

CITY OF ONTARIO
CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR
AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY
AGENDA
JUNE 19, 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 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*)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Valencia

INVOCATION

Edye York, Baha'i Faith

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.

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 May 15, 2018, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills April 22, 2018 through May 5, 2018 and **Payroll** April 22, 2018 through May 5, 2018 when audited by the Finance Committee.

3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS

That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citation and civil penalties associated with property maintenance violations, and placing special assessments on the San Bernardino County Tax Rolls.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

4. A LEASE AGREEMENT AND OPERATING AGREEMENT BETWEEN THE WESEE COLLECTIVE, LLC AND THE CITY OF ONTARIO, FOR THE PURPOSE OF ESTABLISHING A BUSINESS INCUBATOR, ACCELERATOR AND CO-WORKING OFFICE SPACE AT 404 N. EUCLID AVENUE/(WESEE COLLECTIVE, LLC)

That the City Council:

- (A) Approve a Lease Agreement (on file with the Records Management Department) between The WESEE Collective, LLC and the City of Ontario for the purpose of establishing a Business Incubator, Accelerator and Co-working space in approximately 13,500 square feet of certain

City-owned property located at 404 N. Euclid Avenue for a three-year term with the option to extend for two additional one-year periods,

- (B) Approve a Lease Agreement (on file with the Records Management Department) between The WESEE Collective, LLC and the City of Ontario for the purpose of establishing a Coffee Shop and Beer Taproom in approximately 500 square feet of certain City-owned property located at 404 N. Euclid Avenue for a three-year term with the option to extend for two additional one-year periods, and
- (C) Authorize the City Manager to execute a three-year Operating Agreement (on file with the Records Management Department) with The WESEE Collective, LLC for the purpose of operating a Business Incubator, Accelerator and Co-working space, in the amount of \$252,000 annually, with the option to extend for two additional one-year periods.

5. LANDSCAPE MAINTENANCE SERVICES AGREEMENT FOR THE MILL CREEK WETLANDS FACILITY/(NATURES IMAGE)

That the City Council approve and authorize the City Manager to execute a one-year Maintenance Services Agreement (on file with the Records Management Department) with Natures Image, of Lake Forest, California, to provide landscape maintenance services for the Mill Creek Wetlands facility for a total contract cost of \$248,956 plus a 8% contingency of \$19,916 for a total authorized expenditure of \$268,872; and authorize the City Manager to extend the agreement for up to four additional one year periods with any required future amendments consistent with City Council approved budgets.

6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 17749 AND 18380 LOCATED ON THE NORTH SIDE OF BELLEGRAVE AVENUE BETWEEN MILL CREEK AND HAMNER AVENUES

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map Nos. 17749 and 18380 located on the north side of Bellegrave Avenue between Mill Creek and Hamner Avenues within the Esperanza 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 NOS. 17749 AND 18380 LOCATED ON THE NORTH SIDE OF BELLEGRAVE AVENUE BETWEEN MILL CREEK AND HAMNER AVENUES.

7. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2018-19

That the City Council adopt resolutions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment District (OPMAD) Nos. 1, 2, 3 and 4:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments; and

- (B) A resolution giving preliminary approval of the Engineer's Report; and
- (C) A resolution for District Nos. 1, 2 and 3, and a resolution for District No. 4, declaring the City's intention to levy the special assessments for Fiscal Year 2018-19 and setting the date of July 17, 2018 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

8. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICT NOS. 1 AND 2 FOR FISCAL YEAR 2018-19

That the City Council adopt resolutions pertaining to the levy of assessments within Street Lighting Maintenance District (SLMD) Nos. 1 and 2:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments;
- (B) A resolution giving preliminary approval of the Engineer's Reports; and
- (C) A resolution for each district declaring the City's intention to levy the special assessments for Fiscal Year 2018-19 and setting the date of July 17, 2018 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

9. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

10. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 10 (Ontario Airport Towers) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2018-19.

11. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 (California Commerce Center - Phase IV) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

12. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

13. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 20 (Wal-Mart) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2018-19.

14. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 21 (PARKSIDE) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 21 of the City of Ontario (Parkside) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

15. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 23 (Park Place Services) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

16. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES – PHASE I), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

17. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

18. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

19. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 27 (New Haven Services) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

20. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

21. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES - AREA B) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 30 (New Haven Facilities - Area B) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

22. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

23. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

24. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

25. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

26. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C) FOR FISCAL YEAR 2018-19

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

27. MAINTENANCE SERVICES AGREEMENT FOR THE WATER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) COMPUTER PROGRAMMING SUPPORT SERVICES / (FREEDOM AUTOMATION INC.)

That the City Council authorize the City Manager to execute a one-year Maintenance Services Agreement (on file in the Records Management Department) with Freedom Automation Inc. of Oceanside, California, for the City's Supervisory Control and Data Acquisition (SCADA) computer programming support services for a not to exceed amount of \$150,000 for Fiscal Year 2018-19; and authorize the City Manager to extend the agreement for up to four additional one-year periods consistent with City Council approved budgets.

28. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO, GDC INVESTMENTS 6 L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-003, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17931, 17932 AND 17933. THE PROJECT IS LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF MILL CREEK AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 8, 9, AND 10 OF THE ESPERANZA SPECIFIC PLAN (APN: 0218-332-12 AND 0218-252-16)

That the City Council consider and adopt an ordinance approving the Second Amendment (File PDA14-003, on file with the Records Management Department) to the Development Agreement between the City of Ontario, GDC Investments 6 L.P. and Lennar Homes of California to extend the term of the Development Agreement to serve Tract Map No's. 17931, 17932 and 17933.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT BETWEEN THE CITY OF ONTARIO AND GDC INVESTMENTS 6 L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-003, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17931, 17932 AND 17933. THE PROJECT IS LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF MILL CREEK AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 8, 9, AND 10 OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-332-12 AND 0218-252-16.

29. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO, GDC-RCCD, L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-004, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17749, 17935, 17936, 18876 AND 18878. THE PROJECT IS LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF HAMNER AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 4, 5, 6, AND 7 OF THE ESPERANZA SPECIFIC PLAN (APN: 0218-332-01 AND 0218-252-17)

That the City Council consider and adopt an ordinance approving the Second Amendment (File PDA14-004, on file with the Records Management Department) to the Development Agreement between the City of Ontario, GDC-RCCD, L.P., and Lennar Homes of California, to extend the term of the agreement to serve Tract Map No's. 17749, 17935, 17936, 18876 and 18878.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA14-004, BETWEEN THE CITY OF ONTARIO AND GDC-RCCD, L.P., AND LENNAR HOMES OF CALIFORNIA, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17749, 17935, 17936, 18876 AND 18878. THE PROJECT IS LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF HAMNER AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 4, 5, 6, AND 7 OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-332-01 AND 0218-252-17.

30. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO AND WESTERN PACIFIC HOUSING INC. TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO. 18419; THE PROJECT IS LOCATED WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT OF PLANNING AREA 6A OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE (APN: 0218-201-15 AND 0218-201-44)

That the City Council consider and adopt an ordinance approving the Second Amendment (File PDA07-001, on file with the Records Management Department) to the Development Agreement between the City of Ontario and Western Pacific Housing Inc., to extend the term of the Development Agreement to serve Tract Map No. 18419.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA07-001, BETWEEN THE CITY OF ONTARIO AND WESTERN PACIFIC HOUSING, INC., TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO. 18419. THE PROJECT IS LOCATED WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT OF PLANNING AREA 6A OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-201-15 AND 0218-201-44.

31. AMENDMENT TO THE EXISTING STORM DRAIN MAINTENANCE SERVICES AGREEMENT COVERING CITYWIDE LOCATIONS / (INNERLINE ENGINEERING, INC.)

That the City Council authorize the City Manager to execute an amendment to Storm Drain Maintenance Services Agreement No. SM 1718-2 (on file with Records Management Department) with Innerline Engineering, Inc. of Corona, California, extending the contract term by four months to June 30, 2018 and adding \$62,539 of additional funding for an amended contract amount of \$156,200, plus a contingency of \$6,300.

32. AMENDMENT TO THE PURCHASE CONTRACT FOR A TACTICAL RESPONSE VEHICLE / (LENCO ARMORED VEHICLES)

That the City Council authorize the City Manager to execute an amendment to the existing sole source purchase contract with Lenco Armored Vehicles of Pittsfield, Massachusetts, to increase the purchase agreement in the amount of \$575,000.

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.

33. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING AN ADDENDUM TO THE ONTARIO PLAN FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MOUNTAIN AVENUE AND HOLT BOULEVARD INTERSECTION WIDENING PROJECT, CONSIDERATION OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF FEE AND EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY

That the City Council conduct a public hearing and:

- (1) Adopt the Resolution approving an Addendum to The Ontario Plan ("TOP") Final Environmental Impact Report ("EIR") for the Mountain Avenue and Holt Boulevard Intersection Widening Project pursuant to CEQA Section 15164;
- (2) Consider the adoption of a Resolution of Necessity and provide all parties interested in the affected properties, their attorneys or representatives, an opportunity to be heard on the issues relevant to the Resolution of Necessity;
- (3) Make the following findings as hereinafter described in this report:
 - a. The public interest and necessity require the proposed project;
 - b. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
 - c. The real property to be acquired is necessary for the project; and
 - d. The offers of just compensation have been made to the property owners; and
- (4) Adopt a Resolution of Necessity declaring that the acquisition of fee and easement interests in certain real property, more particularly described as Assessor Parcel No.'s 1010-522-13, 1010-522-06, 1010-522-12, 1010-522-11, 1010-522-10, 1010-502-13, 1010-502-12, 1010-502-11, 1010-502-10, 1010-502-09, 1010-502-08, 1010-502-07, 1010-502-06, 1011-131-02, 1011-131-03, 1011-131-04, 1011-131-19, 1011-132-06, and 1011-132-07 by eminent domain is necessary for public right-of-way and the construction of the Mountain Avenue and Holt Boulevard Intersection Widening Project ("Project") and related public infrastructure improvements in the City of Ontario, San Bernardino County, California.

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 ENVIRONMENTAL IMPACT REPORT FOR THE MOUNTAIN AVENUE AND HOLT BOULEVARD INTERSECTION WIDENING PROJECT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

RESOLUTION NO. _____

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF REAL PROPERTY.

34. A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTH PARK AND COUNTRYSIDE); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS; AND DISSOLUTION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190)

That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 45 (Northpark and Countryside), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 45 (Northpark and Countryside);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 45 (Northpark and Countryside);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 45 (Northpark and Countryside);
- (F) Adopt a resolution authorizing the execution and delivery of an acquisition and funding agreement with KB Home California LLC; and
- (G) Introduce and waive further reading of an ordinance dissolving City of Ontario Community Facilities District No. 36 (Eucalyptus 190).

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, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH KB HOME CALIFORNIA LLC, A DELAWARE LIMITED LIABILITY COMPANY.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DISSOLVING CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190).

35. A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

That the City Council:

- (A) Adopt a resolution establishing City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of the Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services).

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, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES).

36. A PUBLIC HEARING TO CONSIDER 1) A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, INCLUDING THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PLAN, FOR FILE NOS. PGPA16-002 AND PSP16-002; 2) A GENERAL PLAN AMENDMENT (FILE NO. PGPA16-002) REQUEST TO 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 47.06 ACRES OF LAND FROM BUSINESS PARK (0.60 FAR) TO INDUSTRIAL (0.55 FAR) AND MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; 3) A SPECIFIC PLAN (WEST ONTARIO COMMERCE CENTER) REQUEST (FILE NO. PSPA16-002) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT; AND 4) A TENTATIVE CANCELLATION OF WILLIAMSON ACT CONTRACTS 73-406 AND 70-219. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST (APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18)

That the City Council:

- (1) Adopt a resolution certifying the Environmental Impact Report (SCH#2017041074) prepared for West Ontario Commerce Center Specific Plan, File No. PSP16-002, which includes the adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan;
- (2) Adopt a resolution approving a General Plan Amendment (File No. PGPA16-002) to 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 47.06 acres of land from Business Park (0.60 FAR) to Industrial (0.55 FAR) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes;
- (3) Introduce and waive further reading of an ordinance approving the West Ontario Commerce Center Specific Plan (File No. PSP16-002); and
- (4) Adopt resolutions approving a Tentative Cancellation of Williamson Act Contracts 73-406 (File No. PWIL17-009) and 70-219 (File No. PWIL18-004).

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, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2017041074) PREPARED FOR THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (FILE NO. PSP16-002), AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PLAN (APNS: 0218-221-09, 0218-271-18, 0218-261-23, 0218-261-22, 0218-261-32, 0218-271-08, 0218-271-13 & 0218-261-16).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA16-002, AN AMENDMENT TO THE LAND USE ELEMENT OF THE POLICY PLAN (GENERAL PLAN), REVISING EXHIBIT LU-01 (OFFICIAL LAND USE PLAN) AND EXHIBIT LU-03 (FUTURE BUILDOUT), AFFECTING PROPERTIES BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, FOR 47.06 ACRES OF LAND FROM BUSINESS PARK (0.60 FAR) TO INDUSTRIAL (0.55 FAR), AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18. (LAND USE ELEMENT CYCLE 2 FOR THE 2018 CALENDAR YEAR).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (FILE NO. PSP16-002), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PWIL18-004, A TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NUMBER 70-219 FOR 14.46 ACRES OF LAND GENERAL LOCATED AT THE SOUTH SIDE OF EUCALYPTUS AVENUE, WEST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL AT 9391 EAST EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 1 AND 2 OF THE WEST ONATRIO COMMERCE SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-271-13.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PWIL17-009, A TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NUMBER 73-406 FOR 16 ACRES OF LAND GENERAL LOCATED AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE AT 9139 EAST EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 1 AND 2 OF THE WEST ONATRIO COMMERCE SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-261-23.

37. A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (FILE NO. PGPA18-001) TO: 1) MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION SHOWN ON THE LAND USE PLAN MAP (EXHIBIT LU-1) FOR ONE 2.05 ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FRANCIS STREET FROM OFFICE COMMERCIAL TO INDUSTRIAL; AND 2) MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE; AND A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA18-002) TO CHANGE THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN LAND USE DESIGNATION OF THE PROPERTY FROM COMMERCIAL/FOOD/HOTEL TO RAIL INDUSTRIAL

That City Council:

- (A) Adopt a Resolution approving an Addendum to The Ontario Plan Environmental Impact Report (SCH#2008101140) adopted by City Council on January 27, 2010,
- (B) Adopt a Resolution approving a General Plan Amendment (File No. PGPA18-001) to change The Ontario Plan (TOP) land use designation of a 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street from Office Commercial to Industrial. (Amending Exhibits LU-01& LU-03), and
- (C) Adopt a Resolution approving a Specific Plan Amendment (File No. PSPA18-002) to change the California Commerce Center Specific Plan land use designation of the property from Commercial/Food/Hotel to Rail Industrial.

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. PGPA18-001 AND PSPA18-002 APN: 0211-281-56.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA18-001, A REQUEST TO: 1) MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION SHOWN ON THE LAND USE PLAN MAP (EXHIBIT LU-1) FOR ONE 2.05 ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FRANCIS STREET FROM OFFICE COMMERCIAL TO INDUSTRIAL; AND 2) MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE; AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0211-281-56 (LAND USE ELEMENT CYCLE 2 FOR THE 2018 CALENDAR YEAR).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA18-002, AN AMENDMENT TO THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION ON 2.05 ACRES OF LAND FROM COMMERCIAL/ FOOD/HOTEL TO RAIL INDUSTRIAL, LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FRANCIS STREET, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0211-281-56.

38. A PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT (APNS: 1048-572-13 AND 1048-572-11)

That the City Council introduce and waive further reading of an ordinance approving a Planned Unit Development, File No. PUD17-004, establishing development standards and guidelines to facilitate the development of a medium density residential apartment project.

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. PUD17-004, A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, AND DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF — APNs: 1048-572-13 AND 1048-572-11.

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

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS


RECOMMENDATION: That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citation and civil penalties associated with property maintenance violations, and placing special assessments on the San Bernardino County Tax Rolls.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The levy of special assessments will result in the recovery of \$34,958 in costs that the City has expended for inspection or abatement of property violations, as well as the collection of \$40,880 associated with civil penalties and/or fines for continued violations, for a total of \$75,838 to 109 parcels. When received, reimbursement of \$66,830 will be made to the General Fund and \$9,008 to the Dangerous Building Fund.

BACKGROUND: The City has established revolving funds to cover City costs for abatement of property and dangerous building violations, as a result of code enforcement activities as well as the generation of fines associated with administrative citations for property maintenance violations and fees and penalties associated with the Systematic Health and Safety Inspection Program, Abandoned and Distressed Property Program and Weed and Refuse Abatement Program. These costs, fines, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 3046, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code); Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings; Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code and fines associated with administrative citations (Title 1, Chapters 2 and 5 of the Ontario Municipal Code). The City and County currently have a contractual agreement regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

STAFF MEMBER PRESENTING: Al C. Boling, Assistant City Manager

Prepared by: Erin Bonett
Department: Code Enforcement
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

3

This assessment cycle, the Code Enforcement Department has billed property owners for the abatement of violations, the issuance of fines associated with administrative citations, the issuance of fees and penalties associated with the Systematic Health and Safety Inspection Program, the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program, and the issuance of notice and re-inspection fees as well as civil penalties for the Weed and Refuse Abatement Program on 252 parcels. Of this, there are remaining amount due on 109 parcels. Attached are itemized accounts of: (1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; (2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and (3) total amounts per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2018 for its 2018-2019 tax rolls.

All affected property owners were given notice of the imposition of the special assessments via certified mail as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal or have exhausted the appellate procedure in Ontario Municipal Code Section 1-4.05(b).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

WHEREAS, Ordinance No. 3046, Property Appearance (Title 5, Chapter 22, of the Ontario Municipal Code) and Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings provide for the abatement of property nuisances by repair, rehabilitation, demolition or removal; and

WHEREAS, under Resolution 94-112, Resolution ORA-499, and the Cooperation and Reimbursement Agreement entered into on the 15th day of November, 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under a first amendment to the Cooperation and Reimbursement Agreement entered into on the 16th day of July 1996, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made an additional advance to the City of One Hundred Thousand Dollars (\$100,000) to continue to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under Resolution 94-113, Resolution ORA-500, and the Cooperation and Reimbursement Agreement entered into on the 15th day of November 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of Thirty Thousand Dollars (\$30,000) to repair or abate dangerous buildings and properties in the 6th and Grove area; and

WHEREAS, under Resolution 94-12, Resolution ORA-464, and the Cooperation and Reimbursement Agreement entered into on the 22nd day of February 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or demolish dangerous buildings throughout the City; and

WHEREAS, Ordinance No. 2894, Systematic Health and Safety Inspection Program (Title 8, Chapter 17, of the Ontario Municipal Code), provides for the collection of unpaid service fees, plus any penalties and accrued interest by Special Assessment; and

WHEREAS, Ordinance No. 2920, provides for the assessment of civil penalties for continued violations of the Ontario Municipal Code (Title 1, Chapter 2 of the Ontario Municipal Code), and for fines associated with administrative citations to be collected by Special Assessment (Title 1, Chapter 5 of the Ontario Municipal Code), and establishes a uniform procedure before imposing such Special Assessments (Title 1, Chapter 4 of the Ontario Municipal Code); and

WHEREAS, the above said ordinances, resolutions and agreements provide for recovery of costs incurred in the abatement of violations by means of a Special Assessment placed on the tax rolls; and

WHEREAS, the City has incurred costs involved in the abatement of violations under the Ontario Municipal Code and Uniform Code for the Abatement of Dangerous Buildings, issuing Notices of Violation, and administering the Systematic Health and Safety Program and wishes to recover said costs; and

WHEREAS, the owners of all parcels listed in Exhibit A, B, and C were given notice of imposition of such Special Assessment as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal, or have exhausted the appellate procedure provided in Ontario Municipal Code Section 1-4.05(b); and

WHEREAS, the City has an executed contract with the San Bernardino County Board of Supervisors for collection of said assessments;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Confirmed the costs associated with inspection or abatement on the properties as set forth in the report in Exhibit A; and
2. Confirmed the civil penalties and/or fines for continued violations on the properties as set forth in the report in Exhibit B; and
3. Confirmed that Exhibit C contains the total amount assessed for both confirmed costs and confirmed civil penalties and/or fines for each of the properties; and
4. Found and determined that the report, and Exhibits contained therein are true and accurate; and
5. Adopts the above said report and finds that the costs of inspection or abatement on the properties listed are the costs set forth in Exhibit A, the civil penalties and/or fines for continued violations are the penalties and/or fines as set forth in Exhibit B, and the same are hereby charged and placed as special assessments upon the respective properties; and
6. Directs Exhibit C shall be sent to the Auditor-Controller of San Bernardino County and shall be collected on the County tax roll.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

City of Ontario
Code Enforcement Department
2018/2019 Tax Roll Year Special Assessments
Exhibit A - Costs Associated with Inspection or Abatement

Parcel Number	Address	Amount Due
0108-303-23	1367 E BONNIE BRAE ST, Ontario, CA 91764	15.49
0110-152-22	761 N AMADOR AV, Ontario, CA 91764	55.00
0110-301-09	1828 E PRINCETON ST, Ontario, CA 91764	1,812.59
0210-041-64	1453 N SAN DIEGO PL, Ontario, CA 91764	1,000.08
0210-193-14	3480 E SHELBY ST, Ontario, CA 91764	211.00
0211-272-14	0 L.A.S.L.R.R., Ontario, CA 91761	50.00
0216-172-12	8408 E CHINO AV, Ontario, CA 91761	62.10
0216-381-32	2602 S AMADOR PL, Ontario, CA 91761	110.00
0216-471-25	2930 S DEL NORTE PL, Ontario, CA 91761	144.00
1010-115-11	904 N FUCHSIA AV, Ontario, CA 91762	161.00
1010-132-05	1129 W FOURTH ST, Ontario, CA 91762	46.05
1010-182-06	729 N PALMETTO AV, Ontario, CA 91762	285.20
1010-464-06	1013 W FLORA ST, Ontario, CA 91762	184.54
1010-464-07	1007 W FLORA ST, Ontario, CA 91762	172.77
1010-521-05	312 N CAMELLIA AV, Unit:A, Ontario, CA 91762	161.00
1011-401-27	1031 S PALMETTO AV, Building:S, Unit:4, Ontario, CA 91762	223.10
1011-582-03	1329 W PHILLIPS ST, Ontario, CA 91762	1,300.36
1047-321-35	1394 N CHAFFEY CT, Ontario, CA 91762	161.00
1047-352-09	115 E LA DENEY DR, Ontario, CA 91764	161.00
1047-413-15	1340 N ALLYN AV, Ontario, CA 91764	110.00
1047-424-53	1034 E SIXTH ST, Unit:1002, Ontario, CA 91764	110.00
1047-543-29	407 E FOURTH ST, Ontario, CA 91764	55.00
1048-022-34	1010 N SAN ANTONIO AV, Ontario, CA 91762	295.60
1048-124-14	1016 E I ST, Ontario, CA 91764	161.00
1048-131-38	1017 E ROSEWOOD CT, Ontario, CA 91764	110.00
1048-161-17	834 N PARKSIDE AV, Ontario, CA 91764	583.79
1048-162-31	803 N PARKSIDE AV, Ontario, CA 91764	30.98
1048-241-02	116 E H ST, Ontario, CA 91764	161.00
1048-366-03	218 E G ST, Ontario, CA 91764	191.98
1048-371-06	328 E G ST, Ontario, CA 91764	15.49
1048-376-10	425 E F ST, Ontario, CA 91764	161.00
1048-403-17	817 E D ST, Ontario, CA 91764	161.00
1048-463-51	1159 E NOCTA ST, Ontario, CA 91761	161.00
1049-011-03	753 W HOLT BL, Ontario, CA 91762	161.00
1049-011-03	753 W HOLT BL, Ontario, CA 91762	62.10
1049-221-27	532 E SUNKIST ST, Ontario, CA 91761	3,115.15
1049-231-05	520 E STATE ST, Ontario, CA 91761	1,504.64
1049-232-17	546 E PARK ST, Ontario, CA 91761	882.69
1049-232-20	560 E PARK ST, Ontario, CA 91761	323.55
1049-232-22	557 E SUNKIST ST, Ontario, CA 91761	8,419.12
1049-247-07	428 S SULTANA AV, Ontario, CA 91761	606.95
1049-271-05	407 W STATE ST, Ontario, CA 91762	161.00
1049-272-03	421 W PARK ST, Ontario, CA 91762	55.00
1049-302-23	736 W SUNKIST ST, Ontario, CA 91762	55.00

City of Ontario
Code Enforcement Department
2018/2019 Tax Roll Year Special Assessments
Exhibit A - Costs Associated with Inspection or Abatement

Parcel Number	Address	Amount Due
1049-312-11	722 W CARLTON ST, Ontario, CA 91762	161.00
1049-322-06	535 W CALIFORNIA ST, Ontario, CA 91762	472.00
1049-384-09	930 S GROVE AV, Ontario, CA 91761	50.00
1049-551-10	407 W BELMONT ST, Unit:A, Ontario, CA 91762	161.00
1049-574-05	541 W RALSTON ST, Ontario, CA 91762	191.98
1049-582-11	1106 S SAN ANTONIO AV, Ontario, CA 91762	804.92
1049-591-18	613 W BELMONT ST, Ontario, CA 91762	161.00
1050-013-21	628 W SONOMA CT, Ontario, CA 91762	2,749.22
1050-092-04	1549 S PLEASANT AV, Ontario, CA 91761	246.55
1050-234-44	1604 S CAMPUS AV, Unit:A, Ontario, CA 91761	222.95
1050-271-19	1632 S PALM AV, Ontario, CA 91762	1,094.49
1050-272-20	1652 S EUCLID AV, Ontario, CA 91762	161.00
1050-284-01	1714 S EUCLID AV, Building:1, Ontario, CA 91762	45.95
1050-461-05	916 E FRANCIS ST, Ontario, CA 91761	161.00
1050-661-19	1459 S EUCLID AV, Unit:27, Ontario, CA 91761	161.00
1051-011-25	651 W MONTICELLO ST, Ontario, CA 91762	161.00
1051-041-26	2221 S SAN ANTONIO AV, Ontario, CA 91762	1,777.40
1051-311-32	2532 S GOLDCREST PL, Ontario, CA 91761	144.00
1051-381-14	2634 S BON VIEW AV, Ontario, CA 91761	161.00
1083-161-31	3338 E ANTLER RD, Ontario, CA 91761	223.10
1083-191-48	2743 S CYPRESS POINT PL, Ontario, CA 91761	161.00
1083-261-08	3105 E FAWN CT, Ontario, CA 91761	1,515.99
		34,957.87

City of Ontario
Code Enforcement Department
2018/2019 Tax Roll Year Special Assessments
Exhibit B - Civil Penalties and/or Fines for Continued Violations

Parcel Number	Address	Amount Due
0108-304-24	1364 E BONNIE BRAE ST, Ontario, CA 91764	220.00
0108-493-13	1504 N MADERA AV, Ontario, CA 91764	520.00
0110-013-20	1205 E D ST, Ontario, CA 91764	420.00
0110-293-09	631 N HUMBOLDT CT, Ontario, CA 91764	65.00
0110-347-01	944 N MARIPOSA AV, Ontario, CA 91764	420.00
0110-411-31	626 N MADERA AV, Ontario, CA 91764	120.00
0110-482-19	1880 E FIFTH ST, Ontario, CA 91764	120.00
0110-514-03	716 N BAKER AV, Ontario, CA 91764	520.00
0113-441-09	1540 E ACACIA ST, Ontario, CA 91761	220.00
0113-564-27	1945 E RIVERSIDE DR, Building:1, Unit:1, Ontario, CA 91761	540.00
0210-193-14	3480 E SHELBY ST, Ontario, CA 91764	500.00
0211-272-14	0 L.A.S.L.R.R., Ontario, CA 91761	500.00
0218-801-16	3748 S WRANGLER PL, Ontario, CA 91761	340.00
1008-421-09	1312 N BENSON AV, Ontario, CA 91762	20.00
1008-461-14	934 W BONNIE BRAE CT, Ontario, CA 91762	45.00
1008-502-16	867 W FIFTH ST, Ontario, CA 91762	120.00
1008-531-17	1120 W PRINCETON ST, Ontario, CA 91762	120.00
1010-101-20	1412 W ROSEWOOD CT, Ontario, CA 91762	340.00
1010-115-11	904 N FUCHSIA AV, Ontario, CA 91762	120.00
1010-132-05	1129 W FOURTH ST, Ontario, CA 91762	300.00
1010-154-14	916 W I ST, Ontario, CA 91762	120.00
1010-191-30	1025 W I ST, Ontario, CA 91762	760.00
1010-232-13	852 N JASMINE AV, Ontario, CA 91762	120.00
1010-494-12	864 W HOLLOWELL ST, Ontario, CA 91762	170.00
1011-111-22	1440 W BROOKS ST, Ontario, CA 91762	120.00
1011-121-18	1263 W HOLT BL, Building:1, Ontario, CA 91762	170.00
1011-411-63	1064 S MOUNTAIN AV, Ontario, CA 91762	120.00
1014-181-18	1740 S BRIAR AV, Ontario, CA 91762	340.00
1014-183-15	825 W ASHLAND ST, Ontario, CA 91762	120.00
1014-421-08	1853 S BENSON AV, Ontario, CA 91762	520.00
1047-241-09	1524 N EUCLID AV, Ontario, CA 91764	120.00
1047-531-08	1244 N EUCLID AV, Ontario, CA 91764	340.00
1048-081-44	543 E PLAZA SERENA ST, Ontario, CA 91764	760.00
1048-082-20	640 E PLAZA SERENA ST, Ontario, CA 91764	490.00
1048-283-26	611 W EL MORADO CT, Ontario, CA 91762	120.00
1048-332-28	424 N BEVERLY SQ, Ontario, CA 91762	170.00
1048-413-04	818 E F ST, Ontario, CA 91764	120.00
1048-565-11	118 W B ST, Ontario, CA 91762	120.00
1049-022-18	222 S VINE AV, Ontario, CA 91762	120.00
1049-231-05	520 E STATE ST, Ontario, CA 91761	520.00
1049-271-05	407 W STATE ST, Ontario, CA 91762	120.00
1049-302-23	736 W SUNKIST ST, Ontario, CA 91762	19,250.00
1049-334-23	410 W MAITLAND ST, Ontario, CA 91762	120.00
1049-384-09	930 S GROVE AV, Ontario, CA 91761	500.00

City of Ontario
Code Enforcement Department
2018/2019 Tax Roll Year Special Assessments
Exhibit B - Civil Penalties and/or Fines for Continued Violations

Parcel Number	Address	Amount Due
1049-582-11	1106 S SAN ANTONIO AV, Ontario, CA 91762	520.00
1050-092-41	1550 S MONTEREY AV, Ontario, CA 91761	520.00
1050-614-03	2118 S FERN AV, Ontario, CA 91762	520.00
1050-632-33	2045 S CYPRESS AV, Ontario, CA 91762	20.00
1051-011-76	625 W PHILADELPHIA ST, Ontario, CA 91762	120.00
1051-381-14	2634 S BON VIEW AV, Ontario, CA 91761	760.00
1083-191-48	2743 S CYPRESS POINT PL, Ontario, CA 91761	420.00
1083-452-16	3723 E YUBA RIVER DR, Ontario, CA 91761	7,000.00
		40,880.00

City of Ontario
Code Enforcement Department
2018/2019 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
0108-303-23	1367 E BONNIE BRAE ST, Ontario, CA 91764	15.49
0108-304-24	1364 E BONNIE BRAE ST, Ontario, CA 91764	220.00
0108-493-13	1504 N MADERA AV, Ontario, CA 91764	520.00
0110-013-20	1205 E D ST, Ontario, CA 91764	420.00
0110-152-22	761 N AMADOR AV, Ontario, CA 91764	55.00
0110-293-09	631 N HUMBOLDT CT, Ontario, CA 91764	65.00
0110-301-09	1828 E PRINCETON ST, Ontario, CA 91764	1,812.59
0110-347-01	944 N MARIPOSA AV, Ontario, CA 91764	420.00
0110-411-31	626 N MADERA AV, Ontario, CA 91764	120.00
0110-482-19	1880 E FIFTH ST, Ontario, CA 91764	120.00
0110-514-03	716 N BAKER AV, Ontario, CA 91764	520.00
0113-441-09	1540 E ACACIA ST, Ontario, CA 91761	220.00
0113-564-27	1945 E RIVERSIDE DR, Building:1, Unit:1, Ontario, CA 91761	540.00
0210-041-64	1453 N SAN DIEGO PL, Ontario, CA 91764	1,000.08
0210-193-14	3480 E SHELBY ST, Ontario, CA 91764	711.00
0211-272-14	0 L.A.S.L.R.R., Ontario, CA 91761	550.00
0216-172-12	8408 E CHINO AV, Ontario, CA 91761	62.10
0216-381-32	2602 S AMADOR PL, Ontario, CA 91761	110.00
0216-471-25	2930 S DEL NORTE PL, Ontario, CA 91761	144.00
0218-801-16	3748 S WRANGLER PL, Ontario, CA 91761	340.00
1008-421-09	1312 N BENSON AV, Ontario, CA 91762	20.00
1008-461-14	934 W BONNIE BRAE CT, Ontario, CA 91762	45.00
1008-502-16	867 W FIFTH ST, Ontario, CA 91762	120.00
1008-531-17	1120 W PRINCETON ST, Ontario, CA 91762	120.00
1010-101-20	1412 W ROSEWOOD CT, Ontario, CA 91762	340.00
1010-115-11	904 N FUCHSIA AV, Ontario, CA 91762	281.00
1010-132-05	1129 W FOURTH ST, Ontario, CA 91762	346.05
1010-154-14	916 W I ST, Ontario, CA 91762	120.00
1010-182-06	729 N PALMETTO AV, Ontario, CA 91762	285.20
1010-191-30	1025 W I ST, Ontario, CA 91762	760.00
1010-232-13	852 N JASMINE AV, Ontario, CA 91762	120.00
1010-464-06	1013 W FLORA ST, Ontario, CA 91762	184.54
1010-464-07	1007 W FLORA ST, Ontario, CA 91762	11.77
1010-464-07	1007 W FLORA ST, Ontario, CA 91762	161.00
1010-494-12	864 W HOLLOWELL ST, Ontario, CA 91762	170.00
1010-521-05	312 N CAMELLIA AV, Unit:A, Ontario, CA 91762	161.00
1011-111-22	1440 W BROOKS ST, Ontario, CA 91762	120.00
1011-121-18	1263 W HOLT BL, Building:1, Ontario, CA 91762	170.00
1011-401-27	1031 S PALMETTO AV, Building:S, Unit:4, Ontario, CA 91762	223.10
1011-411-63	1064 S MOUNTAIN AV, Ontario, CA 91762	120.00
1011-582-03	1329 W PHILLIPS ST, Ontario, CA 91762	1,300.36
1014-181-18	1740 S BRIAR AV, Ontario, CA 91762	340.00
1014-183-15	825 W ASHLAND ST, Ontario, CA 91762	120.00
1014-421-08	1853 S BENSON AV, Ontario, CA 91762	520.00

City of Ontario
Code Enforcement Department
2018/2019 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
1047-241-09	1524 N EUCLID AV, Ontario, CA 91764	120.00
1047-321-35	1394 N CHAFFEY CT, Ontario, CA 91762	161.00
1047-352-09	115 E LA DENEY DR, Ontario, CA 91764	161.00
1047-413-15	1340 N ALLYN AV, Ontario, CA 91764	110.00
1047-424-53	1034 E SIXTH ST, Unit:1002, Ontario, CA 91764	110.00
1047-531-08	1244 N EUCLID AV, Ontario, CA 91764	340.00
1047-543-29	407 E FOURTH ST, Ontario, CA 91764	55.00
1048-022-34	1010 N SAN ANTONIO AV, Ontario, CA 91762	295.60
1048-081-44	543 E PLAZA SERENA ST, Ontario, CA 91764	760.00
1048-082-20	640 E PLAZA SERENA ST, Ontario, CA 91764	490.00
1048-124-14	1016 E I ST, Ontario, CA 91764	161.00
1048-131-38	1017 E ROSEWOOD CT, Ontario, CA 91764	110.00
1048-161-17	834 N PARKSIDE AV, Ontario, CA 91764	583.79
1048-162-31	803 N PARKSIDE AV, Ontario, CA 91764	30.98
1048-241-02	116 E H ST, Ontario, CA 91764	161.00
1048-283-26	611 W EL MORADO CT, Ontario, CA 91762	120.00
1048-332-28	424 N BEVERLY SQ, Ontario, CA 91762	170.00
1048-366-03	218 E G ST, Ontario, CA 91764	191.98
1048-371-06	328 E G ST, Ontario, CA 91764	15.49
1048-376-10	425 E F ST, Ontario, CA 91764	161.00
1048-403-17	817 E D ST, Ontario, CA 91764	161.00
1048-413-04	818 E F ST, Ontario, CA 91764	120.00
1048-463-51	1159 E NOCTA ST, Ontario, CA 91761	161.00
1048-565-11	118 W B ST, Ontario, CA 91762	120.00
1049-011-03	753 W HOLT BL, Ontario, CA 91762	161.00
1049-011-03	753 W HOLT BL, Ontario, CA 91762	62.10
1049-022-18	222 S VINE AV, Ontario, CA 91762	120.00
1049-221-27	532 E SUNKIST ST, Ontario, CA 91761	3,115.15
1049-231-05	520 E STATE ST, Ontario, CA 91761	2,024.64
1049-232-17	546 E PARK ST, Ontario, CA 91761	882.69
1049-232-20	560 E PARK ST, Ontario, CA 91761	323.55
1049-232-22	557 E SUNKIST ST, Ontario, CA 91761	8,419.12
1049-247-07	428 S SULTANA AV, Ontario, CA 91761	606.95
1049-271-05	407 W STATE ST, Ontario, CA 91762	281.00
1049-272-03	421 W PARK ST, Ontario, CA 91762	55.00
1049-302-23	736 W SUNKIST ST, Ontario, CA 91762	19,305.00
1049-312-11	722 W CARLTON ST, Ontario, CA 91762	161.00
1049-322-06	535 W CALIFORNIA ST, Ontario, CA 91762	472.00
1049-334-23	410 W MAITLAND ST, Ontario, CA 91762	120.00
1049-384-09	930 S GROVE AV, Ontario, CA 91761	550.00
1049-551-10	407 W BELMONT ST, Unit:A, Ontario, CA 91762	161.00
1049-574-05	541 W RALSTON ST, Ontario, CA 91762	191.98
1049-582-11	1106 S SAN ANTONIO AV, Ontario, CA 91762	1,324.92
1049-591-18	613 W BELMONT ST, Ontario, CA 91762	161.00

City of Ontario
Code Enforcement Department
2018/2019 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
1050-013-21	628 W SONOMA CT, Ontario, CA 91762	2,749.22
1050-092-04	1549 S PLEASANT AV, Ontario, CA 91761	246.55
1050-092-41	1550 S MONTEREY AV, Ontario, CA 91761	520.00
1050-234-44	1604 S CAMPUS AV, Unit:A, Ontario, CA 91761	61.95
1050-234-44	1604 S CAMPUS AV, Unit:A, Ontario, CA 91761	161.00
1050-271-19	1632 S PALM AV, Ontario, CA 91762	1,094.49
1050-272-20	1652 S EUCLID AV, Ontario, CA 91762	161.00
1050-284-01	1714 S EUCLID AV, Building:1, Ontario, CA 91762	45.95
1050-461-05	916 E FRANCIS ST, Ontario, CA 91761	161.00
1050-614-03	2118 S FERN AV, Ontario, CA 91762	520.00
1050-632-33	2045 S CYPRESS AV, Ontario, CA 91762	20.00
1050-661-19	1459 S EUCLID AV, Unit:27, Ontario, CA 91761	161.00
1051-011-25	651 W MONTICELLO ST, Ontario, CA 91762	161.00
1051-011-76	625 W PHILADELPHIA ST, Ontario, CA 91762	120.00
1051-041-26	2221 S SAN ANTONIO AV, Ontario, CA 91762	1,777.40
1051-311-32	2532 S GOLDCREST PL, Ontario, CA 91761	144.00
1051-381-14	2634 S BON VIEW AV, Ontario, CA 91761	921.00
1083-161-31	3338 E ANTLER RD, Ontario, CA 91761	223.10
1083-191-48	2743 S CYPRESS POINT PL, Ontario, CA 91761	581.00
1083-261-08	3105 E FAWN CT, Ontario, CA 91761	1,515.99
1083-452-16	3723 E YUBA RIVER DR, Ontario, CA 91761	7,000.00
109		75,837.87

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

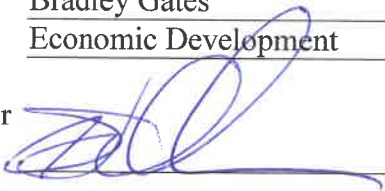
SUBJECT: A LEASE AGREEMENT AND OPERATING AGREEMENT BETWEEN THE WESEE COLLECTIVE, LLC AND THE CITY OF ONTARIO, FOR THE PURPOSE OF ESTABLISHING A BUSINESS INCUBATOR, ACCELERATOR AND CO-WORKING OFFICE SPACE AT 404 N. EUCLID AVENUE

RECOMMENDATION: That the City Council:

- (A) Approve a Lease Agreement (on file with the Records Management Department) between The WESEE Collective, LLC and the City of Ontario for the purpose of establishing a Business Incubator, Accelerator and Co-working space in approximately 13,500 square feet of certain City-owned property located at 404 N. Euclid Avenue for a three-year term with the option to extend for two additional one-year periods,
- (B) Approve a Lease Agreement (on file with the Records Management Department) between The WESEE Collective, LLC and the City of Ontario for the purpose of establishing a Coffee Shop and Beer Taproom in approximately 500 square feet of certain City-owned property located at 404 N. Euclid Avenue for a three-year term with the option to extend for two additional one-year periods, and
- (C) Authorize the City Manager to execute a three-year Operating Agreement (on file with the Records Management Department) with The WESEE Collective, LLC for the purpose of operating a Business Incubator, Accelerator and Co-working space, in the amount of \$252,000 annually, with the option to extend for two additional one-year periods.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Director

Prepared by: Bradley Gates
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

4

FISCAL IMPACT:

- (A) The lease rate for the portion of the property to be used as a Business Incubator, Accelerator and Co-working space is proposed at \$1.00 per month, in return for the business creation efforts and downtown activity generated by the occupants of the space.
- (B) The lease rate for the portion of the property to be used as a Coffee Shop and Beer Taproom is proposed at \$1.00 per square foot per month, which is comparable to recent market-rate leasing activity in the downtown area. Lease revenue for the 500 square foot space is anticipated at approximately \$6,000 annually.
- (C) The cost of the Operating Agreement is \$252,000 each year for a total of three years. Total funding in the amount of \$252,000 has been appropriated as part of the Adopted FY2018-19 Operating Budget. Appropriations for years two and three of the operating agreement will be requested as part of future fiscal year budgets.

BACKGROUND: In January 2017, the City completed the purchase of the commercial properties located at 404-424 N. Euclid Avenue. As staff began to analyze potential uses of the space and how to generate business activity in downtown, work began with the WESEE Collective, LLC to develop an office space concept that would support and grow existing small businesses, help budding entrepreneurs create new businesses, and foster technology innovation in the commerce and logistics sector. These efforts have culminated in the opportunity to establish a Business Incubator, Accelerator and Co-working space in the heart of the historic downtown Euclid Avenue District: “4th Sector Innovations at 404” (404).

Lease Agreements

As part of this proposal, WESEE will lease approximately 14,000 square feet at 404 N. Euclid Avenue. The majority of this space (13,500 square feet) will be used to house the incubator/accelerator/co-working functions of the concept. This concept will provide working space for at least 50 member companies, a portion of which will be reserved for incubating and accelerating companies.

Co-working spaces are business locations that offer cost-effective shared workspace in an open, professional environment, oftentimes with amenities such as conference rooms, kitchens, networking opportunities and social activities. Participants in co-working spaces are typically free-lancers, start-ups, and other small companies that do not need to undertake the expense of dedicated office space. Co-working participants also benefit from the ability to interact, brainstorm and socialize with other businesses. Co-working participants will be able to purchase a variety of membership options in order to utilize the space and amenities at 404.

The purpose of a Business Incubator is to support the growth and success of entrepreneurial companies through an array of business support resources and services that may include the provision of physical space, access to capital, coaching, common services, and networking connections. Participants in incubators are generally start-up or early stage businesses and take part in an incubation program that lasts typically one year or less. Four spaces at 404 will be reserved for incubating businesses at no cost to the business. It is anticipated that a minimum of 12 businesses will be able to participate in the incubation program over the course of the three-year agreement.

The purpose of a Business Accelerator is similar to that of a Business Incubator, but accelerator companies have typically moved beyond the earliest phases of business development but are still in need of services

in order to accelerate their growth and viability. Typical business acceleration programs last six months or less. Eight spaces at 404 will be reserved for accelerating businesses at no cost to the business. It is anticipated that a minimum of 24 businesses will be able to participate in the acceleration program over the course of the three-year agreement.

A portion of the space at 404 (approximately 500 square feet along Euclid Avenue frontage) will be leased at a market-rate rent of \$1.00 per square foot per month (based on recent lease comparables in downtown) and will be used to house a coffee shop and beer taproom. These establishments will not only serve as an amenity to the members of 404, but will be open to the public and generate additional business activity in downtown.

Operating Agreement

Under the terms of the Operating Agreement, WESEE will operate and manage the Business Incubator, Accelerator and Co-working space. The scope of these duties include, but are not limited to:

- Provision for at least four incubating businesses annually.
- Provision for at least eight accelerating businesses annually.
- Active promotion and management of co-working space in order to maximize membership options and the number of businesses utilizing the space.
- Host small business development events and services to the business community at large.
- Host and coordinate business networking activities and opportunities for 404 participants.
- Promote STEM entrepreneurship through school partnerships and special events.
- Form a business advisory committee for the purpose of mentoring new businesses.
- Engage existing businesses for the development of new technologies and innovation.
- Establish partnerships with higher education for the purpose of technology transfer.
- Establish partnerships with other business incubators to create reciprocal membership options.
- Identify angel and other funding sources for the purpose of investing in the incubating and accelerating businesses at 404.

In addition to these obligations, WESEE will provide office space to the Small Business Development Center, which is currently occupying city-owned space at 603 N. Euclid Avenue. This combination of small business services will create synergy in the resources and services available to the small business community in Ontario.

In exchange for the City's participation in the financial support of this operation, the City will have the opportunity to receive a share of the revenue generated by the activities of the incubation/acceleration/co-working space. Net profits received by WESEE, after the first ten percent of such profits, will be shared, with the City receiving sixty percent and WESEE receiving forty percent of such profits. The City will also have the ability to utilize the space for special events and other business-related seminars and workshops.

In addition, WESEE will be required to monitor and submit quarterly reports to the City, showing the outcomes of activity generated by the space, including the number of new businesses in downtown and the associated number of jobs and economic impact created by those activities.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: LANDSCAPE MAINTENANCE SERVICES AGREEMENT FOR THE MILL CREEK WETLANDS FACILITY

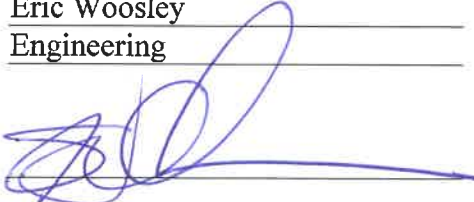
RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a one-year Maintenance Services Agreement (on file with the Records Management Department) with Natures Image, of Lake Forest, California, to provide landscape maintenance services for the Mill Creek Wetlands facility for a total contract cost of \$248,956 plus a 8% contingency of \$19,916 for a total authorized expenditure of \$268,872; and authorize the City Manager to extend the agreement for up to four additional one year periods with any required future amendments consistent with City Council approved budgets.

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 FY 2017-18 Adopted Operating Budget includes appropriations of \$540,900 for various professional and maintenance services for the Mill Creek Wetlands facility. The total recommended expenditure authorization of \$268,872 includes the contract amount of \$248,956 plus an 8% contingency of \$19,616. At the discretion of the City, the contract may be extended for up to four additional one year periods with any increase to billing rates to be negotiated for each year, consistent with City Council approved budget.

BACKGROUND: The Mill Creek Wetlands project was partially funded by a State Proposition 40 grant. The Operations and Maintenance Program for the wetlands was developed based on the grant requirements and was approved by the State Water Resources Control Board. This program includes specific landscape maintenance requirements to achieve adequate water quality performance objectives.

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

Prepared by: Eric Woosley
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

5

A request for proposals for landscape maintenance services for the Mill Creek Wetlands was issued in April 2018. Below are the two companies that submitted proposals and were interviewed:

<u>Company</u>	<u>Location</u>	<u>Amount</u>
Brightview Landscape Services	Upland, CA	\$177,552
Nature Images	Lake Forest, CA	\$248,956

Based on the quality of the proposal, company resources, past experiences with similar projects, staff qualifications, pricing, and references, staff recommends approval of a Maintenance Service Agreement with Natures Image, Inc.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 17749 AND 18380 LOCATED ON THE NORTH SIDE OF BELLEGRAVE AVENUE BETWEEN MILL CREEK AND HAMNER AVENUES

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map Nos. 17749 and 18380 located on the north side of Bellegrave Avenue between Mill Creek and Hamner Avenues within the Esperanza 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. 17749 consisting of four (4) numbered lots and five (5) lettered lots on 62.33 acres and Final Tract Map No. 18380, consisting of seven (7) numbered lots and eight (8) lettered lots on 71.66 acres as shown on Exhibit A, have been submitted by GDC Investments 6, LP, a Delaware Limited Partnership (Mr. John Crawford, Secretary), and GDCI-RCCD, LP, a Delaware Limited Partnership (Mr. John Crawford, Secretary).

GDC Investments 6 and GDCI-RCCD sold a portion of Final Tract Map Nos. 17749 and 18380 to Lennar Homes of California. The portion purchased by Lennar Homes of California includes the entire area south of Eucalyptus Avenue. GDC Investments 6 and GDCI-RCCD remain the owners of the area north of Eucalyptus Avenue. As required by the Subdivision Map Act and the City's Municipal Code, Lennar Homes of California, GDC Investments 6 and GDCI-RCCD have entered into a joint improvement agreement with the City for Final Tract Map Nos. 17749 and 18380. However, Lennar Homes of

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

Prepared by: Miguel Sotomayor
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018

Approved: _____

Continued to: _____

Denied: _____

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California as the builder has agreed to solely post adequate security to ensure construction of all public infrastructure improvements required for said maps.

Tentative Tract Map Nos. 17749 and 18380 were approved by the Planning Commission (6 to 0 with 1 absent) on December 18, 2006 and are consistent with the adopted Esperanza Specific Plan.

Improvements will include AC pavement, curb, gutter, landscaped parkways, neighborhood edges, fiber optic conduits, sidewalk, traffic signals, fire hydrants, sewer, water and recycled water mains, storm drain and street lights. The improvements in parkway landscaping will be consistent with current City approved drought measures.

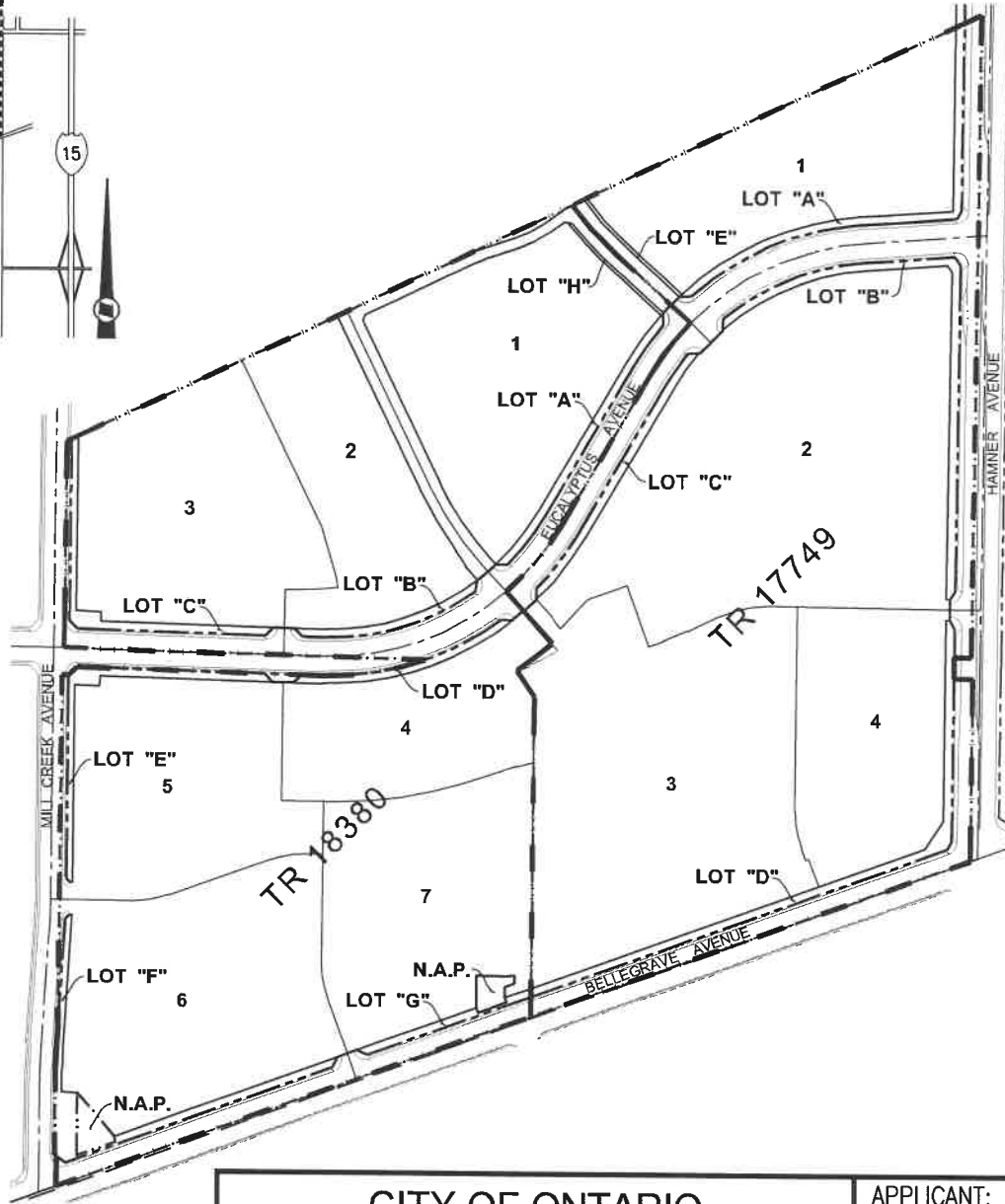
These maps meet all conditions of the Subdivision Map Act and the Ontario Municipal Code and have been reviewed and approved by the City Engineer.

