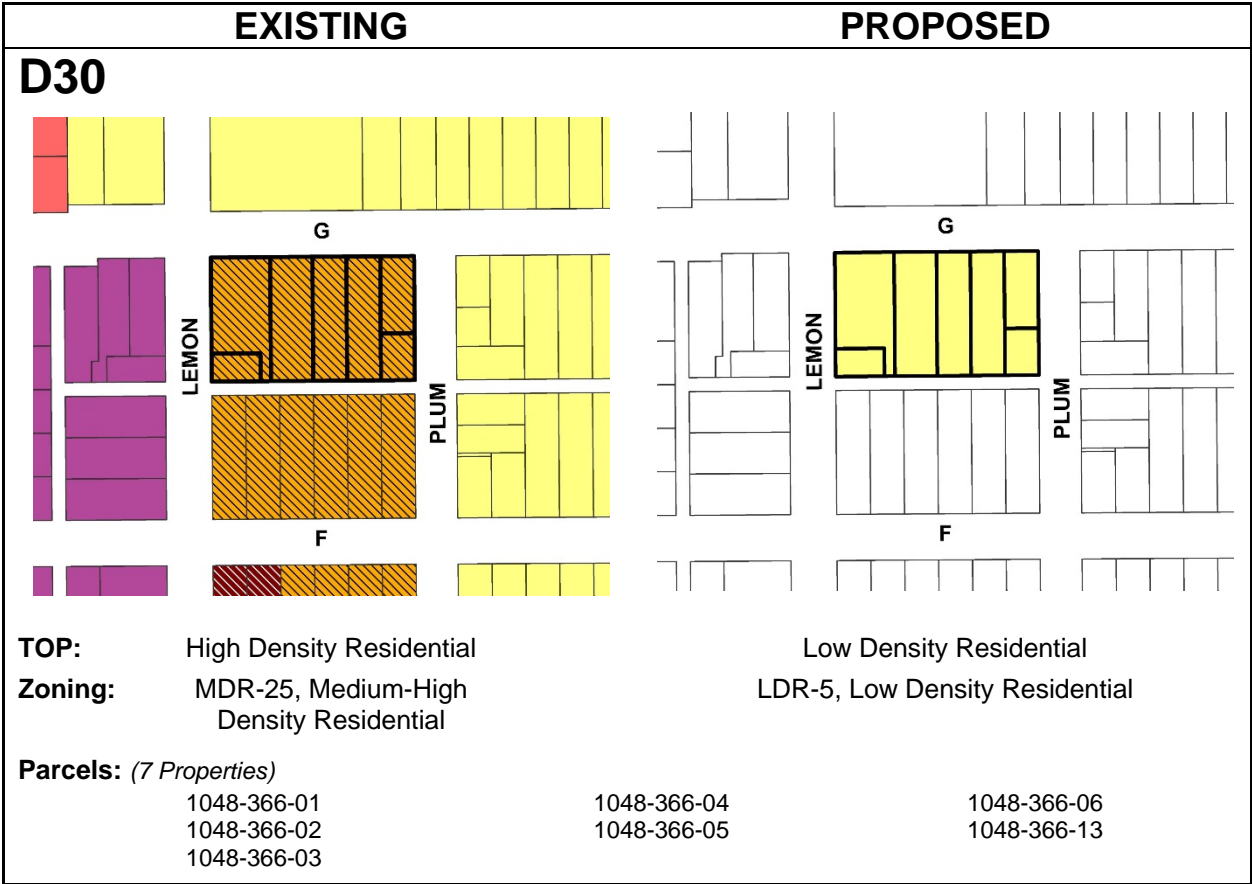
TOP: Open Space – Non-Recreation
Zoning: UC, Utilities Corridor

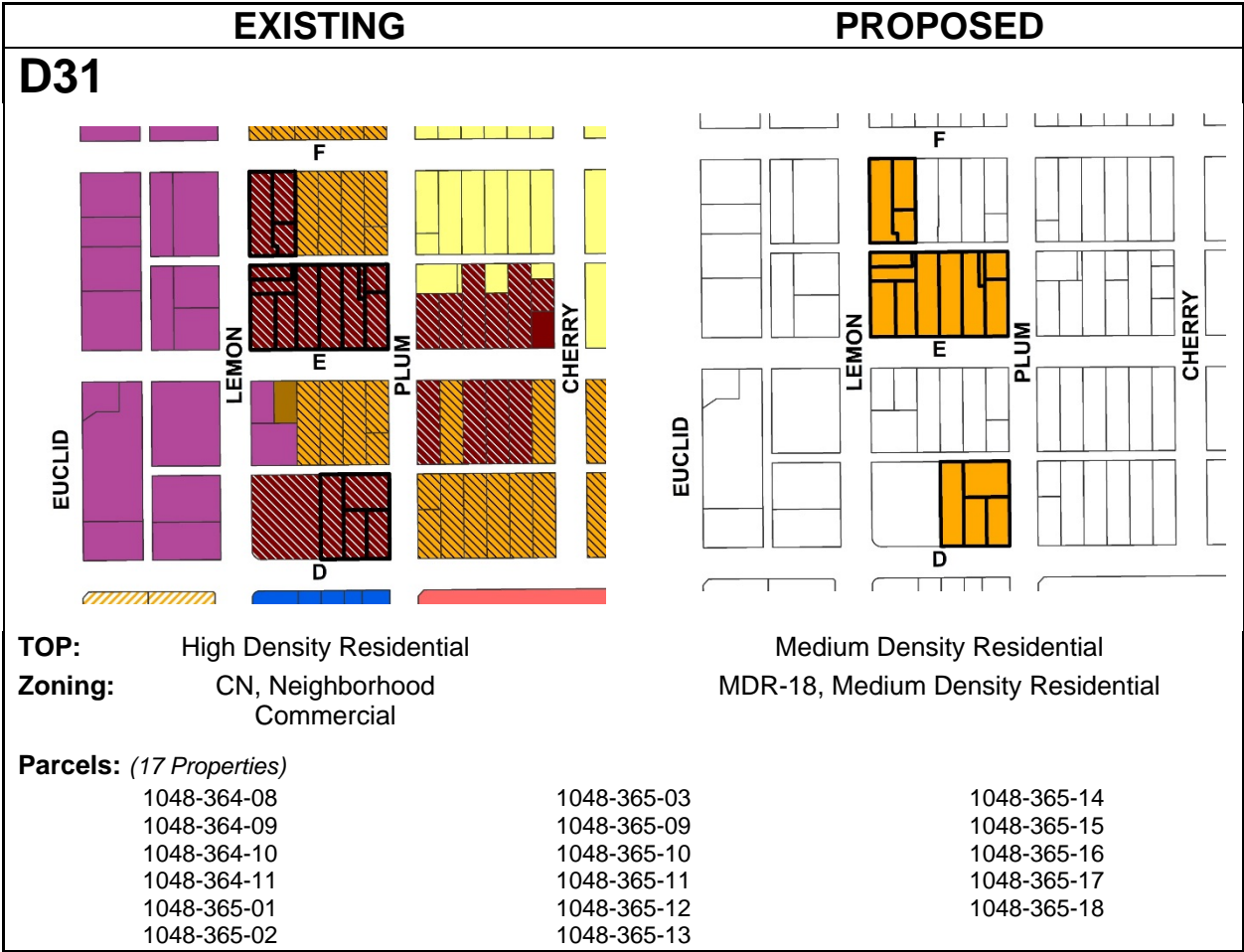
Parcels: (8 Properties)

- 1047-242-12
- 1047-242-13
- 1047-242-14

- 1047-242-15
- 1047-242-16
- 1047-242-17

- 1047-242-18
- 1047-242-19

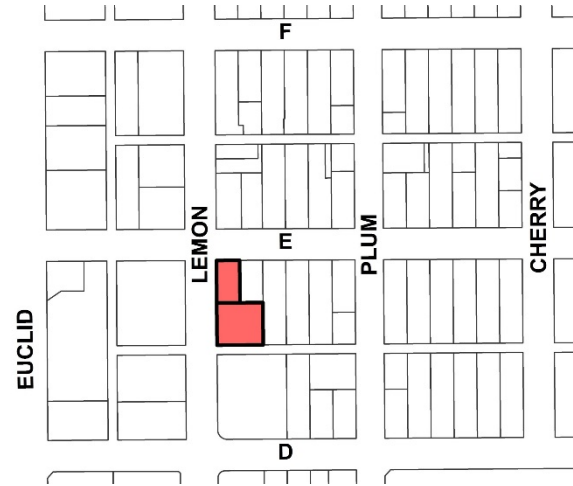
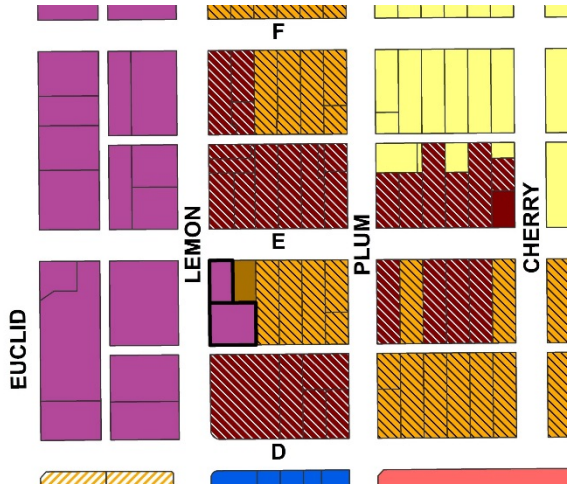




EXISTING

PROPOSED

D33

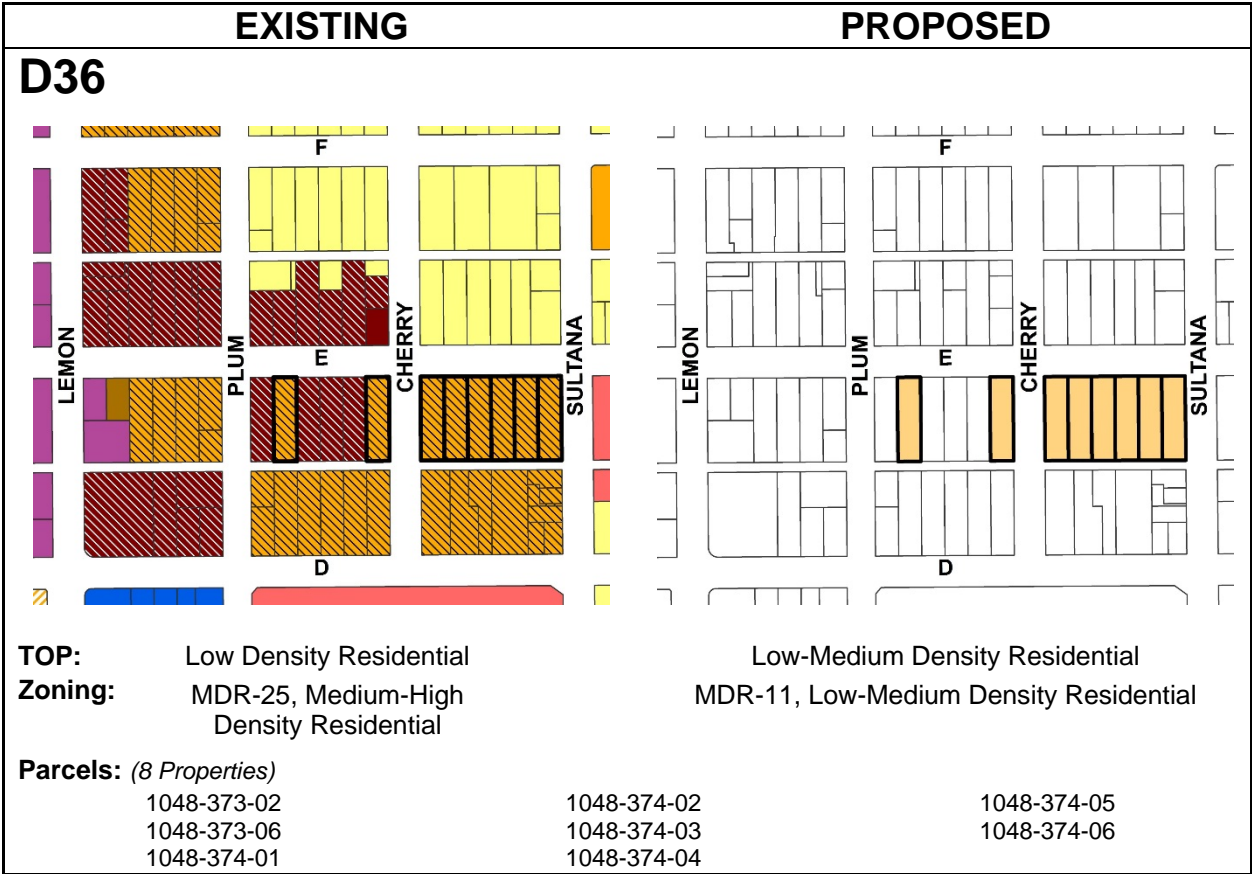


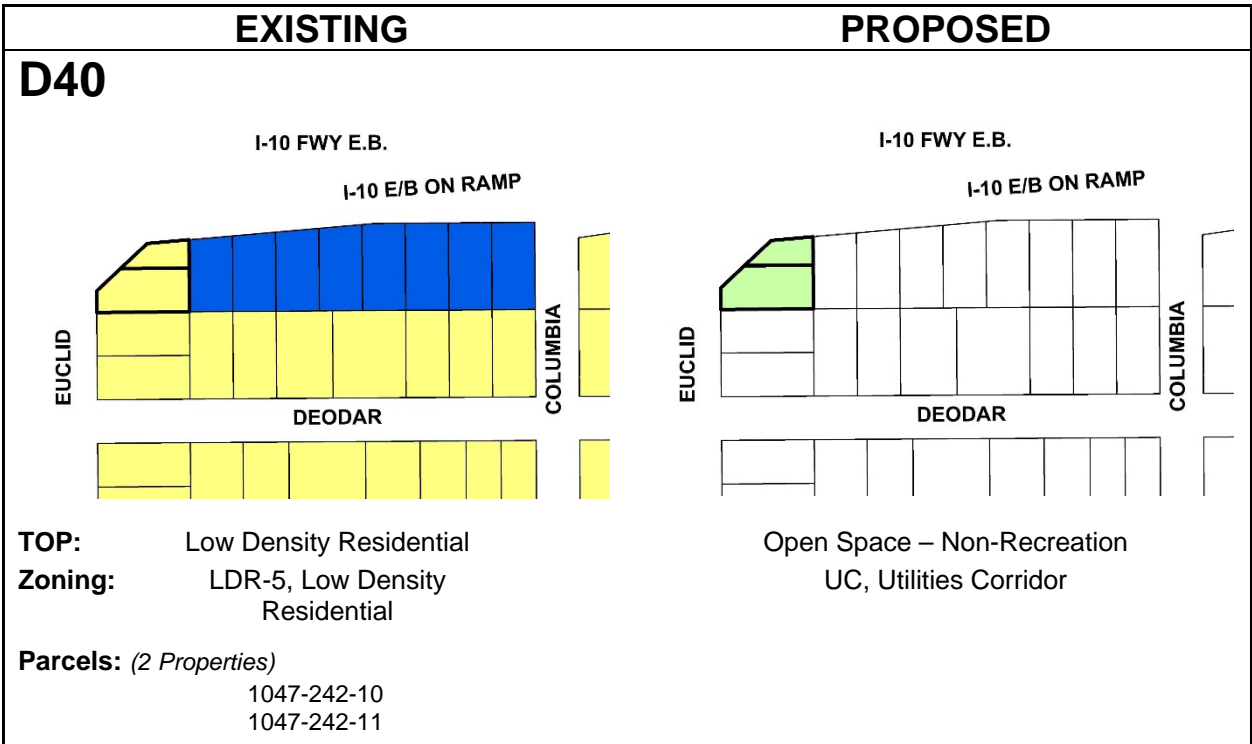
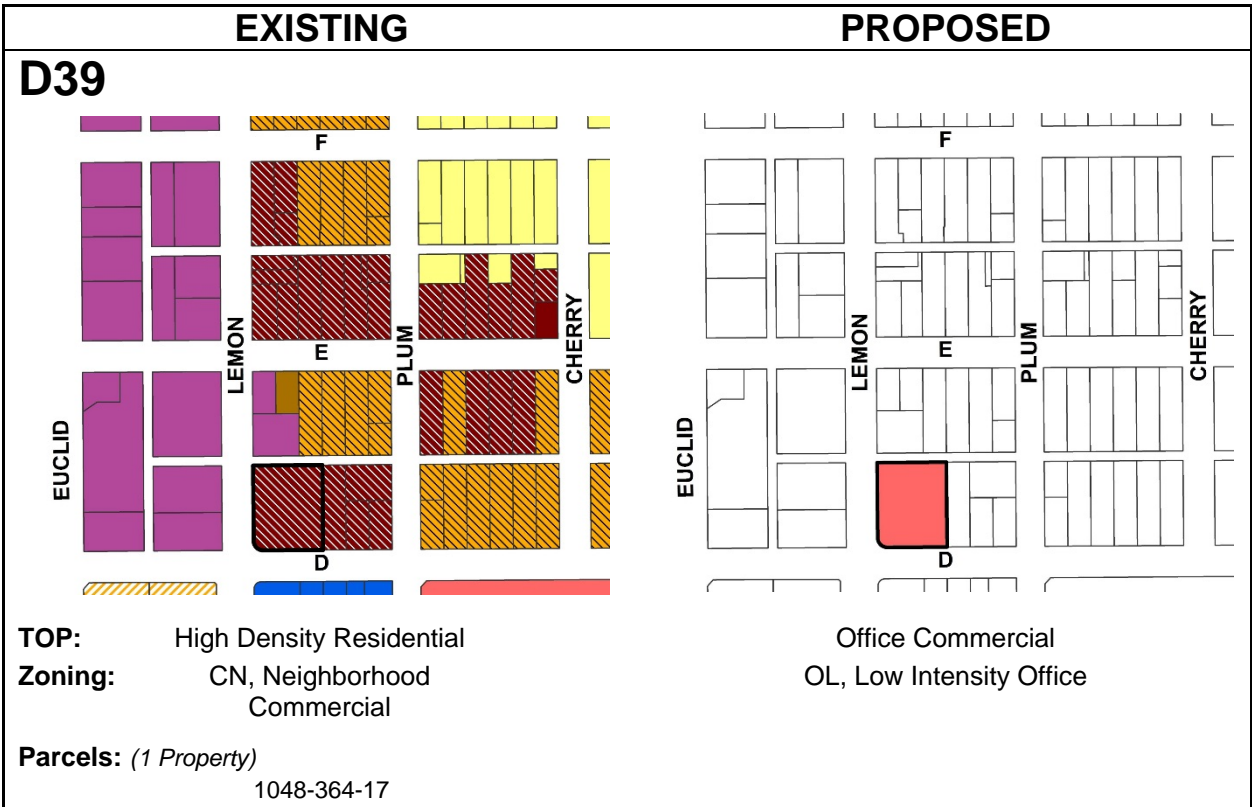
TOP: High Density Residential
Zoning: MU-1, Downtown Mixed Use