LOCATION



VICINITY MAP

NTS



CITY OF ONTARIO
ENGINEERING DEPARTMENT
FILE NO. TR. 17749 & 18380

APPLICANT: LENNAR CORP.
PROJECT: (17749) 4 NUMBERED LOTS
AND 5 LETTERED LOTS
PROJECT: (18380) 7 NUMBERED LOTS
AND 8 LETTERED LOTS

NOT TO SCALE

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 17749 AND 18380 LOCATED ON THE NORTH SIDE OF BELLEGRAVE AVENUE BETWEEN MILL CREEK AND HAMNER AVENUES.

WHEREAS, Tentative Tract Map Nos. 17749 and 18380, submitted for approval by the subdivider, GDC Investments 6, LP, a Delaware Limited Partnership (Mr. John Crawford, Secretary), and GDCI-RCCD, LP, a Delaware Limited Partnership (Mr. John Crawford, Secretary), were approved by the Planning Commission of the City of Ontario on December 18, 2006; and

WHEREAS, Tentative Tract Map No. 17749 was submitted for approval by the subdivider, GDC Investments 6, LP, a Delaware Limited Partnership, consisting of four (4) numbered lots and five (5) lettered lots, being a subdivision of a portion of Eucalyptus Avenue and Parcels 2 and 4 of Lot Line Adjustment LLA 06-09, recorded June 1, 2007 as Instrument No. 2007-331161, official records, in the County of San Bernardino, State of California; and

WHEREAS, Tentative Tract Map No. 18380 was submitted for approval by the subdivider, GDCI-RCCD, LP, a Delaware Limited Partnership, consisting of seven (7) numbered lots and eight (8) lettered lots, being a subdivision of a portion of Eucalyptus and Cleveland Avenues and Parcels 1 and 3 of Lot Line Adjustment LLA 06-09, recorded June 1, 2007 as Instrument No. 2007-331161, official records, in the County of San Bernardino, State of California; and

WHEREAS, Lennar Homes of California, Inc. a California Corporation (Mr. Geoffrey Smith, Vice President) ("Builder") purchased a portion of said final tract maps from GDC Investments 6, LP, a Delaware Limited Partnership, and GDCI-RCCD, LP, a Delaware Limited Partnership (collectively, GDC Investments 6 LP and GDCI-RCCD, LP as subdivider), and has agreed to construct all required public improvements for said maps; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map Nos. 17749 and 18380, said Builder has offered the improvement agreement together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

WHEREAS, the requirement for the preparation of Covenants, Conditions and Restrictions (CC&R's), 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 has been deferred to a date that coincides with the recordation of the subject Tract Map.

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. 17749 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.
4. That Final Tract Map No. 18380 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 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2018-19


RECOMMENDATION: That the City Council adopt resolutions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment District (OPMAD) Nos. 1, 2, 3 and 4:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments; and
- (B) A resolution giving preliminary approval of the Engineer's Report; and
- (C) A resolution for District Nos. 1, 2 and 3, and a resolution for District No. 4, declaring the City's intention to levy the special assessments for Fiscal Year 2018-19 and setting the date of July 17, 2018 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$285,042 from OPMAD Nos. 1, 2 and 3, and \$321,987 from OPMAD No. 4 during Fiscal Year 2018-19. The total cost of \$638,171 for operation and maintenance within OPMAD Nos. 1, 2 and 3 will exceed the assessment revenues by \$353,129. The differential will be funded from the General Fund. If approved, the General Fund portion will be included in the City's proposed budget for Fiscal Year 2018-19. The total proposed special assessment for OPMAD No. 4 is sufficient to pay all expenses within this service area. The special assessments for OPMAD Nos. 1, 2, and 3, Zone 2000-1, are capped, so there are no proposed changes from the FY 2017-18 special assessments. The recommended special assessment rate for OPMAD No. 3, Zone 2000-2, includes an increase of

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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2.5% from the FY 2017-18 rate. As proposed, the average increase in the recommended special assessment rates for the 6 maintenance areas in OPMAD No. 4 is 2.5%.

BACKGROUND: The first of these districts was formed in 1976 pursuant to the Landscaping and Lighting Act of 1972 (the “1972 Act”). Additional territories are annexed to the districts from time to time as development proceeds. The districts were formed to help minimize the continually increasing cost of maintaining and operating the landscaping along public streets where the property owners do not have direct access to the landscaping. A special assessment is levied annually on benefiting properties for the cost of operation and maintenance of certain parkway landscaping facilities within the districts. The City’s Community & Public Services Agency establishes the annual operation and maintenance costs and administers the maintenance of the landscaping. Annually, an Engineer’s Report for each district must be prepared which apportions these costs to each parcel within the districts. The locations of the districts are shown on the attached maps.

OPMAD Nos. 1, 2, and 3 are comprised of single-family residential developments. Due to varying characteristics, the districts are organized into benefit zones and/or maintenance areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives special direct benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

Special assessment revenue will be generated in the combined amount of \$285,042 from OPMAD Nos. 1, 2 and 3. The assessed tax rates for Fiscal Year 2017-18, and the proposed and maximum tax rates for Fiscal Year 2018-19, are as follows:

	Prior Year 2017-18	Maximum 2018-19	Proposed 2018-19
OPMAD No. 1	\$ 66.32 per Lot	\$ 66.32 per Lot	\$ 66.32 per Lot
OPMAD No. 2	\$ 34.04 per Lot	\$ 34.04 per Lot	\$ 34.04 per Lot
OPMAD No. 3, Zone 2000-1	\$ 41.29 per Lot	\$ 41.29 per Lot	\$ 41.29 per Lot
OPMAD No. 3, Zone 2000-2	\$ 176.88 per Lot	\$ 226.48 per Lot	\$ 181.30 per Lot

OPMAD No. 4 is comprised of single-family residential tracts and the Ontario Mills development area. The district is organized into 6 Maintenance Areas (MAs). Each maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

The assessments for OPMAD No. 4 will generate a total of \$321,987. OPMAD No. 4 will generate sufficient revenue to pay all expenses within the service area. The assessed tax rates for Fiscal Year 2017-18, and the maximum and proposed tax rates for Fiscal Year 2018-19, are as follows:

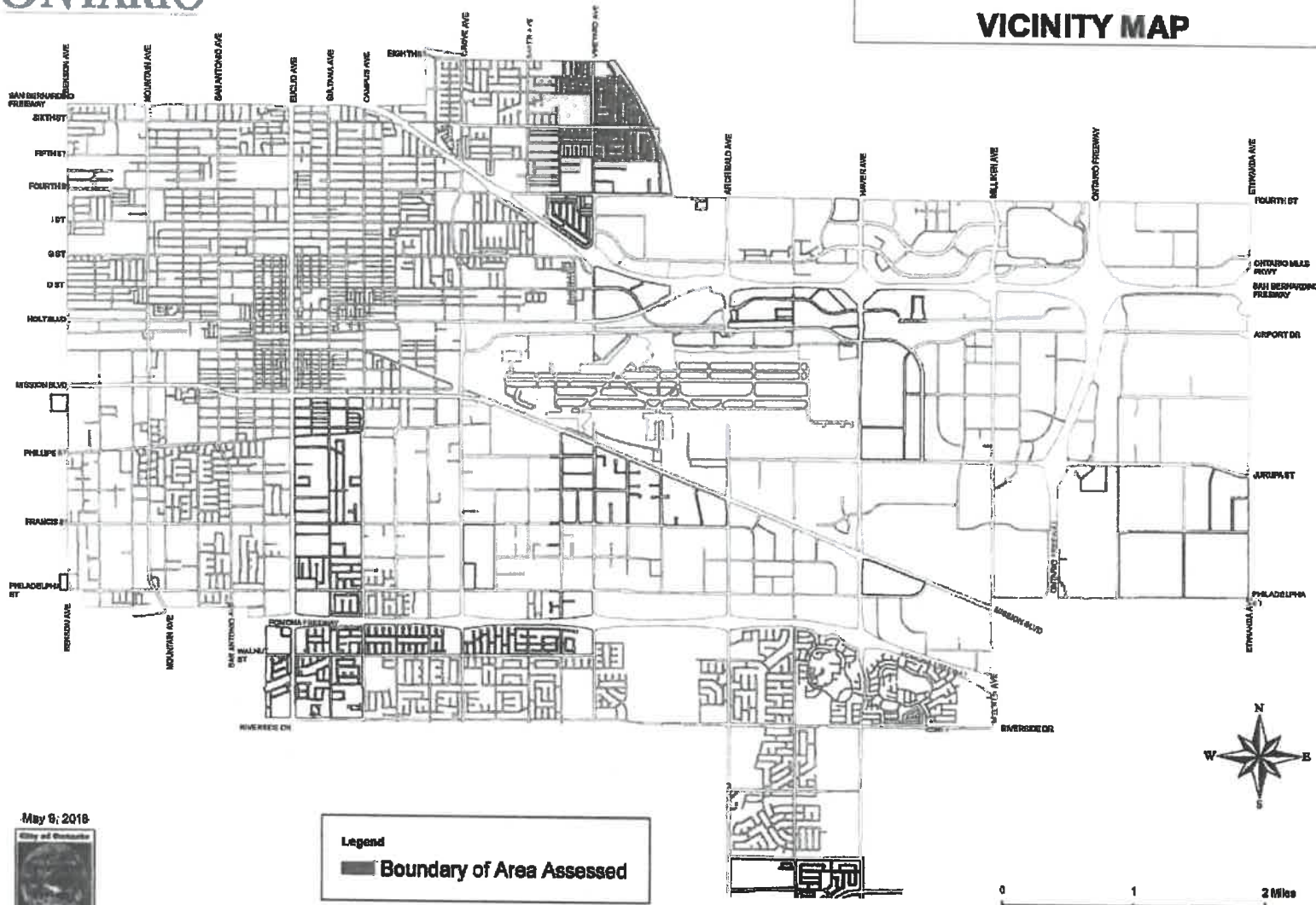
	Prior Year 2017-18	Maximum 2018-19	Proposed 2018-19
MA#99-1	\$ 52.79 per Lot	\$ 55.11 per Lot	\$ 54.13 per Lot
MA#99-2	\$ 334.08 per Lot	\$ 347.62 per Lot	\$ 342.41 per Lot
MA#99-3	\$ 1,038.03 per Acre	\$ 1,248.21 per Acre	\$ 1,063.98 per Acre
MA#00-1	\$ 251.38 per Lot	\$ 342.35 per Lot	\$ 257.62 per Lot
MA#04-1	\$ 1,011.35 per Lot	\$ 2,180.71 per Lot	\$ 1,036.26 per Lot
MA#05-1	\$ 1,389.07 per Lot	\$ 2,703.10 per Lot	\$ 1,423.67 per Lot

Pursuant to the “1972 Act,” Engineer’s Reports have been prepared for each district, and are on file with the Records Management Department. Each report includes plans and specifications for the improvements and maintenance, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within each district.

A public hearing is required for each district prior to adoption of the proposed assessments. A combined public hearing will be held on July 17, 2018 for the purpose of accepting comments and written protests. At the conclusion of the public hearing, the City Council will consider adoption of resolutions confirming the assessments and ordering the levy of the assessments for tax year 2018-19. Notice of the public hearing for the levy of assessments will be published in the local newspaper, in accordance with the applicable statutes.



Ontario Parkway Maintenance Assessment District No. 2 VICINITY MAP



Legend

Boundary of Area Assessed



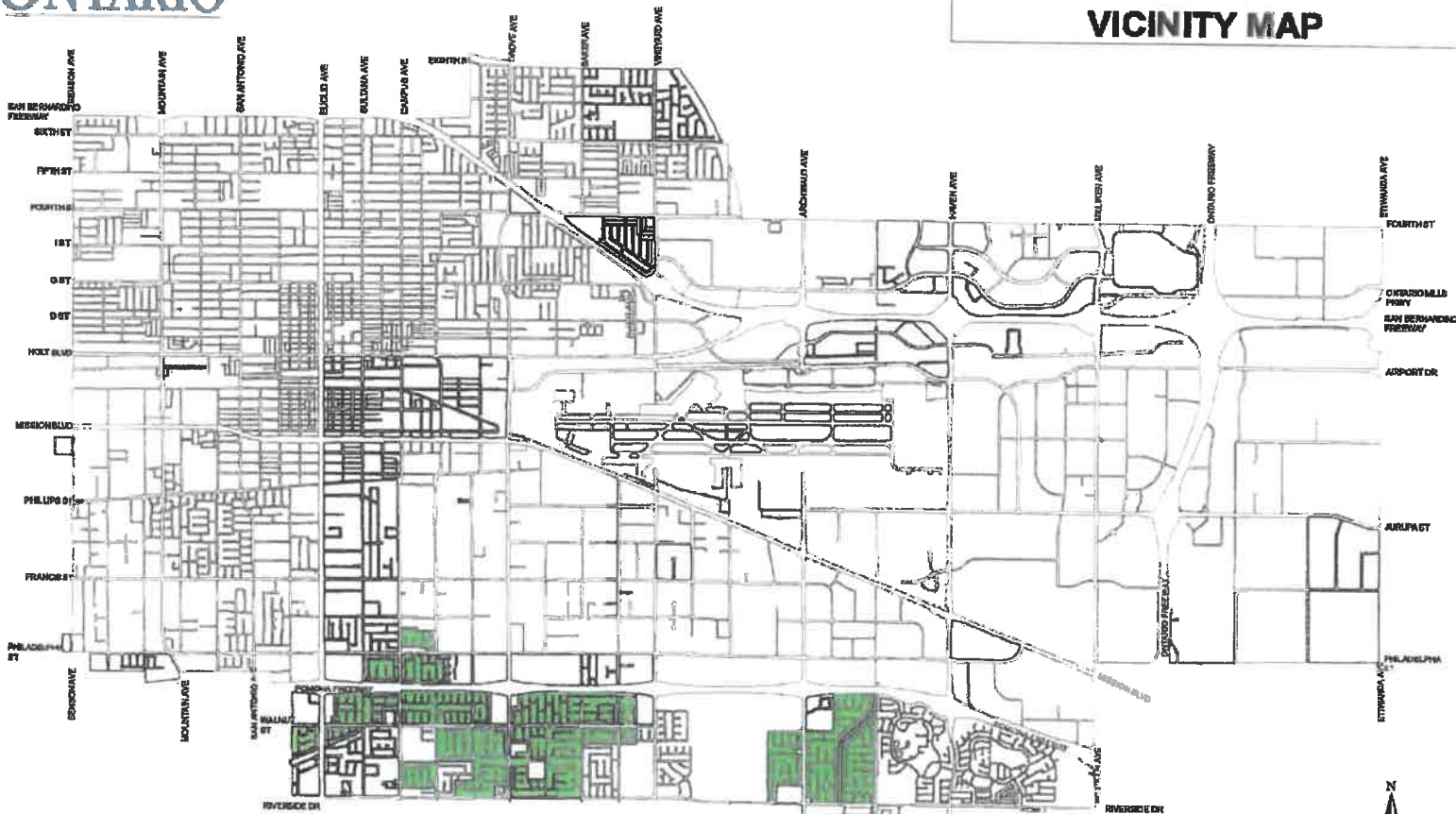
May 8, 2018



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Ontario Parkway Maintenance Assessment District No. 3 VICINITY MAP



Legend

- Boundary of Zone 2000-1
- Boundary of Zone 2000-2



May 8, 2018
City of Ontario

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, previously formed maintenance districts pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4

(the "Districts"); and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the ensuing fiscal year to provide for the annual costs for maintenance of improvements within the Districts; and

WHEREAS, the proceedings for the annual levy of assessments shall relate to the fiscal year commencing July 1, 2018, and ending June 30, 2019; and

WHEREAS, there has been submitted to this City Council for its consideration at this time, maps showing the boundaries of the area affected by the levy of the assessment for the above-referenced fiscal year, and inventory maps showing and describing in general the works of improvement proposed to be maintained in said Districts, said description being sufficient to identify the works of improvement and the areas proposed to be assessed for said maintenance thereof.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the maps entitled

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4
BOUNDARY AND INVENTORY MAPS

attached hereto, as submitted to this City Council, showing the boundaries of the proposed areas to be assessed and showing the works of improvement to be maintained, are hereby approved, and a copy thereof shall be on file in the Records Management

Department and open to public inspection. The parcels and properties within said area are those proposed to be assessed to pay the costs and expenses for said maintenance work.

SECTION 3. That the proposed maintenance work within the area proposed to be assessed shall be for certain landscaping and appurtenant improvements, as said maintenance work is set forth in the Reports to be presented to this City Council for consideration.

SECTION 4. That the Assessment Engineer, Harris & Associates, is hereby ordered to prepare and file with this City Council the Assessment Engineer's Reports relating to said annual assessment and levy in accordance with the provisions of 1972 Act, Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law").

SECTION 5. That upon completion, said Assessment Engineer's Reports shall be filed with the City Clerk, who shall then submit the same to this City Council for its consideration pursuant to the Assessment Law.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

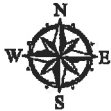


Ontario Parkway Maintenance Assessment District No. 1 Boundary and Inventory Map



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May 9, 2016



- Legend**
- Areas Maintained
 - Boundary of Area Assessed

Map 1 of 2

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.




Ontario Parkway Maintenance Assessment District No. 1 Boundary and Inventory Map



SR -60 Pomona Freeway

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May 9, 2018
City of Ontario




Legend

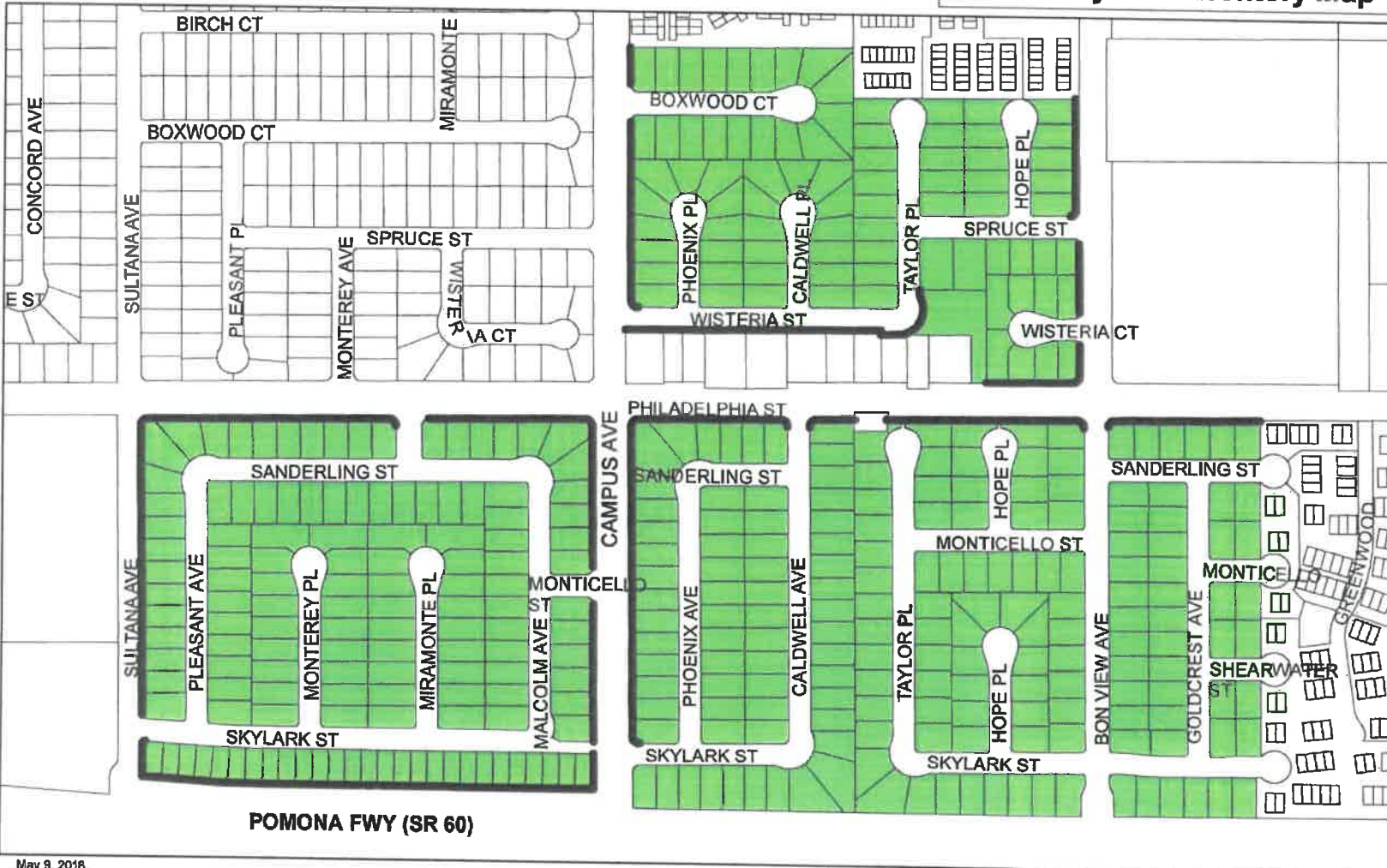
- Areas Maintained
- Boundary of Area Assessed

Map 2 of 2

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.

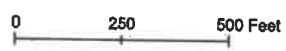
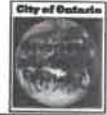


Ontario Parkway Maintenance Assessment District No. 3 Boundary and Inventory Map



POMONA FWY (SR 60)

May 9, 2018



Legend Map 1 of 5

- Areas Maintained
- Boundary of Zone 2000-1

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.

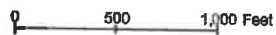
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Ontario Parkway Maintenance Assessment District No. 3 Boundary and Inventory Map



May 8, 2018



Legend

- Areas Maintained
- Boundary of Zone 2000-1

Map 2 of 5

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



Ontario Parkway Maintenance Assessment District No. 3 Boundary and Inventory Map

POMONA FWY (SR-60)



May 9, 2016



500 1,000 Feet



Legend

- Areas Maintained
- Boundary of Zone 2000-1

Map 3 of 5

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



Ontario Parkway Maintenance Assessment District No. 3 Boundary and Inventory Map

POMONA FWY (SR-60)

POMONA FWY (SR-60)

Fence with Plantings along channel



C:\Users\mcmahon\Documents\MapChange\CDM403_3_boundary_1682.mxd

May 9, 2018



0 500 1,000 Feet



- Legend**
- Areas Maintained
 - Boundary of Zone 2000-1

Map 4 of 5

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



Ontario Parkway Maintenance Assessment District No. 3 Boundary and Inventory Map

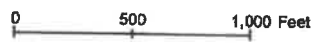


Entry Statement in easement only

Future Bike Path

Landscape buffer in SCE R/W not yet installed

May 9, 2018

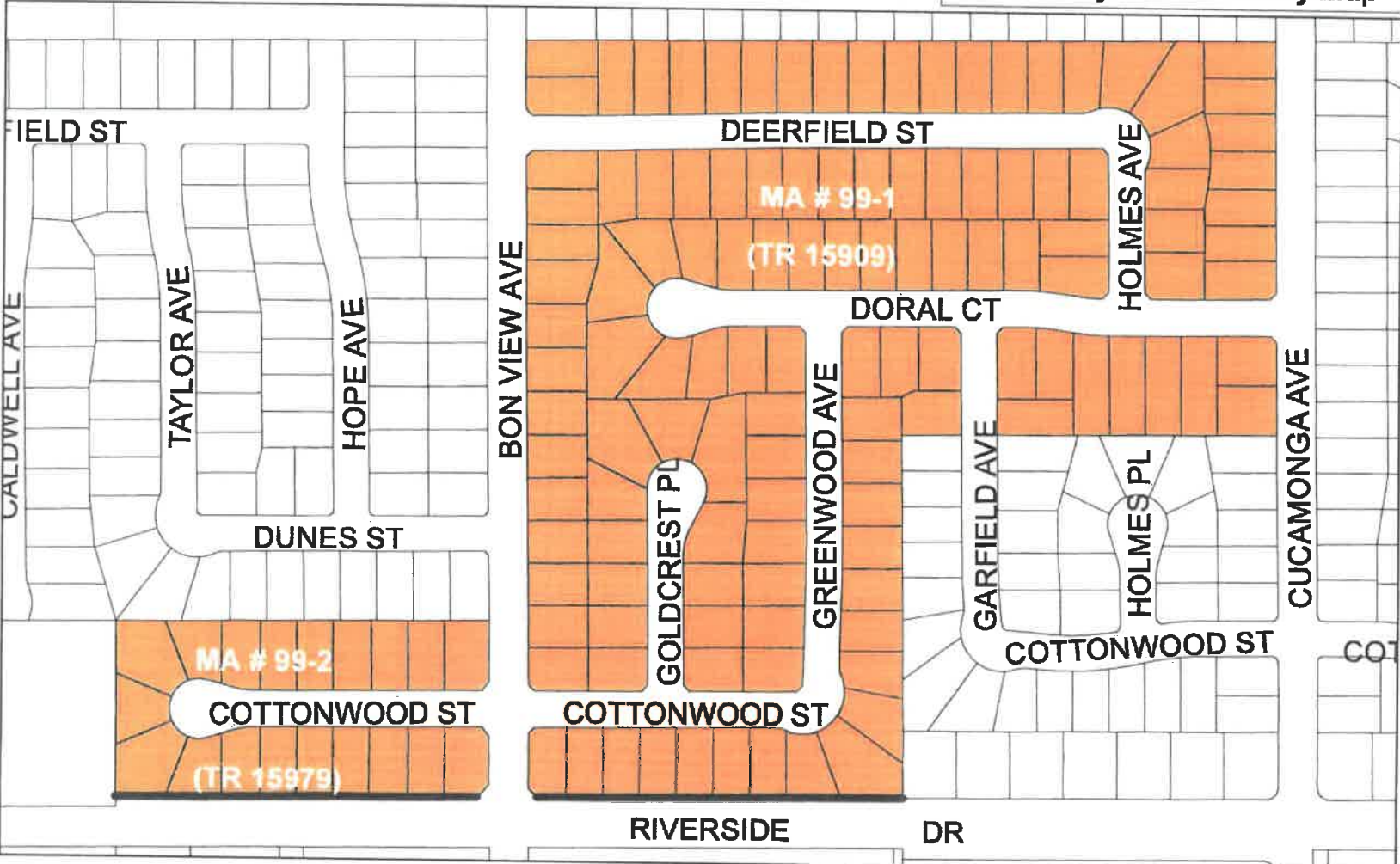


Legend		Map 5 of 5
	Areas Maintained	
	Boundary of Zone 2000-1	
	Boundary of Zone 2000-2	

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



**Ontario Parkway Maintenance
Assessment District No. 4
Boundary and Inventory Map**



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Legend

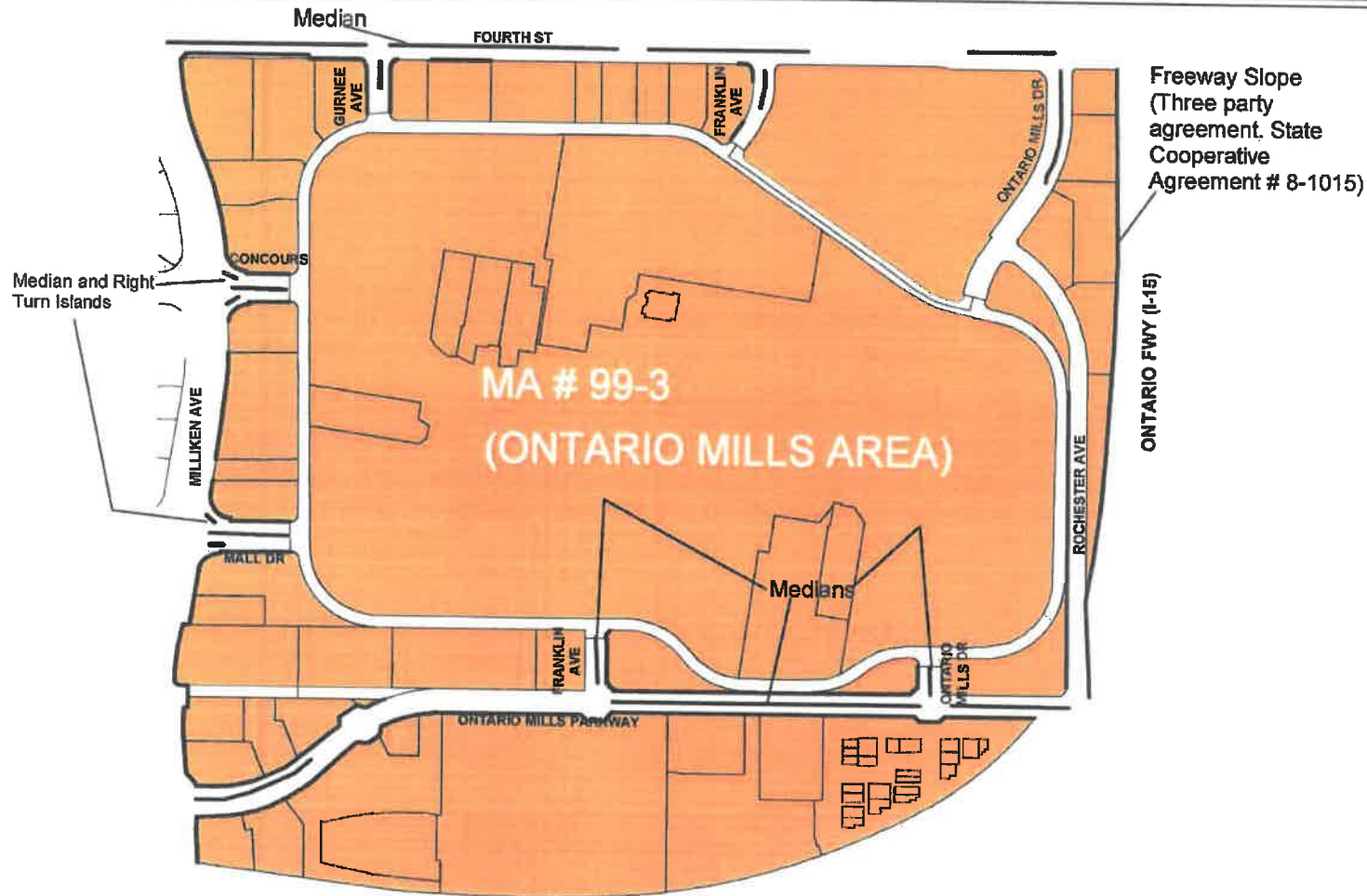
- Areas Maintained
- MA - # Boundary and Maintenance Area #

Map 1 of 5

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



Ontario Parkway Maintenance Assessment District No. 4 Boundary and Inventory Map



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May 9, 2018



0 500 1,000 Feet



Legend

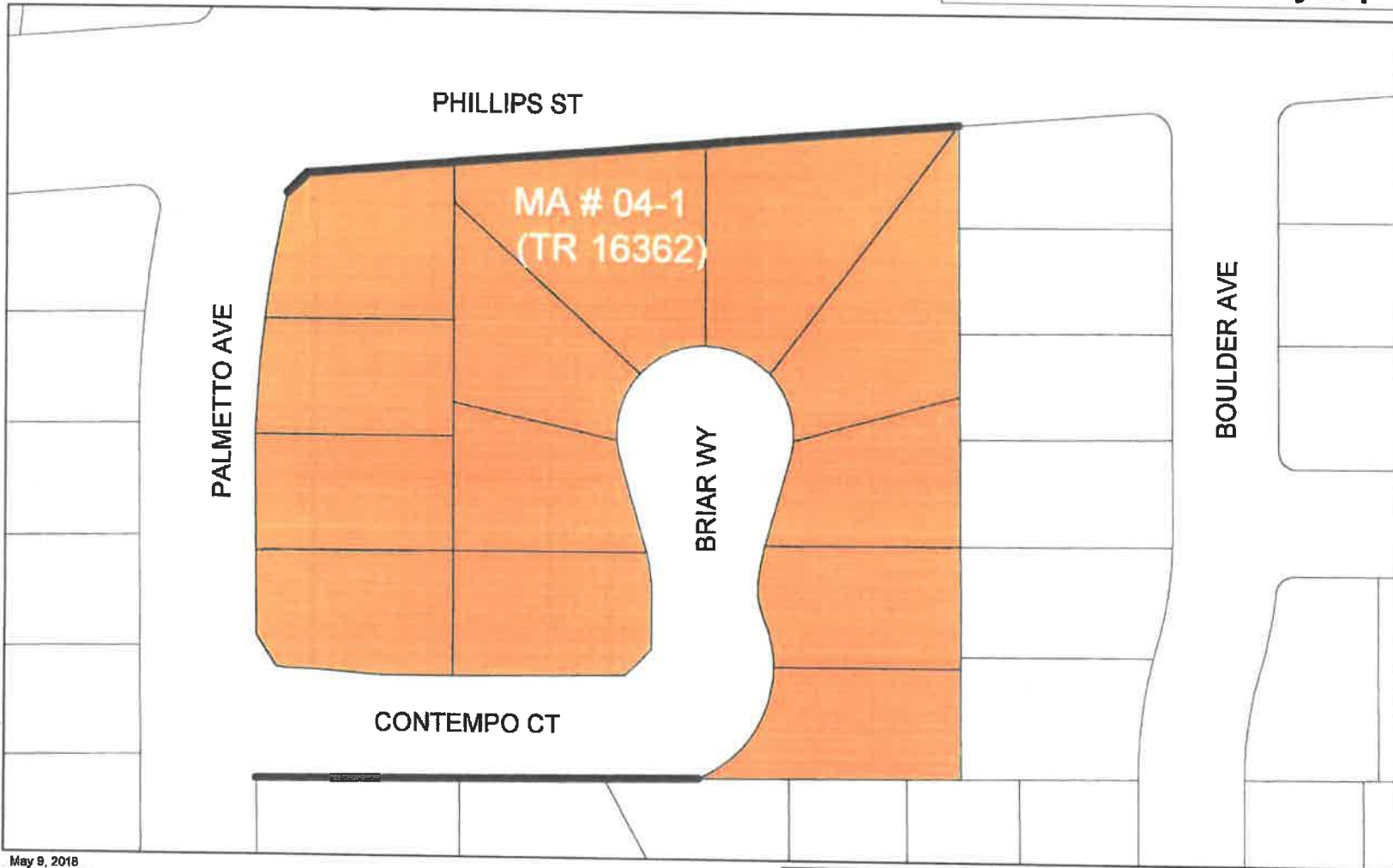
- Areas Maintained
- MA - # Boundary and Maintenance Area #

Map 2 of 5

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



**Ontario Parkway Maintenance
Assessment District No. 4
Boundary and Inventory Map**



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May 9, 2018



0 45 90 Feet



Legend

-  Areas Maintained
-  MA - # Boundary and Maintenance Area #

Map 4 of 5

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



**Ontario Parkway Maintenance
Assessment District No. 4
Boundary and Inventory Map**



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0 100 200 Feet



Legend

- Areas Maintained
- MA - # Boundary and Maintenance Area #

Map 5 of 5

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law"), did, by previous Resolution, order the preparation of the Assessment Engineer's Reports for the annual levy of assessments for the referenced Fiscal Year in the maintenance assessment districts known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4

(the "Districts"); and

WHEREAS, there has now been presented to this City Council the Assessment Engineer's Reports as required by the Assessment Law and as previously directed by Resolution; and

WHEREAS, this City Council has now examined and reviewed the Assessment Engineer's Reports as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained, as set forth in said Assessment Engineer's Reports.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the Assessment Engineer's Reports as presented, consisting of the following:

- A. Plans and specifications describing the general nature, location, and extent of the improvements to be maintained and the extent of such maintenance;
- B. An estimate of the cost of the maintenance of the improvements for the Districts for the referenced fiscal year;

- C. A diagram for each District, showing the area and properties proposed to be assessed; and
- D. An annual assessment for the referenced Fiscal Year of the estimated costs of the maintenance of those improvements to be maintained during such Fiscal Year, assessing the net amount upon all assessable lots and/or parcels within the Districts in proportion to the special benefits received;

are hereby approved on a preliminary basis and are ordered to be filed in the Records Management Department as a permanent record and to remain open to public inspection.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Assessment Engineer's Reports.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City Council of the City of Ontario, California, has previously formed landscaping maintenance assessment districts pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California, in what is known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3

(hereinafter referred to as the Districts); and

WHEREAS, at this time, this City Council desires to conduct proceedings to provide for the annual levy of assessments for the ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said Districts; and

WHEREAS, at this time, there has been presented and approved by this City Council, the Engineer's Reports as required by law, and this City Council desires to conduct the proceedings for said annual levy.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain improvements, all to service and benefit said Districts as said area is shown and delineated on the maps as previously approved by this City Council and on file in the Records Management Department, open to public inspection, and herein so referenced and made a part hereof, and proposed changes thereto are set forth in the Engineer's Reports, incorporated herein as a part hereof.

REPORT

SECTION 3. That the Engineer's Reports regarding the annual levy for said Districts, which Reports are for maintenance for said fiscal year, are hereby approved and are directed to be filed in the Records Management Department.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the Districts as set forth and described in said Engineer's Reports, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in said Reports.

DESCRIPTION OF MAINTENANCE

SECTION 5. The assessments levied and collected shall be for the maintenance of certain parkway landscaping and appurtenant improvements, as set forth in the Engineer's Reports, referenced and so incorporated herein.

COUNTY AUDITOR

SECTION 6. The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and the County Tax Collector shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said Districts.

SPECIAL FUND

SECTION 7. That all monies collected shall be deposited in a special fund. Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said fund as it may deem necessary to expedite the proceedings. Any such transfer shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICTS

SECTION 8. Said contemplated maintenance work is in the opinion of this City Council, of direct benefit to the properties within the boundaries of the Districts, and this City Council makes the costs and expenses of said maintenance chargeable upon the Districts, which Districts said City Council hereby declares to be the Districts benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said Districts shall include each and every parcel of land within the boundaries of said Districts, as said Districts are shown on the maps as approved by this City Council and on file in the Records Management Department.

PUBLIC PROPERTY

SECTION 9. Any lots or parcels of land known as public property, as the same are defined in Section 22663 of Division 15, Part 2, of the Streets and Highways Code of the State of California, which are included within the boundaries of the Districts, shall be omitted and exempt from any assessment to be made under these proceedings to cover any of the costs and expenses of said improvement and maintenance work.

PUBLIC HEARING

SECTION 10. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 17TH DAY OF JULY, 2018, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY PROPERTY OWNERS AFFECTED HEREBY AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 11. That the City Clerk is hereby authorized and directed to publish, pursuant to Government Code Section 6061, a copy of this Resolution in the INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation within said City, said publication shall be made one time and not less than ten (10) days before the date set for the Public Hearing.

SECTION 12. That this Resolution shall take effect immediately upon its adoption.

SECTION 13. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Bob Chandler
City of Ontario
303 East "B" Street
Ontario, California 91764
(909) 395-2353

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City Council of the City of Ontario, California, has previously formed a landscaping maintenance assessment district, and authorized the levy of assessments therein pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law") in what is known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4

(the "District"); and

WHEREAS, the City Council previously undertook proceedings as required by the Assessment Law to consider the approval of the levy of (a) maximum annual assessments to finance the estimated costs of the maintenance of all of the improvements to ultimately be maintained upon the completion and acceptance thereof for maintenance, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; together with a formula pursuant to which such maximum assessment may be adjusted annually for inflation, and (b) an initial annual assessment of the estimated costs of the maintenance of those improvements to be maintained during such Fiscal Year, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; and

WHEREAS, upon the conclusion of the public hearing related to the proposed levy of the maximum annual assessments referred to in the preceding recital, the assessment ballots submitted in favor of the maximum annual assessments and the assessment ballots received in opposition to the levy of the maximum annual assessments were tabulated with assessment ballots weighted according to the proportional financial obligation of the affected properties; and

WHEREAS, as a result of the tabulation of the assessment ballots submitted, it was determined that the assessment ballots submitted, and not withdrawn, in favor of the proposed maximum annual assessment exceeded the assessment ballots submitted, and not withdrawn, in opposition to the levy of the maximum annual assessment; and

WHEREAS, this City Council has initiated proceedings to provide for the annual levy of assessments for the referenced Fiscal Year, to finance the costs and expenses necessary for continual maintenance of improvements within said Districts; and

WHEREAS, at this time, there has been presented and approved by this City Council, the Assessment Engineer's Report as required by the Assessment Law, and this City Council desires to conduct the proceedings to authorize said annual levy; and

WHEREAS, the proposed annual assessments for the referenced Fiscal Year as set forth in the Assessment Engineer's Report do not exceed the maximum annual assessments as previously authorized to be levied and, therefore, the proposed levy of assessments for the referenced Fiscal Year are not deemed to be "increased" over the maximum annual assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

RECITALS

SECTION 1. That the above recitals are all true and correct.

IMPROVEMENTS AND MAINTENANCE

SECTION 2. That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of the improvements described below, all to service and specially benefit the properties within said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Records Management Department, open to public inspection, and herein so referenced and made a part hereof.

The improvements to be maintained include the landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, fixtures, sidewalks within designated medians, parkways, other public rights-of-way and dedicated easements specially benefiting the properties within the District.

The maintenance of such landscaping shall include the furnishing of services and materials for the ordinary and usual maintenance and servicing of the improvements, including:

- (a) Repair, removal, or replacement of all or any part of any improvement;

- (b) Providing for the life, growth, health, and beauty of the improvements, including cultivation, irrigation, trimming, spraying, fertilizing, and/or treating for disease and injury; and
- (c) The removal of trimmings, rubbish, and debris.

The annual assessment for the referenced Fiscal Year shall be levied only for those improvements completed or projected to be completed and accepted by this City Council for maintenance prior to or during said Fiscal Year.

ASSESSMENT ENGINEER'S REPORT

SECTION 3. That the Assessment Engineer's Report regarding the annual levy for said District, which Report is for maintenance for the said Fiscal Year, is hereby approved and is directed to be filed in the Records Management Department. Reference is made to such Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Assessment Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in the Assessment Engineer's Report.

BOUNDARIES OF DISTRICT

SECTION 5. Said contemplated maintenance work is in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a District, which District said City Council hereby declares to be the District benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Records Management Department, and so designated by the name of the District.

PUBLIC HEARING

SECTION 6. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 17TH DAY OF JULY, 2018, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY ANY INTERESTED PERSON AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 7. That the City Clerk is hereby authorized and directed to publish, pursuant to Government Code Section 6061, a copy of this Resolution in the INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation within said City, said publication shall be made one time and not less than ten (10) days before the date set for the Public Hearing.

EFFECTIVE DATE OF RESOLUTION

SECTION 8. That this Resolution shall take effect immediately upon its adoption.

PROCEEDING INQUIRIES

SECTION 9. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Bob Chandler
City of Ontario
303 East "B" Street
Ontario, California 91764
(909) 395-2353

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICT NOS. 1 AND 2 FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt resolutions pertaining to the levy of assessments within Street Lighting Maintenance District (SLMD) Nos. 1 and 2:


- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments;
- (B) A resolution giving preliminary approval of the Engineer's Reports; and
- (C) A resolution for each district declaring the City's intention to levy the special assessments for Fiscal Year 2018-19 and setting the date of July 17, 2018 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources on Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$410,407 from SLMD No. 1 and \$99,577 from SLMD No. 2 during Fiscal Year 2018-19. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of general benefit is \$11,082. The total of the recommended assessments is increasing by an average of 2.8% for the two Benefit Zones within SLMD No. 1, and by 2.5% for the twelve maintenance areas in SLMD No. 2.

BACKGROUND: Street Lighting Maintenance District No. 1 was formed in 1984, and Street Lighting Maintenance District No. 2 was formed in 1999, pursuant to the Landscaping and Lighting Act of 1972 (the "1972 Act"), to help minimize the continually increasing cost for maintaining and operating the City's street lighting system. A special assessment is levied annually on benefiting properties for the

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

8

cost of maintenance and operation of certain street lighting facilities within the districts. The locations of the districts are shown on the attached maps.

The City’s Municipal Services Department establishes the annual maintenance costs and maintains the street lighting system. An Engineer’s Report for each district must be prepared annually, apportioning the costs to each parcel within the districts. The districts are comprised of commercial, industrial and some multi-family residential properties. Due to varying characteristics, the districts are organized into benefit zones and/or maintenance areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each zone/maintenance area is then apportioned to its constituent parcels. Therefore, the assessments are unique and specific to each individual parcel of property.

The total assessment during tax year 2017-18 was \$399,251 in SLMD No. 1, and \$97,147 in SLMD No. 2. The proposed total assessments for tax year 2018-19 are \$410,407 in SLMD No. 1, and \$99,577 in SLMD No. 2. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of this general benefit is \$11,082 per Fiscal Year 2018-19. The assessed tax rates for Fiscal Year 2017-18, and the proposed and maximum tax rates for Fiscal Year 2018-19, are as follows:

		Prior Year 2017-18	Proposed 2018-19	Maximum 2018-19
SLMD No. 1, Zone 2000-1	per AU	\$ 140	\$ 143	\$ 147
SLMD No. 1, Zone 2000-2	per AU	\$ 70	\$ 72	\$ 120
SLMD No. 2, MA# 99-1		\$ 4,318	\$ 4,427	\$ 10,440
SLMD No. 2, MA# 99-2		\$ 2,231	\$ 2,287	\$ 5,192
SLMD No. 2, MA# 99-3		\$ 4,457	\$ 4,569	\$ 8,651
SLMD No. 2, MA# 99-4		\$ 1,492	\$ 1,530	\$ 3,465
SLMD No. 2, MA# 99-5		\$ 1,362	\$ 1,397	\$ 3,249
SLMD No. 2, MA# 99-6		\$ 13,348	\$ 13,682	\$ 30,319
SLMD No. 2, MA# 99-7		\$ 401	\$ 411	\$ 938
SLMD No. 2, MA# 99-8		\$ 2,976	\$ 3,050	\$ 6,921
SLMD No. 2, MA# 00-1		\$ 2,846	\$ 2,918	\$ 3,185
SLMD No. 2, MA# 00-2		\$ 1,492	\$ 1,530	\$ 2,124
SLMD No. 2, MA# 00-3		\$ 8,165	\$ 8,368	\$ 11,679
SLMD No. 2, MA# 00-4		\$ 54,056	\$ 55,407	\$ 66,878

AU-Assessment Unit (e.g. – Zone 2000-1: 1 vacant acre = 0.25 AU; Zone 2000-2: 1 vacant acre = 1 AU)

Pursuant to the “1972 Act,” Engineer’s Reports have been prepared for each district, and are on file with the Records Management Department. Each report includes plans and specifications for the improvements being operated and maintained, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within the districts.

A public hearing is required for each district prior to adoption of the proposed assessments. A combined public hearing will be held on July 17, 2018 for the purpose of accepting comments and written protests. At the conclusion of the public hearing, the City Council will consider adoption of resolutions confirming the assessments and ordering the levy of the assessments for tax year 2018-19. Notice of the public hearing for the levy of assessments will be published in the local newspaper, in accordance with the applicable statutes

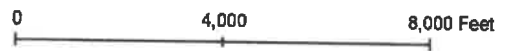


Street Lighting Maintenance District No.1 VICINITY MAP



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May 9, 2018



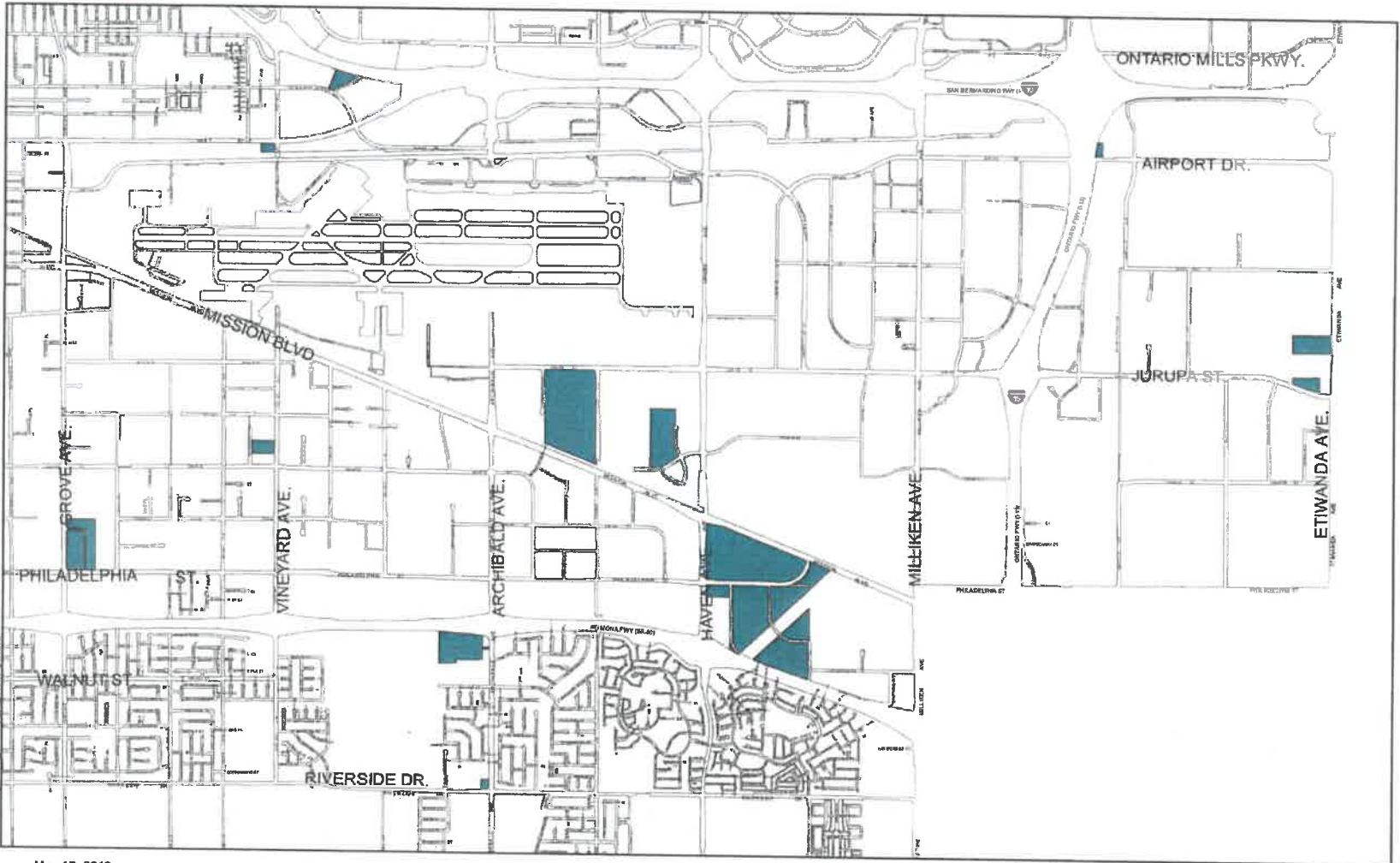
Legend

- Zone 2000-1
- Zone 2000-2

Note:
Reference is hereby made to the Maps of The Assessor of the County of San Bernardino, California, for a detailed description of the lines and dimensions of the parcels shown hereon.