Office Commercial
OL, Low Intensity Office

Parcels: (2 Properties)

1048-364-01
1048-364-16

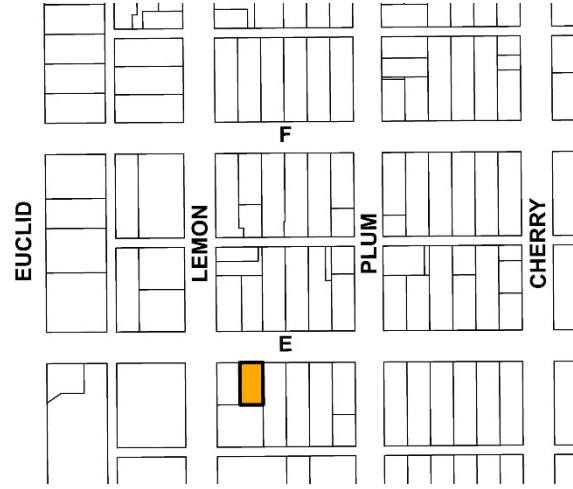
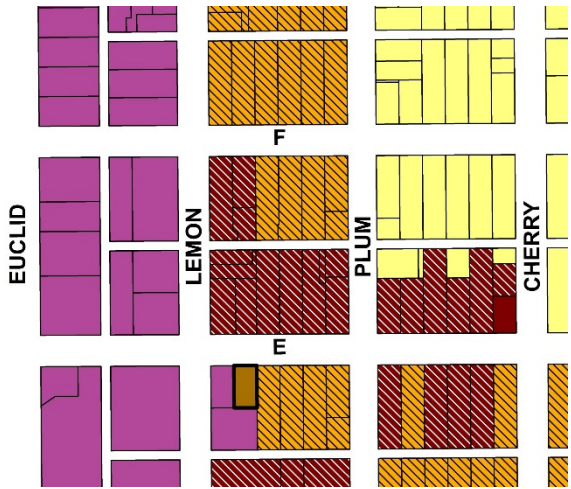




EXISTING

PROPOSED

D41



TOP: High Density Residential
Zoning: HDR-45, High Density Residential

Medium Density Residential
MDR-18, Medium Density Residential

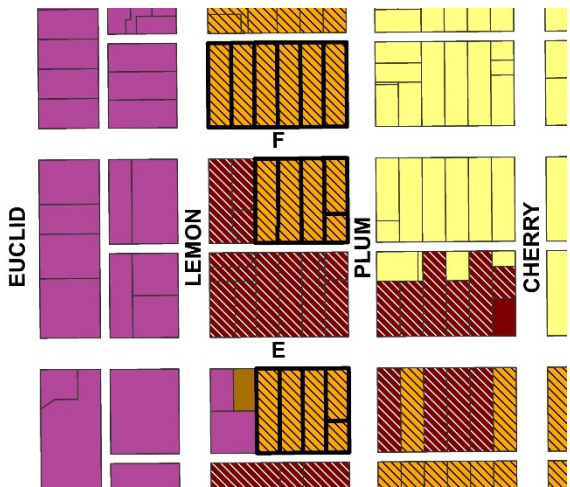
Parcels: (1 Property)

1048-364-02

EXISTING

PROPOSED

D42



TOP: High Density Residential
Zoning: MDR-25, Medium-High Density Residential

Medium Density Residential
 MDR-18, Medium Density Residential

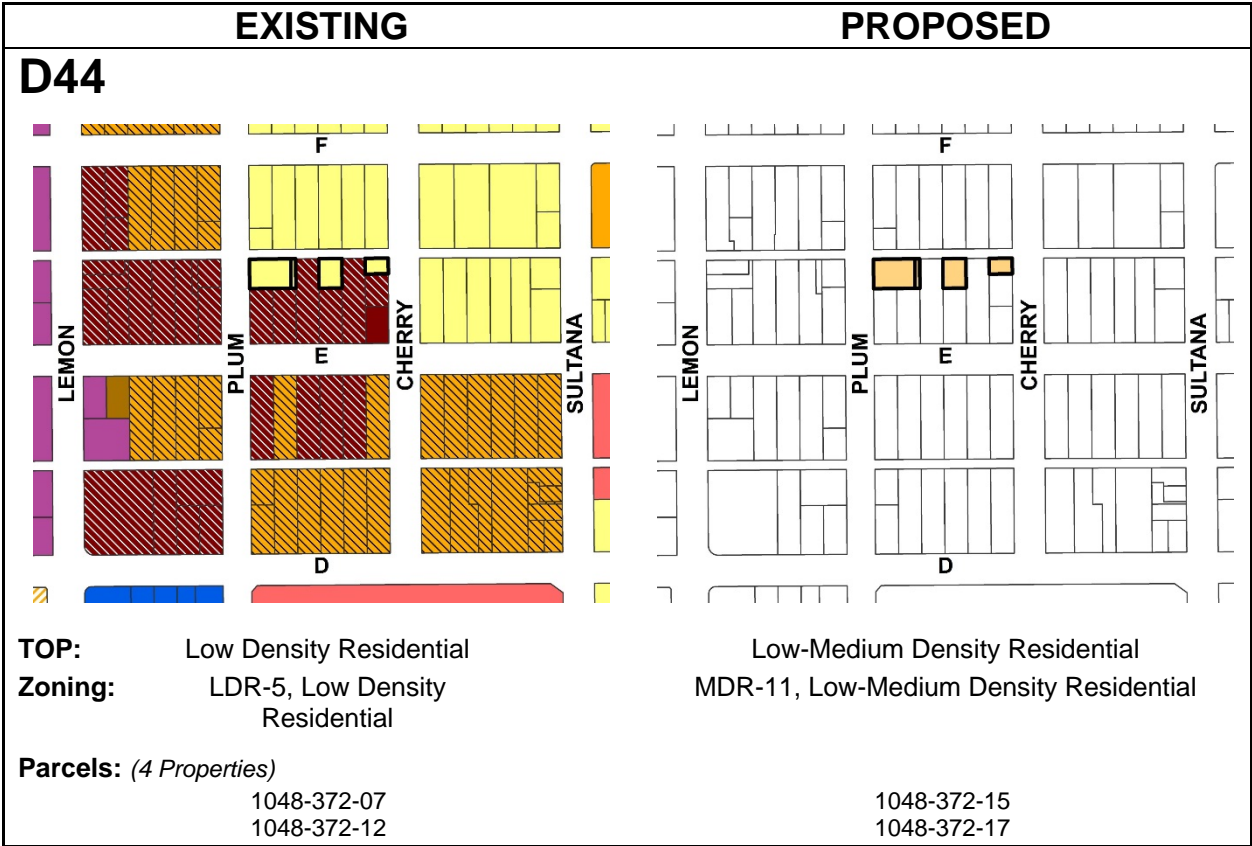
Parcels: (16 Properties)

1048-364-03
 1048-364-04
 1048-364-05
 1048-364-06

1048-364-07
 1048-365-04
 1048-365-05
 1048-365-06

1048-365-07
 1048-365-08
 1048-366-07
 1048-366-08

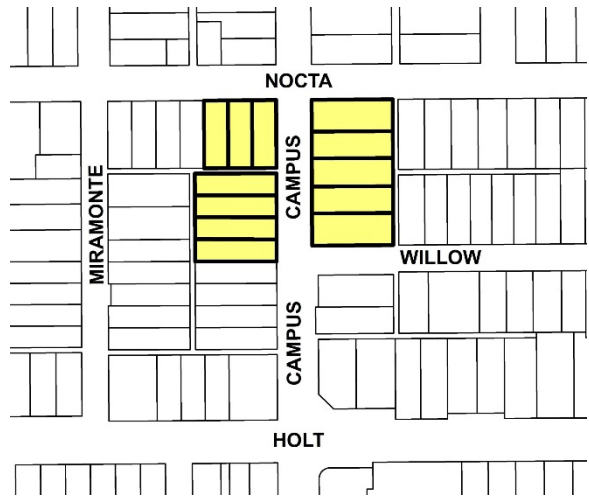
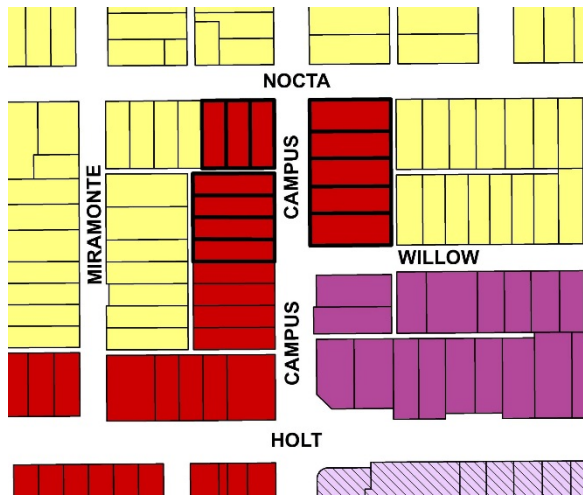
1048-366-09
 1048-366-10
 1048-366-11
 1048-366-12



EXISTING

PROPOSED

E11



TOP: Neighborhood Commercial
Zoning: CC, Community Commercial

Low Density Residential
 LDR-5, Low Density Residential

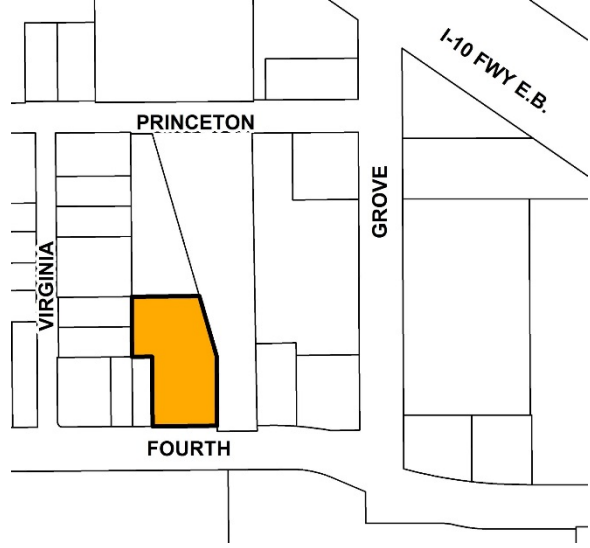
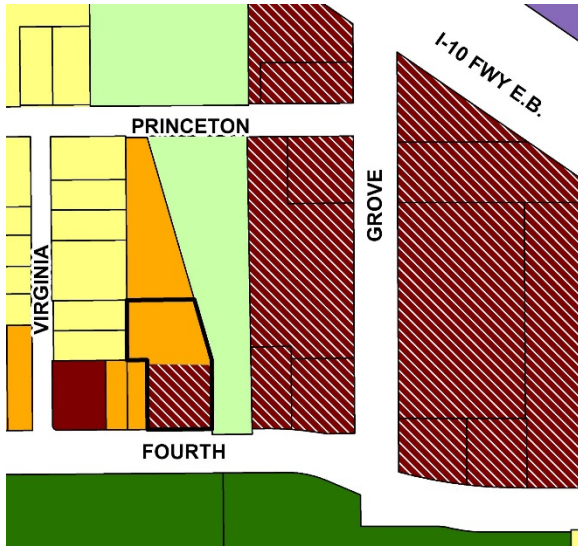
Parcels: (12 Properties)

1048-511-01	1048-511-04	1048-525-06	1048-525-09
1048-511-02	1048-511-05	1048-525-07	1048-525-10
1048-511-03	1048-525-05	1048-525-08	1048-525-11

EXISTING

PROPOSED

E34



TOP: Medium Density Residential
Zoning: CN, Neighborhood Commercial & MDR-18, Medium Density Residential

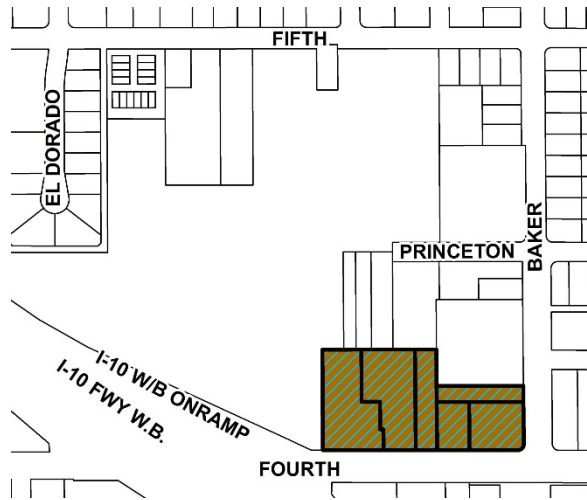
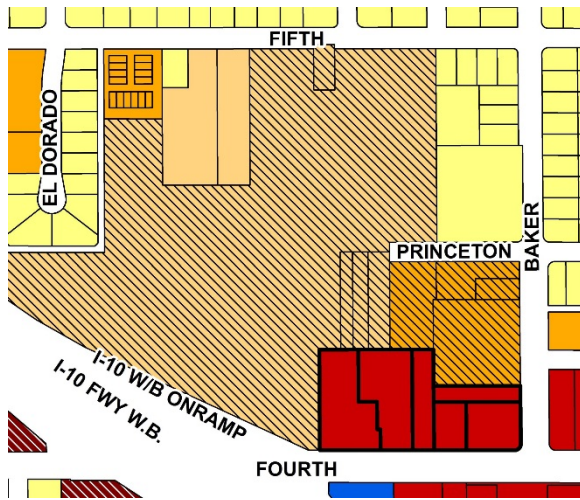
No Change
MDR-18, Medium Density Residential

Parcels: (1 Property)
1047-462-15

EXISTING

PROPOSED

F3



TOP: High Density Residential
Zoning: CC, Community Commercial

TOP: No Change
Zoning: HDR-45, High Density Residential with ICC,
 Interim Community Commercial Overlay

Parcels: (6 Properties)

0110-391-15
 0110-391-25

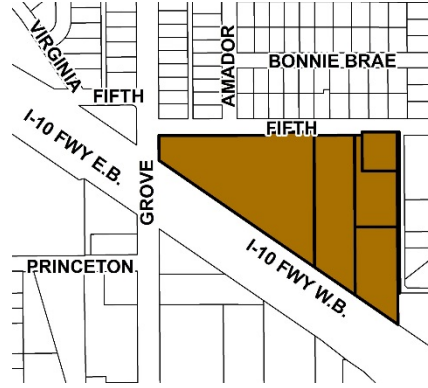
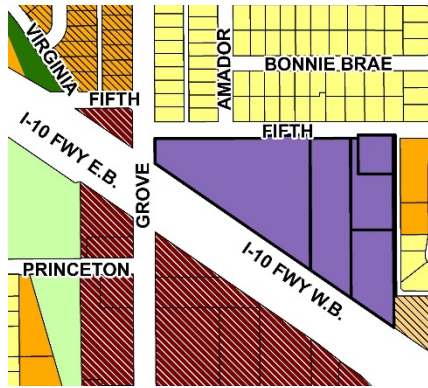
0110-391-26
 0110-391-29