Street Lighting Maintenance District No.2 VICINITY MAP



U:\user\mcarica\Admin\mcarica\ArcMap\SLMD_2_vicinity.mxd

May 10, 2018



0 4,000 8,000 Feet



Legend

Street Light Maintenance District 2

Note:
Reference is hereby made to the Maps of The Assessor of the County of San Bernardino, California, for a detailed description of the lines and dimensions of the parcels shown hereon.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, previously formed maintenance districts pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2

(the "Districts"); and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the referenced Fiscal Year to provide for the annual costs for maintenance of improvements within the Districts; and

WHEREAS, the proceedings for the annual levy of assessments shall relate to the Fiscal Year commencing July 1, 2018, and ending June 30, 2019; and

WHEREAS, there has been submitted to this City Council for its consideration at this time, maps showing the boundaries of the areas affected by the levy of the assessments for the above-referenced Fiscal Year, and inventory maps showing and describing in general the works of improvement proposed to be maintained in said Districts, said description being sufficient to identify the works of improvement and the areas proposed to be assessed for said maintenance thereof.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the maps entitled

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2
BOUNDARY MAP AND INVENTORY MAPS

attached hereto, as submitted to this City Council, showing the boundaries of the proposed areas to be assessed and showing the works of improvement to be

maintained, are hereby approved, and a copy thereof shall be on file in the Records Management Department and open to public inspection. The proposed parcels and properties within said areas are those to be assessed to pay the costs and expenses for said maintenance work.

SECTION 3. That the proposed maintenance work within the areas proposed to be assessed shall be for street lighting and signal and appurtenant improvements, as said maintenance work is set forth in the Reports to be presented to this City Council for consideration.

SECTION 4. That the Assessment Engineer, Harris & Associates, is hereby ordered to prepare and file with this City Council the Assessment Engineer's Reports relating to said annual assessment and levy in accordance with the provisions of 1972 Act, Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law").

SECTION 5. That upon completion, said Assessment Engineer's Reports shall be filed with the City Clerk, who shall then submit the same to this City Council for its consideration pursuant to the Assessment Law.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

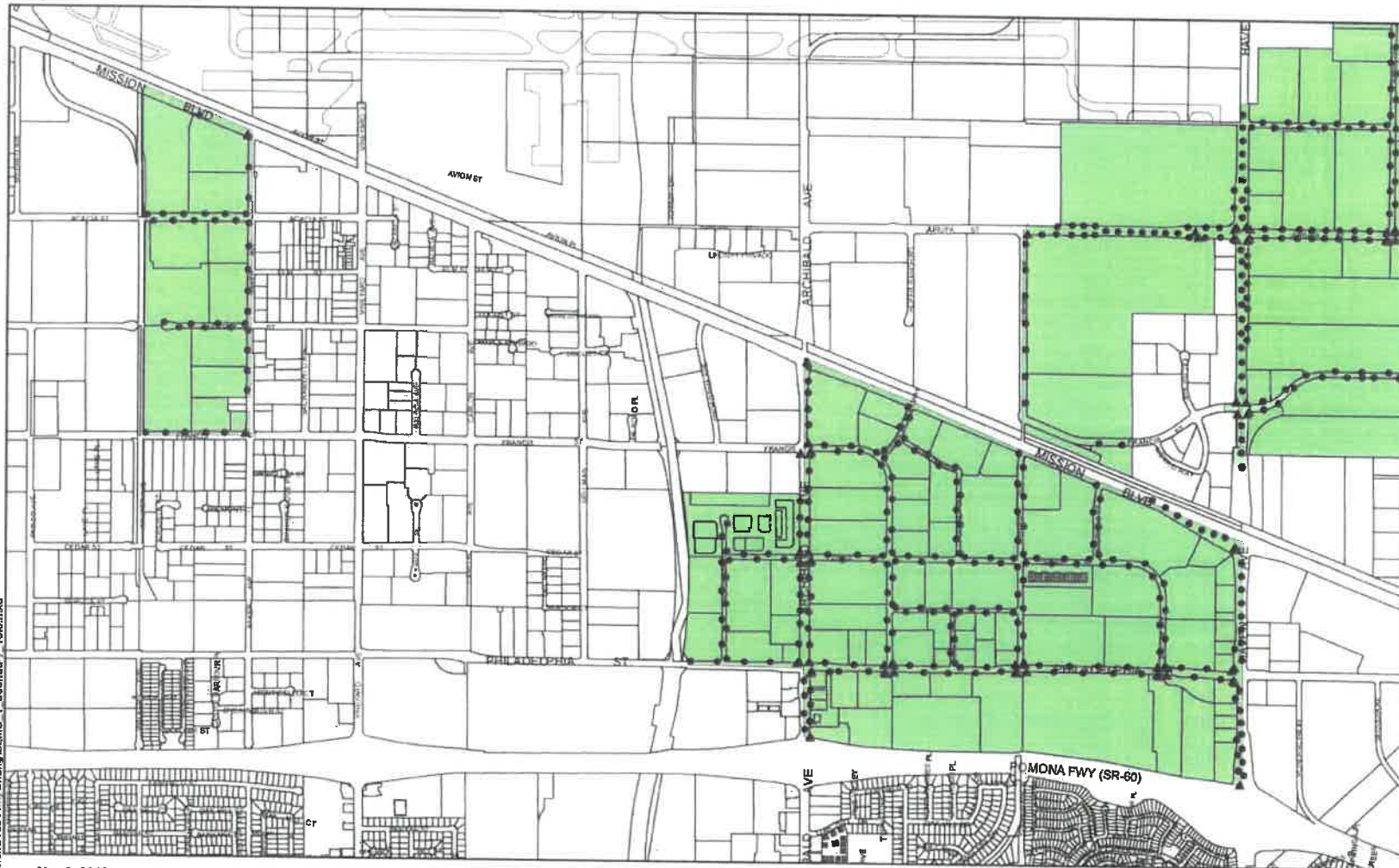
The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)



Street Lighting Maintenance District No.1 Boundary and Inventory Map



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May 9, 2018

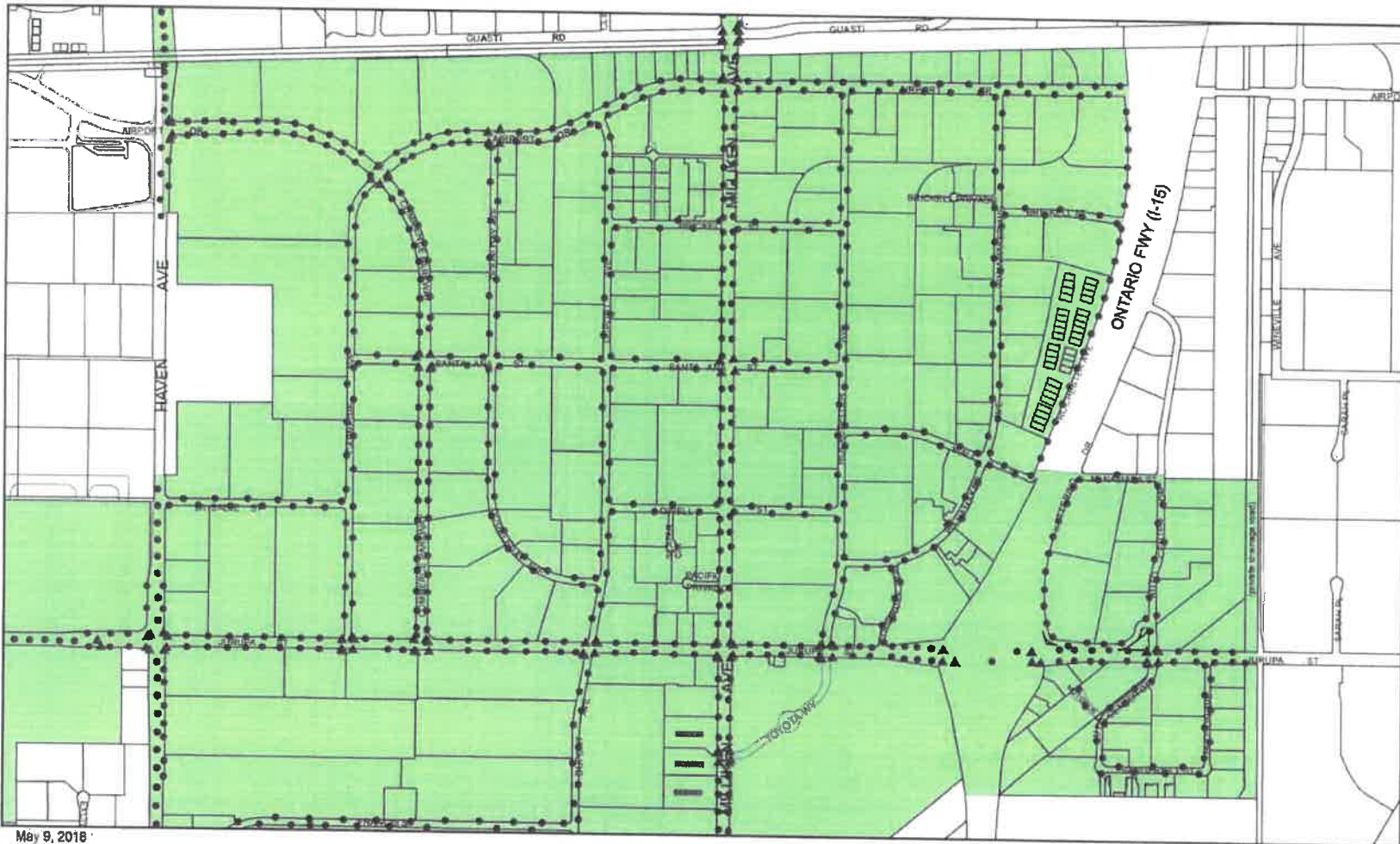


Legend 1 of 5	
●	Street Lights
▲	Safety Lights
■	ZONE 2000-1
□	Zone 2000-2

Note:
Reference is hereby made to the
Maps of The Assessor of the County of
San Bernardino, California, for a detailed
description of the lines and dimensions
of the parcels shown hereon.



Street Lighting Maintenance District No.1 Boundary and Inventory Map



Unauthenticated Downloaded from City of Ontario Library on May 9, 2018

May 9, 2018



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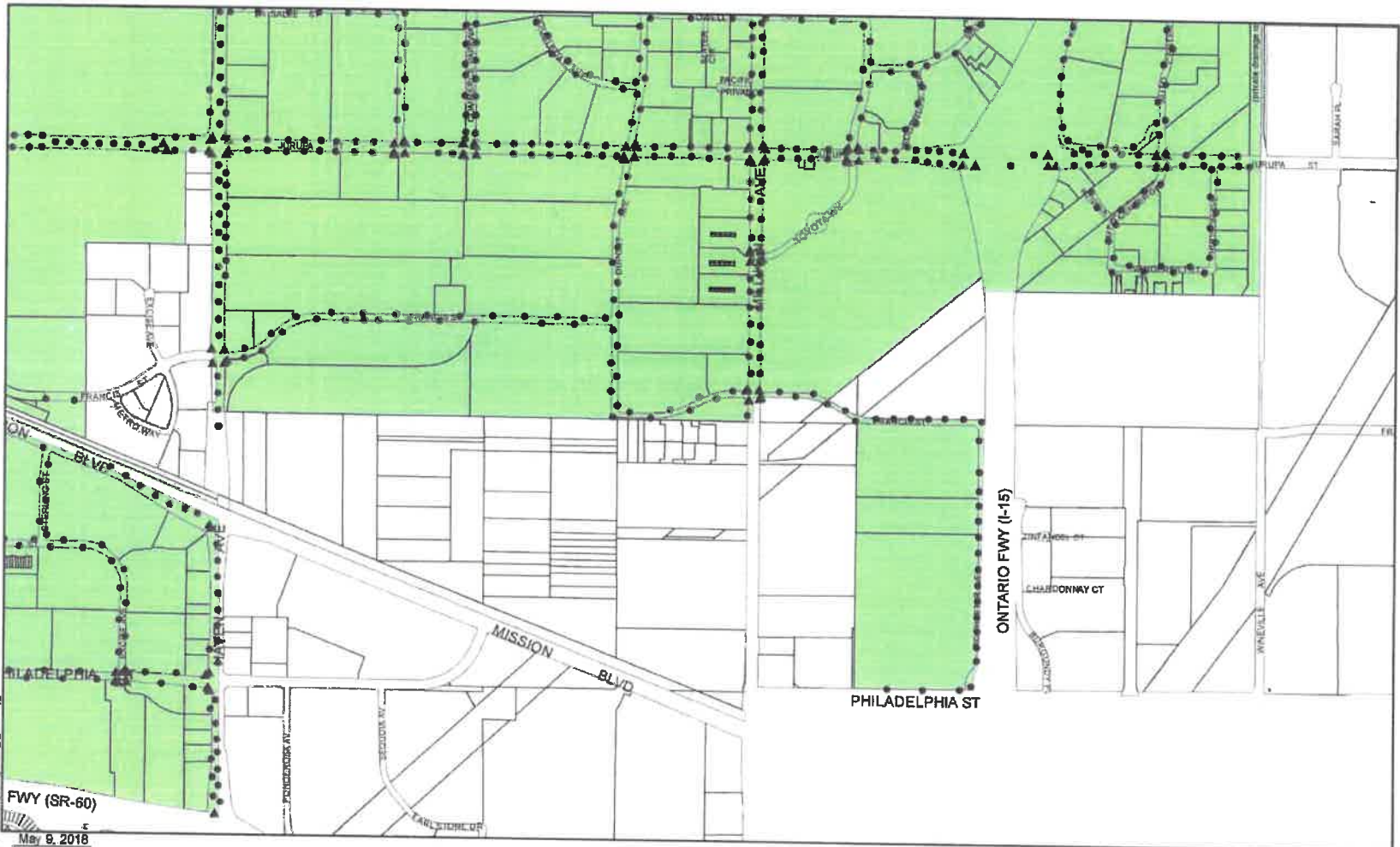
Legend 2 of 6

- Street Lights
- ▲ Safety Lights
- ZONE 2000-1
- Zone 2000-2

Note:
Reference is hereby made to the Maps of The Assessor of the County of San Bernardino, California, for a detailed description of the lines and dimensions of the parcels shown hereon.



Street Lighting Maintenance District No.1 Boundary and Inventory Map



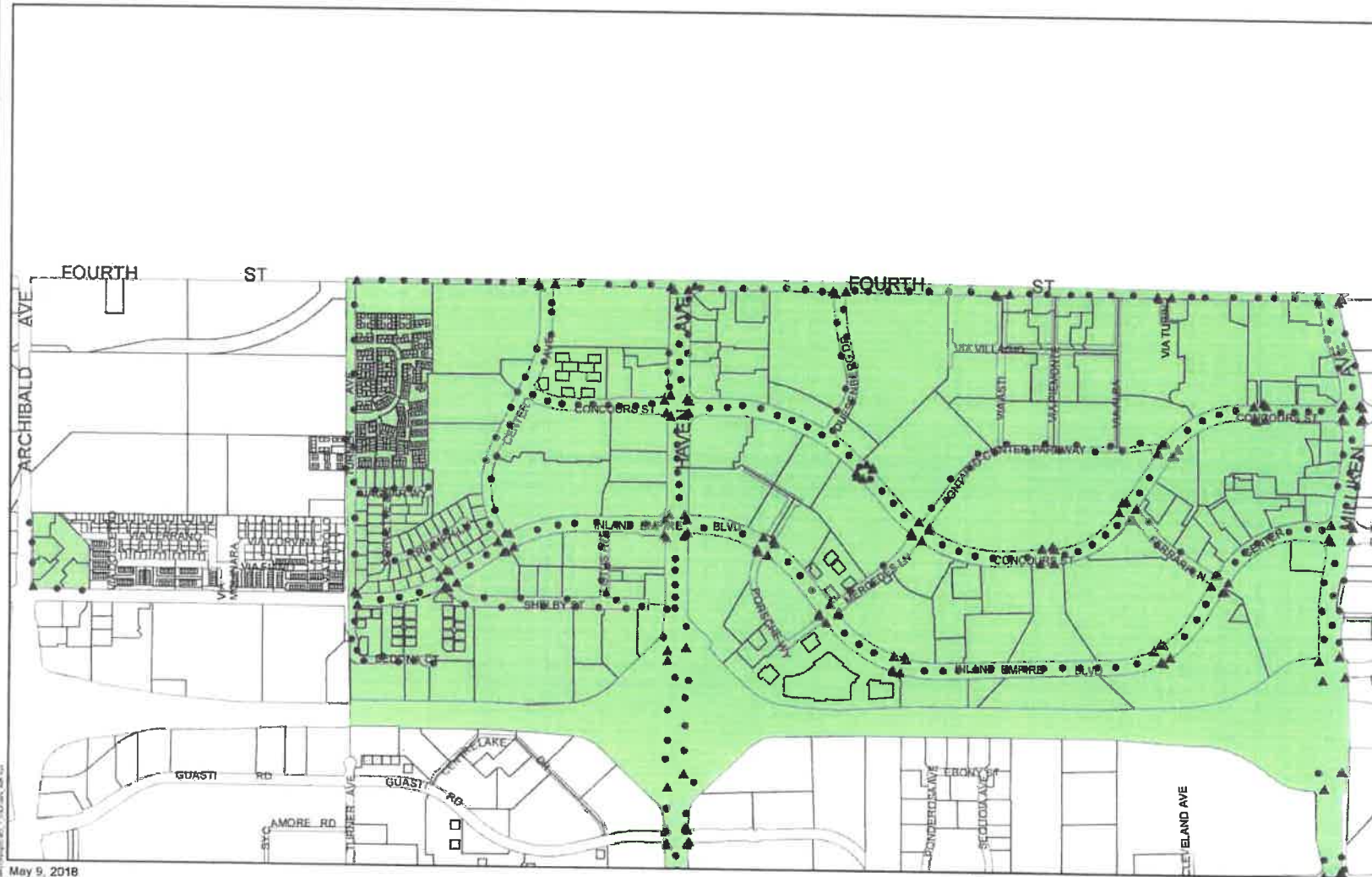
FWY (SR-60)
May 9, 2018
City of Ontario

- Legend 3 of 6**
- Street Lights
 - ▲ Safety Lights
 - ZONE 2000-1
 - Zone 2000-2

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.

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Street Lighting Maintenance District No.1 Boundary and Inventory Map



May 9, 2018



0 950 1,900 Feet



Legend 4 of 5

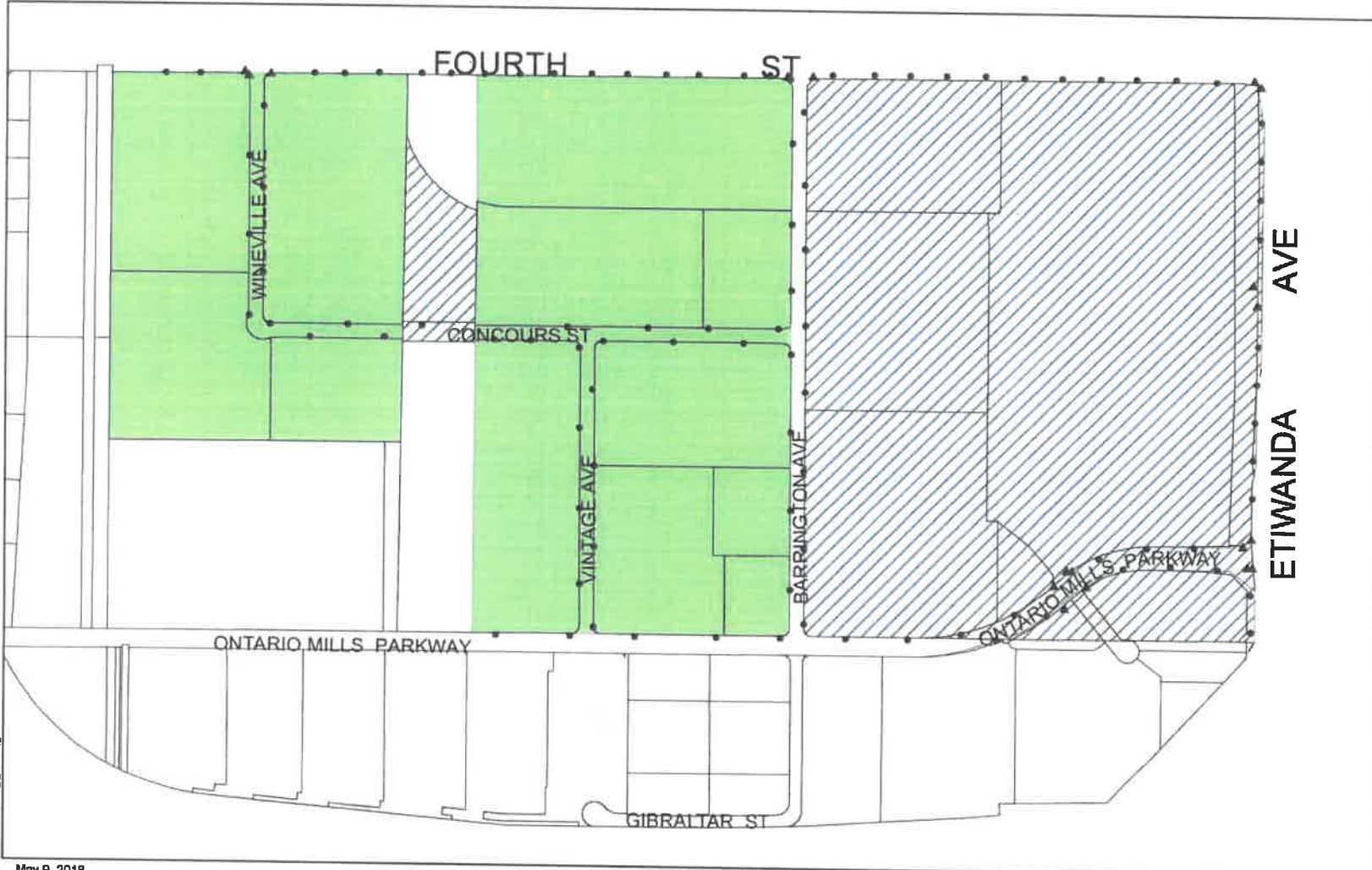
- Street Lights
- ▲ Safety Lights
- ZONE 2000-1
- ZONE 2000-2

Note:

Reference is hereby made to the Maps of The Assessor of the County of San Bernardino, California, for a detailed description of the lines and dimensions of the parcels shown hereon.

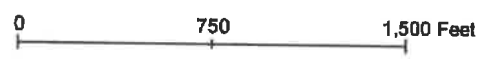


Street Lighting Maintenance District No. 1 Boundary and Inventory Map



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May 9, 2018



Legend 5 of 5

- Street Lights
- ▲ Safety Lights
- Zone 2000-1
- ▨ Zone 2000-2

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.

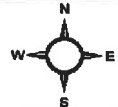
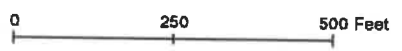


Street Lighting Maintenance District No. 2 Boundary and Inventory Map



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May 9, 2018
City of Ontario



Legend 1 of 9

- Streetlight
- ▲ Safety Light
- MA # Boundary and Maintenance Area #

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.

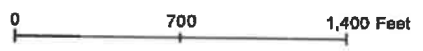


Street Lighting Maintenance District No. 2 Boundary and Inventory Map



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May 9, 2018



Legend 4 of 9

- Streetlight
- ▲ Safety Lights
- Boundary and Maintenance Area #

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.

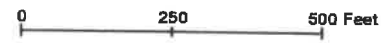


Street Lighting Maintenance District No. 2 Boundary and Inventory Map



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May 9, 2018

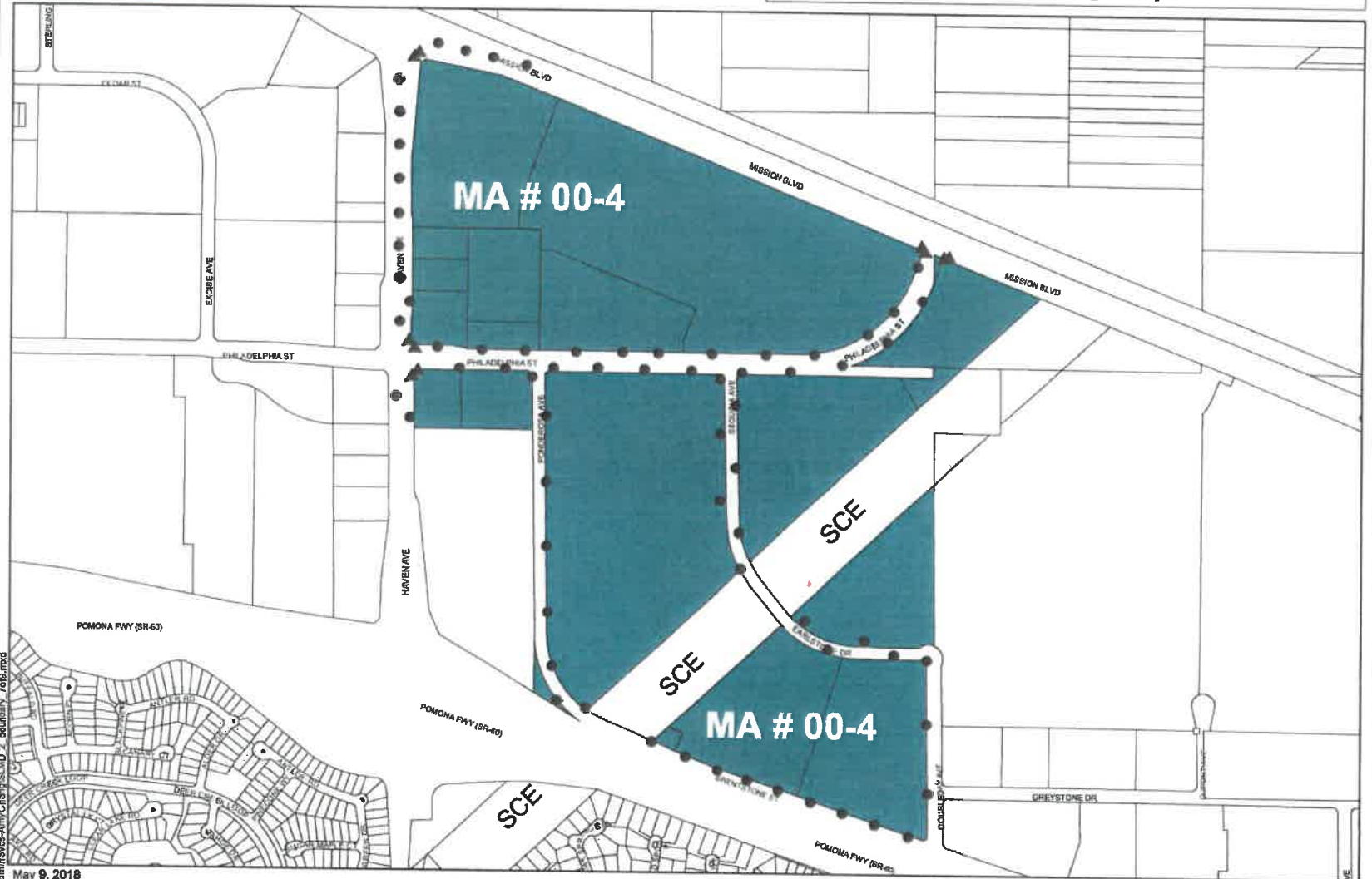
Legend 5 of 9

- Streetlight
-  Boundary and Maintenance Area #

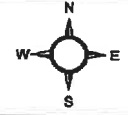
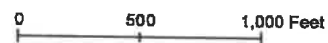
Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



Street Lighting Maintenance District No. 2 Boundary and Inventory Map



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May 9, 2018
City of Ontario



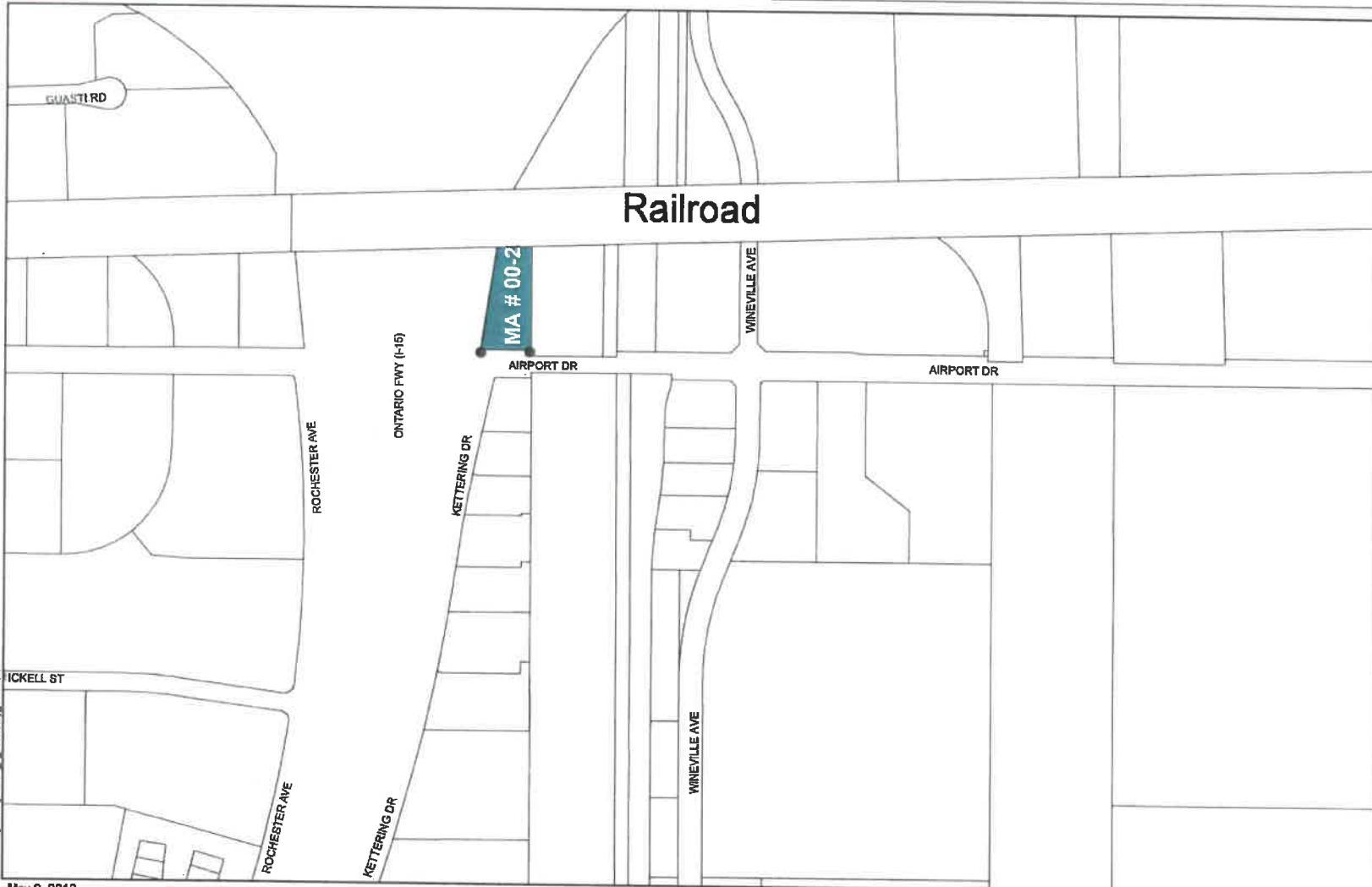
Legend 7 of 8

- Streetlight
- ▲ Safety Light
- Boundary and Maintenance Area #

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.



Street Lighting Maintenance District No. 2 Boundary and Inventory Map



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May 9, 2018



0 500 1,000 Feet



Legend

8 of 9

- Streetlight
- Boundary and Maintenance Area #

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.



Street Lighting Maintenance District No. 2 Boundary and Inventory Map



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May 9, 2018
City of Ontario



Legend 9 of 9

- Streetlight
- MA# Boundary and Maintenance Area#

Note:
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law"), did, by previous Resolution, order the preparation of the Assessment Engineer's Reports for the annual levy of assessments for the referenced Fiscal Year in the maintenance assessment districts known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2

(the "Districts"); and

WHEREAS, there has now been presented to this City Council the Assessment Engineer's Reports as required by the Assessment Law and as previously directed by Resolution; and

WHEREAS, this City Council has now examined and reviewed the Assessment Engineer's Reports as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments on a preliminary basis, have been assessed in accordance with the special benefits received from the improvements to be maintained, as set forth in said Assessment Engineer's Reports.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the Assessment Engineer's Reports as presented, consisting of the following:

- A. Plans and specifications describing the general nature, location, and extent of the improvements to be maintained and the extent of such maintenance for each District;
- B. An estimate of the cost of the maintenance of the improvements for each District for the referenced Fiscal Year;

- C. A diagram for each District, showing the area and properties proposed to be assessed; and
- D. An annual assessment within each District for the referenced Fiscal Year of the estimated costs of the maintenance of those improvements to be maintained during such Fiscal Year, assessing the net amount upon all assessable lots and/or parcels within each District in proportion to the special benefits received;

are hereby approved on a preliminary basis and are ordered to be filed in the Records Management Department as a permanent record and to remain open to public inspection.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Assessment Engineer's Reports.

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City Council of the City of Ontario, California, has previously formed a street lighting maintenance assessment district pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), in what is known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICT NO. 1

(hereinafter referred to as the District); and

WHEREAS, the City Council has previously undertaken proceedings as required by the 1972 Act, Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act and, together with the 1972 Act and Article XIID, the "Assessment Law") to approve and has approved the levy of maximum annual assessments to finance the estimated costs of the maintenance of all of the improvements to be maintained, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; together with a formula pursuant to which such maximum assessments may be adjusted annually for inflation; and

WHEREAS, at this time, this City Council desires to conduct proceedings to provide for the annual levy of assessments for the referenced Fiscal Year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time, there has been presented and approved by this City Council, the Engineer's Report as required by law, and this City Council desires to conduct the proceedings for said annual levy; and

WHEREAS, the proposed annual assessments for the referenced Fiscal Year as set forth in the Assessment Engineer's Report do not exceed the maximum annual assessments as previously authorized to be levied and, therefore, the proposed levy of assessments for the referenced Fiscal Year are not deemed to be "increased" over the maximum annual assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain improvements, all to service and specially benefit said District as said area is shown and delineated on the maps as previously approved by this City Council and on file in the Records Management Department, open to public inspection, and herein so referenced and made a part hereof, and proposed changes thereto are set forth in the Engineer's Report, incorporated herein as a part hereof.

REPORT

SECTION 3. That the Engineer's Report regarding the annual levy for said District, which Report is for maintenance for said Fiscal Year, is hereby approved and is directed to be filed in the Records Management Department. Reference is made to such Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and the zones therein, and the proposed assessments on assessable lots and parcels of land within the District.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in said Report.

DESCRIPTION OF MAINTENANCE

SECTION 5. The assessments levied and collected shall be for the maintenance of certain street lighting and appurtenant improvements, as set forth in the Engineer's Report, referenced and so incorporated herein.

COUNTY AUDITOR

SECTION 6. The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and the County Tax Collector shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUND

SECTION 7. That all monies collected shall be deposited in a special fund. Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said fund as it may deem necessary to expedite the proceedings. Any such transfer shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8. Said contemplated maintenance work is in the opinion of this City Council, of special benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon the District, which District said City Council hereby declares to be the District specially benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on the maps as approved by this City Council and on file in the Records Management Department.

PUBLIC HEARING

SECTION 9. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 17TH DAY OF JULY, 2018, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY PROPERTY OWNERS AFFECTED HEREBY AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 10. That the City Clerk is hereby authorized and directed to publish, pursuant to Government Code Section 6061, a copy of this Resolution in the INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation within said City, said publication shall be made one time and not less than ten (10) days before the date set for the Public Hearing.

SECTION 11. That this Resolution shall take effect immediately upon its adoption.

SECTION 12. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Bob Chandler
City of Ontario
303 East "B" Street
Ontario, California 91764
(909) 395-2353

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2018-19 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City Council of the City of Ontario, California, has previously formed a street lighting maintenance assessment district, and authorized the levy of assessments therein pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law") in what is known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICT NO. 2

(the "District"); and

WHEREAS, the City Council previously undertook proceedings as required by the Assessment Law to consider the approval of the levy of (a) maximum annual assessments to finance the estimated costs of the maintenance of all of the improvements to ultimately be maintained upon the completion and acceptance thereof for maintenance, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; together with a formula pursuant to which such maximum assessment may be adjusted annually for inflation, and (b) an initial annual assessment of the estimated costs of the maintenance of those improvements to be maintained during such Fiscal Year, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; and

WHEREAS, upon the conclusion of the public hearing related to the proposed levy of the maximum annual assessments referred to in the preceding recital, the assessment ballots submitted in favor of the maximum annual assessments and the assessment ballots received in opposition to the levy of the maximum annual assessments were tabulated with assessment ballots weighted according to the proportional financial obligation of the affected properties; and

WHEREAS, as a result of the tabulation of the assessment ballots submitted, it was determined that the assessment ballots submitted, and not withdrawn, in favor of the proposed maximum annual assessment exceeded the assessment ballots submitted, and not withdrawn, in opposition to the levy of the maximum annual assessment; and

WHEREAS, this City Council has initiated proceedings to provide for the annual levy of assessments for the referenced Fiscal Year, to finance the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time, there has been presented and approved by this City Council, the Assessment Engineer's Report as required by the Assessment Law, and this City Council desires to conduct the proceedings to authorize said annual levy; and

WHEREAS, the proposed annual assessments for the referenced Fiscal Year as set forth in the Assessment Engineer's Report do not exceed the maximum annual assessments as previously authorized to be levied and, therefore, the proposed levy of assessments for the referenced Fiscal Year are not deemed to be "increased" over the maximum annual assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

RECITALS

SECTION 1. That the above recitals are all true and correct.

IMPROVEMENTS AND MAINTENANCE

SECTION 2. That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of the improvements described below, all to service and specially benefit the properties within said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Records Management Department, open to public inspection, and herein so referenced and made a part hereof:

The improvements to be maintained include street lighting facilities specially benefiting the properties within the District. Such street lighting facilities include all works or improvements used or useful for street lighting, including luminaires, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communications circuits, appliances, attachments and appurtenances.

The maintenance of such street lighting facilities shall include the furnishing of services and materials for the ordinary and usual maintenance and servicing of the street lighting facilities, including:

- (a) Repair, removal, or replacement of all or any part of any street lighting facility; and
- (b) The provision of electric current for the operation of such street lighting facilities.

Reference is made to the Assessment Engineer's Report for further information regarding the improvements to be maintained and the scope of such maintenance.

The annual assessment for the referenced Fiscal Year shall be levied only for those improvements completed or projected to be completed and accepted by this City Council for maintenance prior to or during said Fiscal Year.

ASSESSMENT ENGINEER'S REPORT

SECTION 3. That the Assessment Engineer's Report regarding the annual levy for said District, which Report is for maintenance for the said Fiscal Year, is hereby approved and is directed to be filed in the Records Management Department. Reference is made to such Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Assessment Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in the Assessment Engineer's Report.

BOUNDARIES OF DISTRICT

SECTION 5. Said contemplated maintenance work is in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a District, which District said City Council hereby declares to be the District benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Records Management Department, and so designated by the name of the District.

PUBLIC HEARING

SECTION 6. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 17TH DAY OF JULY, 2018, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY ANY INTERESTED PERSON AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 7. That the City Clerk is hereby authorized and directed to publish, pursuant to Government Code Section 6061, a copy of this Resolution in the INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation within said City, said publication shall be made one time and not less than ten (10) days before the date set for the Public Hearing.

EFFECTIVE DATE OF RESOLUTION

SECTION 8. That this Resolution shall take effect immediately upon its adoption.

PROCEEDING INQUIRIES

SECTION 9. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Bob Chandler
City of Ontario
303 East "B" Street
Ontario, California 91764
(909) 395-2353

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2018-19, special tax revenue will be generated in the amount of \$620,025 to fund City services and to pay related district expenses.

BACKGROUND: On March 20, 2007, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 9 ("District") with the adoption of Resolution No. 2007-036, declaring the City's intention to establish the District and to authorize the levy of special taxes, and Resolution No. 2007-037, to issue bonds for the District. On May 1, 2007, the City Council adopted Resolution No. 2007-056 establishing the formation of the District.

Upon a successful property owner election, the City Council adopted Ordinance No. 2860 on May 15, 2007, authorizing the levy of special taxes for the District to finance facilities (Special Tax A) and to fund City services (Special Tax B). Due to the downturn in the housing market, Edenglen Ontario LLC, the developer, retracted its request for bond financing of facilities. On October 16, 2007, the City Council adopted Resolution No. 2007-120 determining that Special Tax A for facilities cease to be levied. Special Tax B for City services remains in full force and effect.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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The District is within the westerly portion of the Edenglen Specific Plan development within Ontario Ranch. The Edenglen Specific Plan addresses the development of approximately 160 acres and is generally located on the south side of Riverside Drive, north of Chino Avenue, west of Milliken Avenue, and east of Mill Creek Avenue. The residential portion of the development, which comprises the District, is approximately 80 acres and is expected to consist of 310 single-family units and 274 multi-family units at build-out.

Special Tax B is levied each fiscal year to fund authorized services and administrative expenses associated with administering the District. The authorized services to be funded from special taxes are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance of parks, parkways and open space and flood and storm protection services.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2008-09 was the first year that this special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax, as approved by the property owners, beginning on July 1, 2010, and annually thereafter, the maximum annual tax rates shall be increased by an amount equal to 2% of the amount in effect the previous Fiscal Year. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The Fiscal Year 2017-18 tax rates and the maximum and proposed annual tax rates for Fiscal Year 2018-19 are as follows:

Annual Tax Rates

Land Use	Number of Units/Sq.Ft.	FY 2017-18 Tax Rates	FY 2018-19 Maximum Tax Rates	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Residential Property					
Tax Zone 1	261	\$1,452.86 per Unit	\$1,481.91 per Unit	\$1,481.91 per Unit	\$386,778.51
Tax Zone 2	201	\$1,137.68 per Unit	\$1,160.43 per Unit	\$1,160.43 per Unit	\$233,246.43
Non-Residential Property	0	\$0.2812 per Sq.Ft.	\$0.2868 per Sq.Ft.	\$0.2868 per Sq.Ft.	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy					\$620,024.94

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 9 (Edenglen) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2860 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 9 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 9 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	FY 2018-19 Tax Rates
Residential Property	
Tax Zone 1	\$1,481.91 per Unit
Tax Zone 2	\$1,160.43 per Unit
Non-Residential Property	\$0.2868 per Sq.Ft.

CITY OF ONTARIO

Agenda Report

June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 10 (Ontario Airport Towers) for Fiscal Year 2018-19.


COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: As proposed, for Fiscal Year 2018-19, special tax revenue will be generated in the amount of \$11,628 to fund City services and to pay related district expenses.

BACKGROUND: On June 5, 2007, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 10 ("District") with the adoption of Resolution No. 2007-066, declaring the City's intention to establish the District and to authorize the levy of a special tax, and Resolution No. 2007-067, to issue bonds for the District. On July 17, 2007, the City Council adopted Resolution No. 2007-093, forming the District. Upon a successful property owner election, on August 21, 2007, the City Council adopted Ordinance No. 2871, authorizing the levy of a special tax for the District to finance facilities and City services related to the Ontario Airport Towers project.

Subsequent to the initial proceedings forming the District, authorizing the issuance of bonds and the levy of the special tax, the City Council conducted several additional proceedings related to amending the rate and method of apportionment of the special tax, reauthorizing the issuance of bonds, and reauthorizing the levy of the special tax. On March 17, 2009, the City Council adopted Ordinance No. 2902 which authorized the levy of a special tax pursuant to the last amended rate and method of apportionment of the special tax. Ordinance No. 2902 also rescinded the previously adopted special tax ordinances.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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The public infrastructure facilities required for the development of the Ontario Airport Towers project were originally planned to be financed with the issuance of bonds by the District. However, due to the economic downturn, the planned issuance of bonds was abandoned. The special tax for City services remains in full force and effect.

The Ontario Airport Towers project addresses the development of approximately 25 acres and is generally located on the south side of Interstate 10 Freeway, north of Guasti Road, east of Archibald Avenue, and west of Turner Avenue. The project is planned for development in 5 phases: 850,000 square feet of Class A office space (five buildings), 10,000 square feet of retail space, and a 175 room hotel.

The special tax for City services is levied each fiscal year to fund services and administrative expenses as follows: police protection services, fire protection and rescue services and parkway and open space maintenance services; and all costs related to financing and administering the services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District. Special tax collections and expenses for the District were \$10,680 and \$11,000 respectively, during Fiscal Year 2016-17, which is the most recent fiscal year ended.

The adoption of a resolution by the City Council is required annually to establish the special tax rate to be levied. Fiscal Year 2008-09 was the first year that the special tax for City services was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, beginning on July 1, 2008, and annually thereafter, the maximum annual Services Special tax rate shall be increased by an amount equal to the greater of (i) the increase, if any, in the Consumer Price Index for the Los Angeles-Riverside-Orange County¹ Area for All Urban Consumers, or (ii) 2% of the amount in effect the previous Fiscal Year. The proposed tax rate for Fiscal Year 2018-19 represents a 3.5% increase over the previous Fiscal Year. The assessed tax rate for Fiscal Year 2017-18, and the maximum and proposed tax rate for Fiscal Year 2018-19, are as follows:

Annual Tax Rates

<u>Land Use</u>	<u>Number of Acres</u>	<u>FY 2017-18 Tax Rate</u>	<u>FY 2018-19 Maximum Tax Rate</u>	<u>FY 2018-19 Proposed Tax Rate</u>	<u>FY 2018-19 Special Tax Levy</u>
Non-Residential Property	18.971	\$ 592.20 per Acre	\$ 612.93 per Acre	\$ 612.93 per Acre	\$ 11,627.85
Total Fiscal Year 2018-19 Special Tax Levy					\$11,627.85

¹Bureau of Labor Statistics has changed their regional indexes and recommends using the Los Angeles-Long Beach-Anaheim index for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "Community Facilities District No. 10 of the City of Ontario (Ontario Airport Towers)" (hereinafter referred to as "District" or "Community Facilities District No. 10"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2902 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a services special tax (the "Services Special Tax") and a facilities special tax (the "Facilities Special Tax") to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rate of the Services Special Tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rate and amount of the Services Special Tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution together with a list of all parcels subject to the Services Special Tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) police protection services, fire protection and rescue services and parkway and open space maintenance services (the "Services"); and
- (b) all costs related to financing and administering the Services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District (the "Services Incidental Expenses").

SECTION 6. The Services Special Tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said Services Special Tax.

SECTION 7. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 10 Special Tax," or by any other suitable designation, the installment of the Services Special Tax.

SECTION 8. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such Services Special Tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 9. This legislative body hereby certifies that the levy of the Services Special Tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 10
(ONTARIO AIRPORT TOWERS)**

**SPECIAL TAX RATE
FOR FISCAL YEAR 2018-19**

All Assessor's Parcels of Taxable Property within Community Facilities District No. 10 shall be taxed at the following special tax rate pursuant to the Rate and Method of Apportionment of Special tax, as amended:

<u>Land Use</u>	<u>FY 2018-19 Tax Rates</u>
Non-Residential Property	\$ 612.93 per Acre

Assessor's Parcel, Acre and Taxable Property shall all have the meanings as defined in the Rate and Method of Apportionment of Special tax, as amended.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 (California Commerce Center - Phase IV) for Fiscal Year 2018-19.


COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains, and Public Facilities)

FISCAL IMPACT: As proposed, for Fiscal Year 2018-19, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$383,290. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: On April 1, 2008, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 13 ("District") with the adoption of Resolution No. 2008-018, declaring the City's intention to establish the District and to authorize the levy of special taxes, and Resolution No. 2008-019, to issue bonds for the District. On May 6, 2008, the City Council adopted Resolution No. 2008-032 forming the District. The District is located along the south side of Francis Street, between Haven Avenue and Milliken Avenue.

Upon a successful property owner election, the City Council adopted Ordinance No. 2893 on June 3, 2008, authorizing the levy of special taxes in the District to finance facilities. The facilities are public infrastructure improvements required for the development of the California Commerce Center - Phase IV project, which was developed by SR Acquisition Corporation, LLC and Ontario Industrial, LLC (affiliates of the SARES REGIS Group and J.P. Morgan). The facilities include street

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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improvements and utility connections on Francis Street between Haven Avenue and Dupont Street, and the installation of new storm drain facilities to tie into the existing Lower Deer Creek storm drain system.

The California Commerce Center - Phase IV project addresses the development of approximately 100 acres and is generally located on the south side of Francis Street, east of Haven Avenue, and west of Milliken Avenue. SR Acquisition Corporation, LLC and Ontario Industrial, LLC developed six parcels of warehouse industrial buildings comprising approximately 1.94 million square feet of floor space, and one parcel of commercial retail building(s) totaling approximately 20,000 square feet of floor space.

The public infrastructure facilities authorized to be funded by the special tax were fully completed by the developer and accepted by the City in January 2009. Bond proceeds have been fully expended and the District has no further obligation for funding the facilities.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, until the bonds mature in 2038. Fiscal Year 2008-09 was the first year that the special tax was levied. Special tax collections and expenses for the District were \$370,086 and \$335,824 respectively, during Fiscal Year 2016-17, which is the most recent fiscal year ended. The assessed tax rates for Fiscal Year 2017-18, and the maximum and proposed annual tax rates for Fiscal Year 2018-19, are as follows:

Annual Tax Rates

Land Use Class	Description	Number of Sq. Ft./Parcel	FY 2017-18 Tax Rates	FY 2018-19 Maximum Tax Rates	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
1	Industrial Property	\$ 1,936,142.00 per Sq. Ft.	\$ 0.1928 per Sq. Ft.	\$ 0.2111 per Sq. Ft.	\$ 0.1927 per Sq. Ft.	\$ 373,018.08
2	Commercial Property	\$ 2.05 per Parcel	\$ 10,282.23 per Parcel	\$ 11,275.00 per Parcel	\$ 10,272.18 per Parcel	\$ 10,272.18
Total Fiscal Year 2018-19 Special Tax Levy						\$383,290.26

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "Community Facilities District No. 13 of the City of Ontario (California Commerce Center - Phase IV)" (hereinafter referred to as "District" or "Community Facilities District No. 13"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2893 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above do not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Debt service on all bonds or other indebtedness issued to finance those facilities and incidental expenses authorized to be financed by the District (including the costs of any credit enhancement);
- (b) Costs of those facilities authorized to be financed by the District;
- (c) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (d) Administrative costs of the District; and
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into a Special Tax Fund created and established in connection with the issuance of bonds by the District.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 13 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 13
(CALIFORNIA COMMERCE CENTER - PHASE IV)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

<u>Land Use Class</u>	<u>Description</u>	<u>FY 2018-19 Tax Rates</u>
1	Industrial Property	\$ 0.1927 per Sq. Ft.
2	Commercial Property	\$ 10,272.18 per Parcel

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services) for Fiscal Year 2018-19.


COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2018–19, special tax revenue will be generated in the amount of \$366,705 to fund City services and to pay related district expenses.

BACKGROUND: On October 21, 2014, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 19 (“District”) with the adoption of Resolution No. 2014-103, declaring the City’s intention to establish the District and to authorize the levy of special taxes. On December 2, 2014, the City Council adopted Resolution No. 2014-117 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3007 on December 16, 2014, authorizing the levy of special taxes for the District to finance City services expenses related to the Countryside Phase 1 project.

The District addresses the residential development of approximately 85 acres located north of Deer Creek Channel, south of Riverside Avenue, east of Cucamonga Creek Channel, and west of Archibald Avenue. At build-out, the development will include 461 detached residential units.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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As adopted, the special tax for City services is to be levied each fiscal year, beginning in Fiscal Year 2017-18, to fund City services. The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. As noted, Fiscal Year 2017-18 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2014, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2017-18 and the maximum and proposed annual tax rates for Fiscal Year 2018-19 are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2017-18 Tax Rates	FY 2018-19 Maximum Tax Rates	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Residential Property:					
Single Family Detached	226	\$1,560.19 per Unit	\$1,622.59 per Unit	\$1,622.59 per Unit	\$366,705.34
Multiple Family	0	\$1,352.09 per Unit	\$1,406.17 per Unit	\$1,406.17 per Unit	\$0.00
Gated Apartment Community	0	\$1,133.86 per Unit	\$1,179.22 per Unit	\$1,179.22 per Unit	\$0.00
Non-Residential Property	0	\$0.29 Per Sq. Ft.	\$0.30 Per Sq. Ft.	\$0.30 per Sq. Ft.	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy					\$366,705.34

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3007 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of those services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 19 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 19 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 19
(COUNTRYSIDE PHASE 1 - SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	FY 2018-19 Tax Rates
Residential Property:	
Single Family Detached	\$1,622.59 per Unit
Multiple Family	\$1,406.17 per Unit
Gated Apartment Community	\$1,179.22 per Unit
Non-Residential Property	\$0.30 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 20 (Wal-Mart) for Fiscal Year 2018-19.

**COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods**


FISCAL IMPACT: As proposed, for Fiscal Year 2018-19, special tax revenue will be generated in the amount of \$27,397 to fund City services and to pay related district expenses.

BACKGROUND: On June 4, 2013, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 20 ("District") with the adoption of Resolution No. 2013-035, declaring the City's intention to establish the District and to authorize the levy of special taxes. On July 16, 2013, the City Council adopted Resolution No. 2013-082 forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 2963 on August 20, 2013, authorizing the levy of special taxes for the District to finance City services related to the Community Facilities District.

The District addresses the commercial development of approximately 16.28 acres located on the west side of Mountain Avenue, south of Sixth Street, and north of Fifth Street.