0110-391-30
 0110-391-33

EXISTING

PROPOSED

F4



TOP: High Density Residential

Zoning: IG, General Industrial

No Change

HDR-45, High Density Residential

Parcels: (6 Properties)

0108-501-25
0108-501-43

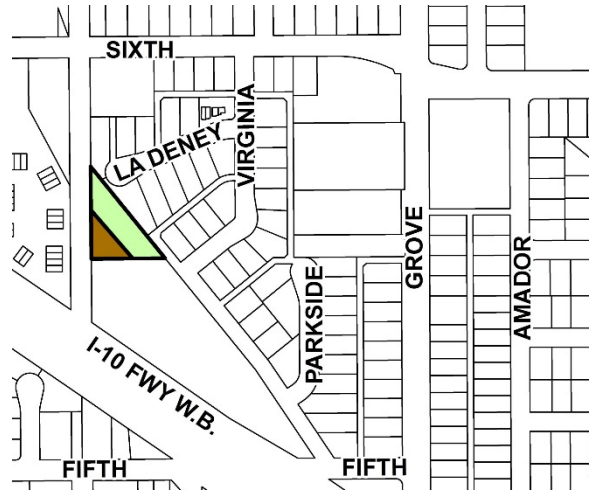
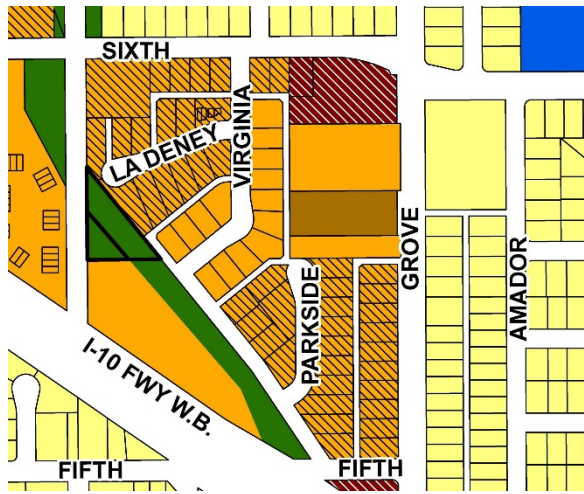
0108-501-46
0108-501-47

0108-501-49
0108-501-50

EXISTING

PROPOSED

F5



TOP: High Density Residential &
Open Space – Non-Recreation

No Change

Zoning: OS-R, Open Space –
Recreation

HDR-45, High Density Residential &
UC, Utilities Corridor

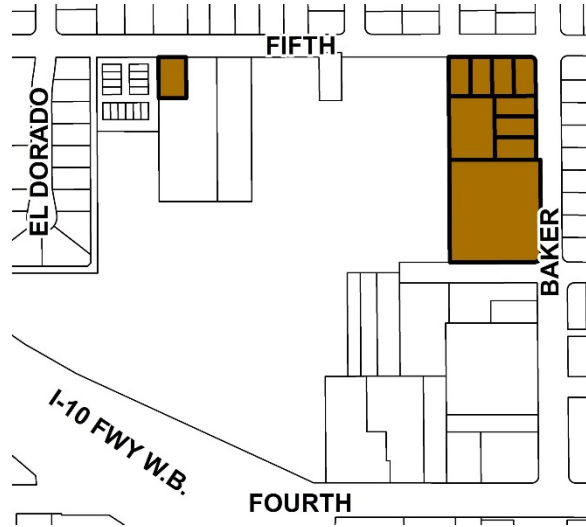
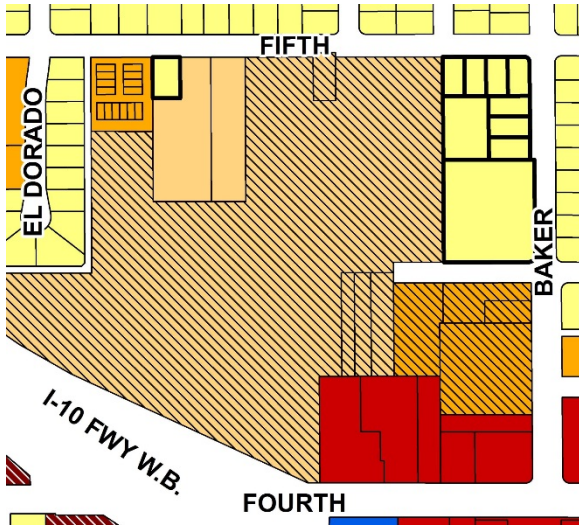
Parcels: (1 Property)

1047-432-22

EXISTING

PROPOSED

F7



TOP: High Density Residential
Zoning: LDR-5, Low Density Residential

No Change
HDR-45, High Density Residential

Parcels: (10 Properties)

0108-511-02
0108-511-10
0108-511-18
0108-511-19

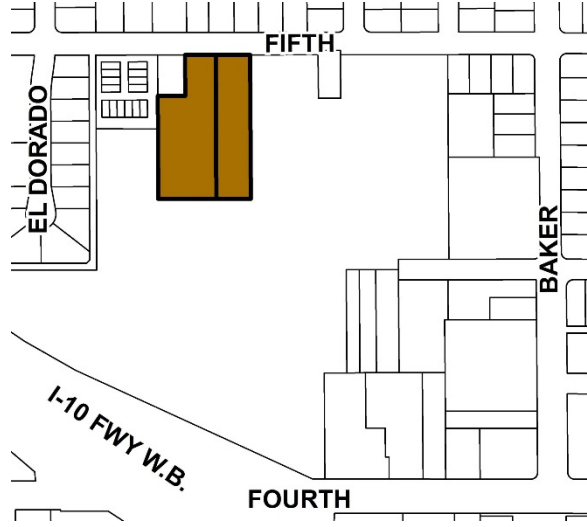
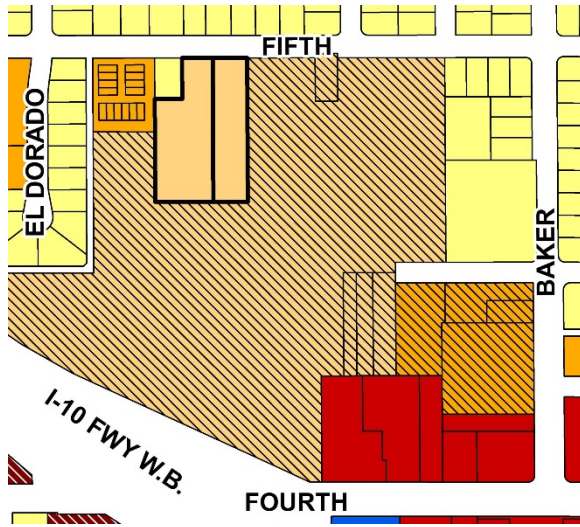
0108-511-20
0108-511-21
0108-511-22

0108-511-23
0108-511-40
0108-511-41

EXISTING

PROPOSED

F8



TOP: High Density Residential
Zoning: MDR-11, Low-Medium Density Residential

No Change
HDR-45, High Density Residential

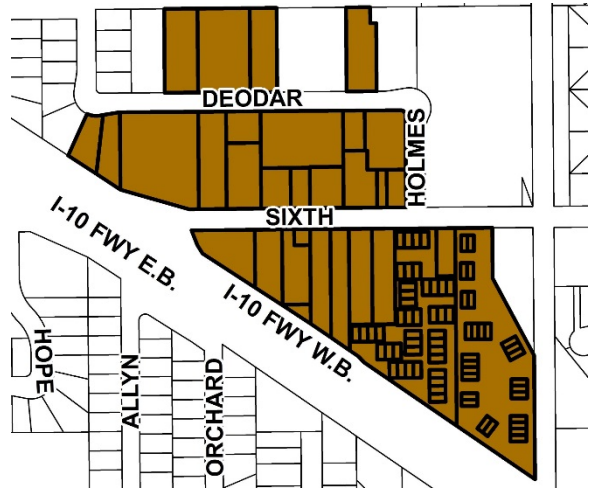
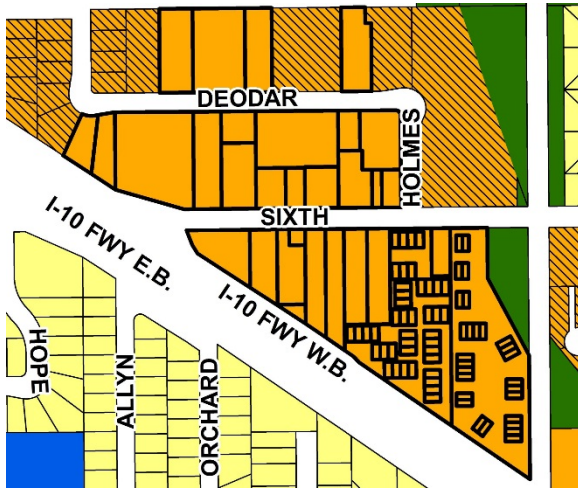
Parcels: (2 Properties)

0108-511-16
0108-511-17

EXISTING

PROPOSED

F9



TOP: High Density Residential
Zoning: MDR-18, Medium Density Residential

No Change
HDR-45, High Density Residential

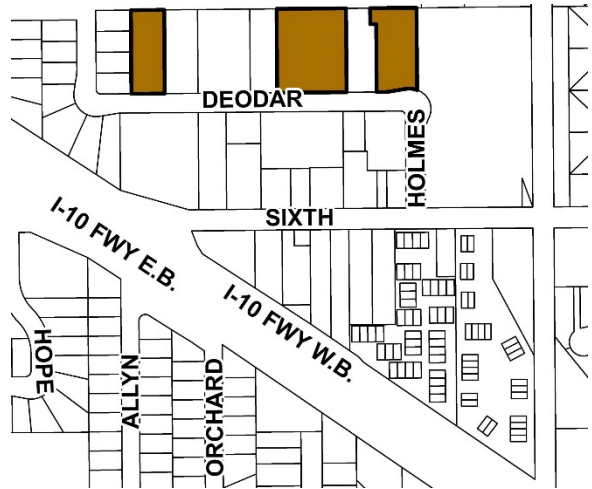
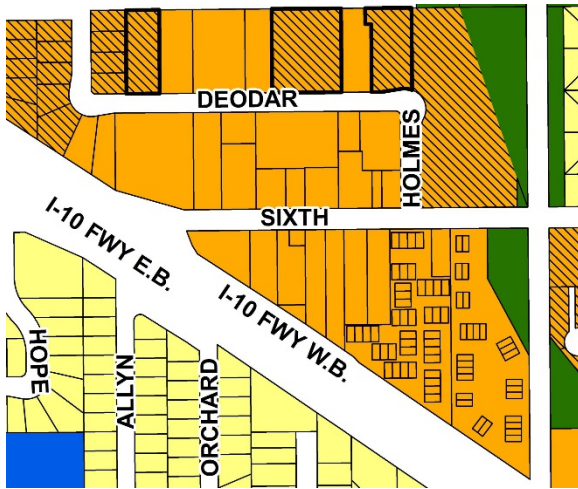
Parcels: (101 Properties)

1047-171-08	1047-172-22	1047-424-23	1047-424-40	1047-424-57	1047-431-20
1047-171-14	1047-201-19	1047-424-24	1047-424-41	1047-424-58	1047-431-21
1047-171-18	1047-424-01	1047-424-25	1047-424-42	1047-424-61	1047-431-22
1047-171-19	1047-424-02	1047-424-26	1047-424-43	1047-431-06	1047-431-23
1047-172-01	1047-424-03	1047-424-27	1047-424-44	1047-431-07	1047-431-24
1047-172-02	1047-424-04	1047-424-28	1047-424-45	1047-431-08	1047-431-25
1047-172-03	1047-424-05	1047-424-29	1047-424-46	1047-431-09	1047-431-26
1047-172-07	1047-424-06	1047-424-30	1047-424-47	1047-431-10	1047-431-27
1047-172-08	1047-424-07	1047-424-31	1047-424-48	1047-431-11	1047-431-28
1047-172-09	1047-424-08	1047-424-32	1047-424-49	1047-431-12	1047-431-29
1047-172-13	1047-424-14	1047-424-33	1047-424-50	1047-431-13	1047-431-30
1047-172-15	1047-424-17	1047-424-34	1047-424-51	1047-431-14	1047-431-31
1047-172-16	1047-424-18	1047-424-35	1047-424-52	1047-431-15	1047-431-32
1047-172-17	1047-424-19	1047-424-36	1047-424-53	1047-431-16	1047-431-33
1047-172-18	1047-424-20	1047-424-37	1047-424-54	1047-431-17	1047-431-34
1047-172-19	1047-424-21	1047-424-38	1047-424-55	1047-431-18	
1047-172-21	1047-424-22	1047-424-39	1047-424-56	1047-431-19	

EXISTING

PROPOSED

F10



TOP: High Density Residential
Zoning: MDR-25, Medium-High Density Residential

No Change
HDR-45, High Density Residential

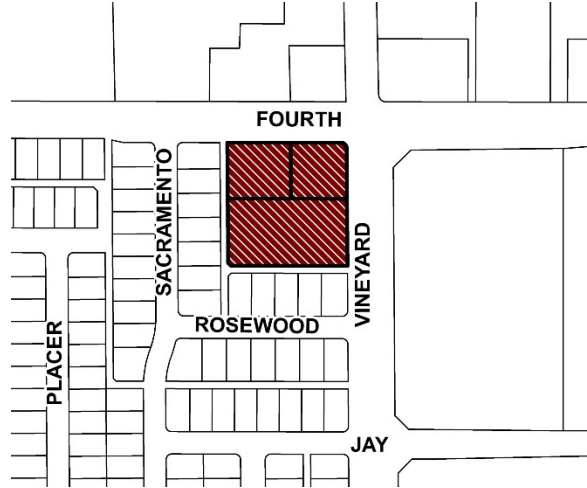
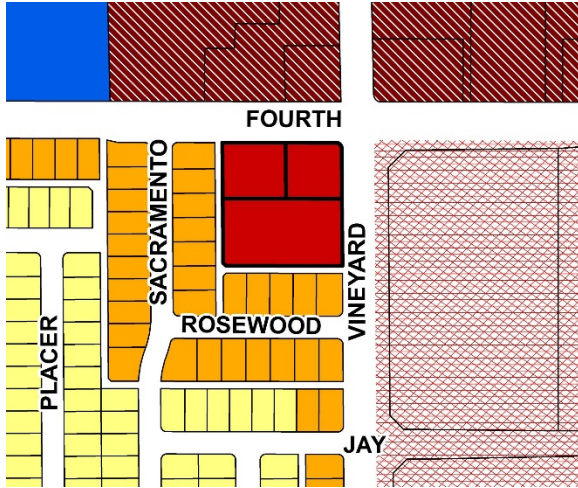
Parcels: (3 Properties)

- 1047-171-09
- 1047-171-15
- 1047-171-16

EXISTING

PROPOSED

F11



TOP: Medium Density Residential

Neighborhood Commercial

Zoning: CC, Community Commercial

CN, Neighborhood Commercial

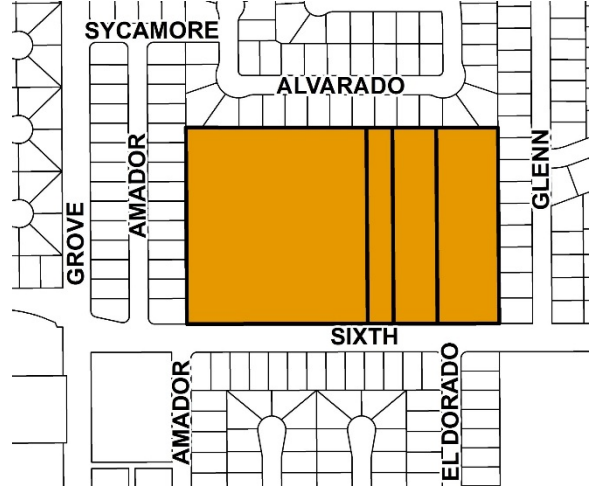
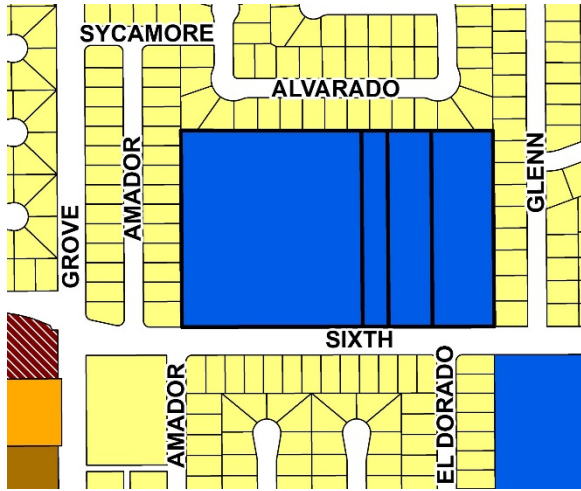
Parcels: (3 Properties)