As adopted, the special tax for City services is to be levied each fiscal year, beginning in Fiscal Year 2014-15, to fund City services. The services authorized to be financed, in whole or in part, by Community Facilities District No. 20 of the City of Ontario are as follows: (1) the operation and maintenance of the public street lighting facilities and appurtenances that serve the property and whose installation was identified as part of the project and (2) the maintenance and servicing of the landscaping

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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and appurtenant improvements of the raised, landscaped median constructed by the landowner on Mountain Avenue between Fifth Street and Sixth Street.

The adoption of a resolution by the City Council is required annually to establish the special tax rate to be levied. As noted, Fiscal Year 2014-15 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax, as approved by the property owners, beginning on April 1, 2014, and annually thereafter, the maximum annual tax rates shall be increased by the greater of the Consumer Price Index for all urban consumers in the Los Angeles-Riverside-Orange County¹ area or the Southern California Edison LS-2 rate. The assessed tax rate for Fiscal Year 2017-18 and the maximum and proposed annual tax rate for Fiscal Year 2018-19, are as follows:

Annual Tax Rates

<u>Land Use</u>	<u>Number of Acres</u>	<u>FY 2017-18 Tax Rate</u>	<u>FY 2018-19 Maximum Tax Rate</u>	<u>FY 2018-19 Proposed Tax Rate</u>	<u>FY 2018-19 Special Tax Levy</u>
Non-Residential Property	16.28	\$ 1,621.25 per Acre	\$ 1,682.86 per Acre	\$ 1,682.86 per Acre	\$27,396.97
Total Fiscal Year 2018-19 Special Tax Levy					\$27,396.97

¹Bureau of Labor Statistics has changed their regional indexes and recommends using the Los Angeles-Long Beach-Anaheim index for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "Community Facilities District No. 20 of the City of Ontario (Wal-Mart)" (hereinafter referred to as "District" or "Community Facilities District No. 20"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2963 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a services special tax (the "Services Special Tax") and a facilities special tax (the "Facilities Special Tax") to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rate of the Services Special Tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rate and amount of the Services Special Tax to be collected to pay for the Costs and Expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution together with a list of all parcels subject to the Services Special Tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) the lighting, operating, maintaining, improving and servicing of the public street lights and appurtenances benefiting the properties within the District, the maintaining improving and servicing of the landscaping and appurtenances of the raised, landscaped median to be constructed by the landowner on the west side of Mountain Avenue between 5th Street and 6th Street (the "Services"); and
- (b) all costs related to financing and administering the Services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District (the "Services Incidental Expenses").

SECTION 6. The Services Special Tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said Services Special Tax.

SECTION 7. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 20 Special Tax," or by any other suitable designation, the installment of the Services Special Tax.

SECTION 8. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such Services Special Tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 9. This legislative body hereby certifies that the levy of the Services Special Tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 20
(WAL-MART)**

**SPECIAL TAX RATE
FOR FISCAL YEAR 2018-19**

<u>Land Use</u>	<u>FY 2018-19 Tax Rate</u>
Non-Residential Property	\$ 1,682.86 per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 21 (PARKSIDE) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 21 of the City of Ontario (Parkside) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods


FISCAL IMPACT: As proposed, for Fiscal Year 2018-19, special tax revenue will be generated in the amount of \$63,831 to fund City services and to pay related district expenses.

BACKGROUND: On July 2, 2013, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 21 ("District") with the adoption of Resolution No. 2013-071, declaring the City's intention to establish the District and to authorize the levy of a special tax. On August 20, 2013, the City Council adopted Resolution No. 2013-088 forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 2966 on September 3, 2013, authorizing the levy of a special tax for the District to finance City services, related to the Parkside residential project.

The District addresses the residential development of approximately 19.6 acres located north of Inland Empire Boulevard, south of Fourth Street, east of Archibald Avenue, and west of Turner Avenue. The development includes 150 detached units and 152 attached units.

As adopted, the special tax for City services is to be levied each fiscal year, beginning in Fiscal Year 2014-15. The services authorized to be financed, in whole or in part, by Community Facilities District No. 21 of the City of Ontario (Parkside) are as follows: (1) the operation and maintenance of the public street lighting facilities and appurtenances that serve the property and whose

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 04/19/2018
Approved: _____
Continued to: _____
Denied: _____

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installation is identified in the Parkside Development’s Conditions of Approval; (2) the maintenance and servicing of the landscaping and appurtenant improvements of the raised, landscaped median constructed by the landowners on Inland Empire Boulevard pursuant to the Parkside Development’s Conditions of Approval; and (3) the maintenance and servicing of the landscaping and appurtenant improvements for the City right-of-way parkways bordering the project on the north side of Inland Empire Boulevard and the west side of Tuner Avenue.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. As noted, Fiscal Year 2014-15 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, beginning on July 1, 2014, and annually thereafter, the maximum annual services special tax rate shall be increased by an amount equal to the greater of (i) the increase, if any, in the Consumer Price Index for the Los Angeles-Riverside-Orange County area for all urban consumers¹, or (ii) 2% of the amount in effect the previous Fiscal Year. As proposed, the rates for Fiscal Year 2018-19 reflect a 3.8% increase from the rates adopted for Fiscal Year 2017-18. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2017-18 and the maximum and proposed annual tax rates for Fiscal Year 2018-19 are as follows:

Annual Tax Rates

Land Use	Number of Units	FY 2017-18 Tax Rates	FY 2018-19 Maximum Tax Rates	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Detached Property	150	\$228.61 per Unit	\$237.26 per Unit	\$237.26 per Unit	\$35,589.00
Attached Property	152	\$179.02 per Unit	\$185.80 per Unit	\$185.80 per Unit	\$28,241.60
Total Fiscal Year 2018-19 Special Tax Levy					\$63,830.60

¹Pursuant to the Rate and Method of Apportionment of Special Tax, in the event that the Consumer Price Index ceases to be published, the Consumer Price Index shall be another index determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the Los Angeles-Riverside-Orange County area. Bureau of Labor Statistics has changed their regional indexes and recommends using the Los Angeles-Long Beach-Anaheim index for Fiscal Year 2018-19.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 21 (Parkside) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2966 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 21 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 21 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 21 (PARKSIDE)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	FY 2018-19 Tax Rates
Detached Property	\$237.26 per Unit
Attached Property	\$185.80 per Unit

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 23 (Park Place Services) for Fiscal Year 2018-19.


COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2018-19, special tax revenue will be generated in the amount of \$1,066,042 to fund City services and to pay related district expenses.

BACKGROUND: On February 4, 2014, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 23 ("District") with the adoption of Resolution No. 2014-003, declaring the City's intention to establish the District and to authorize the levy of special taxes. On March 18, 2014, the City Council adopted Resolution No. 2014-019 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 2988 on April 1, 2014, authorizing the levy of special taxes for the District to finance City services expenses related to the Park Place project.

The District addresses the residential development of approximately 340 acres located north of Bellegrave Avenue, south of Eucalyptus Avenue, east of Archibald Avenue, and west of Haven Avenue. At build-out, the development will include 1,429 detached residential units.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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As adopted, the special tax for City services is to be levied each fiscal year, beginning in Fiscal Year 2015-16, to fund City services. The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 23 (Park Place Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. As noted, Fiscal Year 2015-16 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2015, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2017-18 and the maximum and proposed annual tax rates for Fiscal Year 2018-19 are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2017-18 Tax Rates	FY 2018-19 Maximum Tax Rates	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Residential Property:					
Single Family Detached	657	\$1,560.19 per Unit	\$1,622.59 per Unit	\$1,622.59 per Unit	\$1,066,041.63
Multiple Family	0	\$1,352.09 per Unit	\$1,406.17 per Unit	\$1,406.17 per Unit	\$0.00
Gated Apartment Community	0	\$1,133.86 per Unit	\$1,179.22 per Unit	\$1,179.22 per Unit	\$0.00
Non-Residential Property	0	\$0.29 per Sq. Ft.	\$0.30 per Sq. Ft.	\$0.30 per Sq. Ft.	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy					\$1,066,041.63

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 23 (Park Place Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2988 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 23 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 23 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	FY 2018-19 Tax Rates
Residential Property:	
Single Family Detached	\$1,622.59 per Unit
Multiple Family	\$1,406.17 per Unit
Gated Apartment Community	\$1,179.22 per Unit
Non-Residential Property	\$0.30 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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: As proposed, for Fiscal Year 2018-19, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$1,070,261. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: On September 2, 2014, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 24 ("District") with the adoption of Resolution No. 2014-090, declaring the City's intention to establish the District and to authorize the levy of special taxes. On November 18, 2014, the City Council adopted Resolution No. 2014-107 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3002 on December 2, 2014, authorizing the levy of special taxes for the District to finance public improvements related to the Park Place Phase I project. As adopted, the special tax for public improvements is to be levied each fiscal year, beginning in Fiscal Year 2015-16.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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The District addresses the residential development of approximately 72 acres located north of Bellegrave Avenue, south of Eucalyptus Avenue, east of Archibald Avenue, and west of Haven Avenue. At build-out, the development will include 432 detached residential units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. As noted, Fiscal Year 2015-16 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2017-18 and the assigned/maximum and proposed annual tax rates for Fiscal Year 2018-19, which are being assessed on all developed property, are shown in the table that follows.

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2017-18 Tax Rates	FY 2018-19 Assigned / Maximum Tax Rates (1)	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Developed Property:						
Residential Property	<1,601	0	\$1,637.81 per Unit	\$1,713.00 per Unit	\$1,586.37 per Unit	\$0.00
Residential Property	1,601-1,700	17	\$1,737.25 per Unit	\$1,817.00 per Unit	\$1,682.68 per Unit	\$28,605.56
Residential Property	1,701-1,800	14	\$1,820.43 per Unit	\$1,904.00 per Unit	\$1,763.25 per Unit	\$24,685.50
Residential Property	1,801-1,900	14	\$1,898.83 per Unit	\$1,986.00 per Unit	\$1,839.19 per Unit	\$25,748.66
Residential Property	1,901-2,000	15	\$2,006.87 per Unit	\$2,099.00 per Unit	\$1,943.84 per Unit	\$29,157.60
Residential Property	2,001-2,100	0	\$2,014.52 per Unit	\$2,107.00 per Unit	\$1,951.25 per Unit	\$0.00
Residential Property	2,101-2,200	38	\$2,112.04 per Unit	\$2,209.00 per Unit	\$2,045.71 per Unit	\$77,736.98
Residential Property	2,201-2,300	8	\$2,177.06 per Unit	\$2,277.00 per Unit	\$2,108.68 per Unit	\$16,869.44
Residential Property	2,301-2,400	35	\$2,281.27 per Unit	\$2,386.00 per Unit	\$2,209.62 per Unit	\$77,336.70
Residential Property	2,401-2,500	56	\$2,352.03 per Unit	\$2,460.00 per Unit	\$2,278.15 per Unit	\$127,576.40
Residential Property	2,501-2,600	12	\$2,458.15 per Unit	\$2,571.00 per Unit	\$2,380.95 per Unit	\$28,571.40
Residential Property	2,601-2,700	21	\$2,563.32 per Unit	\$2,681.00 per Unit	\$2,482.82 per Unit	\$52,139.22
Residential Property	2,701-2,800	8	\$2,609.22 per Unit	\$2,729.00 per Unit	\$2,527.27 per Unit	\$20,218.16
Residential Property	2,801-2,900	23	\$2,660.85 per Unit	\$2,783.00 per Unit	\$2,577.28 per Unit	\$59,277.44
Residential Property	2,901-3,000	15	\$2,748.81 per Unit	\$2,875.00 per Unit	\$2,662.48 per Unit	\$39,937.20
Residential Property	3,001-3,100	38	\$2,871.19 per Unit	\$3,003.00 per Unit	\$2,781.01 per Unit	\$105,678.38
Residential Property	3,101-3,200	7	\$2,975.41 per Unit	\$3,112.00 per Unit	\$2,881.96 per Unit	\$20,173.72
Residential Property	3,201-3,300	40	\$2,986.88 per Unit	\$3,124.00 per Unit	\$2,893.07 per Unit	\$115,722.80
Residential Property	3,301-3,400	0	\$3,064.33 per Unit	\$3,205.00 per Unit	\$2,968.08 per Unit	\$0.00
Residential Property	3,401-3,500	27	\$3,156.11 per Unit	\$3,301.00 per Unit	\$3,056.99 per Unit	\$82,538.73
Residential Property	3,501-3,600	16	\$3,274.67 per Unit	\$3,425.00 per Unit	\$3,171.82 per Unit	\$50,749.12
Residential Property	3,601-3,700	0	\$3,306.22 per Unit	\$3,458.00 per Unit	\$3,202.38 per Unit	\$0.00
Residential Property	3,701-3,800	0	\$3,386.53 per Unit	\$3,542.00 per Unit	\$3,280.17 per Unit	\$0.00
Residential Property	3,801-3,900	0	\$3,467.80 per Unit	\$3,627.00 per Unit	\$3,358.89 per Unit	\$0.00
Residential Property	3,901-4,000	25	\$3,615.04 per Unit	\$3,781.00 per Unit	\$3,501.50 per Unit	\$87,537.50
Residential Property	>4,000	0	\$3,628.43 per Unit	\$3,795.00 per Unit	\$3,514.47 per Unit	\$0.00
<u>Tract No.</u>						
Non-Residential Property	18075	0.00	\$28,916.52 per Acre	\$30,244.00 per Acre	\$28,008.32 per Acre	\$0.00
Non-Residential Property	18076	0.00	\$27,150.59 per Acre	\$28,397.00 per Acre	\$26,297.86 per Acre	\$0.00
Non-Residential Property	18077	0.00	\$21,870.01 per Acre	\$22,874.00 per Acre	\$21,183.12 per Acre	\$0.00
Non-Residential Property	18078	0.00	\$24,999.35 per Acre	\$26,147.00 per Acre	\$24,214.18 per Acre	\$0.00
Non-Residential Property	18079	0.00	\$28,521.65 per Acre	\$29,831.00 per Acre	\$27,625.85 per Acre	\$0.00
Non-Residential Property	18080	0.00	\$29,467.24 per Acre	\$30,820.00 per Acre	\$28,541.74 per Acre	\$0.00
Non-Residential Property	18913-1	0.00	\$33,119.57 per Acre	\$34,640.00 per Acre	\$32,079.36 per Acre	\$0.00
Non-Residential Property	18945	0.00	\$33,119.57 per Acre	\$34,640.00 per Acre	\$32,079.36 per Acre	\$0.00
Final Mapped Property	18075	0.00	\$0.00 per Acre	\$32,771.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18076	0.00	\$0.00 per Acre	\$31,193.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18077	0.00	\$0.00 per Acre	\$24,756.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18078	0.00	\$0.00 per Acre	\$28,780.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18079	0.00	\$0.00 per Acre	\$32,255.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18080	0.26	\$0.00 per Acre	\$33,625.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18945	0.00	\$0.00 per Acre	\$36,156.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18075	0.00	\$32,771.00 per Acre	\$32,771.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18076	0.00	\$31,193.00 per Acre	\$31,193.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18077	0.00	\$24,756.00 per Acre	\$24,756.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18078	0.00	\$28,780.00 per Acre	\$28,780.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18079	0.00	\$32,255.00 per Acre	\$32,255.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18080	0.00	\$33,625.00 per Acre	\$33,625.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18945	0.00	\$36,156.00 per Acre	\$36,156.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy						\$1,070,260.51

(1) For Developed Property, the Assigned Special Tax is shown. For Final Mapped Property and Undeveloped Property, the Maximum Special Tax is shown.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES – PHASE I), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 24 (Park Place Facilities – Phase I) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3002 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 24 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 24 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES – PHASE I)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	Residential (Sq. Ft.)	FY 2018-19 Tax Rates
Developed Property:		
Residential Property	<1,601	\$1,586.37 per Unit
Residential Property	1,601-1,700	\$1,682.68 per Unit
Residential Property	1,701-1,800	\$1,763.25 per Unit
Residential Property	1,801-1,900	\$1,839.19 per Unit
Residential Property	1,901-2,000	\$1,943.84 per Unit
Residential Property	2,001-2,100	\$1,951.25 per Unit
Residential Property	2,101-2,200	\$2,045.71 per Unit
Residential Property	2,201-2,300	\$2,108.68 per Unit
Residential Property	2,301-2,400	\$2,209.62 per Unit
Residential Property	2,401-2,500	\$2,278.15 per Unit
Residential Property	2,501-2,600	\$2,380.95 per Unit
Residential Property	2,601-2,700	\$2,482.82 per Unit
Residential Property	2,701-2,800	\$2,527.27 per Unit
Residential Property	2,801-2,900	\$2,577.28 per Unit
Residential Property	2,901-3,000	\$2,662.48 per Unit
Residential Property	3,001-3,100	\$2,781.01 per Unit
Residential Property	3,101-3,200	\$2,881.96 per Unit
Residential Property	3,201-3,300	\$2,893.07 per Unit
Residential Property	3,301-3,400	\$2,968.08 per Unit
Residential Property	3,401-3,500	\$3,056.99 per Unit
Residential Property	3,501-3,600	\$3,171.82 per Unit
Residential Property	3,601-3,700	\$3,202.38 per Unit
Residential Property	3,701-3,800	\$3,280.17 per Unit
Residential Property	3,801-3,900	\$3,358.89 per Unit
Residential Property	3,901-4,000	\$3,501.50 per Unit
Residential Property	>4,000	\$3,514.47 per Unit

	<u>Tract No.</u>	
Non-Residential Property	18075	\$28,008.32 per Acre
Non-Residential Property	18076	\$26,297.86 per Acre
Non-Residential Property	18077	\$21,183.12 per Acre
Non-Residential Property	18078	\$24,214.18 per Acre
Non-Residential Property	18079	\$27,625.85 per Acre
Non-Residential Property	18080	\$28,541.74 per Acre
Non-Residential Property	18913-1	\$32,079.36 per Acre
Non-Residential Property	18945	\$32,079.36 per Acre
Final Mapped Property	18075	\$0.00 per Acre
Final Mapped Property	18076	\$0.00 per Acre
Final Mapped Property	18077	\$0.00 per Acre
Final Mapped Property	18078	\$0.00 per Acre
Final Mapped Property	18079	\$0.00 per Acre
Final Mapped Property	18080	\$0.00 per Acre
Final Mapped Property	18945	\$0.00 per Acre
Undeveloped Property	18075	\$0.00 per Acre
Undeveloped Property	18076	\$0.00 per Acre
Undeveloped Property	18077	\$0.00 per Acre
Undeveloped Property	18078	\$0.00 per Acre
Undeveloped Property	18079	\$0.00 per Acre
Undeveloped Property	18080	\$0.00 per Acre
Undeveloped Property	18945	\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods


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: As proposed, for Fiscal Year 2018-19, special tax revenue to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$359,926. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On December 6, 2016, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 25 ("District") with the adoption of Resolution No. 2016-119, declaring the City's intention to establish the District and to authorize the levy of special taxes. On January 17, 2017, the City Council adopted Resolution No. 2017-003 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3067 on February 7, 2017, authorizing the levy of special taxes for the District to finance public improvements related to the Park Place Phase II project. As adopted, the special tax for public improvements is to be levied each fiscal year, beginning in Fiscal Year 2017-18.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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The District addresses the residential development of approximately 49 acres located generally east of Archibald Avenue, west of Celebration Avenue, south of Parkview Street, and north of Merrill Avenue. At build-out, the development will include 253 detached residential units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2017-18 and the assigned/maximum and proposed annual tax rates for Fiscal Year 2018-19, which are being assessed on all developed property, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2017-18 Tax Rates	FY 2018-19 Assigned / Maximum Tax Rates (1)	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Developed Property:						
Residential Property	<1,701	0	\$1,691.00 per Unit	\$1,691.00 per Unit	\$1,691.00 per Unit	\$0.00
Residential Property	1,701-1,800	0	\$1,806.00 per Unit	\$1,806.00 per Unit	\$1,806.00 per Unit	\$0.00
Residential Property	1,801-1,900	0	\$1,911.00 per Unit	\$1,911.00 per Unit	\$1,911.00 per Unit	\$0.00
Residential Property	1,901-2,000	0	\$1,999.00 per Unit	\$1,999.00 per Unit	\$1,999.00 per Unit	\$0.00
Residential Property	2,001-2,100	0	\$2,078.00 per Unit	\$2,078.00 per Unit	\$2,078.00 per Unit	\$0.00
Residential Property	2,101-2,200	0	\$2,297.00 per Unit	\$2,297.00 per Unit	\$2,297.00 per Unit	\$0.00
Residential Property	2,201-2,300	9	\$2,332.00 per Unit	\$2,332.00 per Unit	\$2,332.00 per Unit	\$20,988.00
Residential Property	2,301-2,400	11	\$2,442.00 per Unit	\$2,442.00 per Unit	\$2,442.00 per Unit	\$26,862.00
Residential Property	2,401-2,500	59	\$2,525.00 per Unit	\$2,525.00 per Unit	\$2,525.00 per Unit	\$148,975.00
Residential Property	2,501-2,600	0	\$2,586.00 per Unit	\$2,586.00 per Unit	\$2,586.00 per Unit	\$0.00
Residential Property	2,601-2,700	20	\$2,714.00 per Unit	\$2,714.00 per Unit	\$2,714.00 per Unit	\$54,280.00
Residential Property	2,701-2,800	12	\$2,732.00 per Unit	\$2,732.00 per Unit	\$2,732.00 per Unit	\$32,784.00
Residential Property	2,801-2,900	13	\$2,883.00 per Unit	\$2,883.00 per Unit	\$2,883.00 per Unit	\$37,479.00
Residential Property	2,901-3,000	0	\$2,885.00 per Unit	\$2,885.00 per Unit	\$2,885.00 per Unit	\$0.00
Residential Property	3,001-3,100	13	\$2,966.00 per Unit	\$2,966.00 per Unit	\$2,966.00 per Unit	\$38,558.00
Residential Property	3,101-3,200	0	\$2,999.00 per Unit	\$2,999.00 per Unit	\$2,999.00 per Unit	\$0.00
Residential Property	>3,200	0	\$3,113.00 per Unit	\$3,113.00 per Unit	\$3,113.00 per Unit	\$0.00
	Tract No.					
Non-Residential Property	18266	0.00	\$30,188.00 per Acre	\$30,188.00 per Acre	\$30,188.00 per Acre	\$0.00
Non-Residential Property	18267	0.00	\$28,339.00 per Acre	\$28,339.00 per Acre	\$28,339.00 per Acre	\$0.00
Non-Residential Property	18977-78	0.00	\$31,412.00 per Acre	\$31,412.00 per Acre	\$31,412.00 per Acre	\$0.00
Final Mapped Property	18266	5.66	\$0.00 per Acre	\$30,188.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18267	0.00	\$0.00 per Acre	\$28,339.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18977-78	5.65	\$0.00 per Acre	\$31,412.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18266	0.00	\$0.00 per Acre	\$30,188.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18267	0.00	\$0.00 per Acre	\$28,339.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18977-78	0.00	\$0.00 per Acre	\$31,412.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy						\$359,926.00

(1) For Developed Property, the Assigned Special Tax is shown. For Final Mapped Property and Undeveloped Property, the Maximum Special Tax is shown.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3067 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 25 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 25 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"
CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II)

SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19

<u>Land Use</u>	<u>Residential (Sq. Ft.)</u>	<u>FY 2018-19 Tax Rates</u>
Developed Property:		
Residential Property	<1,701	\$1,691.00 per Unit
Residential Property	1,701-1,800	\$1,806.00 per Unit
Residential Property	1,801-1,900	\$1,911.00 per Unit
Residential Property	1,901-2,000	\$1,999.00 per Unit
Residential Property	2,001-2,100	\$2,078.00 per Unit
Residential Property	2,101-2,200	\$2,297.00 per Unit
Residential Property	2,201-2,300	\$2,332.00 per Unit
Residential Property	2,301-2,400	\$2,442.00 per Unit
Residential Property	2,401-2,500	\$2,525.00 per Unit
Residential Property	2,501-2,600	\$2,586.00 per Unit
Residential Property	2,601-2,700	\$2,714.00 per Unit
Residential Property	2,701-2,800	\$2,732.00 per Unit
Residential Property	2,801-2,900	\$2,883.00 per Unit
Residential Property	2,901-3,000	\$2,885.00 per Unit
Residential Property	3,001-3,100	\$2,966.00 per Unit
Residential Property	3,101-3,200	\$2,999.00 per Unit
Residential Property	>3,200	\$3,113.00 per Unit
	<u>Tract No.</u>	
Non-Residential Property	18266	\$30,188.00 per Acre
Non-Residential Property	18267	\$28,339.00 per Acre
Non-Residential Property	18977-78	\$31,412.00 per Acre
Final Mapped Property	18266	\$0.00 per Acre
Final Mapped Property	18267	\$0.00 per Acre
Final Mapped Property	18977-78	\$0.00 per Acre
Undeveloped Property	18266	\$0.00 per Acre
Undeveloped Property	18267	\$0.00 per Acre
Undeveloped Property	18977-78	\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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: As proposed, for Fiscal Year 2018-19, special tax revenue to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$219,957. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On December 5, 2017, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 26 ("District") with the adoption of Resolution No. 2017-145, declaring the City's intention to establish the District and to authorize the levy of special taxes. On January 16, 2018, the City Council adopted Resolution No. 2018-005, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3088 on February 6, 2018, authorizing the levy of special taxes for the District to finance public improvements related to the Park Place Phase III project.

The District addresses the development of approximately 17 taxable acres located east of Celebration Avenue, generally west of Haven Avenue, south of Parkview Street, and north of Merrill Avenue. At build-out, the residential development will include 279 detached single-family units.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, and Fiscal Year 2018-19 will be the first year that the special tax will be levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assigned/maximum and proposed annual tax rates for Fiscal Year 2018-19, which are being assessed on all developed property, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Assigned / Maximum Tax Rates (1)	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Developed Property:					
Residential Property	<1,701	0	\$1,937.00 per Unit	\$1,937.00 per Unit	\$0.00
Residential Property	1,701-1,800	10	\$2,034.00 per Unit	\$2,034.00 per Unit	\$20,340.00
Residential Property	1,801-1,900	11	\$2,147.00 per Unit	\$2,147.00 per Unit	\$23,617.00
Residential Property	1,901-2,000	12	\$2,331.00 per Unit	\$2,331.00 per Unit	\$27,972.00
Residential Property	2,001-2,100	15	\$2,375.00 per Unit	\$2,375.00 per Unit	\$35,625.00
Residential Property	2,101-2,200	1	\$2,401.00 per Unit	\$2,401.00 per Unit	\$2,401.00
Residential Property	2,201-2,300	23	\$2,480.00 per Unit	\$2,480.00 per Unit	\$57,040.00
Residential Property	2,301-2,400	5	\$2,674.00 per Unit	\$2,674.00 per Unit	\$13,370.00
Residential Property	2,401-2,500	0	\$2,718.00 per Unit	\$2,718.00 per Unit	\$0.00
Residential Property	2,501-2,600	7	\$2,793.00 per Unit	\$2,793.00 per Unit	\$19,551.00
Residential Property	2,601-2,700	7	\$2,863.00 per Unit	\$2,863.00 per Unit	\$20,041.00
Residential Property	2,701-2,800	0	\$3,025.00 per Unit	\$3,025.00 per Unit	\$0.00
Residential Property	2,801-2,900	0	\$3,122.00 per Unit	\$3,122.00 per Unit	\$0.00
Residential Property	2,901-3,000	0	\$3,227.00 per Unit	\$3,227.00 per Unit	\$0.00
Residential Property	3,001-3,100	0	\$3,324.00 per Unit	\$3,324.00 per Unit	\$0.00
Residential Property	3,101-3,200	0	\$3,420.00 per Unit	\$3,420.00 per Unit	\$0.00
Residential Property	>3,200	0	\$3,517.00 per Unit	\$3,517.00 per Unit	\$0.00
	<u>Tract No.</u>				
Non-Residential Property	18073	0.00	\$41,577.00 per Acre	\$41,577.00 per Acre	\$0.00
Non-Residential Property	18074	0.00	\$55,099.00 per Acre	\$55,099.00 per Acre	\$0.00
Non-Residential Property	18998	0.00	\$35,217.00 per Acre	\$35,217.00 per Acre	\$0.00
Final Mapped Property	18073	5.69	\$41,577.00 Per Acre	\$0.00 Per Acre	\$0.00
Final Mapped Property	18074	0.00	\$55,099.00 Per Acre	\$0.00 Per Acre	\$0.00
Final Mapped Property	18998	0.00	\$35,217.00 Per Acre	\$0.00 Per Acre	\$0.00
Undeveloped Property	18073	0.00	\$41,577.00 Per Acre	\$0.00 Per Acre	\$0.00
Undeveloped Property	18074	0.00	\$55,099.00 Per Acre	\$0.00 Per Acre	\$0.00
Undeveloped Property	18998	3.30	\$35,217.00 Per Acre	\$0.00 Per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy					\$219,957.00

(1) For Developed Property, the Assigned Special Tax is shown. For Final Mapped Property and Undeveloped Property, the Maximum Special Tax is shown.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3088 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 26 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 26 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

<u>Land Use</u>	<u>Residential Floor Area (Sq. Ft.)</u>	<u>FY 2018-19 Tax Rates</u>
Developed Property:		
Residential Property	<1,701	\$1,937.00 per Unit
Residential Property	1,701-1,800	\$2,034.00 per Unit
Residential Property	1,801-1,900	\$2,147.00 per Unit
Residential Property	1,901-2,000	\$2,331.00 per Unit
Residential Property	2,001-2,100	\$2,375.00 per Unit
Residential Property	2,101-2,200	\$2,401.00 per Unit
Residential Property	2,201-2,300	\$2,480.00 per Unit
Residential Property	2,301-2,400	\$2,674.00 per Unit
Residential Property	2,401-2,500	\$2,718.00 per Unit
Residential Property	2,501-2,600	\$2,793.00 per Unit
Residential Property	2,601-2,700	\$2,863.00 per Unit
Residential Property	2,701-2,800	\$3,025.00 per Unit
Residential Property	2,801-2,900	\$3,122.00 per Unit
Residential Property	2,901-3,000	\$3,227.00 per Unit
Residential Property	3,001-3,100	\$3,324.00 per Unit
Residential Property	3,101-3,200	\$3,420.00 per Unit
Residential Property	>3,200	\$3,517.00 per Unit
	<u>Tract No.</u>	
Non-Residential Property	18073	\$41,577.00 per Acre
Non-Residential Property	18074	\$55,099.00 per Acre
Non-Residential Property	18998	\$35,217.00 per Acre
Final Mapped Property	18073	\$0.00 Per Acre
Final Mapped Property	18074	\$0.00 Per Acre
Final Mapped Property	18998	\$0.00 Per Acre
Undeveloped Property	18073	\$0.00 Per Acre
Undeveloped Property	18074	\$0.00 Per Acre
Undeveloped Property	18998	\$0.00 Per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 27 (New Haven Services) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2018-19, special tax revenue will be generated in the amount of \$1,214,107 to fund City services and to pay related district expenses.

BACKGROUND: On May 6, 2014, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 27 ("District") with the adoption of Resolution No. 2014-035, declaring the City's intention to establish the District and to authorize the levy of special taxes. On June 17, 2014, the City Council adopted Resolution No. 2014-061, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 2993 on July 1, 2014, authorizing the levy of special taxes in the District to finance City services related to the New Haven residential project.

The District addresses the residential development of approximately 179 acres located north of Edison Avenue south of Schaefer Avenue, east of Archibald Avenue, and west of Haven Avenue. At build-out, the development will include 1,247 residential units: 712 detached units, 352 attached units, and 183 apartments.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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As adopted, the special tax for City services is to be levied each fiscal year, beginning in Fiscal Year 2015-16, to fund City services. The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 27 (New Haven Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. As noted, Fiscal Year 2015-16 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2015, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2017-18, and the maximum and proposed annual tax rates for Fiscal Year 2018-19, are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2017-18 Tax Rates	FY 2018-19 Maximum Tax Rates	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Residential Property:					
Single Family Detached	477	\$1,560.19 per Unit	\$1,622.59 per Unit	\$1,622.59 per Unit	\$773,975.43
Multiple Family	313	\$1,352.09 per Unit	\$1,406.17 per Unit	\$1,406.17 per Unit	\$440,131.21
Gated Apartment Community	0	\$1,133.86 per Unit	\$1,179.22 per Unit	\$1,179.22 per Unit	\$0.00
Non-Residential Property	0	\$0.29 per Sq. Ft.	\$0.30 per Sq. Ft.	\$0.30 per Sq. Ft.	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy					\$1,214,106.64

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 27 (New Haven Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2993 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 27 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 27 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	FY 2018-19 Tax Rates
Residential Property:	
Single Family Detached	\$1,622.59 per Unit
Multiple Family	\$1,406.17 per Unit
Gated Apartment Community	\$1,179.22 per Unit
Non-Residential Property	\$0.30 per Sq. Ft.

CITY OF ONTARIO

Agenda Report

June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods


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: As proposed, for Fiscal Year 2018-19, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$642,115. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: On September 15, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 28 ("District") with the adoption of Resolution No. 2015-098, declaring the City's intention to establish the District and to authorize the levy of special taxes. On October 20, 2015, the City Council adopted Resolution No. 2015-111, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3031 on November 3, 2015, authorizing the levy of special taxes for the District to finance public improvements related to the New Haven Area A project. As adopted, the special tax for public improvements is to be levied each fiscal year, beginning in Fiscal Year 2016-17.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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The District addresses the development of approximately 53 acres located generally east of Turner Avenue, west of Haven Avenue, south of Schaefer Avenue, and north of Ontario Ranch Road (formerly Edison Avenue). At build-out, the residential development will include 240 detached and 92 attached residential units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. As noted, Fiscal Year 2016-17 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2017-18 and the assigned/maximum and proposed annual tax rates for Fiscal Year 2018-19, which are being assessed on all developed property, are as follows:

Annual Facilities Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2017-18 Tax Rates	FY 2018-19 Assigned / Maximum Tax Rates (1)	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Developed Property:						
Single Family Detached Property	<1,701	0	\$1,725.00 per Unit	\$1,725.00 per Unit	\$1,725.00 per Unit	\$0.00
Single Family Detached Property	1,701-1,900	28	\$1,818.00 per Unit	\$1,818.00 per Unit	\$1,818.00 per Unit	\$50,904.00
Single Family Detached Property	1,901-2,100	54	\$2,005.00 per Unit	\$2,005.00 per Unit	\$2,005.00 per Unit	\$108,270.00
Single Family Detached Property	2,101-2,300	56	\$2,201.00 per Unit	\$2,201.00 per Unit	\$2,201.00 per Unit	\$123,256.00
Single Family Detached Property	2,301-2,500	0	\$2,354.00 per Unit	\$2,354.00 per Unit	\$2,354.00 per Unit	\$0.00
Single Family Detached Property	2,501-2,700	16	\$2,501.00 per Unit	\$2,501.00 per Unit	\$2,501.00 per Unit	\$40,016.00
Single Family Detached Property	2,701-2,900	7	\$2,694.00 per Unit	\$2,694.00 per Unit	\$2,694.00 per Unit	\$18,858.00
Single Family Detached Property	2,901-3,100	0	\$2,769.00 per Unit	\$2,769.00 per Unit	\$2,769.00 per Unit	\$0.00
Single Family Detached Property	3,101-3,300	21	\$2,910.00 per Unit	\$2,910.00 per Unit	\$2,910.00 per Unit	\$61,110.00
Single Family Detached Property	3,301-3,500	13	\$3,083.00 per Unit	\$3,083.00 per Unit	\$3,083.00 per Unit	\$40,079.00
Single Family Detached Property	3,501-3,700	14	\$3,184.00 per Unit	\$3,184.00 per Unit	\$3,184.00 per Unit	\$44,576.00
Single Family Detached Property	3,701-3,900	0	\$3,323.00 per Unit	\$3,323.00 per Unit	\$3,323.00 per Unit	\$0.00
Single Family Detached Property	3,901-4,100	0	\$3,462.00 per Unit	\$3,462.00 per Unit	\$3,462.00 per Unit	\$0.00
Single Family Detached Property	4,101-4,300	0	\$3,600.00 per Unit	\$3,600.00 per Unit	\$3,600.00 per Unit	\$0.00
Single Family Detached Property	4,301-4,500	0	\$3,739.00 per Unit	\$3,739.00 per Unit	\$3,739.00 per Unit	\$0.00
Single Family Detached Property	4,501-4,700	0	\$3,877.00 per Unit	\$3,877.00 per Unit	\$3,877.00 per Unit	\$0.00
Single Family Detached Property	>4,700	0	\$4,016.00 per Unit	\$4,016.00 per Unit	\$4,016.00 per Unit	\$0.00
Single Family Attached Property	<801	0	\$773.00 per Unit	\$773.00 per Unit	\$773.00 per Unit	\$0.00
Single Family Attached Property	801-950	0	\$854.00 per Unit	\$854.00 per Unit	\$854.00 per Unit	\$0.00
Single Family Attached Property	951-1,100	26	\$896.00 per Unit	\$896.00 per Unit	\$896.00 per Unit	\$23,296.00
Single Family Attached Property	1,101-1,300	0	\$1,098.00 per Unit	\$1,098.00 per Unit	\$1,098.00 per Unit	\$0.00
Single Family Attached Property	1,301-1,500	13	\$1,260.00 per Unit	\$1,260.00 per Unit	\$1,260.00 per Unit	\$16,380.00
Single Family Attached Property	1,501-1,700	26	\$1,422.00 per Unit	\$1,422.00 per Unit	\$1,422.00 per Unit	\$36,972.00
Single Family Attached Property	1,701-1,900	26	\$1,594.00 per Unit	\$1,594.00 per Unit	\$1,594.00 per Unit	\$41,444.00
Single Family Attached Property	1,901-2,100	0	\$1,747.00 per Unit	\$1,747.00 per Unit	\$1,747.00 per Unit	\$0.00
Single Family Attached Property	2,101-2,300	0	\$1,910.00 per Unit	\$1,910.00 per Unit	\$1,910.00 per Unit	\$0.00
Single Family Attached Property	>2,300	0	\$2,072.00 per Unit	\$2,072.00 per Unit	\$2,072.00 per Unit	\$0.00
Other Residential Property		0.00	\$32,777.00 per Acre	\$32,777.00 per Acre	\$32,777.00 per Acre	\$0.00
Non-Residential Property		0.00	\$32,777.00 per Acre	\$32,777.00 per Acre	\$32,777.00 per Acre	\$0.00
Final Mapped Property		3.55	\$28,236.86 per Acre	\$32,777.00 per Acre	\$10,418.31 per Acre	\$36,953.69
Undeveloped Property		0.00	\$0.00 per Acre	\$32,777.00 per Acre	\$32,777.00 per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy						\$642,114.69

(1) For Developed Property, the Assigned Special Tax is shown. For Final Mapped Property and Undeveloped Property, the Maximum Special Tax is shown.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 28 (NEW HAVEN FACILITIES – AREA A) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3031 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 28 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 28 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"
CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)

SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19

Land Use	Residential (Sq. Ft.)	FY 2018-19 Tax Rates
Developed Property:		
Single Family Detached Property	<1,701	\$1,725.00 per Unit
Single Family Detached Property	1,701-1,900	\$1,818.00 per Unit
Single Family Detached Property	1,901-2,100	\$2,005.00 per Unit
Single Family Detached Property	2,101-2,300	\$2,201.00 per Unit
Single Family Detached Property	2,301-2,500	\$2,354.00 per Unit
Single Family Detached Property	2,501-2,700	\$2,501.00 per Unit
Single Family Detached Property	2,701-2,900	\$2,694.00 per Unit
Single Family Detached Property	2,901-3,100	\$2,769.00 per Unit
Single Family Detached Property	3,101-3,300	\$2,910.00 per Unit
Single Family Detached Property	3,301-3,500	\$3,083.00 per Unit
Single Family Detached Property	3,501-3,700	\$3,184.00 per Unit
Single Family Detached Property	3,701-3,900	\$3,323.00 per Unit
Single Family Detached Property	3,901-4,100	\$3,462.00 per Unit
Single Family Detached Property	4,101-4,300	\$3,600.00 per Unit
Single Family Detached Property	4,301-4,500	\$3,739.00 per Unit
Single Family Detached Property	4,501-4,700	\$3,877.00 per Unit
Single Family Detached Property	>4,700	\$4,016.00 per Unit
Single Family Attached Property	<801	\$773.00 per Unit
Single Family Attached Property	801-950	\$854.00 per Unit
Single Family Attached Property	951-1,100	\$896.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,098.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,260.00 per Unit
Single Family Attached Property	1,501-1,700	\$1,422.00 per Unit
Single Family Attached Property	1,701-1,900	\$1,594.00 per Unit
Single Family Attached Property	1,901-2,100	\$1,747.00 per Unit
Single Family Attached Property	2,101-2,300	\$1,910.00 per Unit
Single Family Attached Property	>2,300	\$2,072.00 per Unit
Other Residential Property		\$32,777.00 per Acre
Non-Residential Property		\$32,777.00 per Acre
Final Mapped Property		\$10,418.31 per Acre
Undeveloped Property		\$32,777.00 per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES - AREA B) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 30 (New Haven Facilities - Area B) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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: As proposed, for Fiscal Year 2018-19, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$879,740. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: On May 17, 2016, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 30 ("District") with the adoption of Resolution No. 2016-034, declaring the City's intention to establish the District and to authorize the levy of special taxes. On August 16, 2016, the City Council adopted Resolution No. 2016-084, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3057 on September 6, 2016, authorizing the levy of special taxes for the District to finance public improvements related to the New Haven - Area B project.

The District addresses the development of approximately 58 acres located generally east of Turner Avenue, west of Haven Avenue, south of Schaefer Avenue, and north of Ontario Ranch Road

STAFF MEMBER PRESENTING: Grant D, Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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(formerly Edison Avenue). At build-out, the residential development will include 346 detached and 98 attached residential units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2017-18 was the first year that the special tax will be levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2017-18 and the assigned/maximum and proposed annual tax rates for Fiscal Year 2018-19 are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2017-18 Tax Rates	FY 2018-19 Assigned / Maximum Tax Rates (1)	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Developed Property:						
Single Family Detached Property	<1,701	0	\$1,660.00 per Unit	\$1,660.00 per Unit	\$1,660.00 per Unit	\$0.00
Single Family Detached Property	1,701-1,900	6	\$1,837.00 per Unit	\$1,837.00 per Unit	\$1,837.00 per Unit	\$11,022.00
Single Family Detached Property	1,901-2,100	48	\$1,896.00 per Unit	\$1,896.00 per Unit	\$1,896.00 per Unit	\$91,008.00
Single Family Detached Property	2,101-2,300	91	\$2,053.00 per Unit	\$2,053.00 per Unit	\$2,053.00 per Unit	\$186,823.00
Single Family Detached Property	2,301-2,500	0	\$2,251.00 per Unit	\$2,251.00 per Unit	\$2,251.00 per Unit	\$0.00
Single Family Detached Property	2,501-2,700	40	\$2,404.00 per Unit	\$2,404.00 per Unit	\$2,404.00 per Unit	\$96,160.00
Single Family Detached Property	2,701-2,900	6	\$2,557.00 per Unit	\$2,557.00 per Unit	\$2,557.00 per Unit	\$15,342.00
Single Family Detached Property	2,901-3,100	0	\$2,703.00 per Unit	\$2,703.00 per Unit	\$2,703.00 per Unit	\$0.00
Single Family Detached Property	3,101-3,300	29	\$2,816.00 per Unit	\$2,816.00 per Unit	\$2,816.00 per Unit	\$81,664.00
Single Family Detached Property	3,301-3,500	24	\$2,962.00 per Unit	\$2,962.00 per Unit	\$2,962.00 per Unit	\$71,088.00
Single Family Detached Property	3,501-3,700	24	\$3,156.00 per Unit	\$3,156.00 per Unit	\$3,156.00 per Unit	\$75,744.00
Single Family Detached Property	3,701-3,900	0	\$3,274.00 per Unit	\$3,274.00 per Unit	\$3,274.00 per Unit	\$0.00
Single Family Detached Property	>3,900	0	\$3,429.00 per Unit	\$3,429.00 per Unit	\$3,429.00 per Unit	\$0.00
Single Family Attached Property	<801	0	\$851.00 per Unit	\$851.00 per Unit	\$851.00 per Unit	\$0.00
Single Family Attached Property	801-950	0	\$911.00 per Unit	\$911.00 per Unit	\$911.00 per Unit	\$0.00
Single Family Attached Property	951-1,100	28	\$1,019.00 per Unit	\$1,019.00 per Unit	\$1,019.00 per Unit	\$28,532.00
Single Family Attached Property	1,101-1,300	0	\$1,136.00 per Unit	\$1,136.00 per Unit	\$1,136.00 per Unit	\$0.00
Single Family Attached Property	1,301-1,500	14	\$1,300.00 per Unit	\$1,300.00 per Unit	\$1,300.00 per Unit	\$18,200.00
Single Family Attached Property	1,501-1,700	28	\$1,595.00 per Unit	\$1,595.00 per Unit	\$1,595.00 per Unit	\$44,660.00
Single Family Attached Property	1,701-1,900	28	\$1,691.00 per Unit	\$1,691.00 per Unit	\$1,691.00 per Unit	\$47,348.00
Single Family Attached Property	>1,900	0	\$1,886.00 per Unit	\$1,886.00 per Unit	\$1,886.00 per Unit	\$0.00
Other Residential Property		0.00	\$28,946.00 per Acre	\$28,946.00 per Acre	\$28,946.00 per Acre	\$0.00
Non-Residential Property		0.00	\$28,946.00 per Acre	\$28,946.00 per Acre	\$28,946.00 per Acre	\$0.00
Final Mapped Property		7.81	\$0.00 Per Acre	\$28,946.00 Per Acre	\$14,366.99 Per Acre	\$112,148.75
Undeveloped Property		0.00	\$0.00 Per Acre	\$28,946.00 Per Acre	\$0.00 Per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy						\$879,739.75

(1) For Developed Property, the Assigned Special Tax is shown. For Final Mapped Property and Undeveloped Property, the Maximum Special Tax is shown.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 30 (New Haven Facilities – Area B) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No.3057 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 30 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 30 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 30
(NEW HAVEN FACILITIES – AREA B)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2018-19 Tax Rates
Developed Property:		
Single Family Detached Property	<1,701	\$1,660.00 per Unit
Single Family Detached Property	1,701-1,900	\$1,837.00 per Unit
Single Family Detached Property	1,901-2,100	\$1,896.00 per Unit
Single Family Detached Property	2,101-2,300	\$2,053.00 per Unit
Single Family Detached Property	2,301-2,500	\$2,251.00 per Unit
Single Family Detached Property	2,501-2,700	\$2,404.00 per Unit
Single Family Detached Property	2,701-2,900	\$2,557.00 per Unit
Single Family Detached Property	2,901-3,100	\$2,703.00 per Unit
Single Family Detached Property	3,101-3,300	\$2,816.00 per Unit
Single Family Detached Property	3,301-3,500	\$2,962.00 per Unit
Single Family Detached Property	3,501-3,700	\$3,156.00 per Unit
Single Family Detached Property	3,701-3,900	\$3,274.00 per Unit
Single Family Detached Property	>3,900	\$3,429.00 per Unit
Single Family Attached Property	<801	\$851.00 per Unit
Single Family Attached Property	801-950	\$911.00 per Unit
Single Family Attached Property	951-1,100	\$1,019.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,136.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,300.00 per Unit
Single Family Attached Property	1,501-1,700	\$1,595.00 per Unit
Single Family Attached Property	1,701-1,900	\$1,691.00 per Unit
Single Family Attached Property	>1,900	\$1,886.00 per Unit
Other Residential Property		\$28,946.00 per Acre
Non-Residential Property		\$28,946.00 per Acre
Final Mapped Property		\$14,366.99 Per Acre
Undeveloped Property		\$0.00 Per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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: As proposed, for Fiscal Year 2018-19, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$392,614; and to fund City services, special tax revenue will be generated in the amount of \$231,953. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: On April 21, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 31 ("District") with the adoption of Resolution No. 2015-028, declaring the City's intention to establish the District and to authorize the levy of special taxes. On June 2, 2015, the City Council adopted Resolution No. 2015-057 establishing the formation of the District.

The District addresses the residential development of approximately 30.9 acres located east of Turner Avenue, generally west of Haven Avenue, generally south of Chino Avenue, and north of Schaefer Avenue. At build out, the development is projected to include 143 single-family units.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. The Fiscal Year 2015-16 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2015, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." There will be no annual increase to the facilities special tax rates. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2017-18 and the assigned, maximum, and proposed annual tax rates for Fiscal Year 2018-19, which are being assessed on all developed property, are as follows:

Annual Facilities Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2017-18 Tax Rates A	FY 2018-19 Assigned Tax Rates A	FY 2018-19 Maximum Tax Rates A (1)	FY 2018-19 Proposed Tax Rates A	FY 2018-19 Special Tax A Levy
Developed Property:							
Single Family Detached	<2,101	30	\$2,282.00 per Unit	\$2,282.00 per Unit	\$2,979.00 per Unit	\$2,103.46 per Unit	\$63,103.80
Single Family Detached	2,101-2,400	0	\$2,424.00 per Unit	\$2,424.00 per Unit	\$2,979.00 per Unit	\$2,234.35 per Unit	\$0.00
Single Family Detached	2,401-2,700	37	\$2,849.00 per Unit	\$2,849.00 per Unit	\$2,979.00 per Unit	\$2,626.10 per Unit	\$97,165.70
Single Family Detached	2,701-3,000	0	\$2,960.00 per Unit	\$2,960.00 per Unit	\$2,979.00 per Unit	\$2,728.42 per Unit	\$0.00
Single Family Detached	3,001-3,300	45	\$3,116.00 per Unit	\$3,116.00 per Unit	\$3,116.00 per Unit	\$2,872.21 per Unit	\$129,249.45
Single Family Detached	3,301-3,600	5	\$3,285.00 per Unit	\$3,285.00 per Unit	\$3,285.00 per Unit	\$3,027.99 per Unit	\$15,139.95
Single Family Detached	>3,600	26	\$3,670.00 per Unit	\$3,670.00 per Unit	\$3,670.00 per Unit	\$3,382.87 per Unit	\$87,954.62
Other Residential Property	N/A	0.00	\$23,510.00 per Acre	\$25,379.00 per Acre	\$25,379.00 per Acre	\$23,393.40 per Acre	\$0.00
Non-Residential Property	N/A	0.00	\$23,510.00 per Acre	\$25,379.00 per Acre	\$25,379.00 per Acre	\$23,393.40 per Acre	\$0.00
Final Mapped Property		0.00	\$20,734.20 per Acre	N/A per Acre	\$25,379.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		0.00	\$0.00 per Acre	N/A per Acre	\$25,379.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax A Levy							\$392,613.52

(1) For Developed Property, the levy of Special Tax A cannot exceed the applicable Assigned Special Tax A rate unless Final Mapped Property and Undeveloped Property are taxed at the Maximum Special Tax A rate.