- 0110-334-14
- 0110-334-19
- 0110-334-20

EXISTING

PROPOSED

F15



TOP: Medium Density Residential

No Change

Zoning: CIV, Civic

MDR-18, Medium Density Residential

Parcels: (4 Properties)

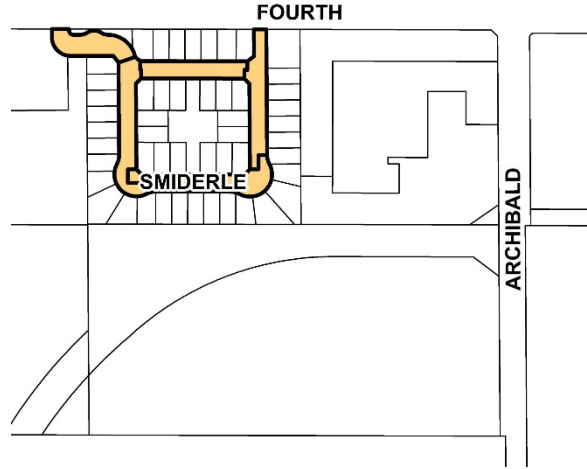
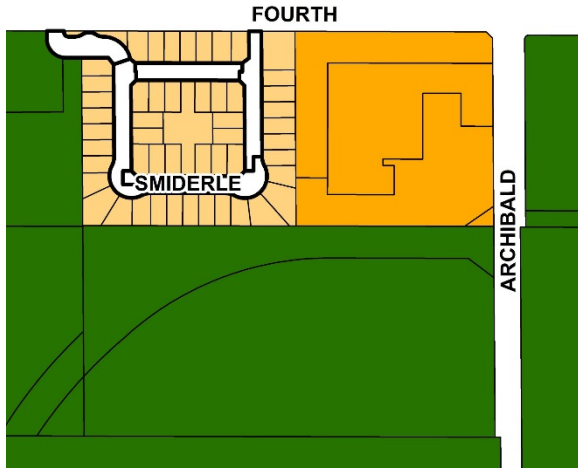
0108-461-01
0108-461-02

0108-461-03
0108-461-04

EXISTING

PROPOSED

F17



TOP: Right of Way
Zoning: ROW, Right of Way

Low-Medium Density Residential
MDR-11, Low-Medium Density Residential

Parcels: (5 Properties)

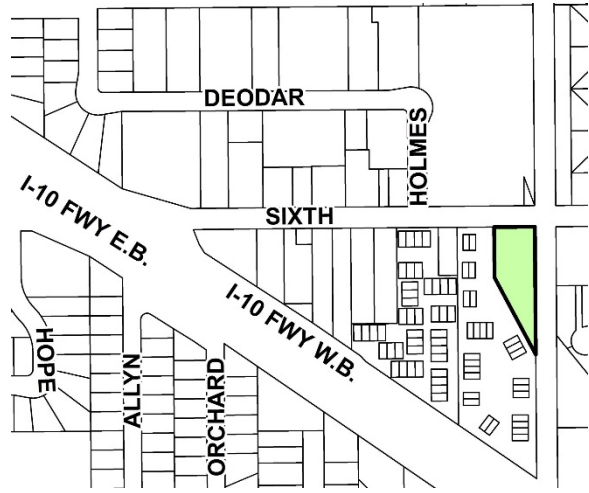
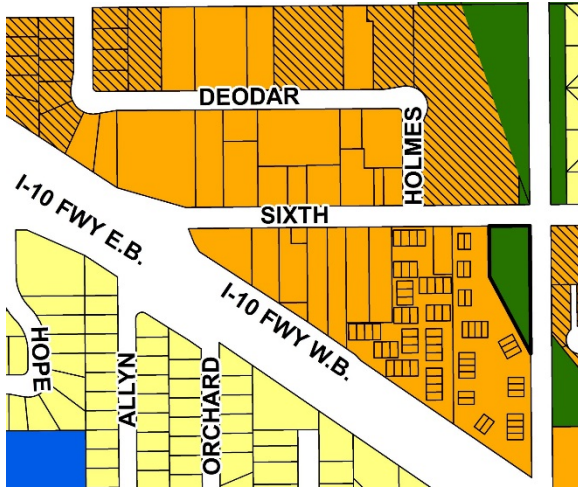
0210-601-51
0210-601-52
0210-601-53

0210-601-54
0210-601-55

EXISTING

PROPOSED

F19



TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation

No Change
UC, Utilities Corridor

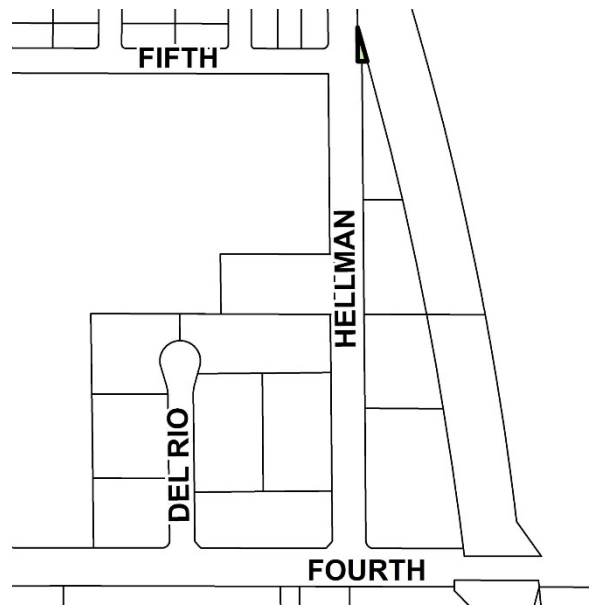
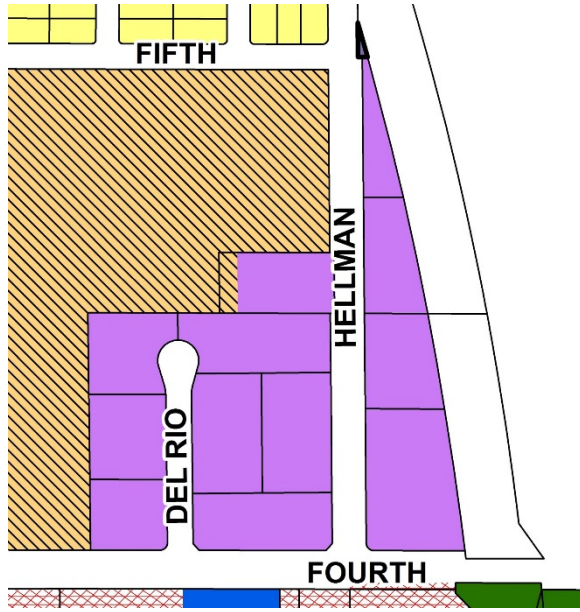
Parcels: (1 Property)

1047-431-04

EXISTING

PROPOSED

F20



TOP: Open Space – Non-Recreation

Zoning: IG, General Industrial

Parcels: (1 Property)

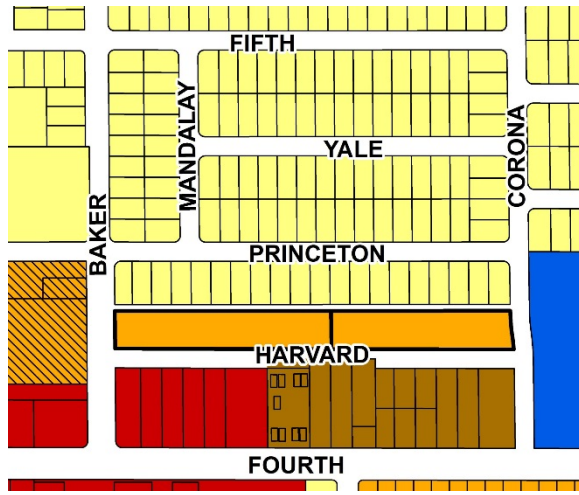
0210-062-40

No Change

UC, Utilities Corridor

F23

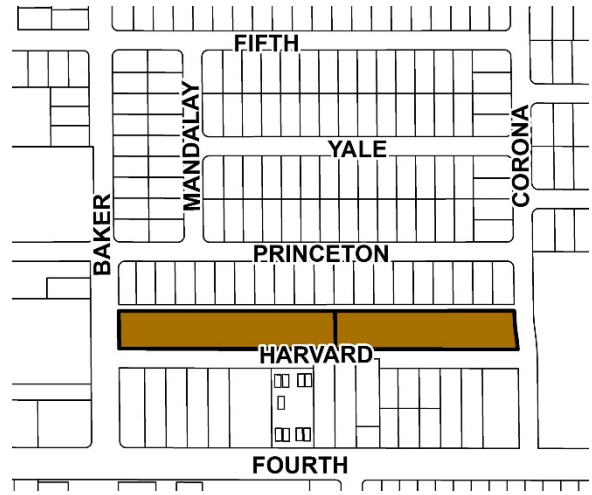
EXISTING



TOP: High Density Residential
Zoning: MDR-18, Medium Density Residential

Parcels: (2 Properties)
0108-551-39
0108-551-41

PROPOSED

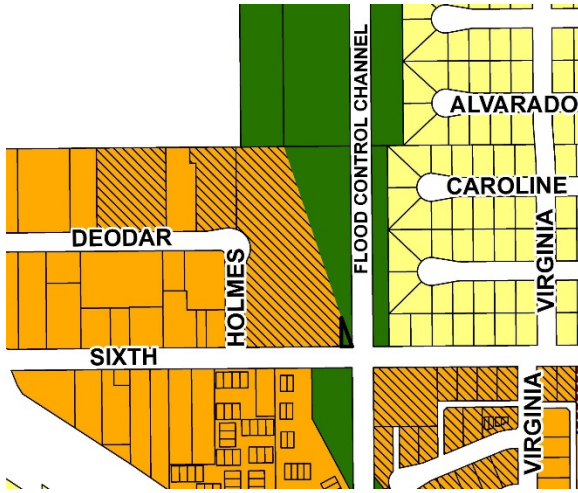


No Change
HDR-45, High Density Residential

EXISTING

PROPOSED

F24



TOP: High Density Residential
Zoning: OS-R, Open Space – Recreation

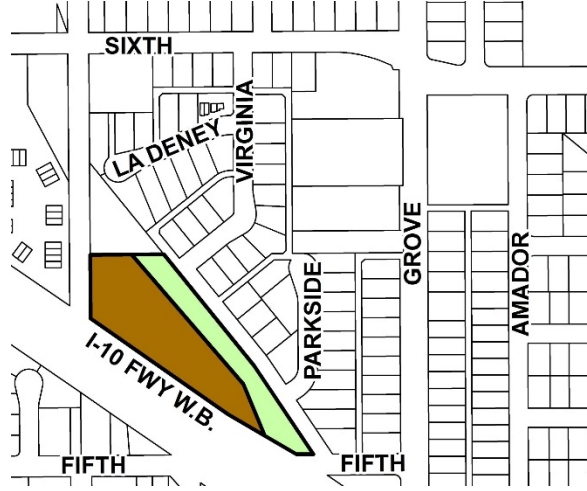
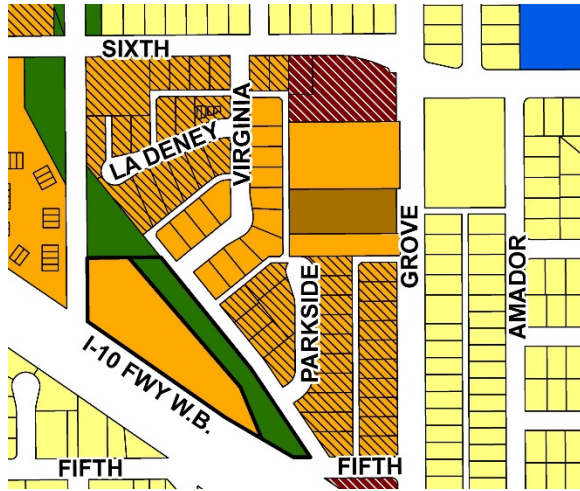
Open Space-Non-Recreation
UC, Utilities Corridor

Parcels: (1 Property)
1047-171-01

EXISTING

PROPOSED

F27



TOP: High Density Residential & Open Space-Non-Recreation

No Change

Zoning: MDR-18, Medium Density Residential & OS-R, Open Space – Recreation

HDR-45, High Density Residential & UC, Utilities Corridor

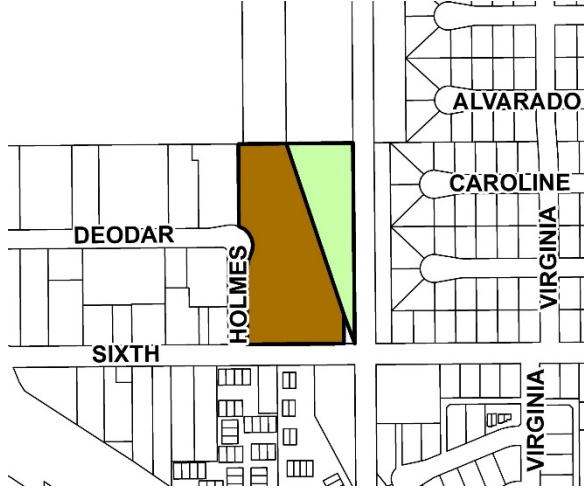
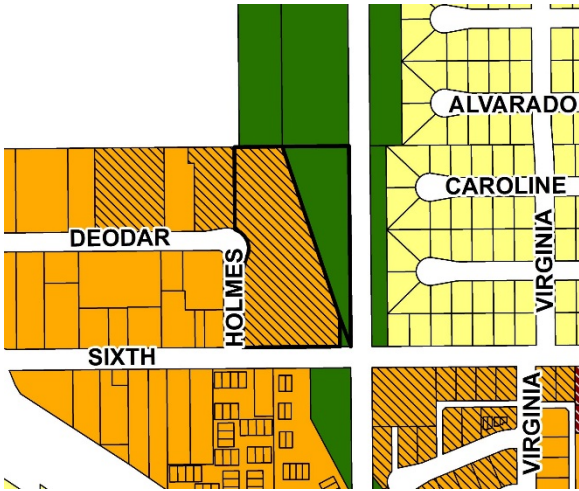
Parcels: (1 Property)

1047-443-01

EXISTING

PROPOSED

F28



TOP: High Density Residential & Open Space-Non-Recreation

No Change

Zoning: MDR-25, Medium-High Density Residential & OS-R, Open Space – Recreation

HDR-45, High Density Residential & UC, Utilities Corridor

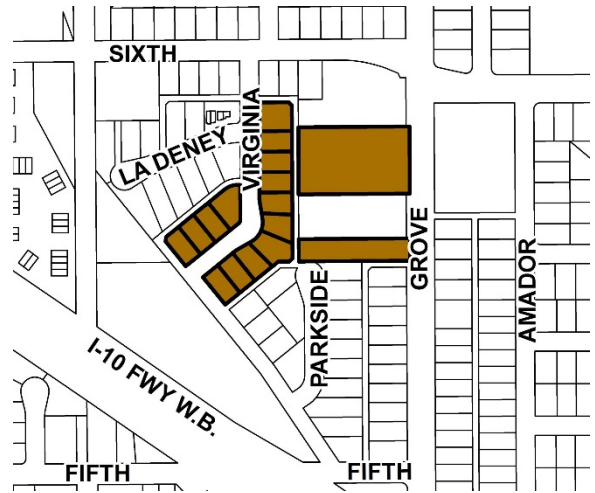
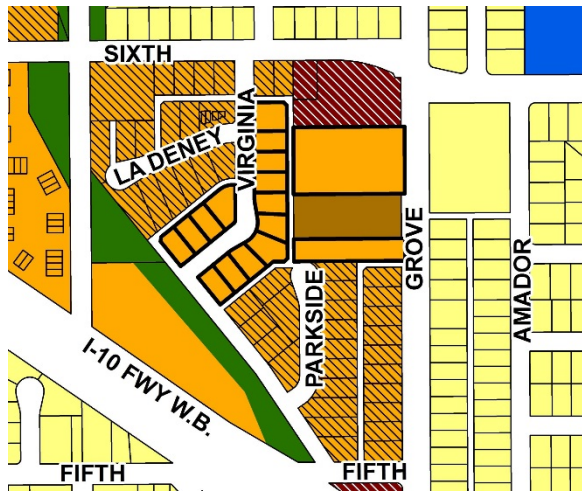
Parcels: (1 Property)

1047-171-02

EXISTING

PROPOSED

F30



TOP: High Density Residential
Zoning: MDR-18, Medium Density Residential

No Change
 HDR-45, High Density Residential

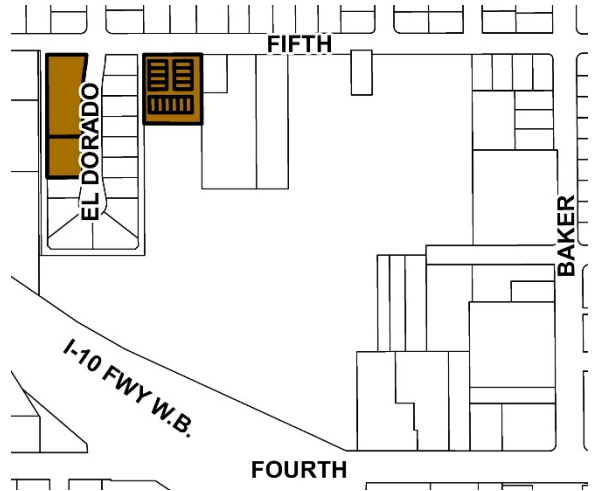
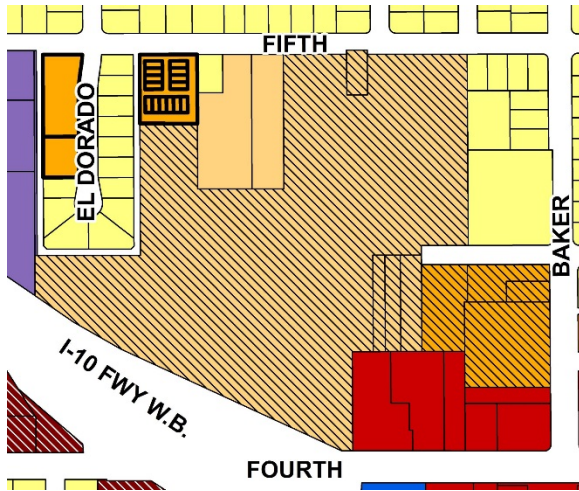
Parcels: (16 Properties)

1047-432-18	1047-433-01	1047-433-05	1047-433-09
1047-432-19	1047-433-02	1047-433-06	1047-433-10
1047-432-20	1047-433-03	1047-433-07	1047-433-15
1047-432-21	1047-433-04	1047-433-08	1047-433-17

EXISTING

PROPOSED

F31



TOP: High Density Residential
Zoning: MDR-18, Medium Density Residential

TOP: No Change
Zoning: HDR-45, High Density Residential

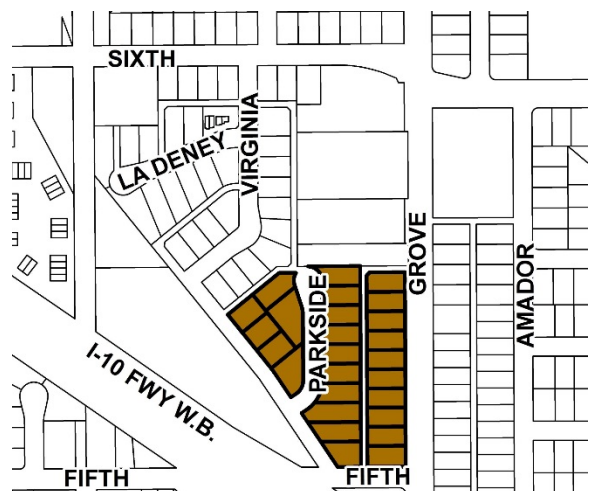
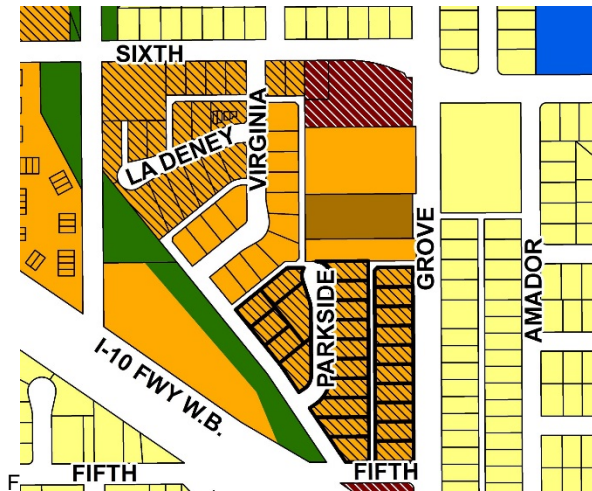
Parcels: (17 Properties)

0108-501-26	0108-511-30	0108-511-36
0108-501-29	0108-511-31	0108-511-37
0108-511-26	0108-511-32	0108-511-38
0108-511-27	0108-511-33	0108-511-39
0108-511-28	0108-511-34	0108-511-42
0108-511-29	0108-511-35	

EXISTING

PROPOSED

F32



TOP: High Density Residential
Zoning: MDR-25, Medium-High Density Residential

No Change
HDR-45, High Density Residential

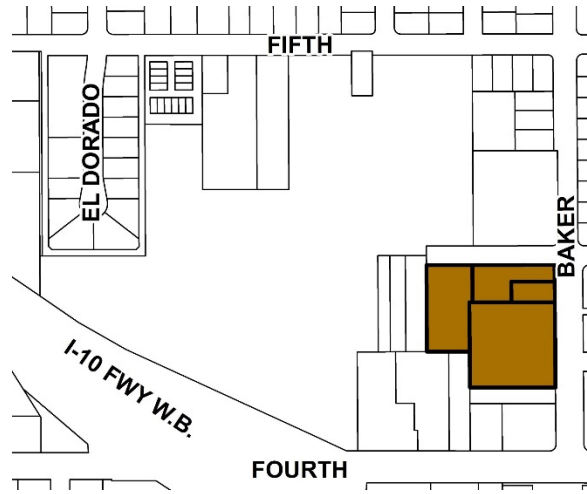
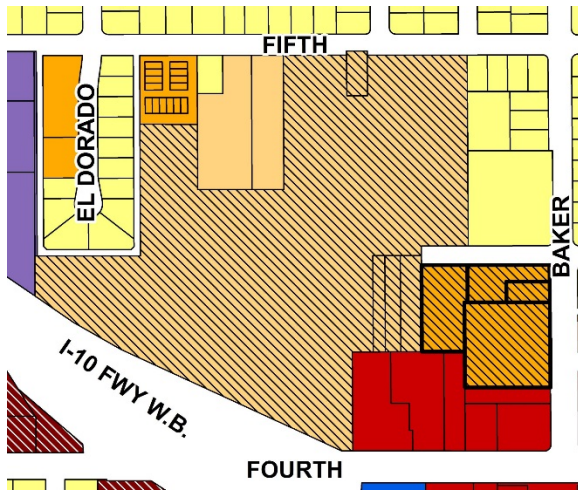
Parcels: (26 Properties)

1047-441-01	1047-441-07	1047-441-12	1047-441-17	1047-442-02
1047-441-02	1047-441-08	1047-441-13	1047-441-18	1047-442-03
1047-441-03	1047-441-09	1047-441-14	1047-441-19	1047-442-04
1047-441-04	1047-441-10	1047-441-15	1047-441-20	1047-442-05
1047-441-05	1047-441-11	1047-441-16	1047-442-01	1047-442-06
1047-441-06				

EXISTING

PROPOSED

F33



TOP: High Density Residential
Zoning: MDR-25, Medium-High Density Residential

No Change
HDR-45, High Density Residential

Parcels: (4 Properties)

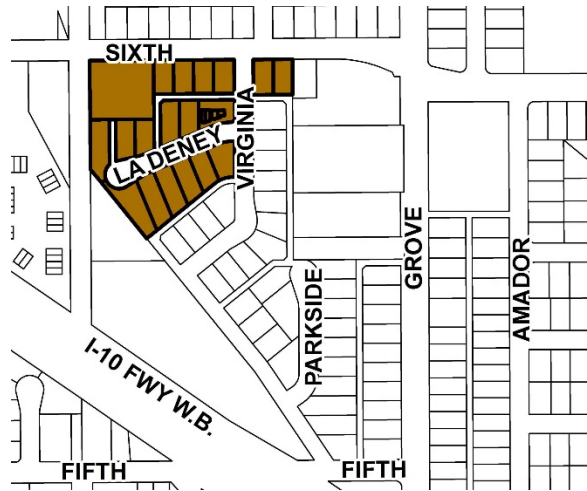
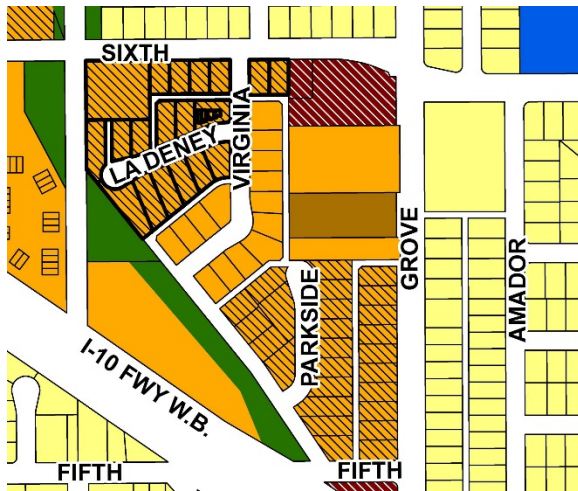
0110-391-08
0110-391-09

0110-391-34
0110-391-35

EXISTING

PROPOSED

F34



TOP: High Density Residential
Zoning: MDR-25, Medium-High Density Residential

No Change
 HDR-45, High Density Residential

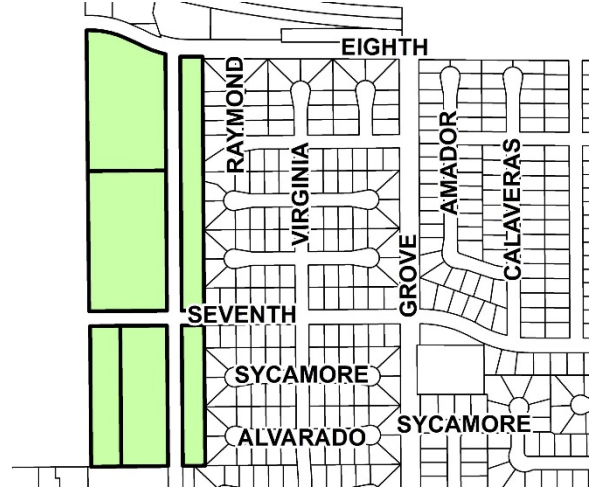
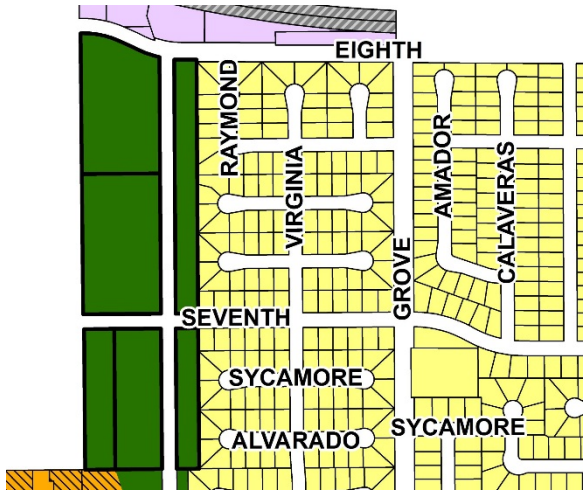
Parcels: (23 Properties)

1047-432-01	1047-432-07	1047-432-12	1047-432-17	1047-432-27
1047-432-02	1047-432-08	1047-432-13	1047-432-24	1047-432-28
1047-432-03	1047-432-09	1047-432-14	1047-432-25	1047-433-11
1047-432-04	1047-432-10	1047-432-15	1047-432-26	1047-433-12
1047-432-05	1047-432-11	1047-432-16		

EXISTING

PROPOSED

F36



TOP: Open Space – Non-Recreation

No Change

Zoning: OS-R, Open Space –
Recreation

UC, Utilities Corridor

Parcels: (6 Properties)

1047-121-01
1047-122-01

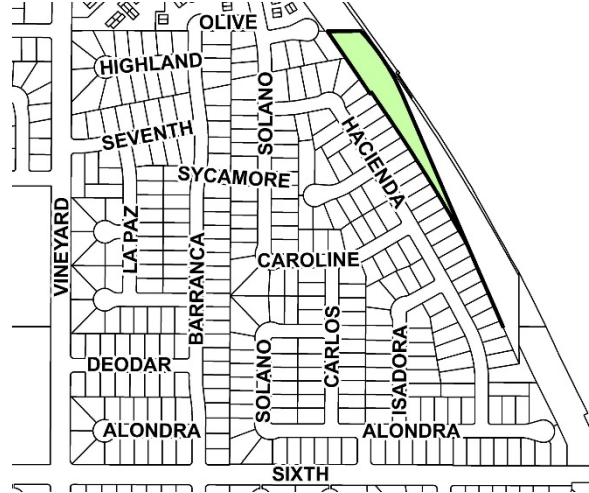
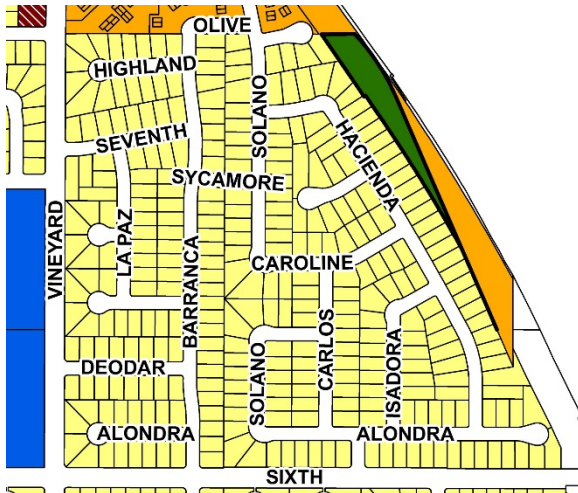
1047-131-01
1047-151-01

1047-181-05
1047-181-06

EXISTING

PROPOSED

F37



TOP: Open Space – Non-Recreation

No Change

Zoning: OS-R, Open Space – Recreation

UC, Utilities Corridor

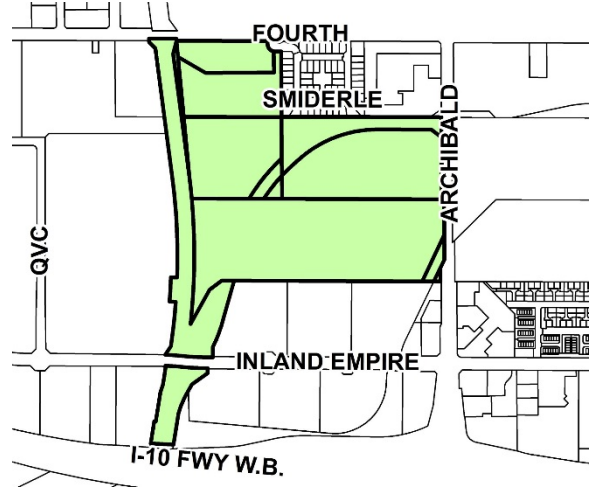
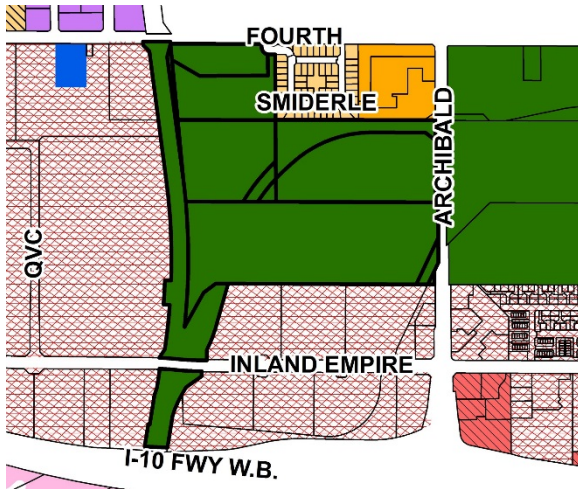
Parcels: (1 Property)

0209-161-17

EXISTING

PROPOSED

F38



TOP: Open Space – Non-Recreation

No Change

Zoning: OS-R, Open Space –
Recreation

UC, Utilities Corridor

Parcels: (13 Properties)

0110-311-06
0110-311-12
0110-311-14
0110-311-25

0110-311-29
0110-311-30
0110-311-31

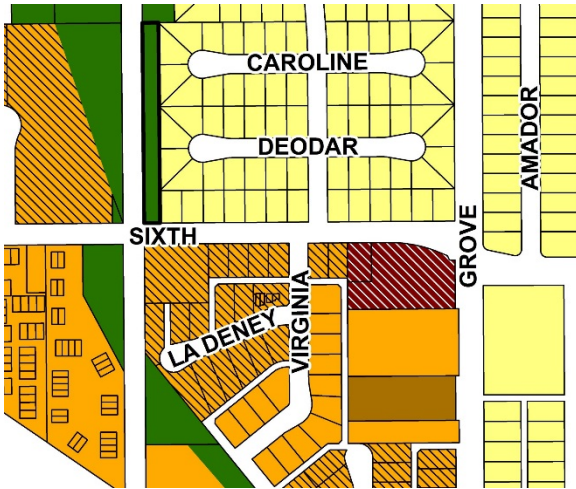
0110-311-32
0110-311-40
0110-311-42

0110-321-26
0210-161-13
0210-161-14

EXISTING

PROPOSED

F39



TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation

No Change
UC, Utilities Corridor

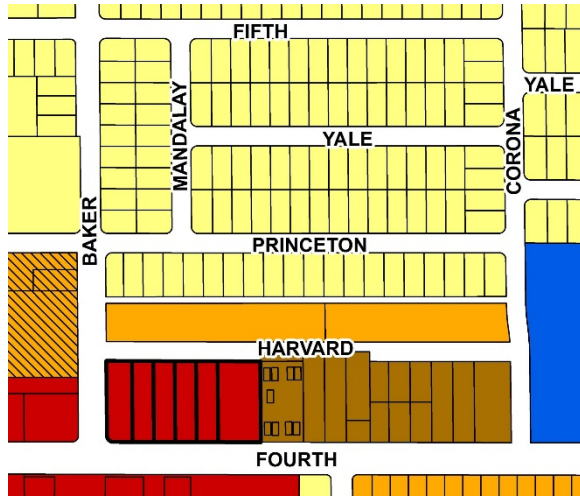
Parcels: (1 Property)