Annual Services Tax Rates

Developed Property Land Use	Number of Units / Sq. Ft.	FY 2017-18 Tax Rates B	FY 2018-19 Maximum Tax Rates B	FY 2018-19 Proposed Tax Rates B	FY 2018-19 Special Tax B Levy
Residential Property:					
Single Family Detached	143	\$1,559.67 per Unit	\$1,622.05 per Unit	\$1,622.05 per Unit	\$231,953.15
Multiple Family	0	\$1,352.00 per Unit	\$1,406.08 per Unit	\$1,406.08 per Unit	\$0.00
Gated Apartment Community	0	\$1,133.52 per Unit	\$1,178.86 per Unit	\$1,178.86 per Unit	\$0.00
Non-Residential Property	0	\$0.29 per Sq. Ft.	\$0.30 per Sq. Ft.	\$0.30 per Sq. Ft.	\$0.00
Total Fiscal Year 2018-19 Special Tax B Levy					\$231,953.15

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3020 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 31 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 31 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 31
(CARRIAGE HOUSE / AMBERLY LANE)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

ANNUAL FACILITIES TAX RATES

Land Use	Residential (Sq. Ft.)	FY 2018-19 Tax Rates A
Developed Property:		
Single Family Detached	<2,101	\$2,103.46 per Unit
Single Family Detached	2,101-2,400	\$2,234.35 per Unit
Single Family Detached	2,401-2,700	\$2,626.10 per Unit
Single Family Detached	2,701-3,000	\$2,728.42 per Unit
Single Family Detached	3,001-3,300	\$2,872.21 per Unit
Single Family Detached	3,301-3,600	\$3,027.99 per Unit
Single Family Detached	>3,600	\$3,382.87 per Unit
Other Residential Property	N/A	\$23,393.40 per Acre
Non-Residential Property	N/A	\$23,393.40 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

ANNUAL SERVICES TAX RATES

Developed Property Land Use	FY 2018-19 Tax Rates B
Residential Property:	
Single Family Detached	\$1,622.05 per Unit
Multiple Family	\$1,406.08 per Unit
Gated Apartment Community	\$1,178.86 per Unit
Non-Residential Property	\$0.30 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods


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: As proposed, for Fiscal Year 2018-19, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$534,377. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: On October 20, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 34 ("District") with the adoption of Resolution No. 2015-109, declaring the City's intention to establish the District and to authorize the levy of special taxes. On December 1, 2015, the City Council adopted Resolution No. 2015-135, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3036 on December 15, 2015, authorizing the levy of special taxes for the District to finance public improvements related to the Countryside Phase 1 North project.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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The District addresses the development of approximately 50 gross acres located generally east of the Cucamonga Creek Channel, generally west of Archibald Avenue, south of Riverside Avenue, and north of Chino Avenue. At build-out, the residential development will include 226 detached units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, and Fiscal Year 2017-18 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2017-18 and the assigned/maximum and proposed annual tax rates for Fiscal Year 2018-19 are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2017-18 Tax Rates	FY 2018-19 Assigned / Maximum Tax Rates (1)	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Developed Property:						
Single Family Property	<1,701	0	\$1,800.00 per Unit	\$1,800.00 per Unit	\$1,647.12 per Unit	\$0.00
Single Family Property	1,701-1,900	19	\$1,887.00 per Unit	\$1,887.00 per Unit	\$1,726.73 per Unit	\$32,807.87
Single Family Property	1,901-2,100	5	\$2,224.00 per Unit	\$2,224.00 per Unit	\$2,035.11 per Unit	\$10,175.55
Single Family Property	2,101-2,300	25	\$2,236.00 per Unit	\$2,236.00 per Unit	\$2,046.09 per Unit	\$51,152.25
Single Family Property	2,301-2,500	55	\$2,488.00 per Unit	\$2,488.00 per Unit	\$2,276.69 per Unit	\$125,217.95
Single Family Property	2,501-2,700	64	\$2,752.00 per Unit	\$2,752.00 per Unit	\$2,518.26 per Unit	\$161,168.64
Single Family Property	2,701-2,900	31	\$2,796.00 per Unit	\$2,796.00 per Unit	\$2,558.53 per Unit	\$79,314.43
Single Family Property	2,901-3,100	27	\$3,017.00 per Unit	\$3,017.00 per Unit	\$2,760.76 per Unit	\$74,540.52
Single Family Property	3,101-3,300	0	\$3,118.00 per Unit	\$3,118.00 per Unit	\$2,853.18 per Unit	\$0.00
Single Family Property	3,301-3,500	0	\$3,368.00 per Unit	\$3,368.00 per Unit	\$3,081.95 per Unit	\$0.00
Single Family Property	3,501-3,700	0	\$3,467.00 per Unit	\$3,467.00 per Unit	\$3,172.54 per Unit	\$0.00
Single Family Property	3,701-3,900	0	\$3,650.00 per Unit	\$3,650.00 per Unit	\$3,340.00 per Unit	\$0.00
Single Family Property	>3,900	0	\$3,824.00 per Unit	\$3,824.00 per Unit	\$3,499.22 per Unit	\$0.00
Other Residential Property		0	\$22,929.00 per Acre	\$22,929.00 per Acre	\$20,981.57 per Acre	\$0.00
Non-Residential Property		0.00	\$22,929.00 per Acre	\$22,929.00 per Acre	\$20,981.57 per Acre	\$0.00
Final Mapped Property		0.00	\$0.00 Per Acre	\$22,929.00 Per Acre	\$0.00 Per Acre	\$0.00
Undeveloped Property		0.00	\$0.00 Per Acre	\$22,929.00 Per Acre	\$0.00 Per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy						\$534,377.21

(1) For Developed Property, the Assigned Special Tax is shown. For Final Mapped Property and Undeveloped Property, the Maximum Special Tax is shown.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North – Facilities) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3036 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above do not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 34 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 34 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 34
(COUNTRYSIDE PHASE 1 NORTH - FACILITIES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2018-19 Tax Rates
Developed Property:		
Single Family Property	<1,701	\$1,647.12 per Unit
Single Family Property	1,701-1,900	\$1,726.73 per Unit
Single Family Property	1,901-2,100	\$2,035.11 per Unit
Single Family Property	2,101-2,300	\$2,046.09 per Unit
Single Family Property	2,301-2,500	\$2,276.69 per Unit
Single Family Property	2,501-2,700	\$2,518.26 per Unit
Single Family Property	2,701-2,900	\$2,558.53 per Unit
Single Family Property	2,901-3,100	\$2,760.76 per Unit
Single Family Property	3,101-3,300	\$2,853.18 per Unit
Single Family Property	3,301-3,500	\$3,081.95 per Unit
Single Family Property	3,501-3,700	\$3,172.54 per Unit
Single Family Property	3,701-3,900	\$3,340.00 per Unit
Single Family Property	>3,900	\$3,499.22 per Unit
Other Residential Property		\$20,981.57 per Acre
Non-Residential Property		\$20,981.57 per Acre
Final Mapped Property		\$0.00 Per Acre
Undeveloped Property		\$0.00 Per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) for Fiscal Year 2018-19.


COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2018–19, special tax revenue will be generated in the amount of \$340,704 to fund City services and to pay related district expenses.

BACKGROUND: On December 15, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 37 ("District") with the adoption of Resolution No. 2015-146, declaring the City's intention to establish the District and to authorize the levy of special taxes. On February 2, 2016, the City Council adopted Resolution No. 2016-012 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3043 on February 16, 2016, authorizing the levy of special taxes for the District to finance City services expenses related to the Park & Turner NE project.

The District addresses the residential development of approximately 80 acres located north of Eucalyptus Avenue, south of Ontario Ranch Road, east of Archibald Avenue, and west of Haven Avenue. At build-out, the development will include 330 single family detached units.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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As adopted, the special tax for City services is to be levied each fiscal year, beginning in Fiscal Year 2018-19, to fund City services. The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. As noted, Fiscal Year 2018-19 will be the first year that the special tax is levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2015, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assessed maximum and proposed annual tax rates for Fiscal Year 2018-19 are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2018-19 Maximum Tax Rates	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Residential Property:				
Single Family Detached	210	\$1,622.40 per Unit	\$1,622.40 per Unit	\$340,704.00
Multiple Family	0	\$1,406.08 per Unit	\$1,406.08 per Unit	\$0.00
Gated Apartment Community	0	\$1,178.94 per Unit	\$1,178.94 per Unit	\$0.00
Non-Residential Property	0	\$0.30 Per Sq. Ft.	\$0.30 per Sq. Ft.	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy				\$340,704.00

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3043 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of those services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 37 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 37 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	FY 2018-19 Tax Rates
Residential Property:	
Single Family Detached	\$1,622.40 per Unit
Multiple Family	\$1,406.08 per Unit
Gated Apartment Community	\$1,178.94 per Unit
Non-Residential Property	\$0.30 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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: As proposed, for Fiscal Year 2018-19, special tax revenue to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$518,651. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On April 4, 2017, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 38 ("District") with the adoption of Resolution No. 2017-021, declaring the City's intention to establish the District and to authorize the levy of special taxes. On May 16, 2017, the City Council adopted Resolution No. 2017-034 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3073 on June 6, 2017, authorizing the levy of special taxes for the District to finance public improvements related to the Park & Turner NE project. As adopted, the special tax for public improvements is to be levied each fiscal year, beginning in Fiscal Year 2018-19.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services

City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018

Approved: _____

Continued to: _____

Denied: _____

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The District addresses the residential development of approximately 47 acres located generally east of Archibald Avenue, west of Haven Avenue, south of Ontario Ranch Road (formerly Edison Avenue), and north of Eucalyptus Avenue. At build-out, the development will include 330 detached residential units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assigned/maximum and proposed annual tax rates for Fiscal Year 2018-19, which are being assessed on all developed property, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Assigned / Maximum Tax Rates (1)	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Developed Property:					
Residential Property	<1,501	0	\$1,771.00 per Unit	\$1,771.00 per Unit	\$0.00
Residential Property	1,501-1,600	0	\$1,842.00 per Unit	\$1,842.00 per Unit	\$0.00
Residential Property	1,601-1,700	16	\$1,964.00 per Unit	\$1,964.00 per Unit	\$31,424.00
Residential Property	1,701-1,800	20	\$2,046.00 per Unit	\$2,046.00 per Unit	\$40,920.00
Residential Property	1,801-1,900	0	\$2,050.00 per Unit	\$2,050.00 per Unit	\$0.00
Residential Property	1,901-2,000	3	\$2,148.00 per Unit	\$2,148.00 per Unit	\$6,444.00
Residential Property	2,001-2,100	7	\$2,219.00 per Unit	\$2,219.00 per Unit	\$15,533.00
Residential Property	2,101-2,200	9	\$2,289.00 per Unit	\$2,289.00 per Unit	\$20,601.00
Residential Property	2,201-2,300	19	\$2,383.00 per Unit	\$2,383.00 per Unit	\$45,277.00
Residential Property	2,301-2,400	26	\$2,405.00 per Unit	\$2,405.00 per Unit	\$62,530.00
Residential Property	2,401-2,500	30	\$2,536.00 per Unit	\$2,536.00 per Unit	\$76,080.00
Residential Property	2,501-2,600	14	\$2,539.00 per Unit	\$2,539.00 per Unit	\$35,546.00
Residential Property	2,601-2,700	0	\$2,609.00 per Unit	\$2,609.00 per Unit	\$0.00
Residential Property	2,701-2,800	34	\$2,724.00 per Unit	\$2,724.00 per Unit	\$92,616.00
Residential Property	2,801-2,900	0	\$2,749.00 per Unit	\$2,749.00 per Unit	\$0.00
Residential Property	2,901-3,000	32	\$2,865.00 per Unit	\$2,865.00 per Unit	\$91,680.00
Residential Property	3,001-3,100	0	\$2,888.00 per Unit	\$2,888.00 per Unit	\$0.00
Residential Property	>3,100	0	\$2,958.00 per Unit	\$2,958.00 per Unit	\$0.00
Non-Residential Property		0.00	\$31,636.00 per Acre	\$31,636.00 per Acre	\$0.00
Final Mapped Property		9.72	\$31,636.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		0.00	\$31,636.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy					\$518,651.00

(1) For Developed Property, the Assigned Special Tax is shown. For Final Mapped Property and Undeveloped Property, the Maximum Special Tax is shown.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3073 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 38 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 38 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 38
(PARK & TURNER NE FACILITIES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	Residential (Sq. Ft.)	FY 2018-19 Tax Rates
Developed Property:		
Residential Property	<1,501	\$1,771.00 per Unit
Residential Property	1,501-1,600	\$1,842.00 per Unit
Residential Property	1,601-1,700	\$1,964.00 per Unit
Residential Property	1,701-1,800	\$2,046.00 per Unit
Residential Property	1,801-1,900	\$2,050.00 per Unit
Residential Property	1,901-2,000	\$2,148.00 per Unit
Residential Property	2,001-2,100	\$2,219.00 per Unit
Residential Property	2,101-2,200	\$2,289.00 per Unit
Residential Property	2,201-2,300	\$2,383.00 per Unit
Residential Property	2,301-2,400	\$2,405.00 per Unit
Residential Property	2,401-2,500	\$2,536.00 per Unit
Residential Property	2,501-2,600	\$2,539.00 per Unit
Residential Property	2,601-2,700	\$2,609.00 per Unit
Residential Property	2,701-2,800	\$2,724.00 per Unit
Residential Property	2,801-2,900	\$2,749.00 per Unit
Residential Property	2,901-3,000	\$2,865.00 per Unit
Residential Property	3,001-3,100	\$2,888.00 per Unit
Residential Property	>3,100	\$2,958.00 per Unit
Non-Residential Property		\$31,636.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C) FOR FISCAL YEAR 2018-19

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) for Fiscal Year 2018-19.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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: As proposed, for Fiscal Year 2018-19, special tax revenue to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$200,870. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On July 18, 2017, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 39 ("District") with the adoption of Resolution No. 2017-081, declaring the City's intention to establish the District and to authorize the levy of special taxes. On September 19, 2017, the City Council adopted Resolution No. 2017-113, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3079 on October 3, 2017, authorizing the levy of special taxes for the District to finance public improvements related to the New Haven – Area C project.

The District addresses the development of approximately 10.52 taxable acres located generally east of the Archibald Avenue, west of Haven Avenue, south of Ontario Ranch Road, and north of

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services

City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018

Approved: _____

Continued to: _____

Denied: _____

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Edison Avenue. At build-out, the residential development will include 62 detached units and 163 attached units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, and Fiscal Year 2018-19 will be the first year that the special tax will be levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2018-19, which is on file with the Records Management Department. The assigned/maximum and proposed annual tax rates for Fiscal Year 2018-19, which are being assessed on all developed property, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Assigned / Maximum Tax Rates (1)	FY 2018-19 Proposed Tax Rates	FY 2018-19 Special Tax Levy
Developed Property:					
Single Family Detached Property	<1,701	0	\$1,582.00 per Unit	\$1,582.00 per Unit	\$0.00
Single Family Detached Property	1,701-1,900	0	\$1,731.00 per Unit	\$1,731.00 per Unit	\$0.00
Single Family Detached Property	1,901-2,100	0	\$2,029.00 per Unit	\$2,029.00 per Unit	\$0.00
Single Family Detached Property	2,101-2,300	0	\$2,318.00 per Unit	\$2,318.00 per Unit	\$0.00
Single Family Detached Property	2,301-2,500	0	\$2,424.00 per Unit	\$2,424.00 per Unit	\$0.00
Single Family Detached Property	2,501-2,700	0	\$2,523.00 per Unit	\$2,523.00 per Unit	\$0.00
Single Family Detached Property	2,701-2,900	0	\$2,714.00 per Unit	\$2,714.00 per Unit	\$0.00
Single Family Detached Property	2,901-3,100	0	\$2,882.00 per Unit	\$2,882.00 per Unit	\$0.00
Single Family Detached Property	3,101-3,300	0	\$3,035.00 per Unit	\$3,035.00 per Unit	\$0.00
Single Family Detached Property	3,301-3,500	0	\$3,187.00 per Unit	\$3,187.00 per Unit	\$0.00
Single Family Detached Property	3,501-3,700	0	\$3,337.00 per Unit	\$3,337.00 per Unit	\$0.00
Single Family Detached Property	3,701-3,900	0	\$3,451.00 per Unit	\$3,451.00 per Unit	\$0.00
Single Family Detached Property	>3,900	0	\$3,539.00 per Unit	\$3,539.00 per Unit	\$0.00
Single Family Attached Property	<801	0	\$562.00 per Unit	\$562.00 per Unit	\$0.00
Single Family Attached Property	801-950	0	\$773.00 per Unit	\$773.00 per Unit	\$0.00
Single Family Attached Property	951-1,100	20	\$1,111.00 per Unit	\$1,111.00 per Unit	\$22,220.00
Single Family Attached Property	1,101-1,300	18	\$1,470.00 per Unit	\$1,470.00 per Unit	\$26,460.00
Single Family Attached Property	1,301-1,500	28	\$1,567.00 per Unit	\$1,567.00 per Unit	\$43,876.00
Single Family Attached Property	1,501-1,700	38	\$1,793.00 per Unit	\$1,793.00 per Unit	\$68,134.00
Single Family Attached Property	1,701-1,900	20	\$2,009.00 per Unit	\$2,009.00 per Unit	\$40,180.00
Single Family Attached Property	>1,900	0	\$2,107.00 per Unit	\$2,107.00 per Unit	\$0.00
Other Residential Property		0.00	\$39,039.00 per Acre	\$39,039.00 per Acre	\$0.00
Non-Residential Property		0.00	\$39,039.00 per Acre	\$39,039.00 per Acre	\$0.00
Final Mapped Property		0.00	\$39,039.00 Per Acre	\$0.00 Per Acre	\$0.00
Undeveloped Property		7.12	\$39,039.00 Per Acre	\$0.00 Per Acre	\$0.00
Total Fiscal Year 2018-19 Special Tax Levy					\$200,870.00

(1) For Developed Property, the Assigned Special Tax is shown. For Final Mapped Property and Undeveloped Property, the Maximum Special Tax is shown.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2018-19.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 39 (New Haven Facilities – Area C) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3079 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above do not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 39 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 39 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 39
(NEW HAVEN FACILITIES – AREA C)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2018-19**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2018-19 Tax Rates
Developed Property:		
Single Family Detached Property	<1,701	\$1,582.00 per Unit
Single Family Detached Property	1,701-1,900	\$1,731.00 per Unit
Single Family Detached Property	1,901-2,100	\$2,029.00 per Unit
Single Family Detached Property	2,101-2,300	\$2,318.00 per Unit
Single Family Detached Property	2,301-2,500	\$2,424.00 per Unit
Single Family Detached Property	2,501-2,700	\$2,523.00 per Unit
Single Family Detached Property	2,701-2,900	\$2,714.00 per Unit
Single Family Detached Property	2,901-3,100	\$2,882.00 per Unit
Single Family Detached Property	3,101-3,300	\$3,035.00 per Unit
Single Family Detached Property	3,301-3,500	\$3,187.00 per Unit
Single Family Detached Property	3,501-3,700	\$3,337.00 per Unit
Single Family Detached Property	3,701-3,900	\$3,451.00 per Unit
Single Family Detached Property	>3,900	\$3,539.00 per Unit
Single Family Attached Property	<801	\$562.00 per Unit
Single Family Attached Property	801-950	\$773.00 per Unit
Single Family Attached Property	951-1,100	\$1,111.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,470.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,567.00 per Unit
Single Family Attached Property	1,501-1,700	\$1,793.00 per Unit
Single Family Attached Property	1,701-1,900	\$2,009.00 per Unit
Single Family Attached Property	>1,900	\$2,107.00 per Unit
Other Residential Property		\$39,039.00 per Acre
Non-Residential Property		\$39,039.00 per Acre
Final Mapped Property		\$0.00 Per Acre
Undeveloped Property		\$0.00 Per Acre

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: MAINTENANCE SERVICES AGREEMENT FOR THE WATER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) COMPUTER PROGRAMMING SUPPORT SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a one-year Maintenance Services Agreement (on file in the Records Management Department) with Freedom Automation Inc. of Oceanside, California, for the City's Supervisory Control and Data Acquisition (SCADA) computer programming support services for a not to exceed amount of \$150,000 for Fiscal Year 2018-19; and authorize the City Manager to extend the agreement for up to four additional one-year periods consistent with City Council approved budgets.

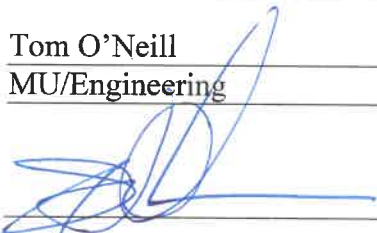
COUNCIL GOALS: Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2018-19 Proposed Water Operating Budget includes appropriations in the amount of \$150,000 for these computer programming support services. At the City's discretion, the contract may be extended for up to four additional years with any negotiated increases in the unit prices not to exceed 3% annually. There is no impact to the General Fund.

BACKGROUND: The City utilizes a Supervisory Control and Data Acquisition (SCADA) computer system to monitor and control twenty (20) water production wells, seven (7) water reservoir sites, six (6) booster pumps stations, two (2) ion exchange water treatment plants and four (4) sewer lift stations. The agreement encompasses programming services associated with several maintenance, operational and management projects for water, such as the radio feasibility study and implementation plan for an Ethernet radio system, software upgrade at the John Galvin Ion Exchange Treatment Plant, PLC upgrades, software updates and software/hardware upgrades for SCADA system backup. SCADA programming services are critical to the reliable operation of the City's water and sewer infrastructure.

On May 21, 2018, one (1) proposal was received through the City's electronic bid management system in response to Bid No. 944. Freedom Automation Inc., who has been providing the City's SCADA

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Tom O'Neill
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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computer programming support services since 2003, was the only company to provide a proposal. Freedom Automation has extensive knowledge in the operation of the City's water and sewer systems and has an excellent performance record.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO, GDC INVESTMENTS 6 L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-003, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17931, 17932 AND 17933. THE PROJECT IS LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF MILL CREEK AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 8, 9, AND 10 OF THE ESPERANZA SPECIFIC PLAN (APN: 0218-332-12 AND 0218-252-16)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Second Amendment (File PDA14-003, on file with the Records Management Department) to the Development Agreement between the City of Ontario, GDC Investments 6 L.P. and Lennar Homes of California to extend the term of the Development Agreement to serve Tract Map No's. 17931, 17932 and 17933.

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: The proposed Development Agreement Amendment will to extend the term of the Development Agreement to serve Tract Map No's. 17931, 17932 and 17933. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the Ontario Ranch development. The Development Agreement and the related tract map(s) conditions require the developer to construct public infrastructure.

BACKGROUND: On June 5, 2018, the City Council introduced and waived further reading of an ordinance approving the Development Agreement Amendment. On February 6, 2007, the City Council

STAFF MEMBER PRESENTING: Scott Murphy, Development Director

Prepared by: Rudy Zeledon
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018

Approved: _____

Continued to: _____

Denied: _____

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approved the Esperanza Specific Plan and Environmental Impact Report (EIR). The Esperanza Specific Plan established the land use designations, development standards, and design guidelines for 223 acres, which includes the potential development of 1,410 residential dwelling units. Subsequently, on February 20, 2007, the City Council approved the Development Agreement (File No. PDA06-003) between the City of Ontario and Armada Ontario Associates, the original applicant for the property.

On September 2, 2014, the City Council approved a First Amendment (File No. PDA14-003) to the Development that included updates to certain provisions of the Development Agreement to conform to the construction agreement within NMC Builders.

On September 5, 2017, GDC Investments 6 L.P. transferred a portion of the project area to Lennar Homes of California, Inc., and partially assigned certain rights and obligations of the originally Development Agreement to Lennar Homes of California, Inc. Under the terms of the Partial Agreement and Assumption Agreement between GDC Investments 6 L.P. and Lennar Homes of California. Inc.,

Lennar Homes of California. Inc., agreed to apply to the City to pursue an application to amend the original Development Agreement to extend the term of the original Development Agreement. The proposed Amendment continues to apply to the same area as the original Development Agreement and propose to extend the terms of the Development Agreement for an additional five (5) year period to serve Tentative Tract Maps No's 17931, 17932 and 17933.

The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force.

In considering the application at their meeting of April 24, 2018, the Planning Commission found that the Second 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 5 to 0 vote (Resolution No. PC18-054), recommended approval of the Second 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 proposed project is consistent with the maximum number of dwelling units (289) and density (7.5 DU/AC) specified within Esperanza Specific Plan. Per the Available Land Inventory, the Esperanza Specific Plan Specific Plan overall is required to provide 1,410 dwelling units.

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 reviewed in a previous Addendum to Esperanza Specific Plan EIR (SCH#2002061047) approved by the City Council on September 2, 2014. This application introduces no new significant environmental impacts. 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. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A"

The Esperanza Specific Plan Land Use Plan

Section 1. EXECUTIVE SUMMARY

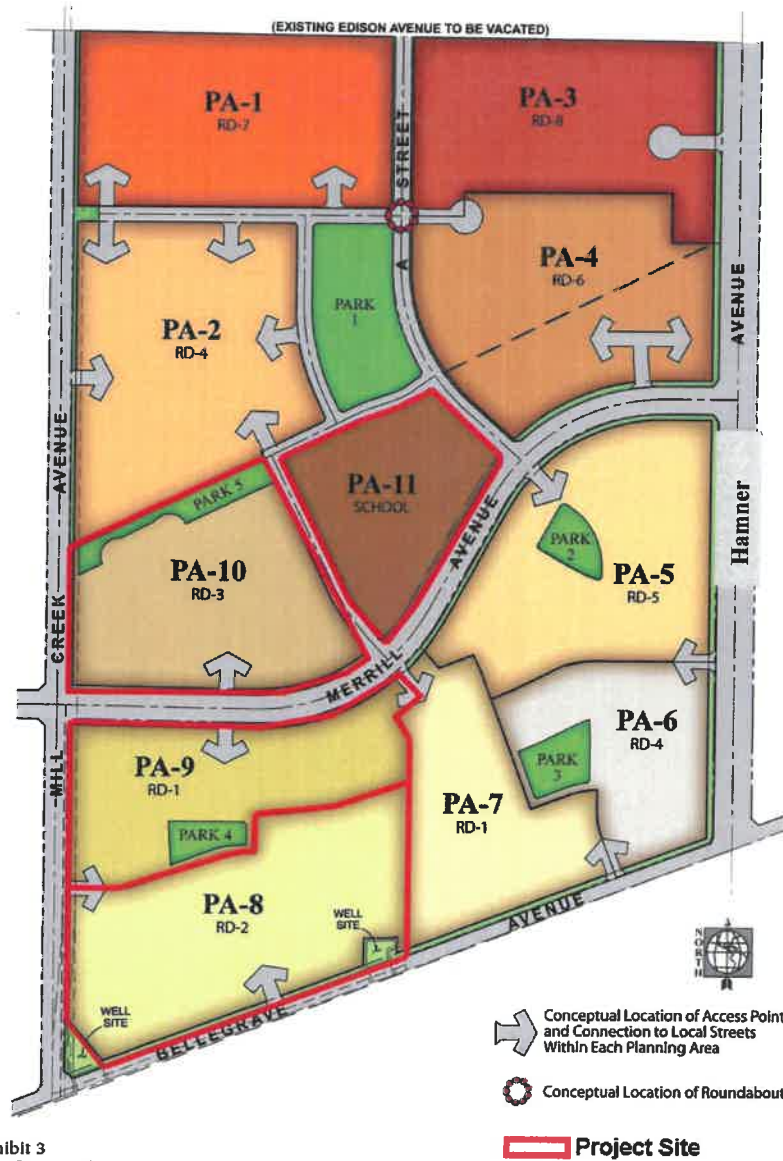


Exhibit 3
Land Use Plan

Ontario Esperanza Specific Plan

1.5

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT BETWEEN THE CITY OF ONTARIO AND GDC INVESTMENTS 6 L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-003, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17931, 17932 AND 17933. THE PROJECT IS LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF MILL CREEK AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 8, 9, AND 10 OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-332-12 AND 0218-252-16.

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 February 20, 2007, the City Council of the City of Ontario adopted Ordinance No. 2856, approving a Development Agreement (File No. PDA 06-003) between Armada Ontario Associates, and the City; and

WHEREAS, on December 14, 2010, GDC Investments 6 L.P. acquired the Property from Armada Ontario; and

WHEREAS, on September 2, 2014, the City Council of the City of Ontario adopted Ordinance No. 2997, approving a First Amendment to the Development Agreement (File No. PDA 14-003) between GDC Investments 6 L.P. and the City; and

WHEREAS, on September 5, 2017, GDC Investments 6 L.P., transferred a portion of the project area to Lennar Homes of California, Inc., and partially assigned certain rights and obligations of the originally Development Agreement to Lennar Homes of California, Inc.; and

WHEREAS, attached to this Ordinance, marked Attachment "A" and incorporated herein by this reference, is the proposed Second Amendment to the Development Agreement between GDC Investments 6 L.P., Lennar Homes of California, Inc., and the City of Ontario, File No. PDA14-003. Hereinafter in this Ordinance, the Development Agreement is referred to as the "Development Agreement"; and

WHEREAS, the environmental impacts of this project were reviewed in a previous Addendum to Esperanza Specific Plan Environmental Impact Report (SCH#2002061047) certified by the City Council on September 2, 2014. This project introduces no new significant environmental impacts. All previously adopted mitigation measures are to be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on April 24, 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. PC18-054 recommending the City Council approve the Application; and

WHEREAS, on June 5, 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 previously adopted addendum to the Esperanza Specific Plan (SCH#2002061047) that was approved by the City Council on September 4, 2018, and supporting documentation. Based upon the facts and information contained in the addendum to the Esperanza Specific Plan EIR (SCH#2002061047) 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 Esperanza Specific Plan EIR (SCH#2002061047) that was approved by the City Council on September 4, 2018. 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 proposed project is consistent with the maximum number of dwelling units (294) and density (7.5 DU/AC) specified within Esperanza Specific Plan. Per the Available Land Inventory, the Esperanza Specific Plan Specific Plan overall is required to provide 1,410 dwelling units.

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 June 5, 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 91 acres of land generally located at the northwest and southwest corners of Hamner Avenue and Eucalyptus Avenue, within Planning Areas 5 and 6 of the Esperanza Specific Plan and is presently mass graded; and

b. The properties to the north of the Project site are within Planning Area 4 of Esperanza Specific Plan and planned for single family development and developed dairy/agriculture uses. The property to the south of the project site is within the City of Eastvale and developed with single family residential development. The property to the east is within the City Eastvale and developed with industrial uses. The property to west is located within Planning Area 4 of Esperanza Specific Plan and planned for single family development and currently vacant; and

c. The Second Amendment continues to apply to the same area as the original Development Agreement and propose to extend the terms of the Development Agreement for an additional five (5) period to serve Tentative Tract Maps No's 17931, 17932, and 17933. The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force; and

d. 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 reviewed with an addendum to Esperanza Specific Plan EIR (SCH#2002061047) that was approved by the City Council on September 4, 2014, and supporting documentation. This application introduces no new significant environmental impacts; and

e. 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 paragraphs 1, 2, 3, 4 and 5 above, the City Council hereby APPROVES the Second Amendment to Development Agreement, File No. PDA14-003.

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 19th day of June 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. 3103 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 5, 2018 and adopted at the regular meeting held June 19, 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. 3103 duly passed and adopted by the Ontario City Council at their regular meeting held June 19, 2018 and that Summaries of the Ordinance were published on June 12, 2018 and June 26, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Attachment "A"

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

**SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF ONTARIO
AND
GDC INVESTMENTS 6 L.P.
AND
LENNAR HOMES OF CALIFORNIA, INC.
(ESPERANZA WEST)**

This Second Amendment (hereinafter "Second Amendment") is entered into as of the _____ day of _____ 2018 by and between the City of Ontario, a California municipal corporation (hereinafter "CITY"), and GDC Investments 6 L.P., a Delaware limited partnership and Lennar Homes of California, Inc., a California Corporation (hereinafter collectively referred to for purposes of this Second Amendment as "OWNERS").

RECITALS

WHEREAS, the CITY and the previous Owner, Armada Ontario Development L.L.C. ("Armada Ontario") previously entered into that certain Armada Ontario – Esperanza Development Agreement (No. PDA 06-003) dated February 20, 2007 pursuant to Section 65864, et seq., of the Government Code, (hereinafter the "Original Development Agreement"); and

WHEREAS, one of the current Owners, GDC Investments 6 L.P. acquired the Property from Armada Ontario on December 14, 2010; and

WHEREAS, under the terms of the sale and transfer of a portion of the Property to GDC Investments 6 L.P., GDC Investments 6 L.P. was assigned and has expressly and unconditionally assumed all the rights, duties and obligations of Armada Ontario under the Original Development Agreement, including, without limitation, all of the general rights, duties and obligations of OWNER under the Original Development Agreement; and

WHEREAS, CITY has approved the transfer and assignment of the "Original Development Agreement" from Armada Ontario to GDC Investments 6 L.P.; and

WHEREAS, Section 2.5 of the Original 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 Original Development Agreement shall be the same as the procedure for adopting and entering into the Original Development Agreement; and

WHEREAS, CITY and GDC Investments 6 L.P. have previously entered into that certain First Amendment to the Original Development Agreement, which had an "Effective Date" of September 2, 2014; and

WHEREAS, GDC Investments 6 L.P. has transferred a portion of the Property to Lennar Homes of California, Inc., and Lennar Homes of California, Inc. has been partially assigned certain rights and obligations of the Original Development Agreement and Lennar Homes of California, Inc. has accepted such rights and obligations under the provisions of the Partial Assignment and Assumption Agreement between GDC Investments 6 LP and Lennar Homes of California, Inc. dated September 5, 2017; and

WHEREAS, under the terms of the Partial Assignment and Assumption Agreement between GDC Investments 6 LP and Lennar Homes of California, Inc., Lennar Homes of California, Inc. agreed to apply to CITY and diligently pursue an application to amend the Original Development Agreement to extend the term of the Original Development Agreement; and

WHEREAS, both OWNERS of the Property desire to amend the term provisions of the Original Development Agreement to provide for the extension of the term of the Original Development Agreement for an additional 5-year period.

AGREEMENTS

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

1. MODIFICATIONS TO DEVELOPMENT AGREEMENT

1.1 Modifications to Section 2.3 Term. Section 2.3 of the Original Development Agreement shall be removed and replaced with the following:

"2.3 Term. The term shall commence on the Effective Date of this Original Development Agreement and shall continue for an initial term of 10 years unless this term is modified or extended pursuant to the provisions of this agreement. The term of this Agreement shall be extended for an additional 5 years following the date that the ordinance adopting this Second Amendment becomes effective."

2. INTEGRATION.

2.1 Integration of Previous Understandings and Clarifications. This Second Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this Second Amendment conflicts with the Original Development Agreement, or the First Amendment, this Second Amendment supersedes the Original Development Agreement and the First Amendment. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Original Development Agreement. This Second Amendment shall be recorded against the Property following its full execution.

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

**SIGNATURE PAGE TO SECOND AMENDMENT TO DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ONTARIO AND GDC INVESTMENTS 6, L.P. AND
LENNAR HOMES OF CALIFORNIA**

"OWNER"

**GDC Investments 6 L.P.,
a Delaware limited partnership**

By:
Name:
Its:

Date: _____

"OWNER"

**Lennar Homes of California, Inc. a
California Corporation**

By: 
Name: *Geoffrey Smith*
Its: *Vice President*

Date: 2/28/18

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa, City Manager

Date: _____

ATTEST:

City Clerk, Ontario

**APPROVED AS TO FORM:
BEST, BEST & KRIEGER LLP**

City Attorney

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies 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 Riverside)

On February 28, 2018 before me, Beth Bruley, Notary Public,
personally appeared Geoffrey Smith

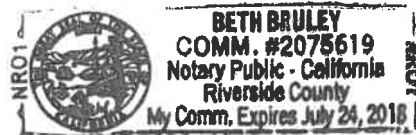
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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

Beth Bruley



(Seal)

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO, GDC-RCCD, L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-004, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17749, 17935, 17936, 18876 AND 18878. THE PROJECT IS LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF HAMNER AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 4, 5, 6, AND 7 OF THE ESPERANZA SPECIFIC PLAN (APN: 0218-332-01 AND 0218-252-17)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Second Amendment (File PDA14-004, on file with the Records Management Department) to the Development Agreement between the City of Ontario, , GDC-RCCD, L.P., and Lennar Homes of California, to extend the term of the agreement to serve Tract Map No's. 17749, 17935, 17936, 18876 and 18878.

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: The proposed Development Agreement Amendment will extend the term of the agreement to serve Tract Map No's. 17749, 17935, 17936, 18876 and 18878. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the Ontario Ranch development. The Development Agreement and the related tract map(s) conditions require the developer to construct public infrastructure.

BACKGROUND: On June 5, 2018, the City Council introduced and waived further reading of an ordinance approving the Development Agreement Amendment. On February 6, 2007, the City Council

STAFF MEMBER PRESENTING: Scott Murphy, Development Director

Prepared by: Rudy Zeledon
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018

Approved: _____

Continued to: _____

Denied: _____

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approved the Esperanza Specific Plan and Environmental Impact Report (EIR). The Esperanza Specific Plan established the land use designations, development standards, and design guidelines for 223 acres, which includes the potential development of 1,410 residential dwelling units. Subsequently, on February 27, 2007, the City Council approved the Development Agreement (File No. PDA06-002) between the City of Ontario and Regent Ontario, LLC, the original applicant for the property. In December of 2010, GDC-RCCD, L.P. acquired the property from Regent Ontario.

On July 22, 2014, the City Council approved a First Amendment to the Development Agreement (File No. PDA14-004) that included updates to certain provisions of the Development Agreement to conform to the construction agreement within NMC Builders and the incorporation of Tentative Tract Maps 18876 and 18878, within Planning Areas 4 and 5 of the Specific Plan, which results the addition of 217 residential units and 27.23 acres of land.

On September 5, 2017, GDC-RCCD, L.P., transferred a portion of the project area to Lennar Homes of California, Inc., and partially assigned certain rights and obligations of the originally Development Agreement to Lennar Homes of California, Inc. Under the terms of the Partial Agreement and Assumption Agreement between GDC-RCCD, L.P., and Lennar Homes of California, Inc., Lennar Homes of California, Inc., agreed to apply to the City to pursue an application to amend the original Development Agreement to extend the term of the original Development Agreement. The proposed Amendment continues to apply to the same area as the original Development Agreement and propose to extend the terms of the Development Agreement for an additional five (5) year period to serve Tentative Tract Maps No's 17935, 17936, 18878, and 18876.

The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force.

In considering the application at their meeting of April 24, 2018, the Planning Commission found that the Second 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 5 to 0 vote (Resolution No. PC18-055), recommended approval of the Second 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 proposed project is consistent with the maximum number of dwelling units (289) and density (7.5 DU/AC) specified within Esperanza Specific Plan. Per the Available Land Inventory, the Esperanza Specific Plan Specific Plan overall is required to provide 1,410 dwelling units.

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 reviewed in a previous Addendum to Esperanza Specific Plan EIR (SCH#2002061047) approved by the City Council on

September 2, 2014. This application introduces no new significant environmental impacts. 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. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A"

The Esperanza Specific Plan Land Use Plan

Section 1. EXECUTIVE SUMMARY

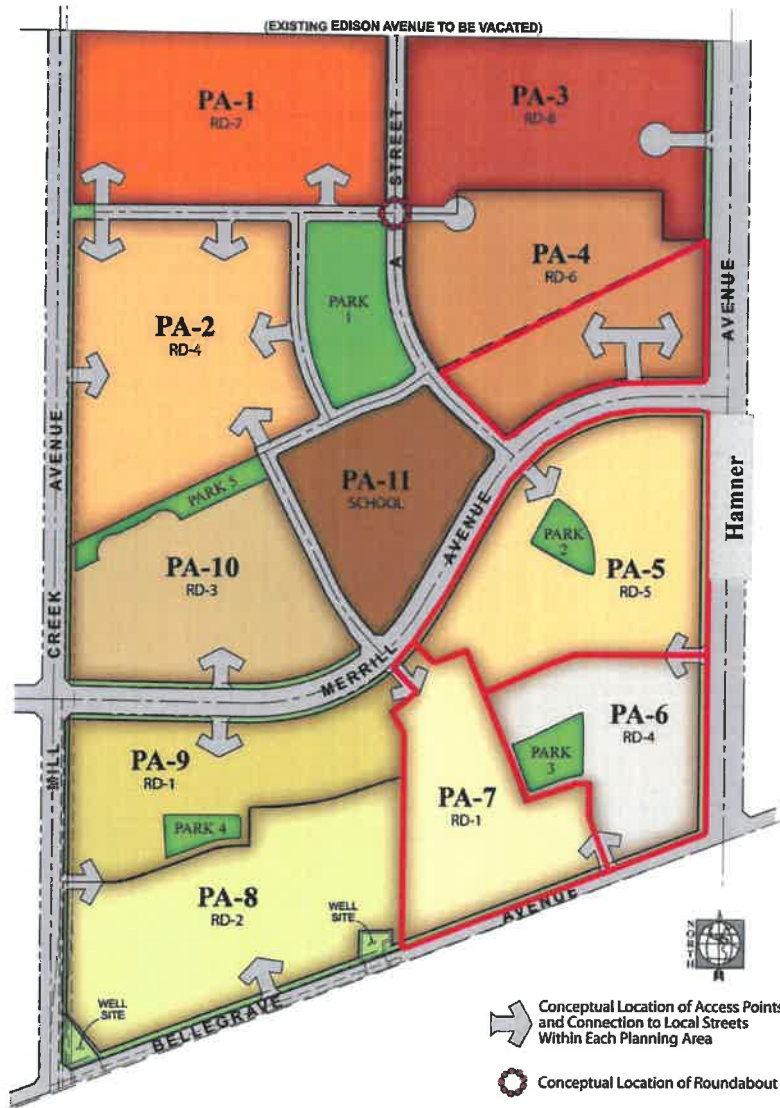


Exhibit 3
Land Use Plan

Ontario Esperanza Specific Plan

1.5

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA14-004, BETWEEN THE CITY OF ONTARIO AND GDC-RCCD, L.P., AND LENNAR HOMES OF CALIFORNIA, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17749, 17935, 17936, 18876 AND 18878. THE PROJECT IS LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF HAMNER AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 4, 5, 6, AND 7 OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-332-01 AND 0218-252-17.

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. 2855, approving a Development Agreement (File No. PDA16-003) between Regent Ontario, LLC and the City; and

WHEREAS, on December 10, 2010, GDC-RCCD, L.P. acquired the Property from Regent Ontario; and

WHEREAS, on September 2, 2014, the City Council of the City of Ontario adopted Ordinance No. 2998, approving a First Amendment to the Development Agreement (File No. PDA14-004) between GDCI RCCD, L.P. and the City; and

WHEREAS, on September 5, 2017, GDC-RCCD, L.P., transferred a portion of the project area to Lennar Homes of California, Inc., and partially assigned certain rights and obligations of the originally Development Agreement to Lennar Homes of California, Inc.; and

WHEREAS, attached to this Ordinance, marked Attachment "A" and incorporated herein by this reference, is the proposed Second Amendment to the Development Agreement between GDC-RCCD, L.P., Lennar Homes of California, Inc., and the City of Ontario, File No. PDA14-004. Hereinafter in this Ordinance, the Development Agreement is referred to as the "Development Agreement"; and

WHEREAS, on April 24, 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. PC18-055 recommending the City Council approve the Application; and

WHEREAS, on June 5, 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, the environmental impacts of this project were reviewed in a previous Addendum to Esperanza Specific Plan Environmental Impact Report (SCH#2002061047) approved by the City Council on September 2, 2014. 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, 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 previously approved addendum to the Esperanza Specific Plan (SCH#2002061047) that was approved by the City Council on September 4, 2018, and supporting documentation. Based upon the facts and information contained in the addendum to the Esperanza Specific Plan EIR (SCH#2002061047) and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with the previously approved addendum to the Esperanza Specific Plan EIR (SCH#2002061047) that was approved by the City Council on September 4, 2018. 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 proposed project is consistent with the maximum number of dwelling units (371) and density (7.5 DU/AC) specified within Esperanza Specific Plan. Per the Available Land Inventory, the Esperanza Specific Plan Specific Plan overall is required to provide 1,410 dwelling units.

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 June 5, 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 91 acres of land generally located at the northwest and southwest corners of Hamner Avenue and Eucalyptus Avenue, within Planning Areas 5 and 6 of the Esperanza Specific Plan and is presently mass graded; and

b. The properties to the north of the Project site are within Planning Area 4 of Esperanza Specific Plan and planned for single family development and developed dairy/agriculture uses. The property to the south of the project site is within the City of Eastvale and developed with single family residential development. The property to the east is within the City of Eastvale and developed with industrial uses. The property to west is located within Planning Area 4 of Esperanza Specific Plan and planned for single family development and currently vacant; and

c. The Second Amendment continues to apply to the same area as the original Development Agreement and propose to extend the terms of the Development Agreement for an additional five (5) period to serve Tentative Tract Maps No's 17935, 17936, 18878, and 18876. The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force; and

d. 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 reviewed with an addendum to the Esperanza Specific Plan EIR (SCH#2002061047) that was approved by the City Council on September 4, 2014, and supporting documentation. This application introduces no new significant environmental impacts; and

e. 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 paragraphs 1, 2, 3, 4 and 5 above, the City Council hereby APPROVES the Second Amendment of the Development Agreement, File No. PDA14-004.

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 19th day of June 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. 3104 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 5, 2018 and adopted at the regular meeting held June 19, 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. 3104 duly passed and adopted by the Ontario City Council at their regular meeting held June 19, 2018 and that Summaries of the Ordinance were published on June 12, 2018 and June 26, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT "A"

Second Amendment to the Development Agreement

Between

The City of Ontario, GDC-RCCD L.P., and Lennar Homes of California

File No. PDA14-004

(Document follows this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

**SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF ONTARIO
GDC - RCCD , L.P.
AND
LENNAR HOMES OF CALIFORNIA, INC.
(ESPERANZA EAST)**

This Second Amendment (hereinafter "Second Amendment") is entered into as of the _____ day of _____ 2018 by and between the City of Ontario, a California municipal corporation (hereinafter "CITY"), and GDC - RCCD L.P., a Delaware limited partnership and Lennar Homes of California, Inc., a California Corporation (hereinafter collectively referred to for purposes of this Second Amendment as "OWNERS").

RECITALS

WHEREAS, the CITY and the previous Owner, Regent Ontario L.L.C. ("Regent Ontario") previously entered into that certain Regent Ontario (Esperanza) Development Agreement (No. PDA 06-003) dated February 20, 2007 pursuant to Section 65864, et seq., of the Government Code, (hereinafter the "Original Development Agreement"); and

WHEREAS, one of the current Owners, GDC – RCCD L.P., acquired the Property from Regent Ontario on December 10, 2010; and

WHEREAS, under the terms of the sale and transfer of the Property, to GDC - RCCD L.P., GDC - RCCD L.P. was assigned and expressly and unconditionally assumed all the rights, duties and obligations of Regent Ontario under the Original Development Agreement, including, without limitation, all of the general rights, duties and obligations of OWNER under the Original Development Agreement; and

WHEREAS, CITY approved the transfer and assignment of the “Original Development Agreement” from Regent Ontario to GDC - RCCD L.P.; and

WHEREAS, Section 2.5 of the Original Development Agreement specifies that the Original 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 Original Development Agreement shall be the same as the procedure for adopting and entering into the Original Development Agreement; and

WHEREAS, CITY and GDC – RCCD L.P. have previously entered into that certain First Amendment to the Original Development Agreement, which had an “Effective Date” of September 2, 2014; and

WHEREAS, GDC - RCCD L.P. has transferred a portion of the Property to Lennar Homes of California, Inc., and Lennar Homes of California, Inc. has been partially assigned certain rights and obligations of the Original Development Agreement and Lennar Homes of California, Inc. has accepted such rights and obligations under the provisions of the Partial Assignment and Assumption Agreement between GDC - RCCD LP and Lennar Homes of California, Inc., dated September 5, 2017; and

WHEREAS, under the terms of the Partial Assignment and Assumption Agreement between GDC - RCCD LP and Lennar Homes of California, Inc., Lennar Homes of California, Inc. agreed to apply to CITY and diligently pursue an application to amend the Original Development Agreement to extend the term of the Original Development Agreement; and

WHEREAS, both OWNERS of the Property desire to amend the term provisions of the Original Development Agreement to provide for the extension of the term of the Original Development Agreement for an additional 5-year period.

AGREEMENTS

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

1. MODIFICATIONS TO DEVELOPMENT AGREEMENT

1.1 Modifications to Section 2.3 Term. Section 2.3 of the Original Development Agreement shall be removed and replaced with the following:

“2.3 Term. The term shall commence on the Effective Date of this Development Agreement and shall continue for an initial term of 10 years unless this term is modified or extended pursuant to the provisions of this agreement. The term of this Agreement shall be extended for an additional 5 years following the date that the ordinance adopting this Development Agreement becomes effective.”

2. INTEGRATION.

2.1 Integration of Previous Understandings and Clarifications. This Second Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this Second Amendment conflicts with the Original Development Agreement, or the First Amendment, this Second Amendment supersedes the Original Development Agreement and the First Amendment. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Original Development Agreement. This Second Amendment shall be recorded against the Property following its full execution.

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

SIGNATURE PAGE TO SECOND AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND GDC - RCCD, L.P. AND LENNAR HOMES OF CALIFORNIA, INC.

"OWNER"

GDC - RCCD L.P.,
a Delaware limited partnership

By:
Name:
Its:

Date: _____

"OWNER"

Lennar Homes of California, Inc. a
California Corporation

By: 
Name: Geoffrey Smith
Its: Vice President

Date: 2/28/18

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa, City Manager

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:
BEST, BEST & KRIEGER LLP

City Attorney

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies 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 Riverside)

On February 28, 2018 before me, Beth Bruley, Notary Public,
personally appeared Geoffrey Smith

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

Beth Bruley



(Seal)

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO AND WESTERN PACIFIC HOUSING INC. TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO. 18419; THE PROJECT IS LOCATED WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT OF PLANNING AREA 6A OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE (APN: 0218-201-15 AND 0218-201-44)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Second Amendment (File PDA07-001, on file with the Records Management Department) to the Development Agreement between the City of Ontario and Western Pacific Housing Inc., to extend the term of the Development Agreement to serve Tract Map No. 18419.

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

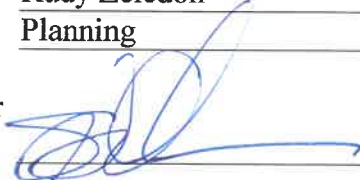
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

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

FISCAL IMPACT: The proposed Development Agreement Amendment will extend the term of the Development Agreement to serve Tract Map No. 18419. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the Ontario Ranch development. The Development Agreement and the related tract map(s) conditions require the developer to construct public infrastructure.

BACKGROUND: On June 5, 2018, the City Council introduced and waived further reading of an ordinance approving the Development Agreement Amendment. On December 9, 2006, the City Council approved The Avenue Specific Plan and Environmental Impact Report (EIR). The Avenue Specific Plan

STAFF MEMBER PRESENTING: Scott Murphy, Development Director

Prepared by: Rudy Zeledon
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

30

established the land use designations, development standards, and design guidelines for 568 acres, which includes the potential development of 2,875 dwelling units and approximately 131,000 square feet of commercial. Subsequently, on June 19, 2007 the City Council approved a Development Agreement, File No. PDA07-001, between the City of Ontario and Distinguished Land Development, Inc., the original applicant for the property. In December of 2010, Ontario Schaefer Holdings LLC acquired the property from Distinguished Land Development, Inc.

On March 4, 2014, the City Council approved a First Amendment to the Development that included updates to certain provisions of the Development Agreement to conform to the construction agreement within NMC Builders.

On October 3, 2017, Ontario Schaefer Holdings LLC, transferred the property to Lennar Western Pacific Housing, Inc., and assigned certain rights and obligations of the original Development Agreement to Western Pacific Housing, Inc.

As the current owner of the property, Western Pacific Housing, Inc., desires to amend the term of the provisions to the original Development Agreement and is requesting to extend the terms of the Development Agreement for an additional five (5) year period to serve Tentative Tract Map No. 18419. The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force.

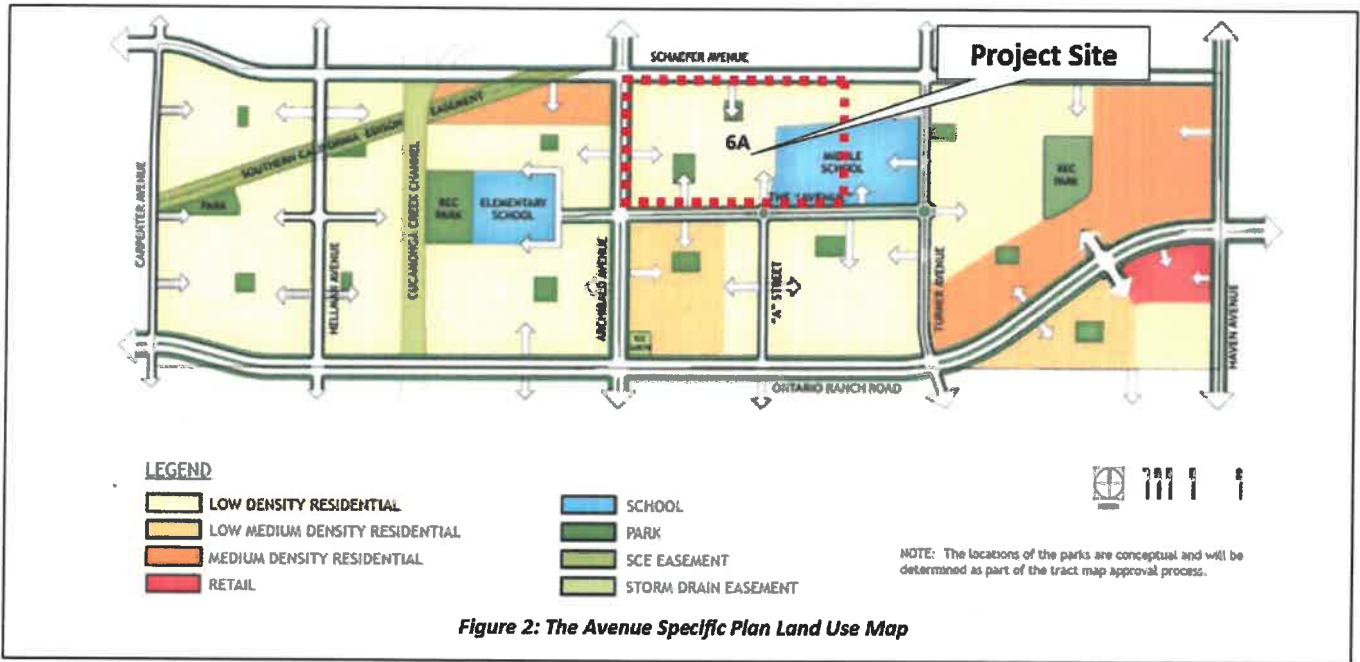
In considering the application at their meeting of April 24, 2018, the Planning Commission found that the Second Amendment to the Development Agreement was consistent with State law; The Ontario Plan; the City's Development Agreement policies; and other Development Agreements previously approved for Ontario Ranch developments; and, with a 5 to 0 vote (Resolution No. PC18-053), recommended approval of the Second 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 (229) and density (3.83 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with an overall density range of 2-12 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 analyzed in a previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was certified by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A"
The Avenue Specific Plan Land Use Plan



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA07-001, BETWEEN THE CITY OF ONTARIO AND WESTERN PACIFIC HOUSING, INC., TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO. 18419. THE PROJECT IS LOCATED WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT OF PLANNING AREA 6A OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-201-15 AND 0218-201-44.

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 June 19, 2007, the City Council of the City of Ontario adopted Ordinance No. 2862, approving a Development Agreement between Distinguished Land Development, and the City; and

WHEREAS, on December 14, 2010, Ontario Schaefer Holdings LLC acquired the property from Distinguished Land Development; and

WHEREAS, on March 4, 2014, the City Council of the City of Ontario adopted Ordinance No. 2986, approving a First Amendment to the Development Agreement between Ontario Schaefer Holdings LLC, and the City; and

WHEREAS, on October 3, 2017, Ontario Schaefer Holdings LLC transferred the property to Lennar Western Pacific Housing, Inc., and assigned certain rights and obligations of the originally Development Agreement to Western Pacific Housing, Inc.; and

WHEREAS, attached to this Ordinance, marked Attachment "A" and incorporated herein by this reference, is the proposed Second Amendment to the Development Agreement Western Pacific Housing, Inc., and the City of Ontario, File No. PDA07-001. 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 The Avenue Specific Plan, for which an Environmental Impact Report (SCH #2005071109) was certified by the City Council on December 9, 2006. This Application 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 April 24, 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. PC18-053 recommending the City Council approve the Application; and

WHEREAS, on June 5, 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 previously certified EIR for The Avenue Specific Plan (SCH#2005071109) was certified by the City Council on December 9, 2006, and supporting documentation. Based upon the facts and information contained in the addendum to The Avenue Specific Plan EIR (SCH#2005071109) and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with The Avenue Specific Plan EIR (SCH# 2005071109), certified by the City of Ontario City Council on December 9, 2006, in conjunction with File No. PSP05-003.

(2) The previous The Avenue Specific Plan EIR (SCH# 2005071109) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous The Avenue Specific Plan EIR (SCH# 2005071109), was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous The Avenue Specific Plan EIR (SCH# 2005071109) 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 The Avenue Specific Plan EIR (SCH# 2005071109), and all mitigation measures previously adopted with The Avenue Specific Plan EIR (SCH# 2005071109), 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 to The Avenue Specific Plan EIR (SCH# 2005071109) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to The Avenue Specific Plan EIR (SCH# 2005071109) that will require major revisions to The Avenue Specific Plan EIR (SCH# 2005071109) 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 Avenue Specific Plan EIR (SCH# 2005071109) was prepared, that will require major revisions to The Avenue Specific Plan EIR (SCH# 2005071109) 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 Avenue Specific Plan EIR (SCH# 2005071109) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in The Avenue Specific Plan EIR (SCH# 2005071109); or

(b) Significant effects previously examined will be substantially more severe than shown in The Avenue Specific Plan EIR (SCH# 2005071109); 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 Avenue Specific Plan EIR (SCH# 2005071109) 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 proposed project is consistent with the maximum number of dwelling units (229) and density (3.83 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan Specific Plan overall is required to provide 2,552 dwelling units.

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 June 5, 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 59.82 acres of land generally located at southeast corner of Archibald Avenue and Schaefer Avenue, within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan and is presently mass graded; and

b. The properties to the north of the Project site are within the Low Density Residential (2.1 to 5 du/ac) zoning designation and are developed with single family homes. The property to the south of the project site is within Planning Area 7 of The Avenue Specific Plan, planned for single family residential development and currently being mass graded. The property to the east is within Planning Areas 6B and 9A of The Avenue Specific Plan, is planned for single family residential development and a middle school and is vacant. The property to the west is within Planning Areas 4 and 5 of The Avenue Specific Plan, is planned for single family residential development and is vacant; and

c. The Second Amendment continues to apply to the same area as the original Development Agreement and propose to extend the terms of the Development Agreement for an additional five (5) period to serve Tentative Tract Maps No. 18419. The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force; and

d. 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 reviewed with The Avenue Specific Plan EIR (SCH# 2005071109) that was certified by the City Council on December 9, 2006, and supporting documentation. This application introduces no new significant environmental impacts; and

e. 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 paragraphs 1, 2, 3, 4 and 5 above, the City Council hereby APPROVES the Second Amendment to Development Agreement, File No. PDA07-001.

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 19th day of June 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. 3102 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 5, 2018 and adopted at the regular meeting held June 19, 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. 3102 duly passed and adopted by the Ontario City Council at their regular meeting held June 19, 2018 and that Summaries of the Ordinance were published on June 12, 2018 and June 26, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit "A"

**Second Amendment to the Development Agreement
Between The City of Ontario and Western Pacific Housing, Inc.**

File No. PDA07-001

(Document follows this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6103

Space above this line for Recorder's Use Only

**SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF ONTARIO
AND
WESTERN PACIFIC HOUSING, INC.**

This Second Amendment to the Development Agreement (hereinafter "Second Amendment") is entered into as of the ____ day of _____ 2018 by and between the CITY OF ONTARIO, a California municipal corporation (hereinafter "CITY"), and WESTERN PACIFIC HOUSING, INC., a Delaware corporation (hereinafter "OWNER").

RECITALS

WHEREAS, the CITY and Distinguished Land Development, Inc., a California corporation, as predecessor in interest of OWNER, previously entered into a Development Agreement pursuant to Section 65864, *et seq.*, of the Government Code, (hereinafter the "Original Development Agreement") and such Original Development Agreement was recorded in the County of San Bernardino on June 20, 2007 as Document No. 2007-0428993; and

WHEREAS, Ontario Schaefer Holdings LLC acquired the Property from Distinguished Land Development Inc. on December 14, 2010; and

WHEREAS, under the terms of the sale and transfer of the Property to Ontario Schaefer Holdings LLC, Ontario Schaefer Holdings LLC expressly and unconditionally assumed all the rights, duties and obligations of Distinguished Land Development Inc. under the Original Development Agreement, including, without limitation, all of the general rights, duties and obligations of OWNER under the Original Development Agreement; and

WHEREAS, CITY has approved the transfer and assignment of the "Original Development Agreement" from Distinguished Land Development Inc. to , Ontario Schaefer Holdings LLC.; and

WHEREAS, Ontario Schaefer Holdings LLC has transferred the Property to Western Pacific Housing, Inc. and Western Pacific Housing, Inc. has been assigned certain rights and obligations of the Original Development Agreement, and Western Pacific Housing, Inc. has accepted such rights and obligations under the provisions of the Conditional Assignment and Assumption Agreement between Ontario Schaefer Holdings LLC and Western Pacific Housing, Inc. dated October 3, 2017; and

WHEREAS, under the terms of the Conditional Assignment and Assumption Agreement between Ontario Schaefer Holdings LLC and Western Pacific Housing, Inc., Western Pacific Housing, Inc. agreed to apply to CITY and diligently pursue an application to amend the Original Development Agreement to extend the term of the Original Development Agreement; and

WHEREAS, CITY and Ontario Schaefer Holdings LLC have previously entered into that certain First Amendment to the Original Development Agreement, which had an "Effective Date" of March 4, 2014; and

WHEREAS, the current OWNER of the Property, Western Pacific Housing, Inc. desires to amend the term provisions of the Original Development Agreement to provide for the extension of the term of the Original Development Agreement for an additional 5-year period; and

WHEREAS, Section 2.5 of the Original Development Agreement specifies that the Original 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 Original Development Agreement shall be the same as the procedure for adopting and entering into the Original Development Agreement.

AGREEMENTS

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

1. MODIFICATIONS TO DEVELOPMENT AGREEMENT

1.1 Modifications to Section 2.3 Term. Section 2.3 of the Original Development Agreement shall be removed and replaced with the following:

"2.3 Term. The term shall commence on the Effective Date of this Development Agreement and shall continue for an initial term of 10 years unless this term is modified or extended pursuant to the provisions of this agreement. The term of this Agreement shall be extended for an additional

5 years following the date that the ordinance adopting this Second Amendment becomes effective.”

2. INTEGRATION.

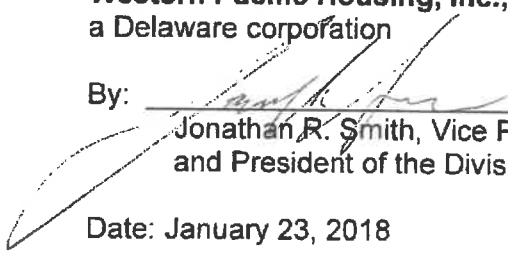
2.1 Integration of Previous Understandings and Clarifications. This Second Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this Second Amendment conflicts with the Original Development Agreement, or the First Amendment, this Second Amendment supersedes the Original Development Agreement and the First Amendment. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Original Development Agreement. This Second Amendment shall be recorded against the Property following its full execution.

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

**SIGNATURE PAGE
TO
SECOND AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ONTARIO
AND
WESTERN PACIFIC HOUSING, INC.**

"OWNER"

**Western Pacific Housing, Inc.,
a Delaware corporation**

By: 
Jonathan R. Smith, Vice President
and President of the Division

Date: January 23, 2018

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa, City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:
BEST, BEST & KRIEGER LLP

City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

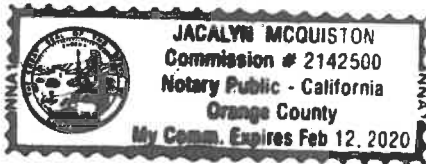
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of RIVERSIDE)
On JANUARY 24 2018 before me, JACALYN MCQUISTON,
Date Here Insert Name and Title of the Officer
personally appeared JONATHAN R. SMITH
Name(s) of Signer(s)

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 Jacalyn McQuiston
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer -- Title(s): _____
 Partner -- Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer -- Title(s): _____
 Partner -- Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE EXISTING STORM DRAIN MAINTENANCE SERVICES AGREEMENT COVERING CITYWIDE LOCATIONS

RECOMMENDATION: That the City Council authorize the City Manager to execute an amendment to Storm Drain Maintenance Services Agreement No. SM 1718-2 (on file with Records Management Department) with Innerline Engineering, Inc. of Corona, California, extending the contract term by four months to June 30, 2018 and adding \$62,539 of additional funding for an amended contract amount of \$156,200, plus a contingency of \$6,300.

COUNCIL GOALS: 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

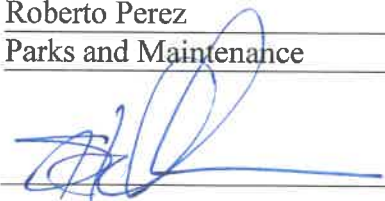
FISCAL IMPACT: The Fiscal Year 2017-18 Adopted Operating Budget includes appropriations in the Storm Drain Maintenance Fund sufficient to cover the total revised agreement authority of \$162,300.

BACKGROUND: In September 2017, the City solicited proposals for routine storm drain maintenance services throughout the City. Four proposals were received that met the criteria and standards necessary to perform this work.

<u>Vendor</u>	<u>Location</u>	<u>Base Amount</u>
Innerline Engineering, Inc.	Corona, CA	\$ 93,661
United Storm Water Inc.	Industry, CA	\$117,017
DownStream Services, Inc.	Escondido, CA	\$135,264
Ferreira Coastal	Chino, CA	\$292,730

Innerline Engineering, Inc., located in Corona, California, submitted the lowest cost proposal that met all the required specifications. Based on the proposal, credentials, pricing, and favorable reference checks, staff awarded a Maintenance Services Agreement to Innerline Engineering, Inc. within the City Manager's signature authority.

STAFF MEMBER PRESENTING: Mark Chase, Community and Public Services Director

Prepared by: Roberto Perez
Department: Parks and Maintenance
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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During the agreement term, additional service areas (including open channels) were identified throughout the city that needed maintenance to meet NPDES standards. To comply with the standards the proposed amendment adds these locations and extends the service period through the end of the fiscal year under the existing terms and conditions of the bid received and awarded in November 2017. The additional appropriations requested will cover the additional effort and provide adequate contingency for any unforeseen issues that may arise.

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE PURCHASE CONTRACT FOR A TACTICAL RESPONSE VEHICLE

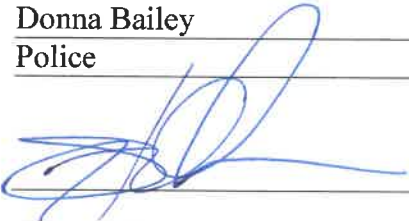
RECOMMENDATION: That the City Council authorize the City Manager to execute an amendment to the existing sole source purchase contract with Lenco Armored Vehicles of Pittsfield, Massachusetts, to increase the purchase agreement in the amount of \$575,000.

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

FISCAL IMPACT: On March 6, 2018, the City Council approved the purchase contract of a tactical response vehicle in the amount of \$520,000. Staff recommends additional appropriations of \$55,000 from the Citizen's Option for Public Safety / Enhancing Law Enforcement Activities Subaccount (COPS/ELEAS) Grant Program FY 2015-16 to cover the revised cost and contingencies of \$575,000.

BACKGROUND: After the March 2018 City Council authorization to procure the subject vehicle, application was made to the State for a noncompetitive procurement authorization approval from the California Governor's Office of Emergency Services (Cal OES). The Police Department received authorization from Cal OES on May 17, 2018. Due to length of the approval process from Cal OES, Lenco informed the City that the cost of the vehicle had increased as a result of changes in shipping cost. There is also a new Federal requirement for an insurance bond, the cost of which is included in the additional appropriations required.

STAFF MEMBER PRESENTING: Derek Williams, Chief of Police

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

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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CITY OF ONTARIO

Agenda Report
June 19, 2018

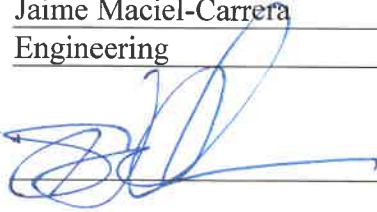
SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING AN ADDENDUM TO THE ONTARIO PLAN FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MOUNTAIN AVENUE AND HOLT BOULEVARD INTERSECTION WIDENING PROJECT, CONSIDERATION OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF FEE AND EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY

RECOMMENDATION: That the City Council conduct a public hearing and:

- (1) Adopt the Resolution approving an Addendum to The Ontario Plan (“TOP”) Final Environmental Impact Report (“EIR”) for the Mountain Avenue and Holt Boulevard Intersection Widening Project pursuant to CEQA Section 15164;
- (2) Consider the adoption of a Resolution of Necessity and provide all parties interested in the affected properties, their attorneys or representatives, an opportunity to be heard on the issues relevant to the Resolution of Necessity;
- (3) Make the following findings as hereinafter described in this report:
 - a. The public interest and necessity require the proposed project;
 - b. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
 - c. The real property to be acquired is necessary for the project; and
 - d. The offers of just compensation have been made to the property owners; and
- (4) Adopt a Resolution of Necessity declaring that the acquisition of fee and easement interests in certain real property, more particularly described as Assessor Parcel No.’s 1010-522-13, 1010-522-06, 1010-522-12, 1010-522-11, 1010-522-10, 1010-502-13, 1010-502-12, 1010-502-11, 1010-502-10, 1010-502-09, 1010-502-08, 1010-502-07, 1010-502-06, 1011-131-02, 1011-131-03, 1011-131-04, 1011-131-19, 1011-132-06, and 1011-132-07 by eminent domain is necessary for public right-of-way and the construction of the Mountain Avenue

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

Prepared by: Jaime Maciel-Carrera
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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and Holt Boulevard Intersection Widening Project (“Project”) and related public infrastructure improvements in the City of Ontario, San Bernardino County, California.

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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

FISCAL IMPACT: The Adopted Five-Year Capital Improvement Program Budget includes appropriations in the amount of \$7,000,000 to complete all phases of the Project including design, right of way acquisition and construction. Per the San Bernardino County Transportation Authority (SBCTA) Valley Major Street Program — Arterial Subprogram, the City's share of the Project is 44.4% from Old Model Colony Street Development Impact Fees and SBCTA’s Measure I share is 55.6%. The split is in accordance with SBCTA's approved Measure I 2010-2040 Strategic Plan. Deposits to file the Resolution of Necessity total \$534,000 with the City’s share of \$237,096 coming from Development Impact Fee funds.

BACKGROUND: The Mountain Avenue and Holt Boulevard Intersection Widening Project and related public infrastructure improvements are required and will benefit the community by widening Holt Boulevard to its ultimate configuration per The Ontario Plan recommendations with the installation of additional turn lanes, thereby increasing travel efficiency on Mountain Avenue and Holt Boulevard. The Project also accommodates the future West Valley Connector Bus Rapid Transit (BRT) Project along Holt Boulevard.

The City obtained appraisals of the affected properties from Bender Rosenthal, Inc. Offers of just compensation were made to the property owners pursuant to California Government Code section 7267.2. The consulting firm of Bender Rosenthal, Inc. has been negotiating on behalf of the City to purchase the properties. One agreement has been reached; however the remaining are still in negotiations. Preliminary title reports were ordered to determine and confirm the identities of the record owners. Following standard public records and due diligence searches for ownership information, a notice of this public hearing was mailed to the property owners.

The power of eminent domain is used by the City only as a last resort to obtain interests necessary for projects after 1) negotiations have stalled; or 2) the owner has requested that the City proceed directly to eminent domain for tax or other advantages; or 3) the eminent domain process is necessary to clear title to the property. In this case, offers of just compensation were made to the owners for the full Fair Market Value as determined by appraisals. City staff attempted to negotiate amicable settlements in good faith, and will continue to do so throughout the process. California’s definition of Fair Market Value is one of the most inclusive definitions in the United States and requires the appraiser to consider the highest and best use of the property and to consider the highest price a willing buyer and seller would agree to. The City’s appraisals must use this definition of Fair Market Value.

California eminent domain law provides that a public entity may not commence with eminent domain proceedings until its governing body has adopted a resolution of necessity, which may only be adopted after the governing body has given each party with an interest in the affected property, or their representatives, a reasonable opportunity to appear and be heard on the following matters:

- 1) The public interest and necessity require the proposed Project;
- 2) The Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;

- 3) The real property to be acquired is necessary for the Project; and
- 4) The offers of just compensation have been made to the property owner.

Since agreements have not been reached with the remaining property owners, it may become necessary to acquire the properties by the eminent domain process to meet critical project deadlines. The eminent domain process begins with the adoption of a Resolution of Necessity declaring intent to acquire fee and easement interests in portions of real property through eminent domain proceedings for public right-of-way and the construction of the Mountain Avenue and Holt Boulevard Intersection Widening Project and related public infrastructure improvements. Adoption of the Resolution of Necessity should not affect any negotiations or agreements reached with the property owners. Record owners must be afforded an opportunity to appear at the hearing and lodge objections. Pursuant to Section 1245.235 of the California Code of Civil Procedures, notice of this hearing was sent by first class mail on June 4, 2018, to each record owner, and stated the City’s intent to consider the adoption of a resolution, the right of the property owner to appear and be heard on these issues, and notice that failure to file a written request to appear would result in a waiver of the right to appear and be heard. The City scheduled this hearing, at which time all persons who filed a written request in compliance with applicable law may appear and be heard.

DESCRIPTION OF PROPERTY TO BE ACQUIRED:

The affected properties (“Properties”) are located on both sides of Mountain Avenue from Holt Boulevard to 500’ north of Holt Boulevard, and both sides of Holt Boulevard from 520’ west of Mountain Avenue to 680’ east of Mountain Avenue. (Exhibits “A” through “N”).

The following table provides greater detail on the Properties, and identifies the legal description exhibit number which are attached to the resolution:

<u>Assessor Parcel No.</u>	<u>Record Owner</u>	<u>Description of Property to be Acquired</u>	<u>Exhibit No.</u>
1010-522-13	The Culhane Family Trust, dated February 10, 1988	The proposed acquisition consists of a permanent easement and a temporary construction easement interest. The site address is 1150 W. Holt Blvd, Ontario.	A
1010-522-06 1010-522-12	Corradi Family Revocable Trust, created by declaration on April 16, 1999 and Nicholas Lam	The proposed acquisition consists of a permanent easement and a temporary construction easement interest. The site addresses are 1134, 1136 and 1124 W. Holt Blvd, Ontario.	B
1010-522-11	Rodolfo and Ana Elvira Gomez	The proposed acquisition consists of a permanent easement and a temporary construction easement interest. The site address is 1108 W. Holt Blvd, Ontario.	C
1010-522-10	Henley Pacific SD, LLC	The proposed acquisition consists of a permanent easement and a temporary construction easement	D

<u>Assessor Parcel No.</u>	<u>Record Owner</u>	<u>Description of Property to be Acquired</u>	<u>Exhibit No.</u>
		interest. The site address is 1102 W. Holt Blvd, Ontario.	
1010-502-13	TNS Family LLC	The proposed acquisition consists of a temporary construction easement interest. The site address is 142 N. Mountain Ave, Ontario.	E
1010-502-12 1010-502-11 1010-502-10 1010-502-09	Guadalupe, Rodolfo, & Trinidad Jauregui	The proposed acquisition consists of a temporary construction easement interest. The site addresses are 122 N. Mountain Ave and 1050 W. Holt Blvd, Ontario.	F/G
1010-502-08	Guadalupe and Rodolfo Jauregui	The proposed acquisition consists of a temporary construction easement interest. The site address is 1050 W. Holt Blvd, Ontario.	G
1010-502-07 1010-502-06	Ayad and Fatina Jaber	The proposed acquisition consists of a temporary construction easement interest. The site addresses are 1020 and 1034 W. Holt Blvd, Ontario.	H
1011-131-02	Tim and Donna Pfutzenreuter	The proposed acquisition consists of a temporary construction easement interest. The site address is 1151 W. Holt Blvd, Ontario.	I
1011-131-03	Holt Auto Center, LLC	The proposed acquisition consists of a permanent easement and a temporary construction easement interest. The site address is 1141 W. Holt Blvd, Ontario.	J
1011-131-04	Francisco Sandoval Jr.	The proposed acquisition consists of a temporary construction easement interest. The site address is 1125 W. Holt Blvd, Ontario.	K
1011-131-19	EMSET, LLC	The proposed acquisition consists of a permanent easement and a temporary construction easement interest. The site address is 1113 W. Holt Blvd, Ontario.	L
1011-132-06	G & M Gapco, LLC	The proposed acquisition consists of a temporary construction easement interest. The site address is 1065 W. Holt Blvd, Ontario.	M
1011-132-07	Paint Bucket, Inc.	The proposed acquisition consists of a permanent easement and a temporary construction easement interest. The site address is 1051 W. Holt Blvd, Ontario.	N

HEARINGS AND REQUIRED FINDINGS:

The recommended actions of the City Council pertain to the acquisition of fee and easement interests in the Properties.

California eminent domain law provides that a public entity may not commence an eminent domain proceeding until its governing body has adopted a Resolution of Necessity, which resolution may only be adopted after the governing body has given each party with an interest in the affected property or their representatives a reasonable opportunity to appear and be heard.

The four required findings are addressed as follows:

1. The Public Interest and Necessity Require the Proposed Project

The Mountain Avenue and Holt Boulevard Intersection Widening Project in the City of Ontario, San Bernardino County, California will eliminate traffic and congestion along Mountain Avenue and Holt Boulevard; and will improve motorist and pedestrian safety, reduce accidents and delays to motorists, and improve air quality.

2. The Project is Planned or Located in a Manner that will be Most Compatible with the Greatest Public Good and the Least Private Injury

The intersection improvements are designed to minimize impacts and maximize the efficiency of the City's transportation system. The Project provides an improved intersection level of service and improves traffic circulation in the area. The Properties to be acquired are best suited for the Project and will cause the least private injury. To move this Project elsewhere would require significant reconstruction of street infrastructure, cause a greater impact in the new location as well as to nearby residents, be much more costly at the expense of local taxpayers, and not improve the intersection level of service.

3. The Real Property to be Acquired is Necessary for the Proposed Project

The properties described in Exhibit "A through N", portions of APNs 1010-522-13, 1010-522-06, 1010-522-12, 1010-522-11, 1010-522-10, 1010-502-13, 1010-502-12, 1010-502-11, 1010-502-10, 1010-502-09, 1010-502-08, 1010-502-07, 1010-502-06, 1011-131-02, 1011-131-03, 1011-131-04, 1011-131-19, 1011-132-06, and 1011-132-07 are necessary for the City's street widening and improvements to Mountain Avenue and Holt Boulevard.

4. The Offer of Just Compensation Has Been Made

Appraisals were prepared by Bender Rosenthal, Inc. to establish the fair market value of the real property the City is seeking to acquire. Offers of just compensation were made to the property owners to purchase the fee and easement interests as established by the approved appraisal and as required by Section 7267.2 of the California Government Code. Although a negotiated settlement may still be possible for the real properties cited above, it would be appropriate to commence the procedures to acquire the property through eminent domain, to ensure that the City has possession of the real property, which is necessary in order for the City to begin construction of the project.

The date of the offer, the assessor parcel number, and the party to whom the offer was made is provided in the following table:

<u>Assessor Parcel No.</u>	<u>Record Owner</u>	<u>Date of Offer</u>
1010-522-13	The Culhane Family Trust, dated February 10, 1988	12/26/2017
1010-522-06 1010-522-12	Corradi Family Revocable Trust, created by declaration on April 16, 1999 and Nicholas Lam	12/26/2017
1010-522-11	Rodolfo and Ana Elvira Gomez	12/26/2017
1010-522-10	Henley Pacific SD, LLC	12/26/2017
1010-502-13	TNS Family LLC	12/14/2017
1010-502-12 1010-502-11 1010-502-10 1010-502-09	Guadalupe, Rodolfo, & Trinidad Jauregui	12/26/2017
1010-502-08	Guadalupe and Rodolfo Jauregui	12/26/2017
1010-502-07 1010-502-06	Ayad and Fatina Jaber	12/26/2017
1011-131-02	Tim and Donna Pfutzenreuter	12/21/2017
1011-131-03	Holt Auto Center, LLC	12/26/2017
1011-131-04	Francisco Sandoval Jr.	12/14/2017
1011-131-19	EMSET, LLC	12/26/2017
1011-132-06	G & M Gapco, LLC	12/26/2017
1011-132-07	Paint Bucket, Inc.	12/26/2017

ENVIRONMENTAL ANALYSIS:

Pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an addendum to the Ontario Plan EIR was prepared by the City with regard to the Mountain Avenue and Holt Boulevard Intersection Widening (“Addendum”). The Addendum incorporates, by reference, the analysis contained in the Ontario Plan EIR, and addresses only those issues specific to the Mountain Avenue and Holt Boulevard Intersection Widening. The City proposes to approve the Resolution as an activity within the TOP, as the activity proposed under the Resolution is within the scope of TOP, and, as described in the Addendum and the Initial Study, the TOP EIR adequately describes the activity proposed under the Resolution for the purposes of CEQA. The Addendum concludes that the Project will not result in new,

or substantially more adverse, significant environmental impacts than those disclosed in the Ontario Plan EIR.

Copy of the Addendum, and supporting documents are available for review at the Office Records Management Office and the Ontario Planning Department.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR THE MOUNTAIN AVENUE AND HOLT BOULEVARD INTERSECTION WIDENING PROJECT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for attachment an Addendum for the Mountain Avenue and Holt Boulevard Intersection Widening Project (the "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 "CEQA"); and

WHEREAS, The Mountain Avenue and Holt Boulevard Intersection Widening Project (the "Project") analyzed under the Addendum consists of public infrastructure improvements which will widen Holt Boulevard to its ultimate configuration per The Ontario Plan recommendations with the installation of additional turn lanes, thereby increasing travel efficiency on Mountain Avenue and Holt Boulevard; 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 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 — State Clearinghouse No. 2008101140, certified by the Ontario City Council on January 2010 (hereinafter referred to as "Certified EIR").

(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 through 5, 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. 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 5. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**Addendum to The Ontario Plan
Environmental Impact Report**

(Addendum to follow this page)

RESOLUTION NO. _____

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF REAL PROPERTY.

WHEREAS, the City of Ontario ("City") proposes to acquire permanent easement and temporary construction easement interests in portions of certain real property, located in San Bernardino County, California, more particularly described as Assessor Parcel No. 1010-522-13, 1010-522-06, 1010-522-12, 1010-522-11, 1010-522-10, 1010-502-13, 1010-502-12, 1010-502-11, 1010-502-10, 1010-502-09, 1010-502-08, 1010-502-07, 1010-502-06, 1011-131-02, 1011-131-03, 1011-131-04, 1011-131-19, 1011-132-06, and 1011-132-07, for street widening and improvements on Mountain Avenue and Holt Boulevard located in the City of Ontario, San Bernardino County, California, pursuant to the authority granted to it by section 37350.5 of the California Government Code; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the City scheduled a public hearing for June 19, 2018, at 6:30 p.m., at the Ontario City Hall Council Chambers, located at 303 East B Street, Ontario, California, 91764, and gave to each person whose property is to be acquired and whose name and address appeared on the last equalized county assessment roll, notice and a reasonable opportunity to appear at said hearing and be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the City, and the affected property owners were afforded an opportunity to be heard on said matters; and

WHEREAS, the City may now adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, THE CITY DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:

SECTION 1. Compliance with California Code of Civil Procedure. There has been compliance by the City with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

SECTION 2. Public Use. The public use for the permanent easements and temporary construction easements interests in the properties to be acquired is for The City of Ontario's street widening and improvements to Holt Boulevard in the City of Ontario, San Bernardino, California. Section 37350.5 of the California Government Code authorizes the City to acquire, by eminent domain, property necessary for such purposes.

SECTION 3. Description of Property. Attached and marked as Exhibits “A” through “N” are the legal definitions, legal description and plat map, respectively, of the interest to be acquired by the City, which describe the general location and extent of the property with sufficient detail for reasonable identification.

SECTION 4. Findings. The City hereby finds and determines each of the following:

- (a) The public interest and necessity require the proposed project;
- (b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The properties defined, described and depicted in Exhibits “A” through “N” are necessary for the proposed project; and
- (d) The offers required by section 7267.2 of the California Government Code were made.

SECTION 5. Use Not Unreasonably Interfering with Existing Public Use. Some or all of the real property affected by the interest to be acquired is subject to easements and rights-of-way appropriated to existing public uses. The legal descriptions of these easements and rights-of-way are on file with the City and describe the general location and extent of the easements and rights-of-way with sufficient detail for reasonable identification. In the event the herein described use or uses will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, counsel for the City is authorized to acquire the herein described interest subject to such existing public use(s) pursuant to section 1240.510 of the California Code of Civil Procedure.

SECTION 6. More Necessary Public Use. Some or all of the real property affected by the interests to be acquired is subject to easements and rights-of-way appropriated to existing public uses. To the extent that the herein described use or uses will unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, the City finds and determines that the herein described use or uses are more necessary than said existing public use. Counsel for the City is authorized to acquire the herein described real property appropriated to such existing public uses pursuant to section 1240.610 of the California Code of Civil Procedure. Staff is further authorized to make such improvements to the affected real property that it determines are reasonably necessary to mitigate any adverse impact upon the existing public use.

SECTION 7. Further Activities. Counsel for the City is hereby authorized to acquire the hereinabove described real property in the name of and on behalf of the City by eminent domain, and counsel is authorized to institute and prosecute such legal

proceedings as may be required in connection therewith. Legal counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court, to permit the City to take possession of and use said real property at the earliest possible time. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action, or other proceedings or transactions required to acquire the subject real property. Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.

SECTION 8. Effective Date. This Resolution shall take effect upon adoption.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 19, 2018


SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTH PARK AND COUNTRYSIDE); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS; AND DISSOLUTION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190)

RECOMMENDATION: That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 45 (Northpark and Countryside), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 45 (Northpark and Countryside);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 45 (Northpark and Countryside);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 45 (Northpark and Countryside);
- (F) Adopt a resolution authorizing the execution and delivery of an acquisition and funding agreement with KB Home California LLC; and
- (G) Introduce and waive further reading of an ordinance dissolving City of Ontario Community Facilities District No. 36 (Eucalyptus 190).

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
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: The use of Mello-Roos financing in the residential development of the Northpark and Countryside projects is estimated to generate approximately \$8 million to be used to help fund a portion of the public infrastructure improvements that will serve the project, and approximately \$390,000 per year, at build out, to fund City services. As proposed, the services maximum annual tax rate on each of the detached units is \$1,622. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Government services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property owned by the Government with an estimated useful life of five or more years. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention to establish a community facilities district and levy special taxes, and to issue bonds.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony ("First Amended and Restated Construction Agreement") between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts to assist in the financing of the public improvements included in the agreement. KB Home California LLC and KB HOME Coastal Inc., NMC Builders members, have provided written petitions to the City requesting formation of a community facilities district for the Northpark and Countryside projects in Ontario Ranch. The Northpark project addresses the development of approximately 36 gross acres located generally west of Park Place Avenue, east of Archibald Avenue, south of Eucalyptus Avenue and north of Parkview Street. The Countryside project addresses the development of approximately 9 gross acres located west of Archibald Avenue, east of Cucamonga Creek Channel, south of Riverside Drive and north of Chino Avenue. At build out, the projects are projected to include 241 detached residential units.

On May 15, 2018, the City Council approved Resolution No. 2018-041, a Resolution of Intention to establish City of Ontario Community Facilities District No. 45 (Northpark and Countryside) and authorize the levy of special taxes, and Resolution No. 2018-042, declaring its intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting of June 19, 2018 to consider formation matters.

Included, as part of the resolution of intention for the proposed district, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 45 (Northpark and Countryside). Under the proposed Rate and Method of Apportionment, **the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not increase over time.** The amount of bonds authorized (\$30 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$8 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The term and structure of the Rate and Method of Apportionment of Special Tax for the Northpark and Countryside projects comply with the City Council's adopted Mello-Roos Local Goals and Policies in all respects, and are consistent with those of the previously adopted Rates and Methods of Apportionment for Ontario Ranch community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in Ontario Ranch are developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in Ontario Ranch community facilities districts will be required to disclose the maximum annual special tax amounts to each homeowner before entering into a sales contract.

Attached are five resolutions and two ordinances. The first resolution establishes the CFD, with the rate and method of apportionment of special taxes, and authorizes the levy of special taxes within the Community Facilities District. The second resolution deems the necessity of incurring bonded indebtedness. The third calls for a special landowner election to be held on June 19, 2018. The fourth resolution declares the results of the election, including a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The final resolution authorizes the execution and delivery of an acquisition and funding agreement with KB Home California LLC. The first ordinance authorizes the levying of special taxes, and the second ordinance authorizes the dissolution of City of Ontario Community Facilities District No. 36 (Eucalyptus 190). (Community Facilities District No. 36 is being replaced by the formation of Community Facilities District No. 45.)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on May 15, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 45 (Northpark and Countryside), and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 45 (Northpark and Countryside), to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

WHEREAS, pursuant to the Resolution of Intention, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of public facilities or services was directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the public facilities and services by type that will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing such public facilities and services; such officers were also directed to estimate the fair and reasonable cost of the public facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid; and

WHEREAS, said report was so filed with the City Council and made a part of the record of said public hearing; and

WHEREAS, at the hearing, the testimony of all persons for or against the establishment of the Community Facilities District, the extent of the Community Facilities District and the furnishing of the specified types of public facilities and services was heard; and

WHEREAS, written protests against the establishment of the Community Facilities District, the furnishing of any specified type or types of facilities and services within the Community Facilities District or the levying of any specified special tax were not made or filed at or before said hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities District and not exempt from the special tax; and

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district; and

WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53521 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

WHEREAS, the City and KB Home California LLC ("KB Home California") entered into a Deposit and Reimbursement Agreement, dated as of May 1, 2018 (the "Deposit Agreement"), that provides for the advancement of funds by KB Home California to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to KB Home California of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, in accordance with Section 53314.9 of the Act, the City desires to accept such advances and to reimburse KB Home California therefor, without interest, from the proceeds of special tax bonds issued by the Community Facilities District.

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The Community Facilities District is hereby established pursuant to the Act.

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 45 (Northpark and Countryside)."

SECTION 4. The public facilities (the "Facilities") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Facilities" on Exhibit A hereto, which is by this reference incorporated herein. Those Facilities proposed to be purchased as completed public facilities are described under the caption "Facilities to be Purchased" on Exhibit A hereto. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit A hereto. All or any portion of the Facilities may be financed through a financing plan, including, but not limited to, a lease, lease-purchase or installment-purchase arrangement.

SECTION 5. The proposed special tax to be levied within the Community Facilities District has not been precluded by majority protest pursuant to Section 53324 of the Act.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Facilities and Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The conditions under which the obligation to pay the special tax to pay for Facilities may be prepaid and permanently satisfied are specified in the Rate and Method. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

SECTION 7. The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 8. The tax year after which no further special tax to pay for Facilities will be levied against any parcel used for private residential purposes is specified in the Rate and Method. Under no circumstances shall the special tax to pay for Facilities in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the Community Facilities District by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. For purposes of this paragraph, a parcel shall be considered "used for private residential purposes" not later than the date on which an occupancy permit for private residential use is issued.

SECTION 9. Pursuant to Section 53344.1 of the Act, the City Council hereby reserves to itself the right and authority to allow any interested owner of property within the Community Facilities District, subject to the provisions of said Section 53344.1 and to those conditions as it may impose, and any applicable prepayment penalties as prescribed in the bond indenture or comparable instrument or document, to tender to the Community Facilities District treasurer in full payment or part payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

SECTION 10. The name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, Management Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

SECTION 11. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 12. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 87 at Page 90 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2018-0184659).

SECTION 13. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$30,000,000.

SECTION 14. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that no persons were registered

to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 15. KB Home California has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council has previously approved the acceptance of such funds for the purpose of paying costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

SECTION 16. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 17. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 18. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES, SERVICES AND INCIDENTAL EXPENSES

Facilities

The types of facilities to be financed by the Community Facilities District are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Facilities to be Purchased

The types of facilities to be purchased as completed facilities are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- (a) the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities;
- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTH PARK AND COUNTRYSIDE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 45 (Northpark and Countryside) ("CFD No. 45") and collected each Fiscal Year, commencing in Fiscal Year 2018-19, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 45, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, condominium plan, or other recorded County map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 45: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 45 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 45 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 45 of complying with City, CFD No. 45, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 45 related to the analysis and reduction, if any, of the Special Tax A on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 45 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 45; and amounts estimated or advanced by the City or CFD No. 45 for any other

administrative purposes of the CFD, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"Assigned Special Tax A" means the Special Tax A for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

"Backup Special Tax A" means the Special Tax A for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.3 below.

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 45 under the Act and payable from Special Tax A.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 45 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

"CFD Administrator" means an official of the City responsible for determining the Special Tax A Requirement and Special Tax B Requirement, providing for the levy and collection of the Special Taxes, and performing the other duties provided for herein.

"CFD No. 45" means City of Ontario Community Facilities District No. 45 (Northpark and Countryside).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 45.

"County" means the County of San Bernardino.

"Designated Buildable Lot" means a Buildable Lot for which a building permit has not been issued by the City as of the date of calculation of the Backup Special Tax A.

"Developed Property" means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2017, and before May 1 of the prior Fiscal Year.

“Expected Residential Lot Count” means 241 Buildable Lots of Single Family Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 45.

“Final Mapped Property” means, for each Fiscal Year, all Taxable Property, exclusive of Developed Property, Taxable Property Owner Association Property, and Taxable Public Property, which as of January 1 of the previous Fiscal Year was located within a Final Subdivision Map. The term Final Mapped Property shall include any parcel map or Final Subdivision Map, or portion thereof, that creates individual lots for which a building permit may be issued, including Parcels that are designated as a remainder Parcel (i.e., one where the size, location, etc., precludes any further subdivision or taxable use).

“Final Subdivision Map” means a final tract map, parcel map, or lot line adjustment approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or a condominium plan recorded pursuant to California Civil Code 1352 that, in either case, creates individual lots for which building permits may be issued without further subdivision.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Gated Apartment Community Property” means, with respect to Special Tax B, Multiple Family Property within a gated community that, within such community, is primarily served by private interior streets.

“Indenture” means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which Bonds are issued, as modified, amended, and/or supplemented from time to time.

“Land Use Class” means any of the classes listed in Table 1 and Table 2 below.

“Maximum Special Tax A” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax A determined in accordance with Section C.1 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Maximum Special Tax B” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax B determined in accordance with Section C.2 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Minimum Sale Price” means the minimum price at which Units of a given Land Use Class have sold or are expected to be sold in a normal marketing environment and shall not include prices for such Units that are sold at a discount to expected sales prices for the purpose of stimulating the initial sales activity with respect to such Land Use Class.

“Multiple Family Property” means, with respect to Special Tax B, all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for any residential building containing two or more Units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Property.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City permitting the construction of one or more non-residential structures or facilities.

“Other Residential Property” means, with respect to Special Tax A, all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for purposes of constructing Units, excluding Single Family Attached Property and Single Family Detached Property.

“Outstanding Bonds” means all Bonds which are outstanding under and in accordance with the provisions of the Indenture.

“PACE Charges” means a contractual assessment or special tax as established by a public agency pursuant to AB 811 or SB 555, respectively, levied on an Assessor’s Parcel to fund eligible improvements to private property and entered into voluntarily by the property owner.

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 45 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 45 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 45, (ii) the City, (iii) any owner of real property in CFD No. 45, or (iv) any real property in CFD No. 45, and (e) is not connected with CFD No. 45 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 45 or the City.

“Price Point Study” means a price point study or a letter updating a previous price point study prepared by the Price Point Consultant pursuant to Section C herein.

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 45 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means (a) for Developed Property in the first step of Section D.1 below, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D.1 below, Proportionately means that the amount of the increase above the Assigned Special Tax A, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax A limits the

increase on any Assessor's Parcel(s), then the amount of the increase shall be equal for the remaining Assessor's Parcels; (b) with respect to Special Tax B, that the ratio of the actual Special Tax B levy to the Maximum Special Tax B is equal for all Assessor's Parcels of Developed Property; (c) for Final Mapped Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Final Mapped Property; (d) for Undeveloped Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Undeveloped Property; (e) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Taxable Property Owner Association Property; and (f) for Taxable Public Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Taxable Public Property.

"Public Property" means, for each Fiscal Year, property within the boundaries of CFD No. 45 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement; provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

"Rate and Method of Apportionment" means this Rate and Method of Apportionment of Special Tax.

"Residential Floor Area" means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor's Parcel, or as set forth in other official records maintained by the City's Building Department or other appropriate means selected by CFD No. 45. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor's Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

"Residential Property" means, for each Fiscal Year, an Assessor's Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2017, and before May 1 of the prior Fiscal Year.

"Services" means the services authorized to be financed, in whole or in part, by CFD No. 45.

"Single Family Attached Property" means all Assessor's Parcels of Developed Property for which a building permit or use permit was issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor's Parcel Numbers assigned to them (except for a duplex unit, which may share an Assessor's Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the Unit), including such residential

structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued for construction of a Unit, on one legal lot, that does not share a common wall with another Unit.

“Single Family Property” means all Assessor’s Parcels of Single Family Attached Property and Single Family Detached Property.

“Special Taxes” means, collectively, Special Tax A and Special Tax B.

“Special Tax A” means the special tax authorized by the qualified electors of CFD No. 45 to be levied within the boundaries of CFD No. 45 to pay for Facilities and Services.

“Special Tax A Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 45 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay a pro rata share of Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax A levy on Final Mapped Property or Undeveloped Property; and (vi) provide an amount equal to Special Tax A delinquencies based on the historical delinquency rate for Special Tax A as determined by the CFD Administrator.

“Special Tax B” means the special tax authorized by the qualified electors of CFD No. 45 to be levied within the boundaries of CFD No. 45 to pay for Services.

“Special Tax B Requirement” means for any Fiscal Year that amount required, after taking into account available amounts in any funds and accounts established to pay for Services, to pay the cost of Services, a pro rata share of Administrative Expenses, and an amount equal to Special Tax B delinquencies based on the historical delinquency rate for Special Tax B as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 45, issued for construction of Residential Property or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 45 that are not exempt from the Special Taxes pursuant to law or Section E below.

“Taxable Property Owner Association Property” means, for each Fiscal Year, all Assessor’s Parcels of Property Owner Association Property that are not exempt from the Special Taxes pursuant to Section E below.

“Taxable Public Property” means, for each Fiscal Year, all Assessor’s Parcels of Public Property that are not exempt from the Special Taxes pursuant to law or Section E below.

“Tentative Tract Map” means a map: (i) showing a proposed subdivision of an Assessor’s Parcel(s) and the conditions pertaining thereto; (ii) that may or may not be based on a detailed survey; and (iii) that is not recorded by the County to create legal lots.

“Total Tax Burden” means, for any Unit, the annual Special Taxes, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees, and charges which are levied and imposed on such Unit and the real property on which it is located and collected by the County on *ad valorem* tax bills and which are secured by such Unit and the real property on which it is located, assuming such Unit had been completed, sold, and subject to such levies and impositions, excluding service charges such as those related to sewer and trash and excluding PACE Charges levied on individual Assessor’s Parcels.

“Trustee” means the trustee or fiscal agent under the Indenture.

“TTM 18400” means Tentative Tract Map No. 18400, the area of which is located within CFD No. 45.

“TTM 18810” means Tentative Tract Map No. 18810, the area of which is located within CFD No. 45.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Final Mapped Property, Taxable Public Property, or Taxable Property Owner Association Property.

“Unit” means an individual single-family detached or attached home, townhome, condominium, apartment, or other residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2018-19, all Taxable Property within CFD No. 45 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Developed Property shall be further classified as Single Family Property, Other

Residential Property (for Special Tax A), Multiple Family Property or Gated Apartment Community Property (for Special Tax B), or Non-Residential Property. For Special Tax A, Assessor's Parcels of Single Family Property shall be assigned to Land Use Classes 1 through 9, as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor's Parcels.

C. MAXIMUM SPECIAL TAX

1. Special Tax A

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax A on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 45 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within CFD No. 45 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax A shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units.

Each Assigned Special Tax A reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax A, the Backup Special Tax A shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax A revenues within the Tentative Tract Map area(s) where the Assigned Special Tax A reductions occurred. Upon determining the reductions, if any, in the Assigned Special Tax A and Backup Special Tax A required pursuant to this Section C, the CFD Administrator shall complete the Certificate of Modification of Special Tax substantially in the form attached hereto as Exhibit A (the "Certificate of Modification"), shall execute such completed Certificate of Modification, and shall deliver such executed Certificate of Modification to CFD No. 45. Upon receipt thereof, if in satisfactory form, CFD No. 45 shall execute such Certificate of Modification. The reduced Assigned Special Tax A and Backup Special Tax A specified in such Certificate of Modification shall become effective upon the execution of such Certificate of Modification by CFD No. 45.

The Special Tax A reductions required pursuant to this section shall be reflected in an amended notice of Special Tax lien, which CFD No. 45 shall cause to be recorded with the County Recorder as soon as practicable after execution of the Certificate of Modification by CFD No. 45. The reductions in this section apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. *Developed Property*

1) *Maximum Special Tax A*

The Maximum Special Tax A that may be levied in any Fiscal Year for each Assessor's Parcel classified as Developed Property shall be the greater of (i) the amount derived by application of the Assigned Special Tax A or (ii) the amount derived by application of the Backup Special Tax A. The Maximum Special Tax A shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) *Assigned Special Tax A*

The Assigned Special Tax A that may be levied in any Fiscal Year for each Land Use Class is shown below in Table 1.

TABLE 1
ASSIGNED SPECIAL TAX A – DEVELOPED PROPERTY

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Property	< 1,701	\$2,063 per Unit
2	Single Family Property	1,701 – 1,900	\$2,216 per Unit
3	Single Family Property	1,901 – 2,100	\$2,334 per Unit
4	Single Family Property	2,101 – 2,300	\$2,513 per Unit
5	Single Family Property	2,301 – 2,500	\$2,754 per Unit
6	Single Family Property	2,501 – 2,700	\$2,879 per Unit
7	Single Family Property	2,701 – 2,900	\$2,904 per Unit
8	Single Family Property	2,901 – 3,100	\$3,234 per Unit
9	Single Family Property	> 3,100	\$3,415 per Unit
10	Other Residential Property		\$25,989 per Acre
11	Non-Residential Property		\$25,989 per Acre

3) *Backup Special Tax A*

The Backup Special Tax A shall be \$2,680 per Unit for Single Family Property. However, if the Expected Residential Lot Count does not equal 241 for Single Family Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Property shall be calculated according to the following formula:

$$\text{Backup Special Tax A} = \$645,807 \div \text{Expected Residential Lot Count for Single Family Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 45 to become Final Mapped Property, such as the area within TTM 18400, TTM 18810, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax A for all Designated Buildable Lots of Single Family Property subject to the change shall be calculated according to the following steps:

Step 1: Determine the total Backup Special Tax A that could have been collected from Designated Buildable Lots of Single Family Property prior to the Final Subdivision Map or expected Final Mapped Property change.

Step 2: Divide the amount determined in Step 1 by the number of Designated Buildable Lots of Single Family Property that exists after the Final Subdivision Map or expected Final Mapped Property change.

Step 3: Apply the amount determined in Step 2 as the Backup Special Tax A per Unit for Single Family Property.

The Backup Special Tax A for an Assessor's Parcel shall not change once an Assessor's Parcel is classified as Developed Property.

b. *Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property*

The Maximum Special Tax A for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$25,989 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Special Tax B

The Maximum Special Tax B for each Assessor's Parcel classified as Developed Property shall be determined by reference to Table 2 below.

TABLE 2
MAXIMUM SPECIAL TAX B – DEVELOPED PROPERTY

Land Use Class	Maximum Special Tax B Fiscal Year 2018-19
Residential Property	
Single Family Property	\$1,622 per Unit
Multiple Family Property	\$1,406 per Unit
Gated Apartment Community Property	\$1,179 per Unit
Non-Residential Property	\$0.30 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2019, the Maximum Special Tax B to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

3. Multiple Land Use Classes on an Assessor’s Parcel

In some instances an Assessor’s Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax A levied on such Assessor’s Parcel shall be the sum of the Maximum Special Tax A for all Units of Single Family Property and Acres of Other Residential Property and Non-Residential Property (based on the pro rata share of Square Footage between Other Residential Property and Non-Residential Property, according to the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor’s Parcel. The Maximum Special Tax B levied on such Assessor’s Parcel shall be the sum of the Maximum Special Tax B for all Units of Residential Property and all Square Footage of Non-Residential Property (based on the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor’s Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

1. Special Tax A

Each Fiscal Year, beginning with Fiscal Year 2018-19, the CFD Administrator shall determine the Special Tax A Requirement for such Fiscal Year. The Special Tax A shall then be levied as follows:

First: If needed to satisfy the Special Tax A Requirement, Special Tax A shall be levied Proportionately on each Assessor’s Parcel of Developed Property up to 100% of the applicable Assigned Special Tax A;

Second: If additional monies are needed to satisfy the Special Tax A Requirement after the first step has been completed, then Special Tax A shall be levied Proportionately on each Assessor's Parcel of Final Mapped Property up to 100% of the Maximum Special Tax A for Final Mapped Property;

Third: If additional monies are needed to satisfy the Special Tax A Requirement after the first two steps have been completed, then Special Tax A shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax A for Undeveloped Property;

Fourth: If additional monies are needed to satisfy the Special Tax A Requirement after the first three steps have been completed, then the levy of Special Tax A on each Assessor's Parcel of Developed Property whose Maximum Special Tax A is determined through the application of the Backup Special Tax A shall be increased Proportionately from the Assigned Special Tax A up to the Maximum Special Tax A for each such Assessor's Parcel;

Fifth: If additional monies are needed to satisfy the Special Tax A Requirement after the first four steps have been completed, then Special Tax A shall be levied Proportionately on each Assessor's Parcel of Taxable Property Owner Association Property up to the Maximum Special Tax A for Taxable Property Owner Association Property;

Sixth: If additional monies are needed to satisfy the Special Tax A Requirement after the first five steps have been completed, then Special Tax A shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property up to the Maximum Special Tax A for Taxable Public Property.

Notwithstanding the above, under no circumstances shall Special Tax A levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 45 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

2. Special Tax B

Each Fiscal Year, beginning with Fiscal Year 2018-19, the CFD Administrator shall determine the Special Tax B Requirement. The Special Tax B shall then be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax B for such Assessor's Parcel, until the Special Tax B Requirement is satisfied.

E. EXEMPTIONS

No Special Tax shall be levied on up to 15.53 Acres of Public Property and up to 2.44 Acres of Property Owner Association Property. Tax-exempt status will be assigned by

the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax A under this section shall be subject to the levy of Special Tax A and shall be taxed Proportionately as part of the fifth or sixth step, respectively, in Section D above, up to 100% of the applicable Maximum Special Tax A for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax A shall be levied in any Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax A obligation pursuant to the formula set forth in Section H.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 45 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. MANNER OF COLLECTION

The Special Taxes shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. PREPAYMENT OF SPECIAL TAX A

The following definitions apply to this Section H:

“CFD Public Facilities” means \$8,296,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 45.

“Expenditures Fund” means funds or accounts, regardless of their names, that are established to hold moneys that are available to acquire or construct Facilities and to fund Services.

“Future Facilities Costs” means the CFD Public Facilities minus (i) Facilities and Services costs previously paid from the Expenditures Fund during the Prepayment Period in which the prepayment is being made, (ii) moneys currently on deposit in the Expenditures Fund from deposits made during the Prepayment Period in which the prepayment is being made, and (iii) moneys currently on deposit in an escrow fund that are expected to be available to finance Facilities costs. In no event shall the amount of Future Facilities Costs be less than zero.