1047-161-01

EXISTING

PROPOSED

F40



TOP: High Density Residential
Zoning: CC, Community Commercial

No Change
 HDR-45, High Density Residential with ICC,
 Interim Community Commercial Overlay

Parcels: (6 Properties)
 0108-551-12
 0110-183-01

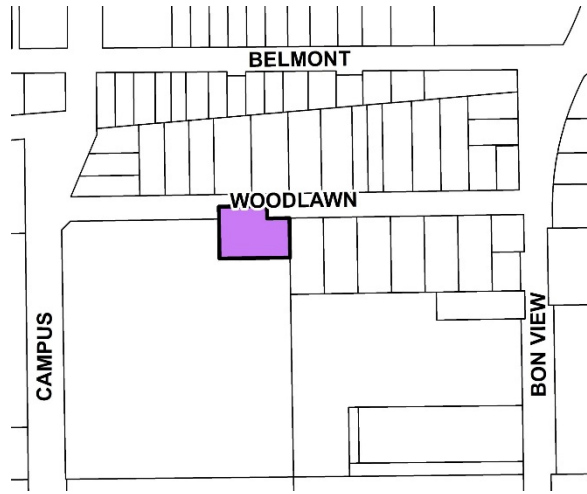
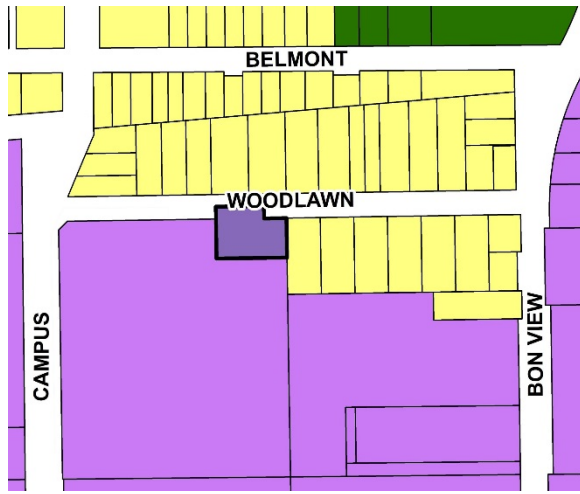
0110-183-02
 0110-183-03

0110-183-04
 0110-183-05

EXISTING

PROPOSED

G37



TOP: Low Density Residential with Industrial Transitional Overlay

Industrial

Zoning: IG, General Industrial

IL, Light Industrial

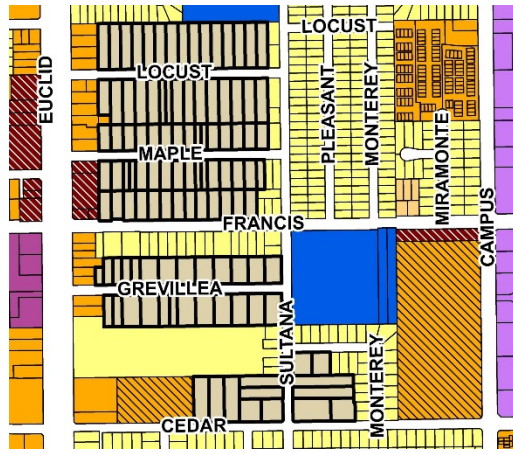
Parcels: (1 Property)

1049-472-02

EXISTING

PROPOSED

G38

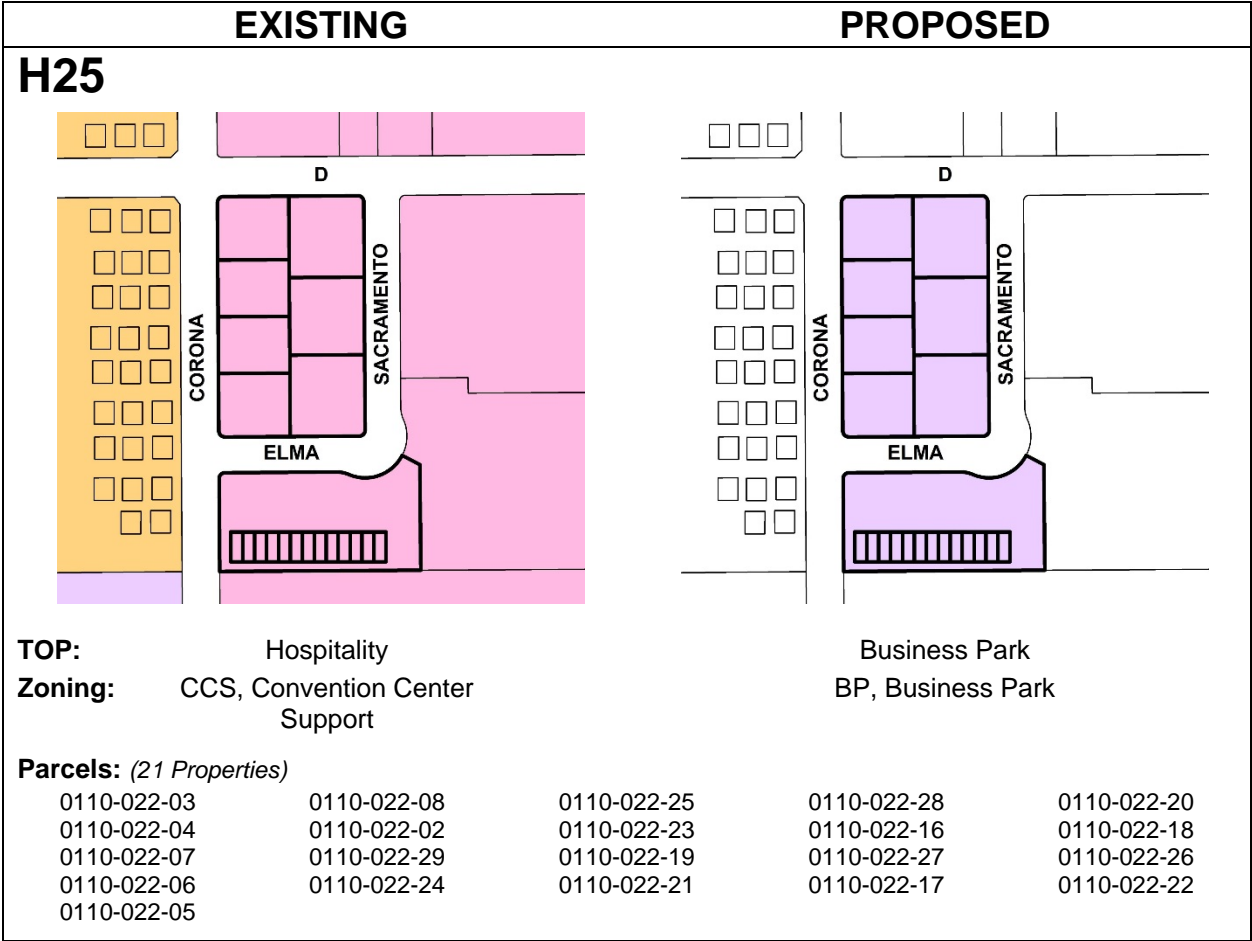


TOP: Low Density Residential
Zoning: AR-2, Residential-Agricultural

Rural Residential
RE-2, Residential Estate

Parcels: (112 Properties)

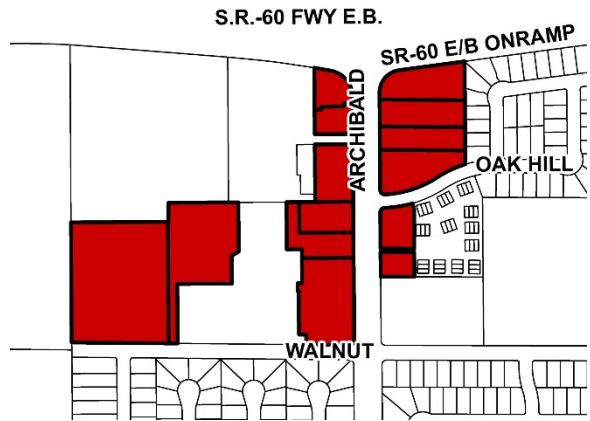
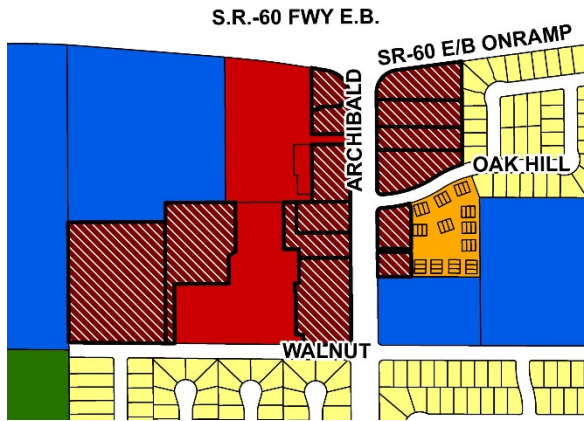
1050-251-02	1050-251-24	1050-261-06	1050-262-13	1050-262-32	1050-391-25	1050-402-06
1050-251-03	1050-251-25	1050-261-07	1050-262-14	1050-262-33	1050-401-23	1050-402-07
1050-251-04	1050-251-26	1050-261-08	1050-262-15	1050-262-34	1050-401-24	1050-402-08
1050-251-05	1050-251-27	1050-261-09	1050-262-16	1050-262-35	1050-401-25	1050-402-09
1050-251-06	1050-251-28	1050-261-10	1050-262-17	1050-262-36	1050-401-26	1050-402-10
1050-251-07	1050-251-29	1050-261-11	1050-262-18	1050-262-37	1050-401-27	1050-402-11
1050-251-08	1050-251-30	1050-261-12	1050-262-19	1050-262-38	1050-401-28	1050-402-12
1050-251-09	1050-251-31	1050-261-13	1050-262-20	1050-262-39	1050-401-29	1050-402-13
1050-251-10	1050-251-32	1050-261-14	1050-262-21	1050-262-40	1050-401-30	1050-402-14
1050-251-11	1050-251-33	1050-261-15	1050-262-22	1050-262-41	1050-401-31	1050-402-15
1050-251-12	1050-251-34	1050-261-16	1050-262-23	1050-391-03	1050-401-32	1050-411-03
1050-251-13	1050-251-35	1050-261-17	1050-262-27	1050-391-04	1050-401-33	1050-411-04
1050-251-14	1050-251-36	1050-262-08	1050-262-28	1050-391-07	1050-401-34	1050-411-05
1050-251-15	1050-261-03	1050-262-10	1050-262-29	1050-391-08	1050-401-35	1050-411-39
1050-251-16	1050-261-04	1050-262-11	1050-262-30	1050-391-09	1050-402-04	1050-411-40
1050-251-17	1050-261-05	1050-262-12	1050-262-31	1050-391-22	1050-402-05	1050-411-41



EXISTING

PROPOSED

14

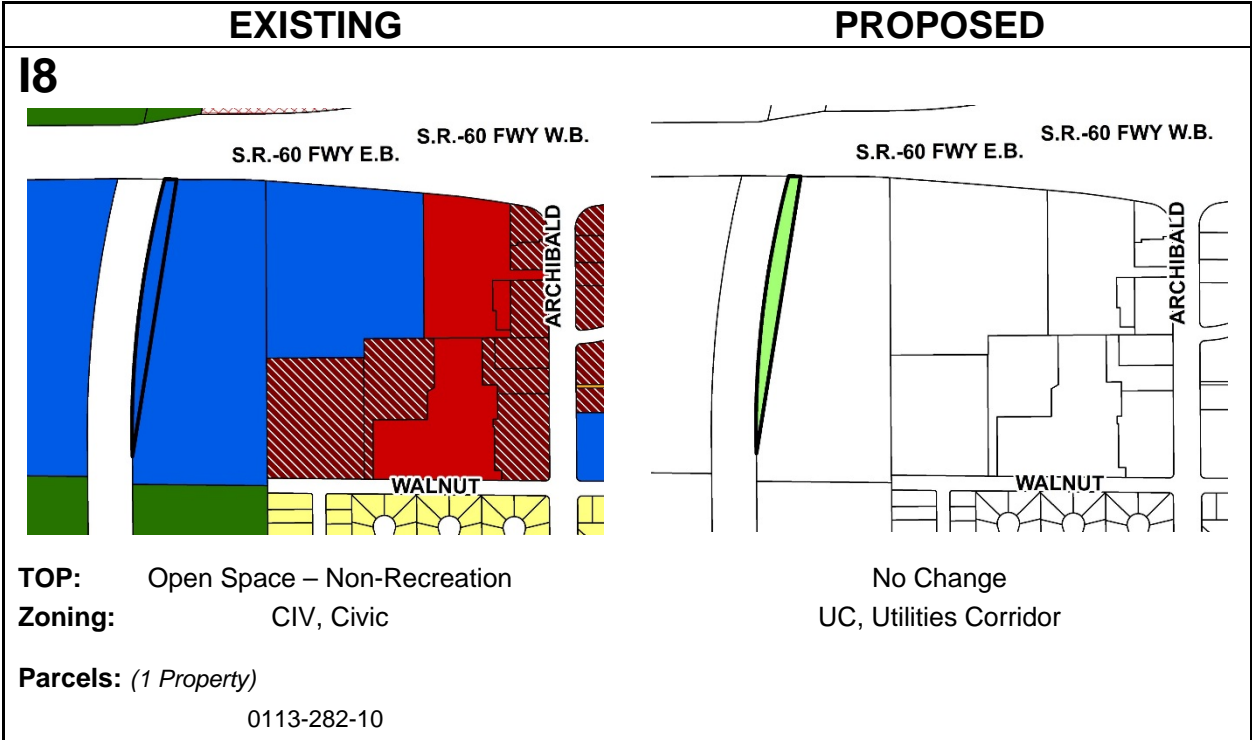
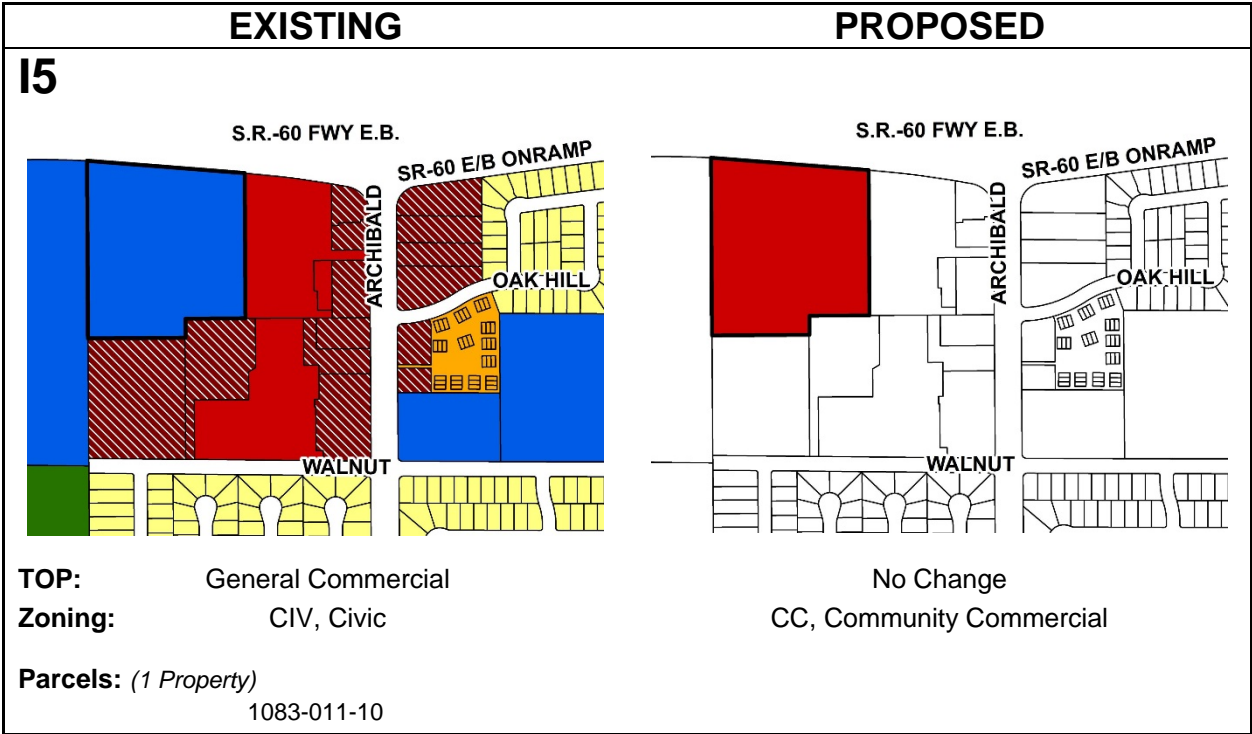