“Prepayment Period” means one of three periods of time during which a Special Tax prepayment may be made.

“Prepayment Period 1” means July 1, 2018, through June 30, 2052.

“Prepayment Period 2” means July 1, 2052, through June 30, 2085.

“Prepayment Period 3” means July 1, 2085, through June 30, 2119.

Only Special Tax A may be prepaid; Special Tax B shall continue to be levied on an annual basis on all Developed Property in CFD No. 45.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax A may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2017, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax A obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

The Special Tax A Prepayment Amount (defined below) shall be calculated as summarized below (capitalized terms as defined below):

	Bond Redemption Amount
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
Total	Prepayment Amount

As of the proposed date of prepayment, the Special Tax A Prepayment Amount (defined below) shall be calculated by the CFD Administrator as follows:

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax A and Backup Special Tax A for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax A which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax A and Backup Special Tax A for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax A computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax A for CFD No. 45 based on the Developed Property Special Tax A which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 45, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax A computed pursuant to Paragraph 2 by the estimated total Backup Special Tax A at buildout of CFD No. 45, excluding any Assessor's Parcels which have been prepaid.
4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").

8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax A levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".
11. Verify the administrative fees and expenses of CFD No. 45, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses").
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax A prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the "Prepayment Amount").
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 45.

The Special Tax A Prepayment Amount may be sufficient to redeem other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000, or integral multiple thereof, will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of Bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year's Special Tax A levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year's Special Tax A levy for such Assessor's Parcel from the County tax rolls. With respect to any Assessor's Parcel that is prepaid during Prepayment Period 3, the CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that Special Tax A has been prepaid and that the obligation of such Assessor's Parcel to pay Special Tax A shall cease.

With respect to Special Tax A for any Assessor's Parcel that is prepaid during Prepayment Period 1 or Prepayment Period 2, the obligation of such Assessor's Parcel to pay Special Tax A shall be tolled, or suspended, through the end of such Prepayment Period, but shall resume in the first Fiscal Year of the subsequent Prepayment Period. The CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that Special Tax A has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay Special Tax A will resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the prepayment was made. Once the obligation of an Assessor's Parcel to pay Special Tax A resumes, Special Tax A for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax A prepayment shall be allowed unless the amount of Maximum Special Tax A that may be levied on Taxable Property within CFD No. 45 (after excluding 15.53 Acres of Public Property and 2.44 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax A on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2017, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

$$PP = (PF - AE) \times \% + AE.$$

The terms above have the following meaning:

PP = the partial prepayment

PF = the Prepayment Amount (full prepayment) for Special Tax A calculated according to Section H.1

AE = the Administrative Fees and Expenses determined pursuant to paragraph 11 above

% = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying Special Tax A

The Special Tax A partial prepayment amount must be sufficient to redeem at least a \$5,000 increment of Bonds.

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay Special Tax A and the percentage by which Special Tax A shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of Special Tax A for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 45 that there has been a partial prepayment of Special Tax A and that a portion of Special Tax A with

respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax A, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

For partial prepayments made during Prepayment Period 1 or Prepayment Period 2, the full amount of Special Tax A shall resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the partial prepayment was made. Once the obligation of an Assessor's Parcel to pay Special Tax A resumes, Special Tax A for the then applicable Prepayment Period may be prepaid.

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax A shall be levied or collected is Fiscal Year 2118-2119, except that Special Tax A that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years. Special Tax B shall continue to be levied indefinitely on an annual basis on all Developed Property in CFD No. 45.

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX A
(PAGE 1 OF 2)**

CITY OF ONTARIO AND CFD NO. 45 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax (the “Rate and Method”) for City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (“CFD No. 45”), the Assigned Special Tax A and the Backup Special Tax A for Developed Property within CFD No. 45 has been modified.
 - a. The information in Table 1 relating to Assigned Special Tax A for Developed Property within CFD No. 45, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

**TABLE 1
ASSIGNED SPECIAL TAX A – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Detached Property	< 1,701	[\$] per Unit
2	Single Family Detached Property	1,701 – 1,900	[\$] per Unit
3	Single Family Detached Property	1,901 – 2,100	[\$] per Unit
4	Single Family Detached Property	2,101 – 2,300	[\$] per Unit
5	Single Family Detached Property	2,301 – 2,500	[\$] per Unit
6	Single Family Detached Property	2,501 – 2,700	[\$] per Unit
7	Single Family Detached Property	2,701 – 2,900	[\$] per Unit
8	Single Family Detached Property	2,901 – 3,100	[\$] per Unit
9	Single Family Detached Property	> 3,100	[\$] per Unit
10	Other Residential Property		[\$] per Acre
11	Non-Residential Property		[\$] per Acre

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX A
(PAGE 2 OF 2)**

- b. The Backup Special Tax A for Developed Property, as stated in Section C.1.a.3, shall be modified as follows:

The Backup Special Tax A shall be \$[] per Unit for Single Family Property. However, if the Expected Residential Lot Count does not equal 241 for Single Family Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Property shall be calculated according to the following formula:

$$\text{Backup Special Tax A} = \frac{\$[]}{\text{Expected Residential Lot Count for Single Family Property}}$$

2. The Special Tax A for Developed Property may only be modified prior to the first issuance of CFD No. 45 Bonds.
3. Upon execution of this certificate by CFD No. 45, CFD No. 45 shall cause an amended notice of Special Tax lien for CFD No. 45 to be recorded reflecting the modifications set forth herein.

Capitalized undefined terms used herein have the meanings ascribed thereto in the Rate and Method. The modifications set forth in this Certificate have been calculated by the CFD Administrator in accordance with the Rate and Method.

GOODWIN CONSULTING GROUP, INC.
CFD ADMINISTRATOR

By: _____

Date: _____

The undersigned acknowledges receipt of this Certificate and of the modification of the Assigned Special Tax A and the Backup Special Tax A for Developed Property as set forth in this Certificate.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 45
(NORTH PARK AND COUNTRYSIDE)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

WHEREAS, on May 15, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 45 (Northpark and Countryside), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District") and to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services; and

WHEREAS, on May 15, 2018, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, to Incur Bonded Indebtedness of the Proposed City of Ontario Community Facilities District No. 45 (Northpark and Countryside)" (the "Resolution to Incur Bonded Indebtedness") declaring the necessity for incurring bonded indebtedness and setting the date for a public hearing to be held on the proposed debt issue; and

WHEREAS, pursuant to the Resolution to Incur Bonded Indebtedness, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, at said public hearing, any person interested, including persons owning property within the area and desiring to appear and present any matters material to the questions set forth in the Resolution to Incur Bonded Indebtedness appeared and presented such matters; and

WHEREAS, oral or written protests against the proposed debt issue were not made or filed at or before said public hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities District and not exempt from the special tax; and

WHEREAS, on this date, the City Council adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City

of Ontario Community Facilities District No. 45 (Northpark and Countryside), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District” (the “Resolution of Formation”); and

WHEREAS, the City Clerk of the City (the “City Clerk”) is the election official that will conduct the special election on the proposition to incur bonded indebtedness for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on June 19, 2018, and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on June 19, 2018;

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City Council deems it necessary to incur the bonded indebtedness.

SECTION 3. The bonded indebtedness will be incurred for the purpose of financing the costs of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose.

SECTION 4. In accordance with the previous determination of the City Council, the whole of the Community Facilities District will pay for the bonded indebtedness.

SECTION 5. The maximum aggregate amount of debt to be incurred is \$30,000,000.

SECTION 6. The maximum term the bonds to be issued shall run before maturity is 40 years.

SECTION 7. The maximum annual rate of interest to be paid shall not exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds, payable semiannually or at such times as the City Council or its designee shall determine, the actual rate or rates and times of payment of such interest to be determined by the City Council or its designee at the time or times of sale of the bonds.

SECTION 8. The proposition to incur the bonded indebtedness will be submitted to the voters.

SECTION 9. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings held by the City Council on the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 10. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), and (b) to the holding of said election on June 19, 2018. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on June 19, 2018.

SECTION 11. The date of the special community facilities district election (which shall be consolidated with the special district election to levy a special tax within the Community Facilities District) at which time the proposition shall be submitted to the voters is June 19, 2018.

SECTION 12. The election is to be conducted by mail ballot. The mailed ballots are required to be received in the office of the City Clerk no later than 7:30 p.m. on June 19, 2018; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 13. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 14. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 45 (Northpark and Countryside), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, on this date, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 45 (Northpark and Countryside)" (the "Resolution Deeming it Necessary to Incur"), deeming it necessary to incur bonded indebtedness in the maximum amount of \$30,000,000; and

WHEREAS, pursuant to the provisions of said resolutions, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Act; and

WHEREAS, the City Council desires to designate the City Clerk of the City (the "City Clerk") as the election official for the special election provided for herein; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election

pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on June 19, 2018 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on June 19, 2018.

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

SECTION 1. Pursuant to Sections 53351, 53326 and 53325.7 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

SECTION 2. The City Clerk is hereby designated as the official to conduct said election.

SECTION 3. As authorized by Section 53353.5 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be combined into one ballot proposition.

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), (b) to the holding of said election on June 19, 2018, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on June 19, 2018.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on June 19, 2018. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, the Resolution of Deeming it Necessary to Incur, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on June 19, 2018; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 7. Pursuant to Section 53326 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 *et. seq.* of the California Elections Code. Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election.

SECTION 8. The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on June 19, 2018, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

SECTION 10. The City Council hereby determines that the facilities and services financed by the Community Facilities District are necessary to meet increased demands placed upon local agencies as a result of development occurring in the Community Facilities District.

SECTION 11. The specific purposes of the bonded indebtedness proposed to be incurred is the financing of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose, and the proceeds of such bonded indebtedness shall be applied only to such specific purposes.

Upon approval of the proposition to incur bonded indebtedness, and the sale of any bonds evidencing such indebtedness, the City Council shall take such action as may be necessary to cause to be established an account for deposit of the proceeds of sale of the bonds. For so long as any proceeds of the bonds remain unexpended, the Management Analyst, Management Services of the City shall cause to be filed with the City Council, no later than January 1 of each year, a report stating (a) the amount of bond proceeds received and expended during the preceding year, and (b) the status of any project funded or to be funded from bond proceeds. Said report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Management Analyst, Management Services of the City shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the City Council.

SECTION 12. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 13. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO

June 19, 2018

SPECIAL ELECTION

This ballot is for a special, landowner election. The number of votes to be voted pursuant to this ballot is _____.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Ontario and obtain another.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 45
(NORTHPARK AND COUNTRYSIDE)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$30,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$30,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 45 (Northpark and Countryside), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 45 (Northpark and Countryside)," each adopted by the City Council of the City of Ontario on June 19, 2018?

Yes:

No:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

WHEREAS, on June 19, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 45 (Northpark and Countryside)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on June 19, 2018; and

WHEREAS, the City Clerk of the City (the "City Clerk") has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A;

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

SECTION 1. The City Council has received, reviewed and hereby accepts the Canvass.

SECTION 2. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328, Section 53355 and Section 53325.7 of the Act.

SECTION 3. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of San Bernardino a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

SECTION 4. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 45
(NORTHPARK AND COUNTRYSIDE)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on June 19, 2018, I canvassed the returns of the special election held on June 19, 2018, for the City of Ontario Community Facilities District No. 45 (Northpark and Countryside), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner <u>Votes</u>	Votes <u>Cast</u>	<u>YES</u>	<u>NO</u>
City of Ontario Community Facilities District No. 45 (Northpark and Countryside) Special Election, June 19, 2018	29	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$30,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$30,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 45 (Northpark and Countryside), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 45 (Northpark and Countryside)," each adopted by the City Council of the City of Ontario on June 19, 2018?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 19th day of June, 2018.

BY: _____
SHEILA MAUTZ, CITY CLERK
CITY OF ONTARIO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

WHEREAS, on May 15, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 45 (Northpark and Countryside), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on June 19, 2018, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 45 (Northpark and Countryside), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 45 (Northpark and Countryside)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 45 (Northpark and Countryside)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on June 19, 2018, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The

special taxes are hereby levied commencing in fiscal year 2018-19 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. 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 _____ 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)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH KB HOME CALIFORNIA LLC, A DELAWARE LIMITED LIABILITY COMPANY.

WHEREAS, certain real property within the boundaries of the City located generally south of State Route 60 is commonly known as the New Model Colony; and

WHEREAS, the City has approved a General Plan Amendment for the New Model Colony, which has been supplemented by certain water, recycled water and sewer master plans (as so supplemented, the "General Plan Amendment") and has certified an Environmental Impact Report and adopted a Mitigated Negative Declaration in connection with the General Plan Amendment (together, the "Environmental Impact Report"); and

WHEREAS, the City has specified in the General Plan Amendment and the Environmental Impact Report the major backbone transportation, water, sewer, storm drainage, parks, public safety infrastructure and fiber optic systems required to serve the New Model Colony; and

WHEREAS, the New Model Colony is now commonly referred to as the Ontario Ranch; and

WHEREAS, KB Home California LLC, a Delaware limited liability company (the "Developer") is developing certain of the property within the Ontario Ranch (the "Property"); and

WHEREAS, certain of such major backbone infrastructure is required to serve the Property; and

WHEREAS, the City and the Developer desire to provide a mechanism to fund, in a timely manner, the costs of certain of such major backbone infrastructure required to serve the Ontario Ranch (the "Facilities") so that such development may occur; and

WHEREAS, in order to provide such a mechanism, the City has, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), established City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District"), the boundaries of which include the Property; and

WHEREAS, the Community Facilities District is authorized to levy special taxes within the Community Facilities District (the "Special Taxes") and issue special tax bonds (the "Bonds") secured by the Special Taxes in order to finance certain of the Facilities; and

WHEREAS, it is anticipated that Special Taxes will be levied by the Community Facilities District and that, from time to time, Bonds will be issued by the Community Facilities District; and

WHEREAS, the Developer proposes to construct, or cause to be constructed, certain of the Facilities proposed to be financed by the Community Facilities District pursuant to the Act, and the City proposes to purchase such Facilities from the Developer pursuant to an Acquisition and Funding Agreement by and between the City and the Developer (such Acquisition and Funding Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Acquisition Agreement"); and

WHEREAS, the City Council is the legislative body of the Community Facilities District;

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

SECTION 1. The Acquisition Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City and the Administrative Services/Finance Director of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the City, to execute and deliver the Acquisition Agreement in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Acquisition Agreement by such Authorized Officer.

SECTION 2. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DISSOLVING CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190).

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), previously established City of Ontario Community Facilities District No. 36 (Eucalyptus 190) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, the qualified electors of the Community Facilities District authorized the levy of special taxes (the "Special Taxes") within the Community Facilities District to finance certain public facilities (the "Facilities") and certain public services (the "Services"); and

WHEREAS, pursuant to the Act, a Notice of Special Tax Lien with respect to the Community Facilities District was recorded in the Office of the County Recorder of the County of San Bernardino on January 20, 2016, as Instrument No. 2016-0022216 (the "Notice of Special Tax Lien"); and

WHEREAS, no debt has been incurred by the Community Facilities District; and

WHEREAS, the owner of 100% of the land in the Community Facilities District (the "Landowner") has submitted a written request that the Facilities and Services not be financed with the Special Taxes and that the Community Facilities District be dissolved pursuant to Section 53338.5 of the Act; and

WHEREAS, such written request of the Landowner has been granted and the City Council has determined that no Facilities are to be financed by the Community Facilities District; and

WHEREAS, such written request of the Landowner has been granted and the City Council has determined that no Services are to be financed by the Community Facilities District; and

WHEREAS, as no Facilities and no Services are to be financed, the Community Facilities District has no authorization to levy the Special Taxes; and

WHEREAS, the City Council desires to dissolve the Community Facilities District pursuant to Section 53338.5 of the Act; and

WHEREAS, in connection with the formation of the Communication Facilities District, the City and Richland Ontario Developers, LLC ("Richland"), entered into that Acquisition and Funding Agreement, dated as of January 19, 2016 (the "Acquisition Agreement"); and

WHEREAS, all of Richland's rights, title, interest, benefits, privileges, duties and obligations arising under or from the Acquisition Agreement were assigned to the Landowner; and

WHEREAS, upon the dissolution of the Community Facilities District, the Acquisition Agreement will be of no force and effect;

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

SECTION 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

SECTION 2. The City Council hereby finds and determines that the Community Facilities District is not obligated to pay any outstanding debt.

SECTION 3. The City Council hereby finds and determines that the Community Facilities District has no authorization to levy the Special Taxes.

SECTION 4. The Community Facilities District is hereby dissolved.

SECTION 5. The City Clerk of the City is hereby directed to cause to be recorded with the County Recorder of the County of San Bernardino an addendum to the Notice of Special Tax Lien, which shall state that the Community Facilities District and all associated liens, if any, have been dissolved.

SECTION 6. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Ordinance and not inconsistent with the provisions hereof.

SECTION 7. 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.

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

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 _____ 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
June 19, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

RECOMMENDATION: That the City Council:

- (A) Adopt a resolution establishing City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of the Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services).


COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

FISCAL IMPACT: In accordance with the City Council's long standing direction that development of the Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the existing financial resources of the existing City, the use of Mello-Roos financing in connection with the Colony Commerce Center West I development is projected to generate approximately \$387,000 per year, at build-out, to fund City services. As proposed, the maximum annual tax rate is \$.30 per square

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

35

foot for the project's anticipated 1,289,292 square feet, at build out. The use of Mello-Roos financing is critical in achieving the City Council's goal of **"Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch"** The use of Mello-Roos financing for the Colony Commerce Center West I development will not generate funds for facilities, and bonds will not be issued as part of this formation.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and government services. Government services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the governmental entity.

On May 15, 2018, the City Council approved Resolution No. 2018-043, a Resolution of the City of Ontario, California, of Intention to establish City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) and to authorize the levy of special taxes within the district (Resolution of Intention). The Colony Commerce Center West I project addresses the development of approximately 66 gross acres located north of Remington Avenue, generally south of Merrill Avenue, east of Carpenter Avenue and west of Cucamonga Channel.

The Community Facilities District is being formed pursuant to the provisions of the Landowner's Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders. Included, as part of the Resolution of Intention, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos local goals and policies, and City staff have discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner. The Resolution of Intention set the public hearing on the establishment of the community facilities district for June 19, 2018. In accordance with requirements of the resolution, the City Clerk has published a notice of the time and place of this hearing pursuant to Section 53322 of the California Government Code at least seven days before the hearing.

Attached are three resolutions and an ordinance. The first resolution establishes the community facilities district, with the rate and method of apportionment of special tax, and introduces the levy of special tax within the community facilities district. The second resolution calls for a special landowner election to be held on June 19, 2018. The third resolution declares the results of the election and includes a statement from the City Clerk as to the canvass of ballots and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes within the district. As noted, the issuance of bonds is not being contemplated for this project, so there is no resolution to issue bonds as part of this formation.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on May 15, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District Proposed to be Named City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), to authorize the levy of special taxes within the Community Facilities District to finance certain services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

WHEREAS, pursuant to the Resolution of Intention, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of services was directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the services by type that will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing such services, and such officers were also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid; and

WHEREAS, said report was so filed with the City Council and made a part of the record of said public hearing; and

WHEREAS, at the hearing, the testimony of all persons for or against the establishment of the Community Facilities District, the extent of the Community Facilities District and the furnishing of the specified types of services was heard; and

WHEREAS, written protests against the establishment of the Community Facilities District, the furnishing of any specified type or types of services within the Community Facilities District or the levying of any specified special tax were not made or filed at or before said hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities District and not exempt from the special tax; and

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing;

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The Community Facilities District is hereby established pursuant to the Act.

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services)."

SECTION 4. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are identified under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are described under the caption "Incidental Expenses" on Exhibit A hereto. No facilities are proposed to be financed by the Community Facilities District.

SECTION 5. The proposed special tax to be levied within the Community Facilities District has not been precluded by majority protest pursuant to Section 53324 of the Act.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The obligation to pay the special tax may not be prepaid and permanently satisfied. The special tax will be collected in the same manner as

ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 7. The name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, Management Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

SECTION 8. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 9. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 87 at Page 89 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2018-0184651).

SECTION 10. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$19,000,000.

SECTION 11. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 12. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 13. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 14. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

SERVICES AND INCIDENTAL EXPENSES

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the costs associated with the creation of the Community Facilities District, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District.

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) ("CFD No. 47") and collected each Fiscal Year commencing in Fiscal Year 2018-19, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 47, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms as may hereinafter be set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 47: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 47 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 47 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 47; and amounts estimated or advanced by the City or CFD No. 47 for any other administrative purposes of CFD No. 47, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"CFD Administrator" means an official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Tax, and performing the other duties provided for herein.

“CFD No. 47” means City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services).

“City” means the City of Ontario, California.

“City Council” means the City Council of the City, acting as the legislative body of CFD No. 47.

“County” means the County of San Bernardino.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Gated Apartment Community Dwelling Unit” means a Multiple Family Dwelling Unit within a gated community that, within such community, is primarily served by private interior streets.

“Land Use Class” means any of the classes listed in Table 1 below.

“Maximum Special Tax” means, with respect to an Assessor’s Parcel of Taxable Property, the maximum Special Tax determined in accordance with Section C below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Multiple Family Dwelling Unit” means a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Dwelling Units.

“Non-Residential” means any buildings that are for commercial lodging use, commercial retail use, institutional use (e.g., churches, private schools), commercial restaurant use, office use, or industrial use.

“Non-Residential Property” means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction was issued after January 1, 2018, and before May 1 of the prior Fiscal Year, for a Non-Residential use.

“Property Owner Association Property” means, for each Fiscal Year, property within the boundaries of CFD No. 47 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property.

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 47 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property

leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Rate and Method of Apportionment” means this Rate and Method of Apportionment of Special Tax.

“Residential Property” means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2018, and before May 1 of the prior Fiscal Year.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 47, including: police protection services; fire protection and suppression services; ambulance and paramedic services; maintenance and lighting of parks, parkways, streets, roads, and open space; flood and storm protection services; and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 47 to be levied within the boundaries of CFD No. 47.

“Special Tax Requirement” means the amount necessary in any Fiscal Year to pay the cost of the Services, Administrative Expenses, and an amount equal to Special Tax delinquencies based on the historical delinquency rate for Special Taxes, as determined by the CFD Administrator.

“Single Family Detached Dwelling Unit” means any residential building containing only one Unit on one legal lot, including single family residences and single family detached residential condominium units.

“Square Footage” or **“Sq. Ft.”** means, with respect to a building of Non-Residential Property, the gross floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 47, for such building, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all Assessor’s Parcels of Residential Property and Non-Residential Property within the boundaries of CFD No. 47 which are not exempt from the Special Tax pursuant to law or Section E below.

“Unit” means an individual single-family detached or attached home, townhome, condominium, apartment unit, or other residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2018-19, all Taxable Property within CFD No. 47 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Apartment Community Dwelling Unit) or Non-Residential Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax for each Assessor's Parcel classified as Taxable Property shall be determined by reference to Table 1 below.

**TABLE 1
MAXIMUM SPECIAL TAX**

Land Use Class	Maximum Special Tax Fiscal Year 2018-19
Residential Property:	
Single Family Detached Dwelling Unit	\$1,622 per Unit
Multiple Family Dwelling Unit	\$1,406 per Unit
Gated Apartment Community Dwelling Unit	\$1,179 per Unit
Non-Residential Property	\$0.30 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2019, the Maximum Special Tax to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

In some instances an Assessor's Parcel of Taxable Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Square Footage of Non-Residential Property (based on the applicable building permits, final subdivision map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2018-19, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for such Assessor's Parcel, until the Special Tax Requirement is satisfied. However, the Special Tax levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax levied in the prior Fiscal Year.

E. EXEMPTIONS

Notwithstanding anything in this Rate and Method of Apportionment to the contrary, no Special Tax shall be levied on Public Property or Property Owner Association Property.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 47 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council, whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. MANNER OF COLLECTION

The Special Taxes shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. TERM OF SPECIAL TAX

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 47.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Act; and

WHEREAS, the City Council desires to designate the City Clerk of the City (the "City Clerk") as the election official for the special election provided for herein; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on June 19, 2018 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on June 19, 2018.

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

SECTION 1. Pursuant to Sections 53326 and 53325.7 of the Act, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

SECTION 2. The City Clerk is hereby designated as the official to conduct said election.

SECTION 3. As authorized by Section 53353.5 of the Act, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be combined into one ballot proposition.

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of May 17, 2018, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, (b) to the holding of said election on June 19, 2018, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on June 19, 2018.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on June 19, 2018. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on June 19, 2018; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 7. Pursuant to Section 53326 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 *et. seq.* of the California Elections Code. Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election.

SECTION 8. The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on June 19, 2018, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

SECTION 10. The City Council hereby determines that the services financed by the Community Facilities District are necessary to meet increased demands placed upon local agencies as a result of development occurring in the Community Facilities District.

SECTION 11. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 12. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO

JUNE 19, 2018

SPECIAL ELECTION

This ballot is for a special, landowner election. The number of votes to be voted pursuant to this ballot is ___.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Ontario and obtain another.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 47
(COLONY COMMERCE CENTER WEST I SERVICES)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$19,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District," adopted by the City Council of the City of Ontario on June 19, 2018?

Yes:

No:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

WHEREAS, on June 19, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on June 19, 2018; and

WHEREAS, the City Clerk of the City (the "City Clerk") has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A;

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

SECTION 1. The City Council has received, reviewed and hereby accepts the Canvass.

SECTION 2. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328 and Section 53325.7 of the Act.

SECTION 3. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of San Bernardino a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

SECTION 4. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

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

Resolution.

PASSED, APPROVED and ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 47
(COLONY COMMERCE CENTER WEST I SERVICES)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on June 19, 2018, I canvassed the returns of the special election held on June 19, 2018, for the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner Votes	Votes Cast	YES	NO
City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) Special Election, June 19, 2018	65	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$19,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District," adopted by the City Council of the City of Ontario on June 19, 2018?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 19th day of June, 2018.

By: _____
Sheila Mautz, City Clerk
City of Ontario

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES).

WHEREAS, on May 15, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District Proposed to be Named City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on June 19, 2018, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services)," which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on June 19, 2018, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2018-19 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. 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.

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

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 June 19, 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
June 19, 2018

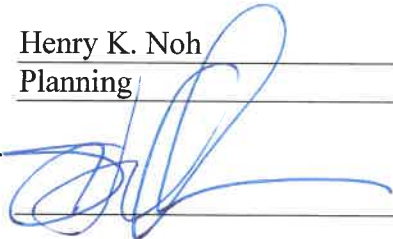
SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER 1) A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, INCLUDING THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PLAN, FOR FILE NOS. PGPA16-002 AND PSP16-002; 2) A GENERAL PLAN AMENDMENT (FILE NO. PGPA16-002) REQUEST TO 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 47.06 ACRES OF LAND FROM BUSINESS PARK (0.60 FAR) TO INDUSTRIAL (0.55 FAR) AND MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; 3) A SPECIFIC PLAN (WEST ONTARIO COMMERCE CENTER) REQUEST (FILE NO. PSPA16-002) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT; AND 4) A TENTATIVE CANCELLATION OF WILLIAMSON ACT CONTRACTS 73-406 AND 70-219. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST (APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18)

RECOMMENDATION: That the City Council:

- (1) Adopt a resolution certifying the Environmental Impact Report (SCH#2017041074) prepared for West Ontario Commerce Center Specific Plan, File No. PSP16-002, which includes the

STAFF MEMBER PRESENTING: Scott Murphy, Development Director

Prepared by: Henry K. Noh
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

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adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan;

- (2) Adopt a resolution approving a General Plan Amendment (File No. PGPA16-002) to 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 47.06 acres of land from Business Park (0.60 FAR) to Industrial (0.55 FAR) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes;
- (3) Introduce and waive further reading of an ordinance approving the West Ontario Commerce Center Specific Plan (File No. PSP16-002); and
- (4) Adopt resolutions approving a Tentative Cancellation of Williamson Act Contracts 73-406 (File No. PWIL17-009) and 70-219 (File No. PWIL18-004).

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: Adoption of the West Ontario Commerce Center Specific Plan would result in both short and long-term fiscal impacts to the City. Short-term impacts include infrastructure improvements to serve the new business park and industrial development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fees ("DIF") associated with the various improvements. Long-term fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the developer will be required to form and/or join a Community Facilities District ("CFD") to cover the additional public service costs. No Original Model Colony dollars will be used to fund this Ontario Ranch development.

BACKGROUND: The Ontario Plan (TOP) Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. A Specific Plan is required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Additionally, a Specific Plan is required to incorporate a development framework for detailed land use, circulation, infrastructure improvements (such as drainage, sewer, and water facilities), provision for public services, and urban design and landscape standards.

GENERAL PLAN AMENDMENT: The West Ontario Commerce Center Specific Plan serves to implement the City's Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for the development of approximately 119 acres within the Specific Plan boundaries. In order to implement the Specific Plan land use plan as shown in Figure 3, the project includes a General Plan Amendment (GPA) to decrease the Business Park land use area by 40 acres to a total of 21.09 acres and increase the land use designated Industrial land use area by 40 acres to a total of

98.09 acres. The General Plan Amendment will facilitate the potential development of up to 2,905,510 square feet of industrial and business park development. The amendment includes changes to The Ontario Plan – Policy Plan Exhibit: LU-01 Official Land Use Plan (**Exhibit A: General Plan Land Use Plan Amendment**) and Exhibit: LU-03 Future Buildout to reflect the proposed land use designation changes (**Exhibit B - Amended LU-03: Future Buildout Table**).

The General Plan Amendment decreases the Business Park land use designation area by 40 acres and increases the Industrial land use designation area by 40 acres. This change provides for a larger developable industrial area, consistent with the current industrial market demands, while maintaining a business park buffer, along the Eucalyptus Avenue frontage between the future residential uses to the north within the Parkside Specific Plan. The business park development is intended to accommodate very light industrial, commercial and office uses that will assist in transitioning to the future residential uses located north of Eucalyptus Avenue. The larger industrial area will allow development consistent with the larger industrial uses south of the Specific Plan located within the recently approved Colony Commerce Center West Specific Plan and within the City of Chino.

WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN: The West Ontario Commerce Center Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. The West Ontario Commerce Center Specific Plan establishes the procedures and requirements to approve new development within the project site to ensure that TOP Policy Plan goals and policies are achieved.

Land Use Plan — The West Ontario Commerce Center Specific Plan consists of two Planning Areas that will accommodate a variety of commercial, office, technology, light manufacturing, and warehouse/distribution uses. The Land Use Plan implements the vision of TOP by providing opportunities for employment in manufacturing, distribution, research and development, service, and supporting retail at intensities designed to meet the demand of current and future market conditions.

The Specific Plan identifies the land use intensity anticipated in two proposed planning areas (**Exhibit C: Land Use Plan**). The Specific Plan is proposing a maximum 0.60 Floor Area Ratio (FAR) within the Business Park land use designation (Planning Area 1) and 0.55 FAR within the General Industrial land use designation (Planning Area 2). The proposed FAR's for each of the Planning Areas is consistent with the Policy Plan Land Use designations for Business Park and Industrial.

The Specific Plan proposes the potential development of up to 2,905,510 square feet of industrial and business park development. Planning Area 1, located along the northern portion of the Specific Plan area, is 21 acres in size and can potentially be developed with 555,505 square feet of business park development. In addition, buildings within the Business Park land use area that front onto a public right-of-way shall not exceed 100,000 square feet in size. Planning Area 2, located along the southern portion of the Specific Plan is 98 acres in size and can potentially be developed with 2,350,005 square feet of industrial development (**Exhibit D: Land Use Summary Table**).

Design Guidelines — The design theme and concept for the West Ontario Commerce Center Specific Plan was created to ensure a high quality and cohesive design structure for the Specific Plan. The guidelines, within the Specific Plan, are intended to ensure a cohesive and attractive development that meets the following objectives:

- Demonstrates that the West Ontario Commercial Center is a high quality development that complements and integrates into the community and adds value to the City.
- Creates a functional and sustainable place that ensures that the West Ontario Commerce Center is competitive regionally and appropriate for the Ontario Ranch community.
- Illustrates through site planning the distinctive characteristics of the two districts of the land use plan: Business Park District (Planning Area 1) and General Industrial District (Planning Area 2).
- Establishes criteria for building design and materials, landscape design, and site design that provide guidance to developers, builders, architects, landscape architects, and other professionals preparing plans for construction.
- Provides guidance to City staff and the Planning Commission in the review and evaluation of future development projects in the West Ontario Commerce Center.
- Incorporates construction and landscape design standards that promote energy and water conservation strategies.
- Implements the goals and policies of The Ontario Plan and the intent of the Ontario Development Code.

The Planning Areas within the West Ontario Commerce Center are designed to be architecturally consistent yet distinct through use and circulation. The Design Guidelines have been established to promote high-quality architecture as required by the Ontario Development Code and The Ontario Plan (TOP). The proposed architectural theme of the Specific Plan will provide buildings that incorporate a Contemporary Architectural style and the two planning areas shall be compatible and complement one another. The design guidelines of the Specific Plan will require all buildings to provide a recognizable base, body, roofline and entry. The Specific Plan provides examples of the type of industrial and business park concepts that is envisioned to be constructed within the Specific Plan.

All buildings shall be designed to highlight the primary entryways by incorporating special materials, visual relief, massing, and shading. Additionally, the facades that front onto a public street shall incorporate vertical and horizontal articulation, and material changes that will assist in enhancing these elevations and providing visual interest from the public view.

Circulation Concept — The circulation plan for the Specific Plan reinforces the objective of moving vehicles, pedestrians, cyclist, and public transit safely and efficiently through and around the project. The Specific Plan establishes the hierarchy and general location of roadways within the West Ontario Commerce Center Specific Plan. Future traffic signals will be constructed at the following four major intersections:

1. Hellman Avenue and Eucalyptus Avenue;
2. Hellman Avenue and Merrill Avenue;
3. Carpenter Avenue and Eucalyptus Avenue; and
4. Carpenter Avenue and Merrill Avenue.

Additionally, primary access into the business park development will be provided along Eucalyptus Avenue to the north and Carpenter Avenue to the west. Primary access into the industrial development will be provided along Hellman Avenue, Carpenter Avenue to the west and Merrill Avenue to the south.

Landscape Design — The landscape design theme for the West Ontario Commerce Center Specific Plan encourages landscape materials and designs that enhance the aesthetics of the structure, create and define public and private spaces, and provide shade and environmental benefits. Table 5.1 of the West Ontario Commerce Center Specific Plan identifies the plant material and trees to be used within parking lots, along street parkways, within sign monument areas, and adjacent to buildings. Additionally, the Specific Plan establishes the overall landscape coverage for the project and the landscape setbacks along the perimeter streets and interior property lines.

Infrastructure and Services — The backbone infrastructure to serve all areas of the Specific Plan will be installed by the developers in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optic facilities. Natural gas will be provided by The Gas Company and electricity by SCE. Development of the project requires the installation by the developer of all infrastructure necessary to serve the project as a standalone development.

WILLIAM ACT CONTRACT: Agricultural lands under a Williamson Act Contract are governed by the California Land Conservation Act of 1965, also known as the Williamson Act. Upon annexation, the City of Ontario assumed responsibility for administration of the Land Conservation Contracts which existed in the Ontario Ranch area. The City adopted the Agricultural Overlay Zoning District, or a “Right-to-Farm” Ordinance, that would allow existing agricultural uses within Ontario Ranch to continue for as long as the landowner desired.

In conjunction with the proposed West Ontario Commerce Center Specific Plan, the applicant is now requesting, on behalf of the property owners, cancellation of the Contract numbers 70-219 and 73-406 prior to the Non-Renewal termination dates. The Cancellations will provide relief from the provisions of the Contracts, thus allowing for development of the properties with an alternative use. The Notice of Non-Renewal for each of subject properties (**Exhibit E: West Ontario Commerce Center Specific Plan Williamson Act Contract Locations**) was recorded with the County of San Bernardino as follows:

- Land Conservation Contract 70-219 Non-Renewal recorded on September 9, 2010, and will expire on January 1, 2020.
- Land Conservation Contract 73-406 Non-Renewal recorded on September 28, 2016, and will expire on January 1, 2027.

As required by the Williamson Act, there is a penalty fee for cancellation of an agricultural contract. The fee is equal to 12.5 percent of the unrestricted base value of the land as determined by the County Assessor’s Office. The fee for the subject properties, as determined by the County Assessor, totals \$927,129.00 (LCC #70-219: \$455,791.00 and LCC#73-406: \$471,338.00). As required by the Williamson Act, a copy of the Assessor’s value appraisal was sent to the Director of the Department of Conservation on April 13, 2018, to allow the opportunity to request a formal review from the Assessor.

The cancellation process for Williamson Act contracts identifies findings which must be made in order to cancel a contract. The City Council must find that the proposed cancellation is consistent with the purposes of the Williamson Act or is in the public interest. Staff has reviewed the request and believes that the cancellations are consistent with the purposes of the Williamson Act as follows:

1. The cancellation is for land on which a Notice of Non-Renewal has been served.
2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. Cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.
4. Cancellation will not result in discontinuous patterns of urban development.
5. There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.

The findings are identified in the attached Resolution. Following each required finding is the supporting statements that satisfy the requirements for cancellation.

CONDITIONS AND CONTINGENCIES: Prior to City Council approval of the Tentative Cancellation, the City Council must review and approve the West Ontario Commerce Center Specific Plan Environmental Impact Report. In addition, the following Conditions and Contingencies will be required to be satisfied upon tentative approval by the City Council. All applicable conditions must be satisfied within one year of the date of recording of the Certificate of Tentative Cancellation. Conditions and contingencies include:

1. Upon approval, a Certificate of Tentative Cancellation must be recorded with the County Clerk;
2. Payment in full of the Penalty Fee. Together with a statement stating that unless the fee is paid, or a Certificate of Cancellation of Contract is issued within one year from the date of the recording of the Certificate of Tentative Cancellation, the fee shall be recomputed;
3. Obtain all approvals necessary (including Specific Plan, EIR adoption, and Tentative Map(s) to commence the specified alternative use; and
4. Within 30 days of satisfaction of the conditions, the City must execute and record a Certificate of Final Cancellation of the contract.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP).

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local General Plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the General Plan. The West Ontario Commerce Center Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy analysis in Chapter 7.0 “General Plan Consistency” of the Specific Plan describes the manner in which the West Ontario Commerce Center Specific Plan complies with the Policy Plan goals and policies.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY: 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. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

ENVIRONMENTAL REVIEW: On January 27, 2010, the City adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP serves as the City’s new General Plan for the entire City, including the NMC (now referred to Ontario Ranch). TOP identified many areas that might have a potentially significant impact on the environment. These areas included: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service Systems. Through the EIR process these potential impacts were analyzed, revisions were incorporated into the plan and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant.

Even though an EIR was prepared for TOP, the analyses focused on the program or “big picture” impacts associated with development. With the submittal of the West Ontario Commerce Center Specific Plan, staff is charged with evaluating the potential impacts of development at the project level. Staff completed an Initial Study for the project and determined that an EIR should be prepared for the West Ontario Commerce Center Specific Plan. As noted in the Planning Commission staff report, dated April 24, 2018, an EIR was prepared addressing 15 key areas. The West Ontario Commerce Center Specific Plan EIR (SCH# 2017041074) evaluates each of these areas and identifies mitigation measures and/or revisions to the plan to lessen the impacts of the project. Of the 15 areas considered by the EIR, all but three (3) of the impact areas were mitigated a level of less than significant. Even with the mitigation measures, the impacts to air quality, agriculture resources and transportation and traffic could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. While mitigation of all potential impacts to a level of less than significant is desirable, the fact that three areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for TOP. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the City Council certify the EIR, including the adoption

of the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan for the project.

PLANNING COMMISSION REVIEW: On April 24, 2018, the Planning Commission conducted a public hearing and voted (5-0) to recommend City Council certification of the West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) including the adoption of a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; approval of the General Plan Amendment (File No. PGPA16-002); approval of the West Ontario Commerce Center Specific Plan (File No. PSP16-002); and approval of the Tentative Cancellation of Williamson Act Contracts 73-406 (File No. PWIL17-009) and 70-219 (File No. PWIL18-004).

Exhibit "A"
General Plan Land Use Map Amendment

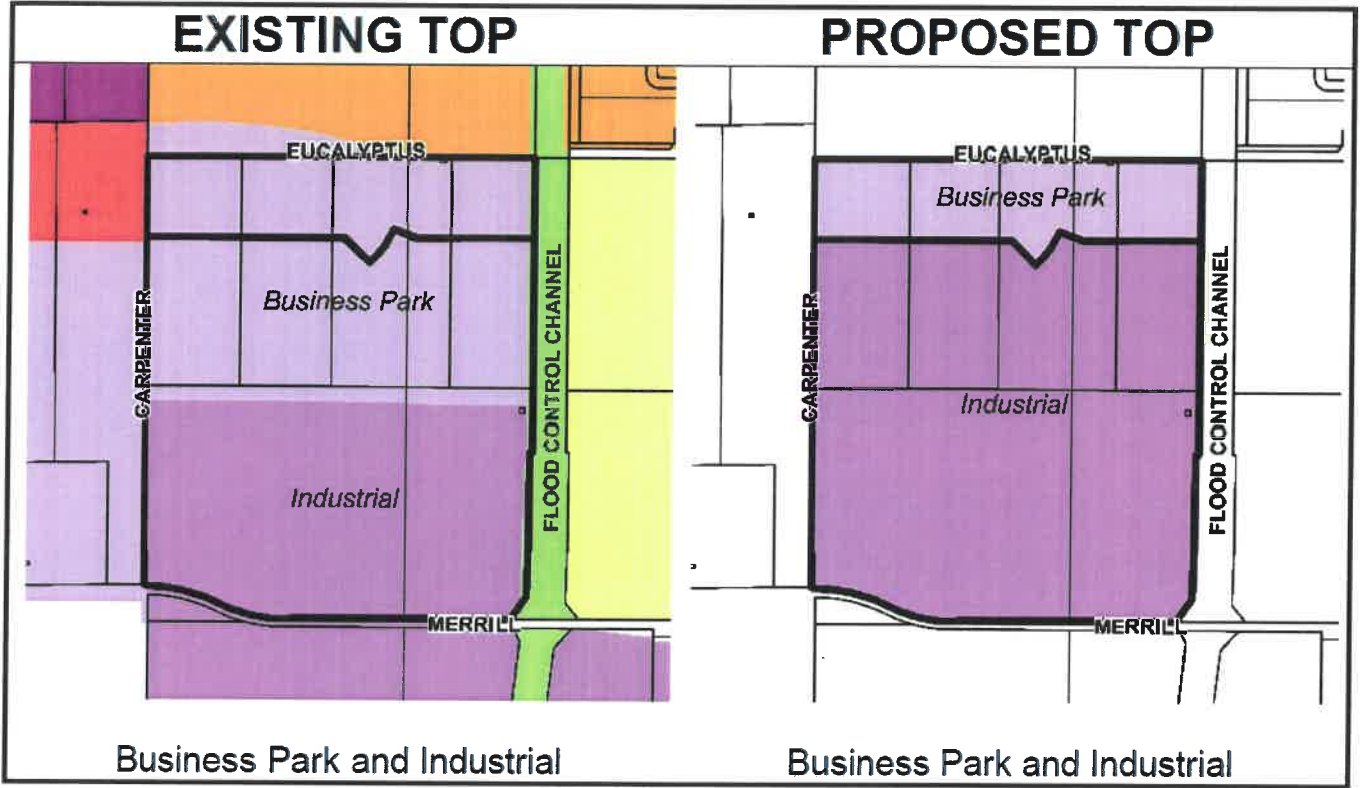


Exhibit "B"
Amended LU-03: Future Buildout Table



LU-03 Future Buildout¹

Land Use	Acres²	Assumed Density/Intensity³	Units	Population⁴	Non-Residential Square Feet	Jobs⁵
Residential						
Rural	529	2.0 du/ac	1,059	4,232		
Low Density ⁶	7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584	122,244		
Low-Medium ⁶ Density	999	8.5 du/ac	8,492	33,941		
Medium Density	1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200	133,791		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,864		84,750	315,679		
Mixed Use						
• Downtown	113	<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 	2,365	4,729	1,569,554	2,808
• 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 at 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 	465	929	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 Tuscan 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	1,668		15,129	30,257	34,922,836	72,383

Exhibit "B"
Amended LU-03: Future Buildout Table – Cont'd

LU-03 Future Buildout¹ (Cont.)



Land Use	Acres²	Assumed Density/Intensity³	Units	Population⁴	Non-Residential Square Feet	Jobs⁵
Retail/Service						
Neighborhood ⁶ Commercial	281	0.30 FAR			3,671,585	8,884
General Commercial	533	0.30 FAR			6,964,199	6,470
Office/ Commercial	516	0.75 FAR			16,872,748	37,418
Hospitality	141	1.00 FAR			6,157,642	7,060
Subtotal	1,472				33,666,174	59,831
Employment						
Business Park	1,554 1,507	0.40 FAR			27,081,583 26,261,610	47,514 46,075
Industrial	6,321 6,368	0.55 FAR			151,427,425 152,554,889	133,047 134,038
Subtotal	7,875				178,509,009	180,561
Other						
Open Space– Non-Recreation	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	4,871	Not applicable				
Subtotal	9,906					
Total	31,784		99,878	345,936	247,098,018 247,405,508	312,776 312,327

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.

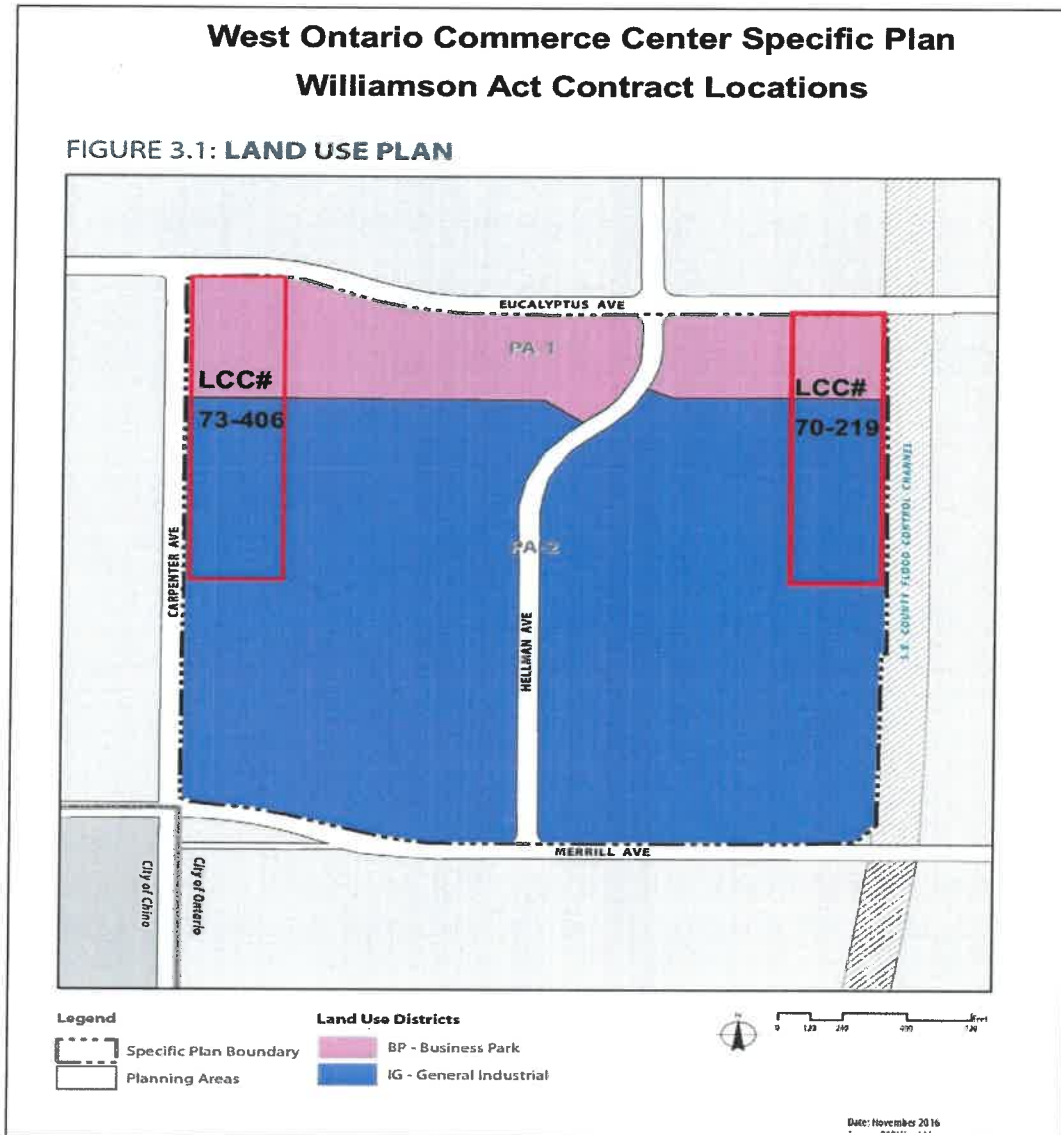
Exhibit "C"
West Ontario Commerce Center Specific Plan Land Use Map



**Exhibit “D”
Land Use Summary Table**

Planning Area	Zoning District	Ontario Plan Land Use Designation	Existing Acreage (Net)	Maximum SF per Existing TOP (The Ontario Plan)	Proposed Acreage	Maximum SF per Proposed
1	AG Specific Plan	Business Park (0.6 FAR)	61	1,600,933	21	555,505
2	AG Specific Plan	Industrial (0.55 FAR)	58	1,391,641	98	2,350,005
TOTAL			119	2,992,634	119	2,905,510

Exhibit "E"
West Ontario Commerce Center Specific Plan Williamson Act Contract Location



File No. PSP16-002
Environmental Impact Report

(Provided under separate cover)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2017041074) PREPARED FOR THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (FILE NO. PSP16-002), AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PLAN (APNS: 0218-221-09, 0218-271-18, 0218-261-23, 0218-261-22, 0218-261-32, 0218-271-08, 0218-271-13 & 0218-261-16).

WHEREAS, REAL ESTATE DEVELOPMENT ASSOCIATES, LLC (the "Applicant") proposes development of the West Ontario Commerce Center Specific Plan (the "Project") on an 120-net acre site in the southern portion of the City of Ontario ("City"); and

WHEREAS, the Project under review considered the following: (1) certification of the West Ontario Commerce Center Specific Plan Final Environmental Impact Report ("Final EIR"); (2) approval and adoption of the West Ontario Commerce Center Specific Plan ("Specific Plan") ; (3) approval of a tentative parcel/tract map; (4) approval of a development plan; (5) approval of a development agreement; and (6) any related discretionary approvals; and

WHEREAS, the purpose of the Project is to adopt a Specific Plan for a 120-net acre project site (the " Project Site"), and develop a 21-acre portion of the Specific Plan as Planning Area 1 with business park use and a 98-acre portion of the Specific Plan area as Planning Area 2 of the Project with industrial use; and

WHEREAS, the Project Site is located west of the Cucamonga Creek flood control channel, north of Merrill Avenue, east of Carpenter Avenue and south of Eucalyptus Avenue in the City of Ontario, within the County of San Bernardino, and consists of 120-net acres located within that portion of the City commonly referred to as Ontario Ranch (formerly referred to as the New Model Colony), which was annexed into the City in November 1999; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code §§ 21000 *et seq.*), the CEQA Guidelines (14 C.C.R. §§ 15000 *et seq.*) and the City's Local CEQA Guidelines, the City of Ontario is the lead agency for the Project, as the public agency with the principle responsibility for approving the Project; and

WHEREAS, the City prepared The Ontario Plan Final Environmental Impact Report ("TOP EIR") (SCH# 2008101140) in association with the 2009 General Plan Update ("GPA") and certified the TOP EIR on January 26, 2010; and

WHEREAS, the TOP EIR is a Program EIR from which later specific plan EIRs, such as the EIR for this Project, are tiered; and

WHEREAS, the City originally issued a Notice of Preparation (“NOP”) for the Specific Plan for which the public review period ended May 26, 2017. The City received comments from multiple agencies on the NOP; and

WHEREAS, a public scoping meeting was held May 8, 2017, where comments were received; and

WHEREAS, after completing the Draft EIR (SCH# 2017041074), the City released the document for public review for a 45-day public comment period, beginning March 16, 2018, and ending on April 30, 2018, by filing a Notice of Availability with the County of San Bernardino Clerk’s Office; and

WHEREAS, pursuant to Public Resources Code section 21092, the City also provided a Notice of Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Availability on or about April 28, 2017, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

WHEREAS, pursuant to City’s Local CEQA Guidelines, the Notice of Completion was mailed to all residents and property owners within 600 feet of the Project. Copies of the Draft EIR were provided to public agencies, organizations and individuals. In addition, the City placed copies of the Draft EIR at the City of Ontario Planning Department, San Bernardino County Clerk’s Office, and Public Library Main Branch; and

WHEREAS, during the 45-day comment period on the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to CEQA Guidelines section 15086; and

WHEREAS, during the official public review period for the Draft EIR, the City received six (6) written comment letters, all of which the City responded to in the Final EIR; and

WHEREAS, the City prepared the Final EIR and, pursuant to Public Resources Code section 21092.5, the City provided copies of the Final EIR to all commenting agencies; and

WHEREAS, the City provided a Notice of Public Hearing and/or Intent to Certify an Environmental Impact Report to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on or about June 8, 2018, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

WHEREAS, all potential significant adverse environmental impacts were sufficiently analyzed in the Final EIR; and

WHEREAS, the City of Ontario Planning Commission conducted a public hearing on April 24, 2018, and concluded said hearing on that date. After considering all public testimony, the Planning Commission issued Resolution No. PC18-043, recommending City Council certification of the Project EIR; and

WHEREAS, on June 19, 2018, the City Council of the City of Ontario conducted a hearing on the Project and concluded said hearing on that date; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all the requirements of CEQA, the CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied by the City in the Final EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the Final EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the CEQA Guidelines and the City's Local CEQA Guidelines; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon all oral and written evidence presented to it as a whole and are not based solely on the information provided in this Resolution; and

WHEREAS, environmental impacts identified in the Final EIR which the City finds are less than significant and do not require mitigation are described in Section II hereof; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant but which the City finds can be mitigated to a level of less than significant, through the imposition of feasible mitigation measures identified in the Final EIR and set forth herein and in the Mitigation Monitoring and Reporting Plan ("MMRP"), attached hereto as Exhibit A, are described in Section III hereof; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant and which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, are described in Section IV hereof; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section VII hereof; and

WHEREAS, because some environmental impacts identified in the Final EIR as potentially significant cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, the City Council has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts, and therefore, render those impacts "acceptable." The City Council has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in Section VIII hereof; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record,

including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings on the Project; and

WHEREAS, the Final EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the City or any additional information submitted to the City have produced substantial new information requiring recirculation or additional environmental review under CEQA Guidelines section 15088.5; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO RESOLVES AS FOLLOWS:

SECTION I

FINDINGS

Public Resources Code section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Section 21002 further states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Agencies demonstrate compliance with Section 21002’s mandate by adopting findings before approving projects for which EIRs are required. (See Pub. Res. Code § 21081 (a); CEQA Guidelines § 15091 (a).) The approving agency must make written findings for each significant environmental effect identified in an EIR for a proposed project and must reach at least one (1) of three (3) permissible conclusions. The first possible finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines § 15091 (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding” and that “[s]uch changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines § 15091 (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines § 15091 (a)(3).)