TOP: General Commercial
Zoning: CN, Neighborhood Commercial

No Change
CC, Community Commercial

Parcels: (14 Properties)

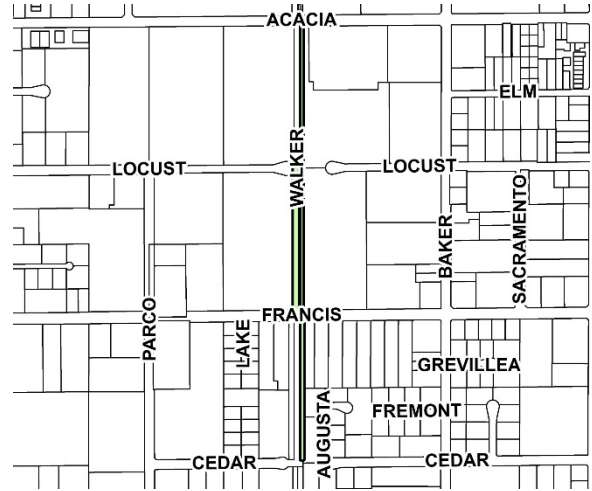
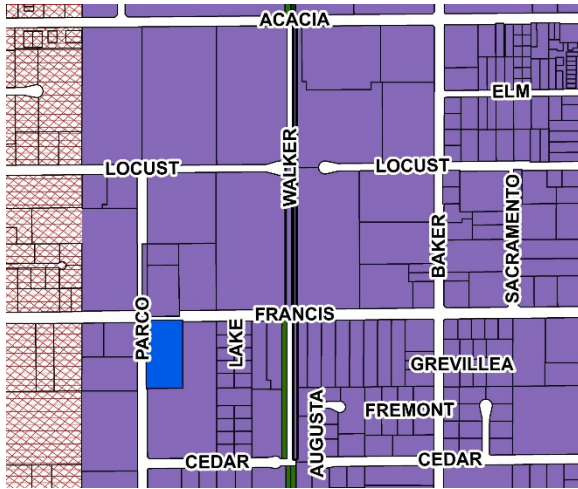
1083-011-02	1083-011-11	1083-071-04	1083-071-10
1083-011-03	1083-011-13	1083-071-08	1083-071-25
1083-011-04	1083-011-14	1083-071-09	1083-071-26
1083-011-05	1083-011-15		



EXISTING

PROPOSED

I9



TOP: Open Space – Non-Recreation
Zoning: IG, General Industrial

No Change
UC, Utilities Corridor

Parcels: (5 Properties)

0113-381-16

0113-402-09

0113-441-06

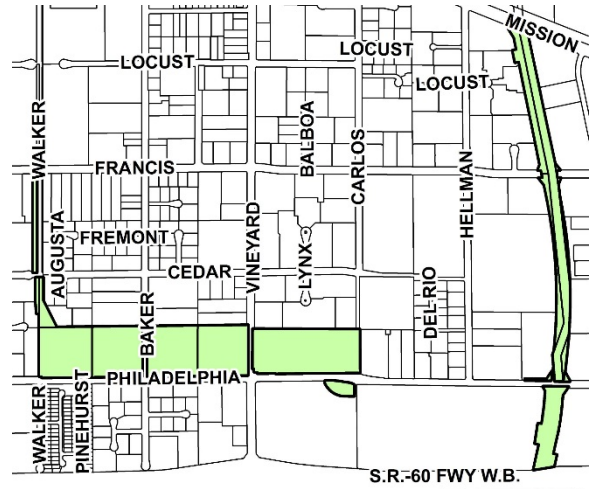
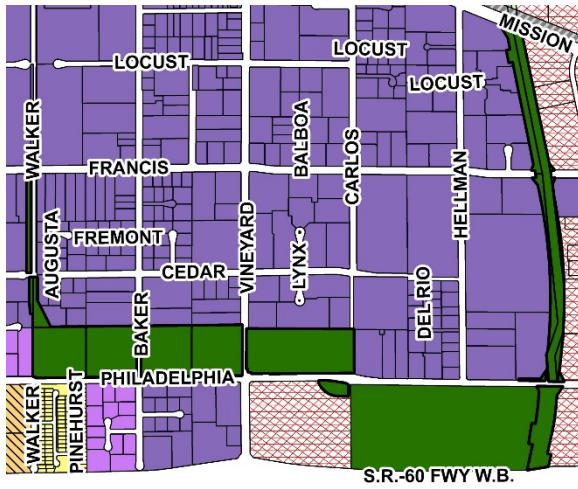
0113-442-09

0113-601-09

EXISTING

PROPOSED

I10



TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation

No Change
UC, Utilities Corridor

Parcels: (19 Properties)

0113-281-12	0113-472-04	0113-491-25	0211-242-13
0113-396-14	0113-481-02	0113-492-08	0211-242-15
0113-461-05	0113-481-03	0113-621-08	0211-242-16
0113-462-17	0113-491-05	0211-242-07	0211-242-43
0113-472-03	0113-491-23	0211-242-10	

EXISTING

PROPOSED

I11



TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation

No Change
UC, Utilities Corridor

Parcels: (4 Properties)

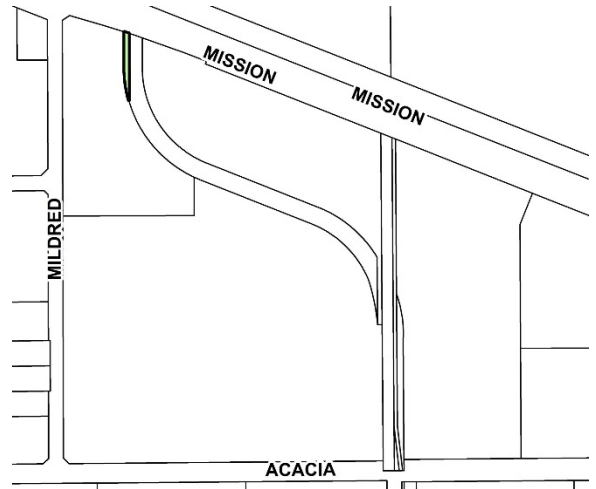
0113-421-01
0113-421-03

0113-431-01
0113-431-04

EXISTING

PROPOSED

I12



TOP: Open Space – Non-Recreation
Zoning: IG, General Industrial

No Change
UC, Utilities Corridor

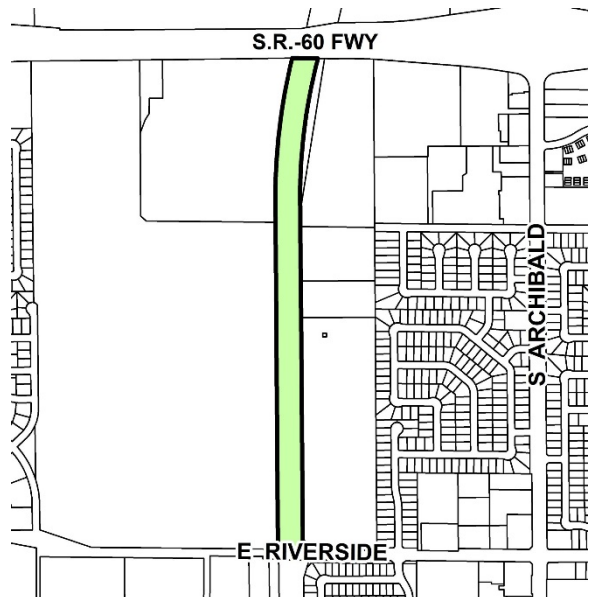
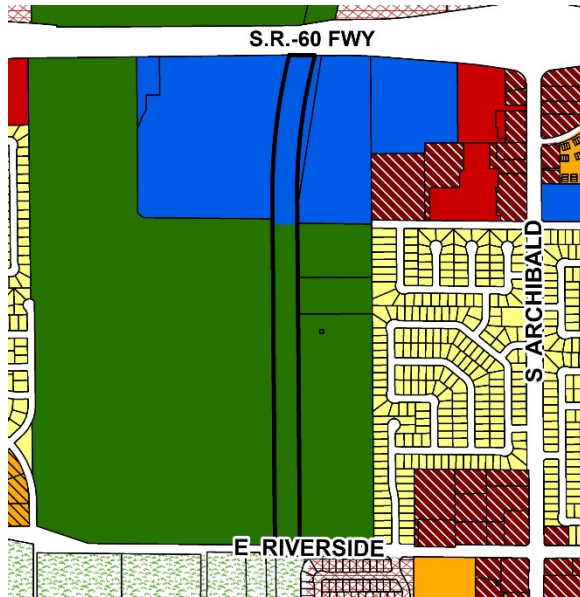
Parcels: (1 Property)

0113-431-06

EXISTING

PROPOSED

I13



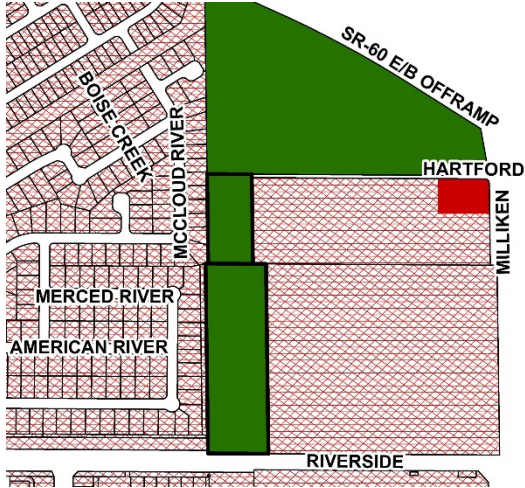
TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation & CIV, Civic
Parcels: (1 Property)
0113-282-07

No Change
UC, Utilities Corridor

EXISTING

PROPOSED

J3



TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation

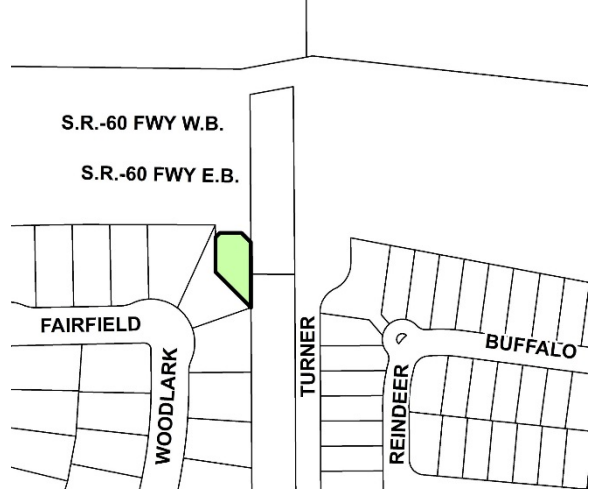
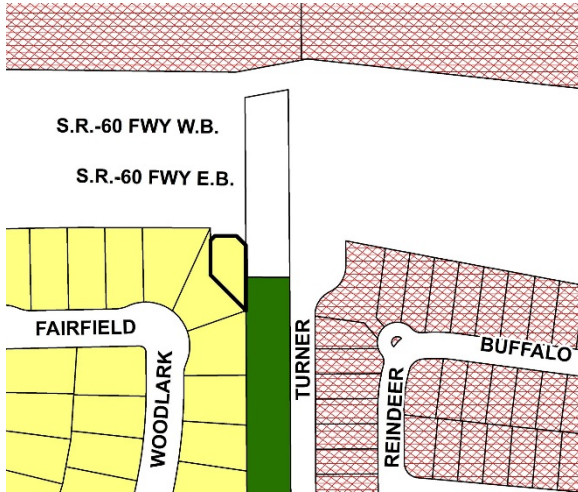
No Change
UC, Utilities Corridor

Parcels: (2 Properties)
1083-361-02
1083-361-03

EXISTING

PROPOSED

J4



TOP: Open Space – Non-Recreation
Zoning: LDR-5, Low Density Residential

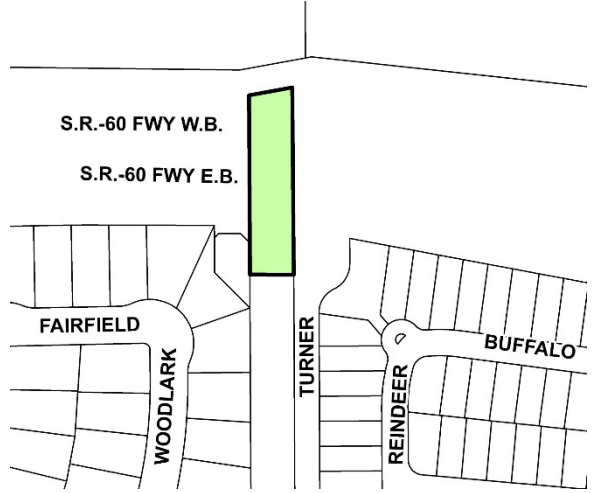
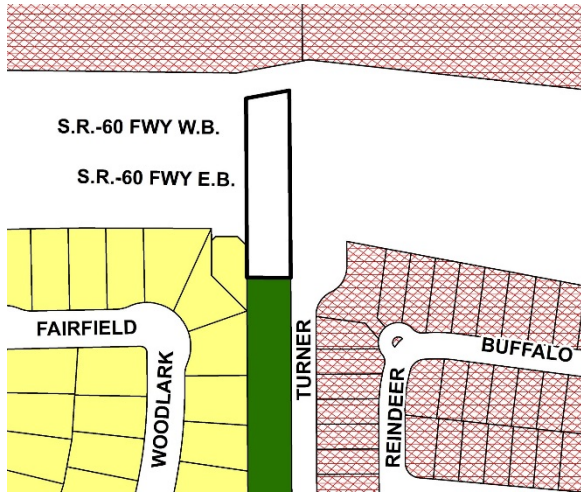
No Change
UC, Utilities Corridor

Parcels: (1 Property)
1083-071-07

EXISTING

PROPOSED

J5



TOP: Open Space – Non-Recreation
Zoning: ROW, Right of Way

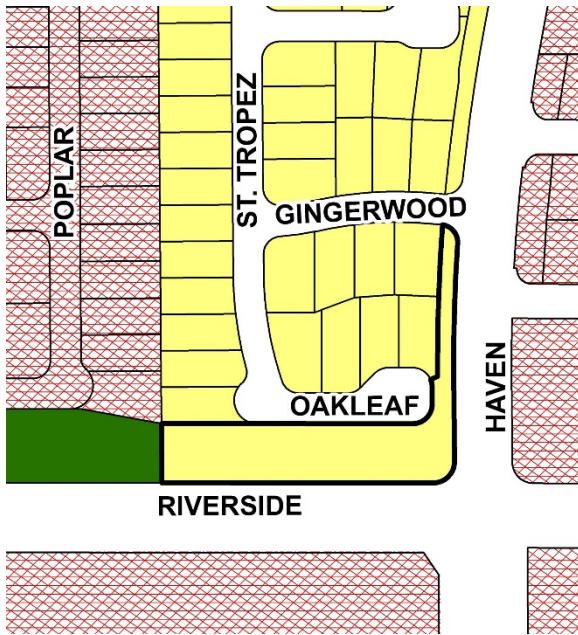
No Change
UC, Utilities Corridor

Parcels: (1 Property)
1083-071-11

EXISTING

PROPOSED

J6



TOP: Open Space - Parkland
Zoning: LDR-5, Low Density Residential

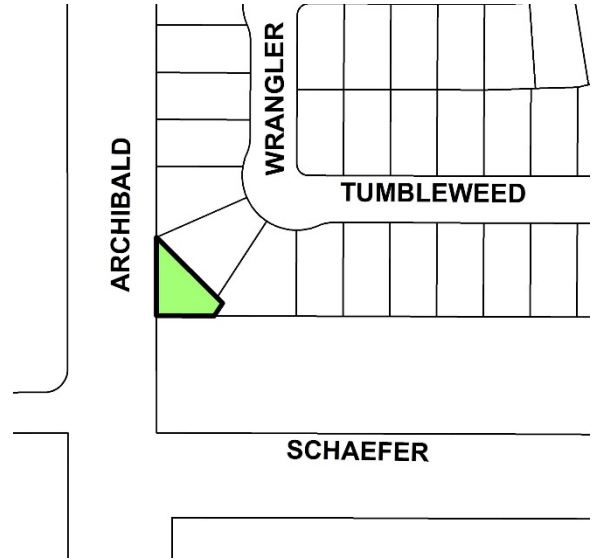
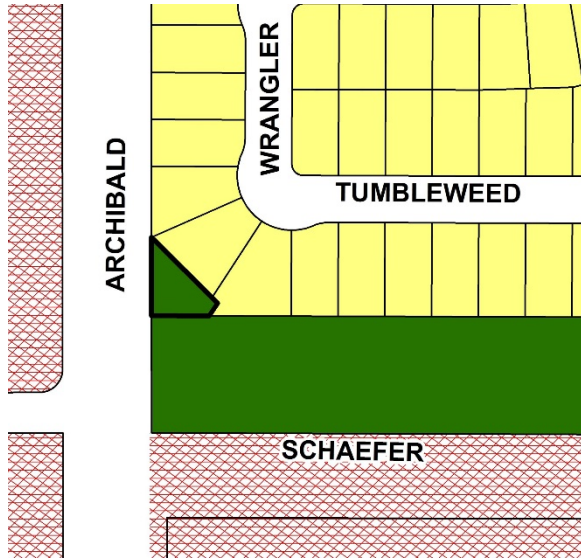
No Change
OS-R, Open Space – Recreation

Parcels: (1 Property)
1083-302-38

EXISTING

PROPOSED

J7



TOP: Low Density Residential
Zoning: OS-R, Open Space – Recreation

Open Space – Non-Recreation
UC, Utilities Corridor

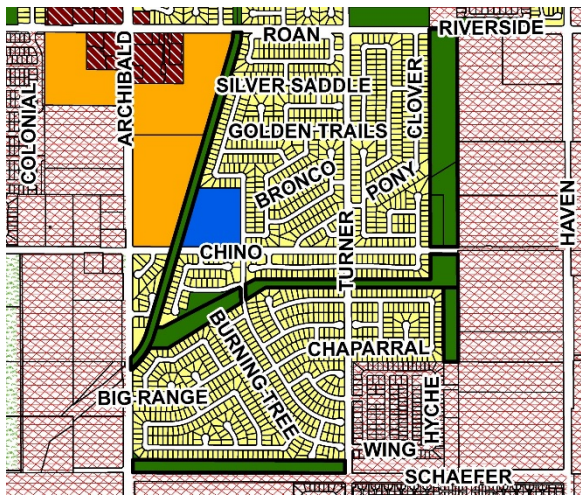
Parcels: (1 Property)

0218-801-76

EXISTING

PROPOSED

J17



TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation

No Change
 UC, Utilities Corridor

Parcels: (6 Properties)
 0218-141-07
 0218-141-34

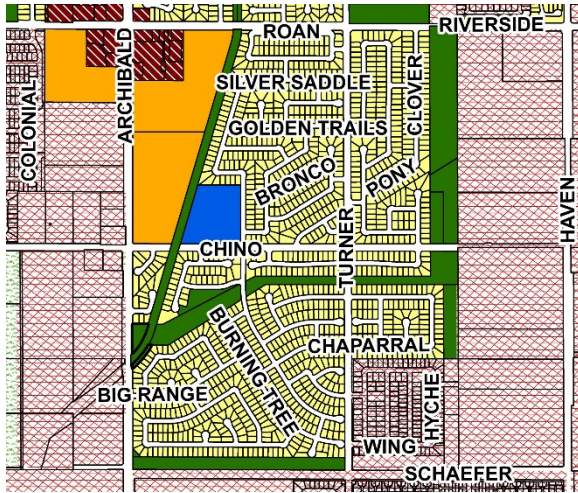
0218-151-44
 0218-151-46

0218-771-63
 0218-843-46

EXISTING

PROPOSED

J18



TOP: Open Space – Non-Recreation
Zoning: LDR-5, Low Density Residential

No Change
UC, Utilities Corridor

Parcels: (2 Properties)

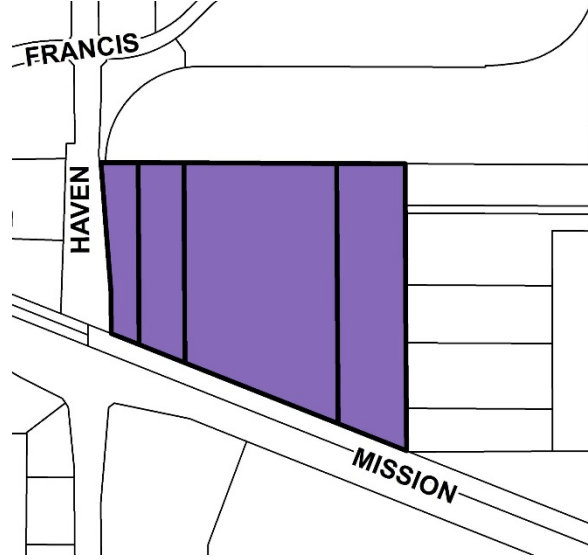
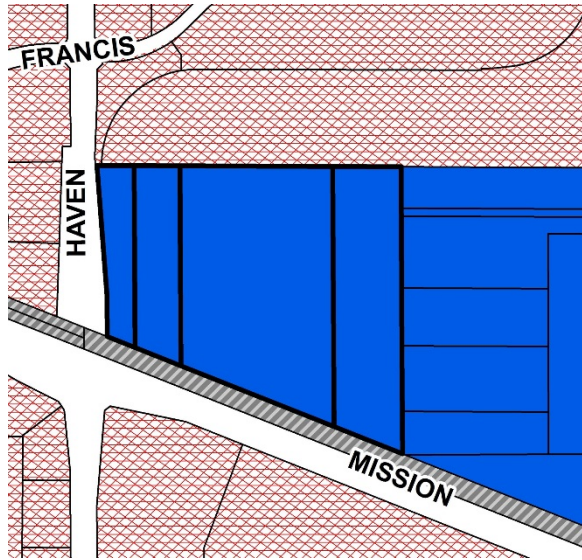
0218-141-33

0218-781-71

EXISTING

PROPOSED

K3



TOP: Industrial with Landfill Impact Area Overlay

No Change

Zoning: CIV, Civic

IG, General Industrial

Parcels: (4 Properties)

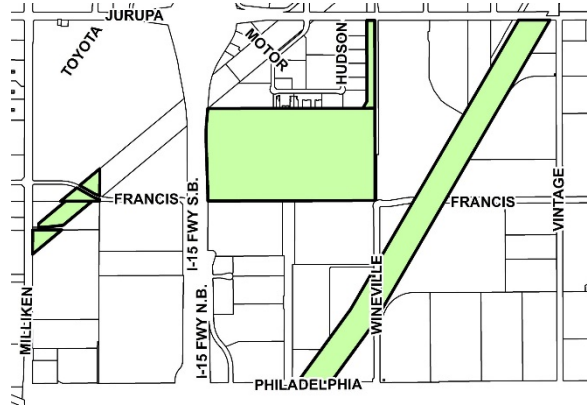
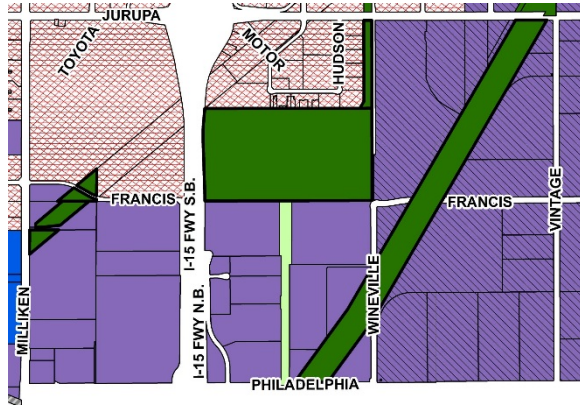
0211-291-02
0211-291-03

0211-291-04
0211-291-05

EXISTING

PROPOSED

K8



TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation

No Change
 UC, Utilities Corridor

Parcels: (7 Properties)

0238-121-03
 0238-121-10
 0238-121-38

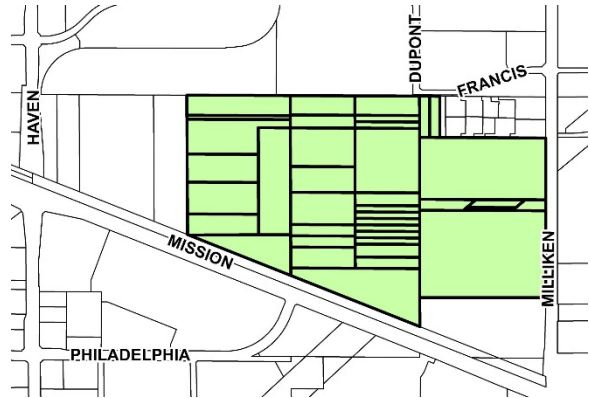
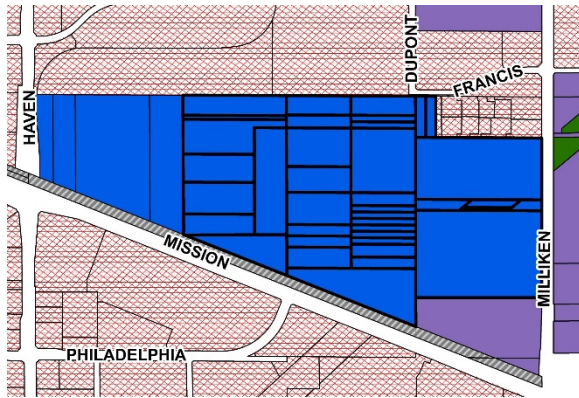
0238-132-19
 0238-152-02

0238-152-04
 0238-152-27

EXISTING

PROPOSED

K9



TOP: Landfill with Landfill Impact Area Overlay

No Change

Zoning: CIV, Civic

UC, Utilities Corridor

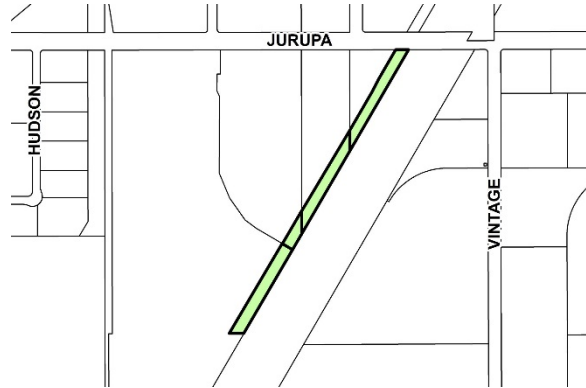
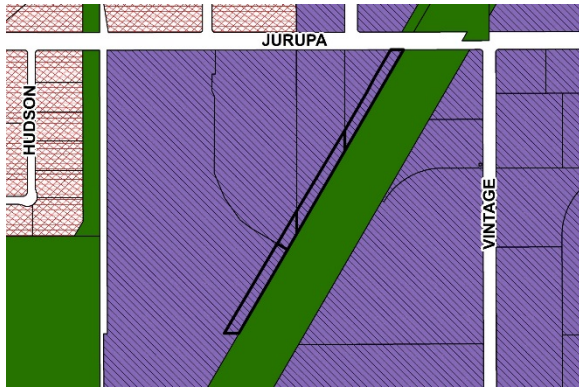
Parcels: (37 Properties)

0211-291-06	0211-311-01	0211-311-09	0211-311-16	0211-321-01
0211-291-07	0211-311-02	0211-311-10	0211-311-17	0211-321-02
0211-291-12	0211-311-03	0211-311-11	0211-311-18	0211-321-09
0211-291-13	0211-311-04	0211-311-12	0211-311-19	0211-321-11
0211-291-14	0211-311-05	0211-311-13	0211-311-20	0211-321-15
0211-291-15	0211-311-06	0211-311-14	0211-311-21	0211-321-15
0211-291-16	0211-311-07	0211-311-15	0211-311-22	0211-321-17
0211-291-17	0211-311-08			

EXISTING

PROPOSED

K12



TOP: Open Space-Non-Recreation
Zoning: IH, Heavy Industrial

No Change
UC, Utilities Corridor

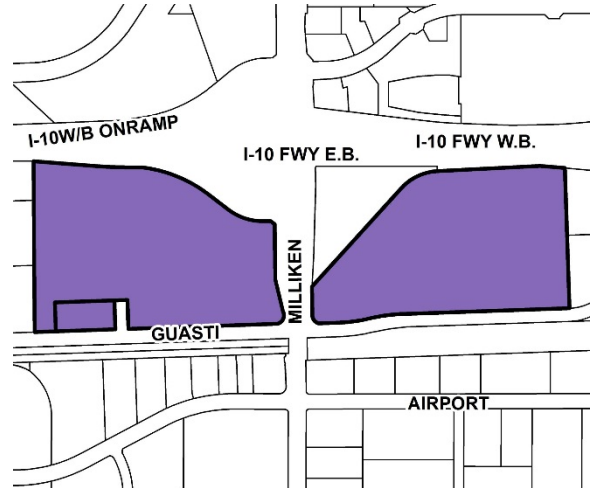
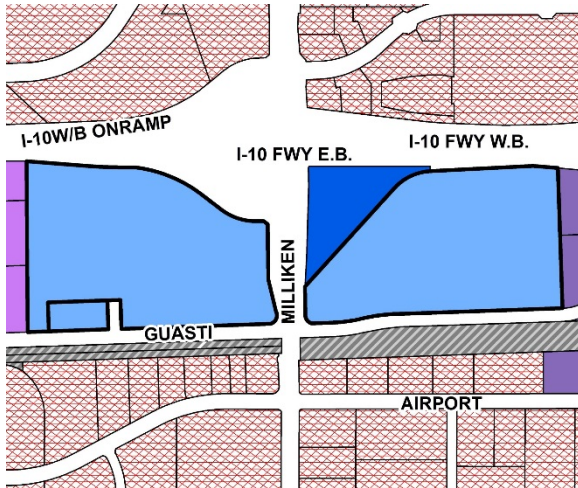
Parcels: (4 Properties)
0238-132-03
0238-132-23 portion

0238-132-24 portion
0238-132-25 portion

EXISTING

PROPOSED

L8



TOP: General Commercial
Zoning: ONT, Ontario International Airport

TOP: Industrial
Zoning: IG, General Industrial

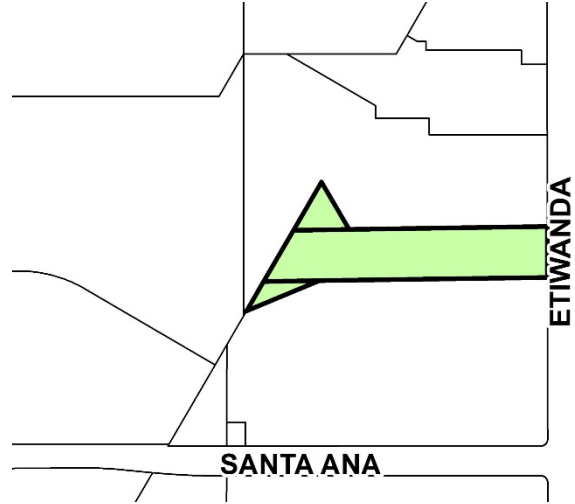
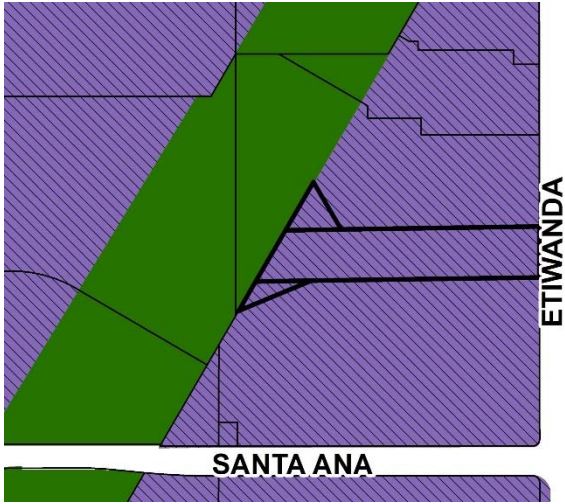
Parcels: (3 Properties)

0210-212-15
0210-212-16
0238-042-26

EXISTING

PROPOSED

L12



TOP: Open Space – Non-Recreation

Zoning: IH, Heavy Industrial

No Change
UC, Utilities Corridor

Parcels: (3 Properties)

- 0238-081-12
- 0238-081-21
- 0238-081-23

EXISTING

PROPOSED

L13



TOP: Open Space – Non-Recreation
Zoning: OS-R, Open Space – Recreation

No Change
 UC, Utilities Corridor

Parcels: (27 Properties)

0238-012-10	0238-044-23	0238-101-41
0238-012-13	0238-081-58 portion	0238-101-46
0238-012-15	0238-081-64 portion	0238-101-48
0238-012-18	0238-081-67 portion	0238-101-49
0238-012-22	0238-081-70 portion	0238-101-71
0238-043-01	0238-081-71 portion	0238-231-16
0238-044-10	0238-101-21	0238-241-10
0238-044-14	0238-101-37	0238-241-20
0238-044-16	0238-101-39	0238-241-21