Agencies must not adopt a project with significant environmental impacts if feasible alternatives or mitigation measures would substantially lessen the significant impacts. Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished

in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds “legal” considerations as another indicium of feasibility. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565.) Project objectives also inform the determination of “feasibility.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) Further, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) An agency need not, however, adopt *infeasible* mitigation measures or alternatives. (CEQA Guidelines § 15091 (a), (b).) Further, environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

Notably, Public Resources Code section 21002 requires an agency to “substantially lessen or avoid” significant adverse environmental impacts. Thus, mitigation measures that “substantially lessen” significant environmental impacts, even if not completely avoided, satisfy section 21002’s mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 [“CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level”]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 309 [“[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible”].)

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines § 15091 (a)-(b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley*,, 52 Cal.3d at 576.)

The City Council has determined that based on all the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings on the Project, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: (1) less than significant and do not require mitigation; (2) potentially significant and each of these impacts will be avoided or reduced to a level of insignificance through the identified mitigation measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

SECTION II
RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING
MITIGATION

Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as “less than significant” where no mitigation is required. These findings will nevertheless fully account for all such effects identified in the Draft EIR in this Section II. Thus, the City Council hereby finds that the following potential environmental impacts of the Project are less than significant and do not require the imposition of mitigation measures:

A. Aesthetics

Impact: Would the Project have a substantial adverse effect on a scenic vista? (Draft EIR Appendix A at p. 17.)

Finding: The Project would not have a substantial adverse effect on a scenic vista. (Draft EIR Appendix A at p. 17.)

Mitigation Measures: No mitigation measures are required.

Explanation: TOP does not identify any scenic vistas within the City. However, TOP (Policy CD1-5) requires all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains. The Functional Roadway Classification Plan (Figure M-2) of the Mobility Element of TOP defines the proposed north-south alignment of Hellman Avenue that bisects the Project Site as a Standard Arterial. The Specific Plan is required by the Community Design Element of TOP to provide project features, including parkways and landscape areas, on the east and west sides of Hellman Avenue and along the north-south streets adjacent to the Project Site to protect views of the mountains. Therefore, no adverse scenic vista impacts to motorists on Hellman Avenue are anticipated in relation to the Project. (Draft EIR Appendix A at p. 17.)

Impact: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Draft EIR Appendix A at p. 17.)

Finding: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (Draft EIR Appendix A at p. 17.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City is served by three (3) freeways: Interstate 10 (“I-10”), Interstate 15 (“I-15”), and State Route 60 (“SR-60”). I-10 and SR-60 that traverse the northern and central portion of the City. The Project is located approximately 2.5 miles west of I-15, which is the closest of the three (3) freeways to the Project Site. The segments of these freeways have not been officially designated as scenic highways by the California

Department of Transportation (“Caltrans”). Thus, the Project would not result in adverse impacts to a scenic resource within a state scenic highway. (Draft EIR Appendix A at p. 17.)

Impact: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings? (Draft EIR at p. 3.1-6.)

Finding: The Project would not substantially degrade the existing visual character or quality of the Project Site and its surrounding and no significant impact would occur. (Draft EIR at pp. 3.1-6 – 3.1-13.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project would change the existing agricultural and rural characteristics of the Project Site to urban development. The off-site surrounding areas immediately north of Eucalyptus Avenue and east of the Cucamonga Creek Channel are currently in agricultural production as row crops, similar to the Project, and have approved plans for residential development under the Parkside Specific Plan and Subarea 29 Specific Plan, respectively. The areas to the west and southwest of the Project Site are developed with active dairy and associated residential units, a trucking facility, and a recently constructed industrial development (Watson Industrial Park). To the south is a single-family residence and vacant land used for truck and other vehicle storage and currently being processed as the Colony Commerce Center Specific Plan for the development of industrial use.

The Specific Plan includes Landscape Design Guidelines that when implemented would provide the landscaping necessary to meet the applicable goals and policies of the TOP Community Design Element. Also, Title 9: Development Code of the Ontario Municipal Code requires that individual development projects must submit to site-specific review required by the City. During this review, the City will review each site development plan for compliance with the applicable site and building design and landscape requirements of TOP. The Project must meet the development standards for the Project Site as required by Ontario Development Code Division 6.02 (Walls, Fences, and Obstructions) and Section 4.4 (Screening), which would meet the design goals and policies of TOP.

The current agricultural uses on the Project Site do not provide a unique or special aesthetic value or quality and the change from the rural agricultural character of the Project Site to the proposed master planned Industrial and Business Park uses would not significantly degrade the Project Site. The surrounding area is also proposed for similar development and, as the character of the area gradually changes from rural to planned urban development, the design standards within Section 5.0 of the Specific Plan would ensure the Project will not degrade the visual character of the Project Site and the area. Therefore, implementation of the proposed development and design standards will ensure the change in existing character will not degrade the existing visual character or quality of the Project Site. As a result, the Project will not substantially degrade the existing visual character or quality of the Project Site and its surroundings and no significant impact will occur. Therefore, impacts related to substantially degrading the existing visual character or quality of the Project Site and its surroundings would be less than significant. (Draft EIR at pp. 3.1-6 – 3.1-13.)

Impact: Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (Draft EIR at p. 3.1-14.)

Finding: The Project would result in a less than significant light or glare impact. (Draft EIR at p. 3.1-14.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will replace the existing agricultural related light sources with new and more intense light and glare sources compared to the existing conditions. This will include adding light and glare to areas of the Project Site where presently there are either row crops or vacant land and where there is little to no light or glare. The new sources of nighttime lighting with the Project will include interior and exterior lights associated with the new buildings, building and development signage, parking lot lighting, and street lights. Lights from automobile and truck headlights on the Project Site will also increase significantly compared to the existing condition. The new sources of glare will include building materials including metal trim and other reflective materials on the building exterior, windows, hardscape surfaces, fencing for enclosures, and on-site vehicles and equipment.

Interior and exterior Project lighting will be visible to the surrounding land uses both directly and by increased ambient light in the nighttime sky. While the Project will increase on-site lighting, all lighting, including construction lighting, must comply with the Ontario Municipal Code. The City does not allow flood lighting and all lighting will be required to be directed downward to reduce high intensity lighting from extending off-site. The Specific Plan Development Standards and Design Guidelines address the parking lot lighting, site lighting, and lighting of the public right-of-way.

To address glare, exterior unfinished surfaces are not permitted on any façade. Landscaping will be provided surrounding the buildings, within the parking areas, and in the “Neighborhood Edges” which provide landscape buffers along the major City thoroughfares, including Eucalyptus Avenue, Merrill Avenue, and Carpenter Avenue.

Although the Project will create new sources of light and glare, with implementation of the Specific Plan Development Standards and Design Guidelines and upon compliance with the Ontario Municipal Code and TOP Community Design Element requirements, the increase will not result in substantial light or glare, which could adversely affect day or nighttime views in the area. Therefore, this Project will result in a less than significant light or glare impact. (Draft EIR at pp. 3.1-14.)

Impact: Would the Project have a cumulative impact to aesthetics? (Draft EIR at p. 3.1-15.)

Finding: The Project would not result in cumulatively considerable adverse impacts related to aesthetics. (Draft EIR at p. 3.1-15.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project, along with the cumulative projects identified in Chapter 2 of the EIR, will result in the development of properties that currently consist of various types of

agricultural uses including dairies, field crops, row crops, nurseries, etc. and generate minimal light and glare. The development of the Project along with the cumulative development in the Ontario Ranch area of the City and adjacent cities will change the visual characteristics of the cumulative setting from largely agricultural to urban development with the development of industrial, residential, and commercial uses.

All development in the City must meet and comply with applicable TOP Community Design Element goals and policies and similarly the cumulative projects in the cities of Chino and Eastvale will be required to comply with the respective General Plan goals and policies to minimize visual aesthetic impacts. As with the Project, all development within Ontario Ranch is required to have a specific plan that provides design guidelines and development standards to minimize light and glare impacts due to the cumulative change in the existing visual character of the cumulative development from agriculture to industrial, commercial, and residential uses. The compliance of the Project and the cumulative projects with the required design and development standards of their respective jurisdictions would serve to mitigate and reduce potential aesthetic impacts as much as feasible. While the development of the identified cumulative projects would have cumulative aesthetic impacts, development consistent with the approved specific plans within the City would reduce cumulative aesthetic impacts to less than significant levels.

The Project will not have significant cumulative impacts to the visual character of the surrounding area or day and nighttime views due to light and glare because the development proposed for the Project Site along with the cumulative project sites have been planned and anticipated for the respective jurisdictions and projects are required to meet all applicable adopted design guidelines within the jurisdiction. (Draft EIR at pp. 3.1-14 – 3.1-15.)

B. Agricultural Resources

Impact: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Draft EIR Appendix A at p. 19.)

Finding: The Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (Draft EIR Appendix A at p. 19.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project Site is not zoned as forest land, timberland, or timberland zoned Timberland Production, nor is it surrounded by land zoned for forest land, timberland, or Timberland Production. TOP does not designate any forest land or timberland uses within the City. Therefore, the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (Draft EIR Appendix A at p. 19.)

Impact: Would the Project result in the loss of forest land or conversion of forest land to non-forest uses? (Draft EIR Appendix A at p. 19.)

Finding: The Project would not result in the loss of forest land or conversion of forest land to non-forest uses. (Draft EIR Appendix A at p. 19.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project Site is not zoned as forest land. There is no land in the City that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use. (Draft EIR Appendix A at p. 19.)

C. Air Quality

Impact: Would the Project expose sensitive receptors to substantial pollutant concentrations? (Draft EIR at p. 3.3-26.)

Finding: The Project would not expose sensitive receptors to substantial pollutant concentrations. (Draft EIR at p. 3.3-26.)

Mitigation Measures: No mitigation measures are required.

Explanation: Construction activities would not result in an exceedance of the Localized Significance Threshold ("LST") significance thresholds. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations, and the impacts would be less than significant. No local operational emissions of the Project would exceed the LST significance thresholds, and the closest residences would not be adversely affected by on-site Project operations. Therefore, the on-site operations of the Project would result in a less than significant impact to local air quality. (Draft EIR at p. 3.3-26.)

Impact: Would the Project create objectionable odors affecting a substantial number of people? (Draft EIR at p. 3.3-26.)

Finding: The Project would not create objectionable odors affecting a substantial number of people. (Draft EIR at p. 3.3-26 – 3.3-27.)

Mitigation Measures: No mitigation measures are required.

Explanation: Odors generated by the operation of the Business Park and Industrial uses are not expected to be significant or highly objectionable and would be required to be in compliance with South Coast Air Quality Management District ("SCAQMD") Rule 402, which would prevent odor nuisances to sensitive land uses. During operations, consistent with City requirements (Ontario Municipal Code, Chapter 3 Integrated Solid Waste Management), all Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations. Compared to existing conditions, the Project would result in a positive impact through the elimination of current dairy and farming operations that produce odors in close proximity to the existing residence located approximately 100 feet south and the closest residence located approximately 1,300 feet west of the Project Site. (Draft EIR at pp. 3.3-26 – 3.3-27.)

D. Biological Resources

Impact: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Draft EIR at p. 3.4-17.)

Finding: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. (Draft EIR at p. 3.4-17.)

Mitigation Measures: No mitigation measures are required.

Explanation: Sensitive habitat types known to occur in the Project Site vicinity include Riversidean Alluvial Fan Sage Scrub, Southern California Arroyo Chub/Santa Ana Sucker Stream, Southern Coast Live Oak Forest, Southern Cottonwood Willow Riparian Forest, Southern Interior Cypress Forest, Southern Riparian Forest, Southern Sycamore Alder Riparian Woodland, and Southern Willow Scrub. None of these native or special-status habitats were recorded on the Project Site during any of the field surveys. Therefore, impacts to riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations by the California Department of Fish & Wildlife (“CDFW”) or United States Fish & Wildlife Service (“USFWS”) would not occur from implementation of the Project. (Draft EIR at p. 3.4-17.)

Impact: Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Draft EIR Appendix A at p. 22.)

Finding: The Project would not have a substantial adverse effect on federally protected wetlands. (Draft EIR Appendix A at p. 22.)

Mitigation Measures: No mitigation measures are required.

Explanation: The TOP EIR does not identify any federally protected wetlands within the Project Site. Surveys of the project site were conducted in February and December 2015. The results indicated that, although the on-site detention basins were listed in the USFWS National Wetlands Inventory as freshwater ponds, it was determined these basins would not be subject to federal wetland inventory requirements and would not be considered freshwater ponds. Therefore, at the time of the surveys there were no jurisdictional waters or wetlands that are regulated by the U.S. Army Corps of Engineers (Corps), CDFW, or Regional Water Quality Control Board (RWQCB) on the Project Site. (Draft EIR Appendix A at p. 22.)

Impact: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Draft EIR Appendix A at p. 22.)

Finding: The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Draft EIR Appendix A at p. 22.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project Site is part of an area that is identified in the TOP EIR as important to several migratory bird species. However, based on biological surveys of the Project Site that were conducted in February and December 2015, the Project Site is essentially surrounded by existing development, and, therefore, is highly unlikely the subject site occupies an important location relative to regional wildlife movement. As such, Project implementation would not be expected to have any substantial effect on local or regional wildlife movement. (Draft EIR Appendix A at p. 22.)

Impact: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Draft EIR Appendix A at p. 22.)

Finding: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Draft EIR Appendix A at p. 22.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City does not have any ordinances protecting biological resources. As a result, no impacts to tree preservation or other biological resources are anticipated. (Draft EIR Appendix A at p. 22.)

Impact: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan ("HCP"), Natural Community Conservation Plan ("NCCP"), or other approved local, regional, or state habitat conservation plan? (Draft EIR Appendix A at p. 22.)

Finding: The Project would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP. (Draft EIR Appendix A at p. 22.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City has one HCP regulating a 19-acre area near the intersection of Greystone Drive and the eastern City boundary established to protect the Delhi Sands Flower-Loving Fly. Since the Project Site is outside of the HCP, the Project will not conflict with and impact an adopted HCP or any other approved HCP and no impacts are anticipated. (Draft EIR Appendix A at p. 22.)

E. Cultural Resources

Impact: Would the Project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines? (Draft EIR at p. 3.5-9.)

Finding: The Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. (Draft EIR at pp. 3.5-9 – 3.5-12.)

Mitigation Measures: No mitigation measures are required.

Explanation: The results of the historic map research and field survey resulted in the discovery of two dairy properties with residences and associated dairy-related buildings and structures in the northeast corner of the property that are over fifty (50) years of age. The properties are located at 9279 Eucalyptus Avenue and 9351 Eucalyptus Avenue. The two residences at 9279 and 9351 Eucalyptus Avenue and existing dairies were evaluated for significance under criteria based on: 1) CEQA, which includes criteria for eligibility to the California Register of Historic Resources (CRHR); and 2) The City's Historic Context for the New Model Colony Plan Area (Historic Context, Galvin & Assoc. 2004).

Neither building qualifies as being eligible for the CRHR under Criteria (1) or (2) as they are not associated with any prominent historical figures or events. Moreover, a reasonably thorough research effort has failed to yield evidence suggesting that either building is likely to yield information important to history. They also do not appear eligible for the CRHR under Criterion (4). In terms of Criterion (3), the "architectural" criterion that determines eligibility on the basis of style or artistic merit, while the two houses are both of the "Ranch" style; neither residence represents the work of a master nor are unique in the choice of building materials or their construction methods. Both residences lack any unique or special architectural qualities and do not appear to be eligible for listing in the CRHR because they are not: (i) associated with any prominent historical figures or events; (ii) likely to yield information important to history; (iii) representative of the work of a master nor unique in the choice of building materials or construction method; or (iv) inclusive of an unique or special architectural qualities.

Based on the historical analysis completed for the residences and dairies at both 9279 Eucalyptus Avenue and 9351 Eucalyptus Avenue, none of the properties meet the integrity of the City's Historic Context guidelines. Therefore, the demolition of the two residences at 9279 and 9351 Eucalyptus Avenue and other on-site buildings and structures on the site would not have any significant historical impacts. (Draft EIR at pp. 3.5-9 – 5.5-12.)

Impact: Would the Project have the potential to result in any significant impacts on currently unknown human remains, including those interred outside of formal cemeteries? (Draft EIR at p. 3.5-13.)

Finding: The Project would not have the potential to result in any significant impacts on currently unknown human remains, including those interred outside of formal cemeteries. (Draft EIR at p. 3.5-13.)

Mitigation Measures: No mitigation measures are required.

Explanation: No formal cemeteries are known to either presently exist or existed in the past within the Project boundary. Any human remains encountered would likely come from archaeological or historical archaeological contexts. As described above, no archaeological materials, including human burial sites, have been discovered or are known to existing within the Project Site. However, archaeological resources are known in the TOP area, and the potential exists for resources to be present within any areas of the Project Site that have not been surveyed. In the event that human remains are encountered during the course of any grading and construction activities, California State Law (Health and Safety Code section 7050.5 and Public Resources Code section 5079.98) states that no further earth disturbance shall occur at the location of the find until the County Coroner has been notified. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (“NAHC”), which will determine and notify a Most Likely Descendant (“MLD”). Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the Public Resources Code. Adherence to these standards would ensure impacts to human remains would be less than significant. (Draft EIR at p. 3.5-13.)

F. Geology and Soils

Impact: Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Draft EIR Appendix A at p. 24.)

Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Draft EIR Appendix A at p. 24.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no active faults known on the Project Site, and the Project Site is located outside the Fault Rupture Hazard Zone (formerly Alquist-Priolo Zone). The TOP EIR (Section 5.7, Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than seven miles west of the Project Site, fault rupture within the Project area is not likely. All development will comply with the California Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no impacts due to rupture of a known earthquake fault are anticipated. (Draft EIR Appendix A at p. 24.)

Impact: Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking? (Draft EIR Appendix A at p. 24.)

Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. (Draft EIR Appendix A at p. 24.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no active faults known on the Project Site and the Project Site is located outside any identified Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). Figure 5.7-2 of the TOP EIR identifies eight active or potentially active fault zones near the City. The closest fault zone is located more than seven miles west of the Project Site. The proximity of the Project Site to the active faults will result in ground shaking during moderate to severe seismic events. All Project construction will be in compliance with the California Building Code, the Ontario Municipal Code, TOP, and all other ordinances adopted by the City related to construction and safety. Therefore, no significant impacts due to strong seismic ground shaking are anticipated. (Draft EIR Appendix A at p 24.)

Impact: Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction? (Draft EIR Appendix A at p. 24.)

Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. (Draft EIR Appendix A at p. 24.)

Mitigation Measures: No mitigation measures are required.

Explanation: As identified in the TOP EIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than ten feet to the surface can cause the highest liquefaction susceptibility. Based on the geotechnical report prepared for the Project Site, the mapping performed by San Bernardino County and the existing soil and geotechnical conditions encountered at the boring locations throughout the site, liquefaction is not considered a concern for the Project. Therefore, the liquefaction potential within the Project Site is minimal. Implementation of TOP strategies, the California Building Code, and Ontario Municipal Code would reduce potential liquefaction impacts to a less than significant level. (Draft EIR Appendix A at p. 24.)

Impact: Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides? (Draft EIR Appendix A at pp. 24-25.)

Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. (Draft EIR Appendix A at pp. 24-25.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the Project Site (approximately one percent slope across the City) makes the chance of landslides remote. The geotechnical study prepared for the Project Site states that existing slope is approximately one percent to the south. In addition, there are no slopes adjacent to the Project Site that could impact the Project due to an off-site landslide. With implementation of TOP strategies, the California Building Code, and the Ontario Municipal Code, no impacts from landslides are anticipated. (Draft EIR Appendix A at pp. 24-25.)

Impact: Would the Project result in substantial soil erosion or loss of topsoil? (Draft EIR at p. 3.6-7.)

Finding: The Project would not result in substantial soil erosion or loss of topsoil. (Draft EIR at p. 3.6-7.)

Mitigation Measures: No mitigation measures are required.

Explanation: Development of the Project would require site clearing, grading, and construction activities both on-site and offsite within the adjacent road rights-of-way. These short-term construction activities would permanently alter the existing topography, drainage, and soil conditions in order to prepare the Project Site for the proposed industrial and business park development. In addition, the Project would permanently alter the existing conditions within the adjacent road rights-of-way to construct the improvements required for the roadways, parkways, and neighborhood edge landscapes areas for the construction of Hellman Avenue and portions of Eucalyptus Avenue, Merrill Avenue, and Carpenter Avenue adjacent to the Project Site. The conceptual grading plan proposes a balanced site with no export or import of cut and fill.

All grading and construction activities will be required to comply with the appropriate requirements of: (i) the National Pollutant Discharge Elimination System (“NPDES”) General Construction Permit for New Development; (ii) SQCAMD Rule 403; and (iii) Ontario Municipal Code, including the CBC Chapter 29 (regulates excavation activities and the construction of foundations and retaining walls) and Chapter 70 (regulates all grading activities, including drainage and erosion control). In addition, the vacant development parcels that would be developed at a later date will also be required to comply with these requirements. The compliance by the Project developer with all applicable state, regional, and local regulatory requirements for soil erosion would reduce the potential impacts of water and wind erosion and the loss of top soil during the short-term grading and construction activities for each phase of the Project. The Project would not have any significant soil erosion or loss of topsoil impacts during construction.

The Project would be designed, operated, and maintained in accordance with the appropriate requirements of the “Municipal Permit” for the implementation of the Santa Ana Region NPDES Permit, including the preparation and submittal of a water quality management plan (“WQMP”) (including the required non-structural and structural best management practices (“BMPs”)) as well as the Ontario Municipal Code. Thus, the ongoing operation of the Project, once developed, would not result in water and wind erosion

resulting in the loss of topsoil. The Project would not have any significant soil erosion or loss of topsoil impacts during the life of the Project. (Draft EIR at pp. 3.6-7 – 3.6-8.)

Impact: Is the Project located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Draft EIR Appendix A at p. 25.)

Finding: The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (Draft EIR Appendix A at p. 25.)

Mitigation Measures: No mitigation measures are required.

Explanation: Based on the results of the geotechnical report prepared for the Project Site that included field exploration, laboratory testing and geotechnical analysis, the proposed Project is considered feasible from a geotechnical standpoint. There are no geologic conditions or soil types on the site that would become unstable due to the Project. Furthermore, implementation of TOP strategies, California Building Code, and Ontario Municipal Code would address potential unstable soil conditions. The Project is not anticipated to have any significant geologic unit or unstable soil impacts based on the results of the geologic report prepared for the Project. (Draft EIR Appendix A at p. 25.)

Impact: Is the Project located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Draft EIR Appendix A at p. 25.)

Finding: The Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. (Draft EIR Appendix A at p. 25.)

Mitigation Measures: No mitigation measures are required.

Explanation: Based on the geotechnical report, the near surface soils at the Project Site generally consist of silty sands, sandy silts and fine sands. Laboratory testing indicates that these materials have a very low expansion potential. Based on the test results, no design considerations related to expansive soils are warranted for the site and no significant soil expansion impacts are anticipated. (Draft EIR Appendix A at p. 25.)

Impact: Would the Project have significant impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Draft EIR Appendix A at p. 26.)

Finding: The Project would not have significant impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Draft EIR Appendix A at p. 26.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project vicinity is served by the local sewer system and the use of alternative wastewater disposal systems, including septic tanks, is not allowed and not proposed by the Project. The Project will be required to connect to the public sewer system that serves the area. The Project will not have an impact from soils due to the use of septic tanks or alternative wastewater disposal systems. (Draft EIR Appendix A at p. 26.)

Impact: Would the Project result in cumulatively considerable impacts related to geology and soils? (Draft EIR at p. 3.6-8.)

Finding: The Project would not result in cumulatively considerable impacts related to geology and soils. (Draft EIR at p. 3.6-8.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project and the cumulative projects would be exposed to soil erosion from water and wind at the individual building sites. These effects would be site specific and the impacts would not be compounded by cumulative development. The buildings and their associated parking areas and landscaping within the City must be designed in accordance with appropriate requirements of the NPDES General Construction Permit for New Development, the "Municipal Permit" for the implementation of the Santa Ana Region NPDES Permit, SQCAMD Rule 403, the Ontario Municipal Code, and TOP goal and policies related to high-wind hazards. The adherence of all cumulative projects to relevant permit requirements, rules and regulations, and codes with respect to project design, construction, and ongoing operation and maintenance would reduce impacts to the extent feasible and the impacts would not be cumulatively considerable. The Project would have a less than significant contribution to cumulative effects. (Draft EIR at pp. 3.6-8 – 3.6-9.)

G. Greenhouse Gas Emissions

Impact: Would the Project generate greenhouse gas ("GHG") emissions, either directly or indirectly, that would have a significant impact on the environment? (Draft EIR at p. 3.7-11.)

Finding: The Project would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. (Draft EIR at pp. 3.7-11 – 3.7-13.)

Mitigation Measures: No mitigation measures are required.

Explanation: The operational emissions of the Project will be in excess of 20,000 metric tons of carbon dioxide equivalent ("MTCO₂EQ") per year. After subtracting the existing emissions of 203 MTCO₂EQ per year from the 1,400 dairy cows, the net emissions would still be close to 20,000 MTCO₂EQ per year and above the threshold of 3,000 MTCO₂EQ per year.

The proposed development of 555,505 square feet of Business Park use and 2,350,005 square feet of Industrial use is estimated to generate approximately 20,000 MTCO₂EQ per year, which include emissions from mobile sources, pumping of

water and wastewater treatment and the generation of electricity. The 20,000 MTCO₂EQ per year includes annual vehicle emissions of 33,423,929 vehicle miles traveled (“VMT”) for Phase 1 and 16,636,768 annual VMT for Phase 2. However, projects with emissions that exceed 3,000 MTCO₂EQ can demonstrate compliance with Title 24 by implementing measures from the Screening Tables presented in Appendix B of the adopted City of Ontario Climate Action Plan (“CCAP”). Per Appendix B of the CCAP, a proposed project would not result in a significant individual or cumulative impact if it implements 100 points worth of GHG reduction measures. The GHG reduction measures that are incorporated into the Project total 123 points.

In addition to implementing CCAP measures to reduce GHG emissions to comply with Title 24, the Project also meets one (1) of the mobility benefits of the San Bernardino County Transportation Authority Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”). The Business Park and Industrial uses of the Project will provide employment opportunities in an area with existing and increasing residential development. As a result, the Project will promote more location-efficient land use patterns and assist towards reducing daily VMT and Vehicle Hours Traveled (“VHT”) per capita. The potential of the Project to reduce VMT and VHT will also assist the RTP/SCS towards its goals to reduce GHG emissions by eighteen percent (18%) by 2035 and twenty-one percent (21%) by 2040. Because the Project will reduce GHG emissions in compliance with the CCAP and provide employment in an area that could reduce VMT and VHT, the Project would result in a less than significant impact related to GHG emissions. (Draft EIR at pp. 3.7-11 – 3.7-13.)

Impact: Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs? (Draft EIR at p. 3.7-13.)

Finding: The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Draft EIR at p. 3.7-13 – 3.7-14.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City has adopted the CCAP that includes GHG emission inventories, identifies the effectiveness of California initiatives to reduce GHG emissions, and identifies local measures to reduce GHG emissions. Through implementation of the CCAP, the City meets the state’s regulations for reducing GHG emissions, including the regulations of AB 32 and SB 32. The CAP is designed to ensure that the development accommodated by the buildout of TOP supports the goals of AB 32. The CCAP includes strategies that will achieve the AB 32 GHG reduction target. The CCAP target is to reduce City emissions by the amount recommended in the California Air Resources Board (“CARB”) Scoping Plan for local government and includes a commitment to update the CCAP beginning in 2018. The new plan will include a specific target for GHG reductions for 2030, 2040, and 2050. The targets will be consistent with broader state and federal reduction targets and with the scientific understanding of the needed reductions by 2050. In addition, implementation of the Specific Plan would not interfere with any requirements that assist in meeting state-adopted GHG emissions reduction targets, including that established under Executive Order S-3-05, Executive Order B-30-15, or SB 32.

As described above, the GHG related “Project Design Features” for the Specific Plan would result in the Project reaching a total of 123 points, which would exceed the threshold of 100 points to obtain a consistency determination. Therefore, the Specific Plan is consistent with the CCAP; and thus, is consistent with the state’s requirements for GHG reductions. As a result, the Specific Plan would not conflict with the CCAP, which has been adopted for the purpose of reducing GHG emissions, and no impacts would occur. (Draft EIR at pp. 3.7-13 – 3.7-14.)

Impact: Would the Project result in cumulatively considerable impacts related to GHG emissions? (Draft EIR at p. 3.7-15.)

Finding: The Project would not result in cumulatively considerable impacts related to GHG emissions. (Draft EIR at p. 3.7-15.)

Mitigation Measures: No mitigation measures are required.

Explanation: The cumulative impact analysis considers development of the Specific Plan in conjunction with other development globally, not just locally, the county or the air basin. Per Appendix B of the CCAP, if a proposed project implements 100 points worth of GHG reduction measures, the project would not result in a significant individual or cumulative impact. Since the Project includes GHG reduction measures that total of 123 points, the Project would not conflict with the GHG emission requirements established by the CCAP, and no cumulative impact would occur as a result of the Project. (Draft EIR at p. 3.7-15.)

H. Energy

Impact: Would the Project result in the wasteful, inefficient, and unnecessary consumption of energy during construction and operation of the Project? (Draft EIR at p. 5-9.)

Finding: The Project would not result in the wasteful, inefficient, and unnecessary consumption of energy during construction and operation of the Project. (Draft EIR at p. 5-9 – 5-12.)

Mitigation Measures: No mitigation measures are necessary.

Explanation:

Estimated Energy Consumption

The grading of the Project Site, construction of all required utilities, paving, and the building construction phases is planned to start in 2018 and last for approximately five (5) years, or sixty (60) months and completed in 2023.

Heavy-duty construction equipment associated with grading, the construction of utilities, paving, and building construction would include, excavators, graders, tractors/loaders/backhoes, dozers, scrapers, air compressors, cranes, forklifts, generators, pumps, welders, rollers, trenchers and pavers. The majority of the equipment

would likely be diesel-fueled; however, smaller equipment, such as air compressors and forklifts may be electric, gas, or natural gas-fueled.

The number of construction workers that would be required to construct the Project would vary based on the phase of construction and the activity taking place. The transportation fuel required by construction workers to travel to and from the Project Site would depend on the total number of worker trips estimated for the duration of construction activity. A 2007 study by Caltrans estimates the statewide average fuel economy for all vehicle types (automobiles, trucks, and motorcycles) in the year 2020 is 18.78 miles per gallon. Assuming construction worker vehicles have an average fuel economy consistent with the Caltrans study and each construction worker commutes an average of twenty ("20") miles a day to and from the Project Site, the maximum 100 workers on-site during each phase of the Project is estimated to consume approximately 106 gallons of gasoline a day. Assuming all 100 construction workers are employed at the Project Site for a year (52 weeks), the fuel used by construction workers commuting to the site is approximately 663 barrels (26,500 gallons) of gasoline and represents less than 0.0002 percent of the statewide gasoline consumption in 2015.

Electricity used during construction to provide temporary power for lighting and electronic equipment (e.g., computers, etc.) inside temporary construction trailers and for outdoor lighting when necessary for general construction activity would generally not result in a substantial increase in on-site electricity use. Electricity use during construction would be variable depending on lighting needs and the use of electric-powered equipment and would be temporary for the duration of construction activities. Thus, electricity use during construction would generally be considered negligible.

Energy Conservation: Regulatory Compliance

The Project would utilize construction contractors who demonstrate compliance with applicable CARB regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. CARB has adopted an Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other toxic air contaminants ("TACs").

Compliance with the above anti-idling and emissions regulations would result in a more efficient use of construction-related energy and minimize or eliminate wasteful and unnecessary consumption of energy. With respect to solid waste, the City Municipal Ordinance (Section 6-3.602 – Construction & Demolition Recycling Plan) and CALGreen require all building and demolition permit applicants to submit a Construction & Demolition Recycling Plan ("CDRP") and CDRP Summary Report. Ontario Municipal Code Section 6-3.602 and CALGreen require all construction and qualifying renovation and demolition projects to divert at least fifty percent (50%) of all generated waste materials.

Anticipated Energy Consumption

The daily operation of the Project would generate demand for electricity, natural gas, and water supply, as well as generating wastewater requiring conveyance, treatment and

disposal off-site, and solid waste requiring disposal off-site. Southern California Edison is the electrical purveyor in the City that would provide electricity to the Project and the Southern California Gas Company is the natural gas purveyor in the City that would provide natural gas to the Project.

Based on estimates used as the basis for GHG emissions calculations, the initial operational year of the Project would have an electricity demand of approximately 11.3 million kilowatts per hour ("kWh") per year after Project completion. Based on estimates used as the basis for GHG emissions calculations, the initial operational year of the Project would have a natural gas demand of approximately 16.9 million British Thermal Units ("Btu's") per year.

Energy Conservation: Regulatory Compliance

The California Energy Commission ("CEC") first adopted the Energy Efficiency Standards for Residential and Nonresidential Buildings (C.C.R., Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Part 11 of the Title 24 Building Standards Code is referred to as CALGreen. The Project would be required by the City to comply with the applicable provisions of Title 24 and CALGreen.

With respect to solid waste, the Project is required to comply with applicable regulations, including those pertaining to waste reduction and recycling. Waste haulers serving the Project would divert Project-generated municipal waste in accordance with applicable San Bernardino County ordinances.

Energy Conservation: Project Design Features

The Project would be designed to include green building, energy saving, and water saving measures and other sustainability features. Consistent with the CALGreen, the Project would be required to meet and comply with the nonresidential mandatory measures that include storm water pollution prevention, bicycle parking, parking for clean air vehicles, electric vehicle charging, light pollution reduction, etc. As such, the Project would be designed to reduce wasteful, inefficient, and unnecessary consumption of energy.

Estimated Energy Consumption

Operation of the Project would result in transportation energy use primarily for trucks hauling goods to and from the site and employees commuting to and from their place of employment. Transportation fuels, primarily gasoline and diesel, would be provided by local or regional suppliers and vendors. Based on the Project's estimated passenger VMT of 51,000,000 miles per year and an average fuel economy of 18.78 miles per gallon, the Project would consume approximately 2,700,000 gallons of fuel a year associated with passenger cars. Based on the Project's estimated truck VMT of 16.7 million miles per year and an average fuel economy of 6.48 miles per gallon, truck traffic would consume approximately 2,618,086 gallons of diesel fuel a year. The Project would consume less than 0.02% of the statewide annual gasoline consumption.

Alternative-Fueled Vehicles

Alternative-fueled, electric, and hybrid vehicles could be used by Project employees. The use of these types of alternative fueled vehicles would reduce the consumption of gasoline and diesel by the Project. The effect is anticipated to be minimal in today's current vehicle market due to the relatively few number of alternative vehicles that are in use. The above transportation fuel estimates for the Project do not account for alternative-fueled, electric, and hybrid vehicles, which are more energy efficient vehicles. Thus, the assessment is a conservative estimate of transportation fuel consumption. The energy consumption during Project construction and operation would be less than significant. (Draft EIR at pp. 5.9 – 5.14.)

I. Hazards and Hazardous Materials

Impact: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material? (Draft EIR at p. 3.8-9.)

Finding: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material. (Draft EIR at pp. 3.8-9 – 3.8-10.)

Mitigation Measures: No mitigation measures are required.

Explanation: The proposed construction activities would involve the transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking during construction activities. In addition, hazardous materials would be needed for fueling and servicing construction equipment on the Project Site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by City during building checks during construction activities. As a result, hazardous material impacts related to construction activities would be less than significant. Further, asbestos surveys and abatement would be required prior to demolition or renovation of the existing building pursuant to the existing SCAQMD, Division of Occupational Safety and Health ("Cal/OSHA"), and California Health and Safety Code requirements. Compliance with these existing regulations would reduce impacts related to use, removal, and disposal of hazardous materials to a less than significant level.

The future building occupants within the Specific Plan area are not yet identified. Future uses on-site are assumed to be any of those uses permitted by the Business Park and Industrial uses land use designations, and the list of permitted uses in the proposed Specific Plan. During Project operation, the Project would utilize common types of hazardous materials, such as janitorial cleaning supplies, solvents, paints, pesticides, batteries, and aerosol cans. Normal routine use of these products pursuant to existing regulations would not result in a significant hazard to residents or workers in the vicinity of the Project Site.

The proposed Business Park and Industrial uses proposed for the Project Site could include businesses that use hazardous materials in their daily operations. However, the proposed light industrial, warehousing/distribution, and business would not process or

store large quantities of hazardous materials, and existing federal and state laws and regulations are in place that require businesses to plan and prepare for possible hazardous materials spills, releases, or emergencies. Any business that occupies a building within the Specific Plan that handles, stores, transports, or disposes of hazardous materials would require a permit from the San Bernardino County Fire Department, Hazardous Materials Division in order to register the business as a hazardous materials handler. Such businesses also are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the County of San Bernardino Fire Department and the state Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and prepare a Hazardous Materials Business Emergency Plan that would provide a written set of procedures and information created to help minimize the effects and extent of a potential release of a hazardous material.

Compliance with existing regulations related to hazardous materials, which would be implemented during the City's occupancy permitting review, would reduce the impacts related to the potential of Project operations to pose a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, to a less than significant level. (Draft EIR at pp. 3.8-9 – 3.8-10.)

Impact: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or school? (Draft EIR Appendix A at p. 27.)

Finding: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or school. (Draft EIR Appendix A at p. 27.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no existing or planned schools located within one-quarter mile of the Project Site. Therefore, the Project will not emit hazardous emissions, handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or planned school. Therefore, no hazardous materials would be emitted and impact existing or proposed schools within one-quarter mile of the Project. (Draft EIR Appendix A at p. 27.)

Impact: Is the Project located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (Draft EIR Appendix A at p. 28.)

Finding: The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment. (Draft EIR Appendix A at p. 28.)

Mitigation Measures: No mitigation measures are required.

Explanation: Phase I Environmental Site Assessments ("ESAs") and limited Phase II ESAs were completed for the properties on the Project Site. The ESAs did not identify any

properties that are considered to be hazardous sites per Government Code section 65962.5. The Project will not create a significant hazard to the public or environment due to the site being a hazardous materials site per Government Code section 65962.5. (Draft EIR Appendix A at pp. 27-28)

Impact: Would the Project create a significant hazard to people residing or working in the safety zone of the airport land use compatibility plan for Ontario or Chino airports? (Draft EIR at p. 3.8-14.)

Finding: The Project would not result in a safety hazard for people residing or working in the safety zone of the airport land use compatibility plan for Ontario or Chino airports. (Draft EIR at p. 3.8-14.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Specific Plan is located within the Chino Airport Overlay and within the Chino Airport Influence Area. Within this zone airspace review is required for objects and structures that are taller than seventy (70) feet in height. The proposed Specific Plan would allow for a maximum building height of fifty-five (55) feet for main structures, and up to sixty-five (65) feet for architectural projections and focal elements. Thus, the implementation of the proposed Specific Plan structures would not exceed the 70-foot high airspace review criteria, and the height of the proposed structures would not result in a hazard to flight or a safety hazard for people in the Project area.

The Specific Plan area is located within Safety Zone 6 of the Chino Airport. The basic compatibility policies for Zone 6 allow the proposed light industrial, warehousing/distribution, and business uses, and limit uses that process large quantities of highly hazardous materials or uses that store more than 6,000 gallons of hazardous materials. Lands within Safety Zone 6 are required to provide approximately ten percent (10%) of usable open land or an open area approximately every 0.25 mile to 0.5 mile; and that the area be at least 300 feet long by seventy-five (75) feet wide. The Project includes open space land areas that are compliant with the criteria, which would be ensured through the City's permit process. Development of the Project Site in compliance with the Caltrans Division of Aeronautics California Airport Land Use Planning Handbook (Caltrans 2011) would reduce potential impacts related to safety hazards related to the Chino Airport to less than significant. (Draft EIR at p. 3.8-14.)

Impact: Is the Project within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the Project area? (Draft EIR Appendix A at p. 28.)

Finding: The Project is not within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the Project area. (Draft EIR Appendix A at p. 28)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no private airstrips in the vicinity of the Project. Thus, there is no potential for safety hazards related to private airstrips. (Draft EIR Appendix A at p. 28.)

Impact: Would the Project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? (Draft EIR Appendix A at p. 28.)

Finding: The Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. (Draft EIR Appendix A at p. 28.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City's Safety Element, as contained within TOP, includes policies and procedures to be administered in the event of a disaster. The TOP seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. The Project will be required to comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because the Project is required to comply with all applicable City codes, any emergency evacuation or emergency response plan impacts would be reduced to a less than significant level. (Draft EIR Appendix A at p. 28.)

Impact: Would the Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Draft EIR Appendix A at pp. 28 - 29.)

Finding: The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Draft EIR Appendix A at pp. 28 - 29.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project Site is not located in or near any designated wildlands. Therefore, the Project will not be impacted by wildland fires. (Draft EIR Appendix A at p. 29.)

Impact: Would the Project result in cumulative impacts related to hazards and hazardous materials? (Draft EIR at p. 3.8-14 – 3.8-15.)

Finding: The Project would not result in cumulative impacts related to hazards and hazardous materials. (Draft EIR at p. 3.8-14 – 3.8-15.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The cumulative projects include land uses similar to the Project as well as other projects in the area such as residential, commercial/retail, industrial and open space. Similar planned development in the City would result in the development of land that was previously used for dairy farms, agricultural production, and demolition of existing structures, which may contain hazardous materials. The adherence of all cumulative projects to applicable federal, state, and local regulations and guidelines

would address site-specific impacts and ensure that impacts from those activities would be less than significant and not cumulatively considerable.

The development of the cumulative projects could expose construction workers and the general public to potentially hazardous substances. For example, the demolition of older buildings or utility structures could result in short-term increases in the generation of hazardous materials due to the presence of lead-based paints and asbestos-containing materials in buildings. All projects are required to comply with applicable federal, state, and local regulations regarding the safe removal of these types of hazardous materials. All demolition activities that involve asbestos or lead based paint must comply with SCAQMD Rule 1403 and Cal/OSHA requirements to ensure their safe removal prior to demolition. Adherence to all applicable laws and regulations would ensure that impacts would not be cumulatively considerable, and would be less than significant. (Draft EIR at pp. 3.8-14 – 3.8-15.)

J. Hydrology and Water Quality

Impact: Would the Project violate any water quality standards or waste discharge requirements? (Draft EIR Appendix A at p. 29.)

Finding: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. (Draft EIR Appendix A at p. 29.)

Mitigation Measures: No mitigation measures are required.

Explanation: The discharge of stormwater pollutants from areas on the Project Site for materials storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing, waste handling, hazardous materials handling or storage, delivery areas or loading docks/bays) could result in an increase in the amount of suspended solids, trash and debris, oil and grease, organic compounds, pesticides, nutrients, heavy metals and bacteria pathogens in surface runoff flows during storm events. The type and level of solids, trash, debris, etc. in the runoff could impact surface water quality. The Project will be required to comply with the statewide NPDES General Industrial Activities Stormwater Permit, the San Bernardino County Area-Wide Urban Runoff Permit (“MS4 Permit”), and the Ontario Municipal Code (Title 6, Chapter 6 – Stormwater Drainage System). The compliance of the Project with all applicable state, San Bernardino County, and City water quality standards would reduce water quality impacts to a less than significant impact. (Draft EIR Appendix A at p. 29.)

Impact: Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)? (Draft EIR Appendix A at p. 29.)

Finding: The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of

preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted). (Draft EIR Appendix A at p. 29.)

Mitigation Measures: No mitigation measures are required.

Explanation: Inland Empire Utilities Agency (“IEUA”) has a master plan for the construction and improvements to their water supply system in the Project area. These new and improved water supply facilities will ensure that development of the Project will eliminate existing groundwater pumping for agricultural use and not deplete groundwater supplies. The elimination of existing groundwater pumping will have a positive impact to the local aquifer. Although the Project will increase the amount of impervious surfaces compared to the existing condition, proposed water quality retention basins, landscape areas associated with the building areas and within the parking areas, landscape areas along Hellman Avenue and landscape areas extending thirty-two (32) feet from the right-of-ways for Eucalyptus Avenue and Merrill Avenue will allow percolation of rainfall to recharge the aquifer. The elimination of groundwater pumping and continued percolation of rainfall to recharge the aquifer would have a positive impact to groundwater supplies. Therefore, the Project would have a less than significant impact to the local aquifer and would not substantially deplete groundwater supplies or interfere with groundwater recharge. (Draft EIR Appendix A at p. 29.)

Impact: Would the Project substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Draft EIR at p. 3.9-8.)

Finding: The Project would not substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. (Draft EIR at pp. 3.9-8 – 3.9-10.)

Mitigation Measures: No mitigation measures are required.

Explanation: The existing NPDES Construction General Permit requires preparation and implementation of a stormwater pollution prevention plan (“SWPPP”) by a Qualified SWPPP Developer for the proposed construction activities. The SWPPP is required to address Project Site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alternation of a drainage pattern during construction activities. In addition, a Qualified SWPPP Practitioner is required to ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. Overall, with implementation of the existing construction regulations that would be verified by the City’s engineering during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction that could result in substantial erosion, siltation, or increases in stormwater runoff, and flooding on- or off-site would be less than significant.

There are no creeks, streams, or rivers on the Project Site. The Project Site is generally flat and the existing drainage patterns generally flow from north to south. The Project proposes to maintain the existing north to south drainage and not significantly alter the existing drainage pattern of the Project Site. The Project includes construction of an onsite storm drain system that would be consistent with the City’s Storm Drainage Master Plan and is

sized to adequately accommodate the stormwater flows from the project area and would maintain the existing drainage pattern of the Project Site.

In addition, as required by Ontario Municipal Code Title 6, Chapter 6, Article 5, the Project developer is required to submit and have a stormwater quality management plan ("SWQMP") approved by the City Engineer, which includes Low Impact Development ("LID") and BMPs and other measures to minimize excess runoff. Also, water efficient landscape irrigation would minimize non-stormwater runoff. The Project will maintain the overall existing drainage pattern of the Site, and compliance with the required SWQMP and SWPPP with BMPs will reduce potential impacts related to alteration of a drainage pattern, soil erosion and siltation to a less than significant level. (Draft EIR a pp. 3.9-8 – 3.9-10.)

Impact: Would the Project substantially alter the existing drainage pattern of the Project Site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Draft EIR at p. 3.9-10.)

Finding: The Project would not substantially alter the existing drainage pattern of the Project Site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. (Draft EIR at p. 3.9-10.)

Mitigation Measures: No mitigation measures are required.

Explanation: The development of the Specific Plan would result in an increase in the amount of impervious surfaces onsite, which would increase the onsite runoff. Thus, the Specific Plan includes construction of an onsite storm drain system that would route runoff into underground stormwater retention chambers and would slow and filter the runoff before it is discharged through the proposed storm drain system into the County Line Channel.

Landscaped areas would also be designed to receive and infiltrate runoff water from impervious surfaces. Use of the underground stormwater retention chambers and landscaping areas would regulate the rate and velocity of stormwater flows and would control the amount of discharge through the proposed drainage system into the County Line Channel. In addition, the drainage facilities proposed, have been sized to adequately accommodate the stormwater flows from the Specific Plan area, and are consistent with the City's Storm Drainage Master Plan.

The City requires a hydrology study and drainage analysis be prepared by a state registered civil engineer in accordance with the San Bernardino County Hydrology Manual and the City's Standards and Guidelines to ensure the drainage design would accommodate the Specific Plan development. As a result, implementation of the Specific Plan would not result in alteration of any stream or river, or the potential for on-site or off-site flooding and impacts would be less than significant. (Draft EIR at p. 3.9-10.)

Impact: Would the Project create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Draft EIR Appendix A at p. 30.)

Finding: The Project would not create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Draft EIR Appendix A at p. 30.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will result in a substantial increase in surface runoff as a result of an increase in the amount of impervious surfaces with the construction of buildings, parking areas, sidewalks, streets, etc. compared to the existing conditions. Pursuant to the requirements of TOP, the City's Development Code, and the San Bernardino County MS4 Permit's WQMP, individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department, which could include the construction of on-site storm water detention and/or retention/infiltration facilities. Therefore, no significant stormwater runoff capacity impacts are anticipated. (Draft EIR Appendix A at p. 30.)

Impact: Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water? (Draft EIR Appendix A at p. 31.)

Finding: The Specific Plan would not substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water? (Draft EIR Appendix A at p. 31.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will be required to comply with the statewide NPDES General Construction Permit and the Ontario Municipal Code (Title 6, Chapter 6 – Stormwater Drainage System) to minimize surface water pollution. The NPDES General Construction Permit requirements and the implementation of the applicable policies of TOP will reduce stormwater pollutants. Therefore, potential impacts to water quality by the Project will be less than significant. (Draft EIR Appendix A at p. 31.)

Impact: Would the Project place housing within a 100-year flood hazard area mapped on the Federal Flood Hazard Boundary and Flood Insurance Rate Map or other flood hazard delineation map? (Draft EIR Appendix A at p. 31.)

Finding: The Project would not place housing within a 100-year flood hazard area mapped on the Federal Flood Hazard Boundary and Flood Insurance Rate Map or other flood hazard delineation map. (Draft EIR Appendix A at p. 31.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Specific Plan area is not located within a 100-year flood hazard area and the Project does not include housing as a part of its development. Therefore, there is no potential for housing to be located within a 100-year flood hazard zone and no significant impacts would occur under the Project. (Draft EIR Appendix A at p. 31.)

Impact: Would the Project place within a 100-year flood hazard area structures that would impede or redirect flood flows? (Draft EIR Appendix A at p. 31.)

Finding: The Project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. (Draft EIR Appendix A at p. 31.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Specific Plan area is not located within a 100-year flood hazard area. Therefore, there is no potential for structures to impede or redirect flood flows within a 100-year flood hazard zone. No impacts related to 100-year flood hazards areas would occur by the Project. (Draft EIR Appendix A at p. 31.)

Impact: Would the Project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of levee or dam? (Draft EIR Appendix A at p. 31.)

Finding: The Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of levee or dam. (Draft EIR Appendix A at p. 31.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Cucamonga Creek Channel extends along and forms the east Project boundary. The channel provides 100-year flood protection for the City, including the Project Site. The Project is upstream of Prado Dam and not exposed to any risk due to the failure of the Prado Dam. The Project Site is within the San Antonio Creek dam failure inundation area. Catastrophic failure of the San Antonio Dam could occur during an earthquake. However, the probability of catastrophic failure is very low. Furthermore, the Ontario Fire Department maintains a list of emergency procedures to be followed in the event of a failure. There are no other dams or levees that would expose the project to significant risk involving flooding as a result of the failure of a levee or dam. (Draft EIR Appendix A at p. 31.)

Impact: Would the Project expose people or structures to inundation by seiche, tsunami, or mudflow? (Draft EIR Appendix A at p. 31.)

Finding: The Project would not expose people or structures to inundation by seiche, tsunami, or mudflow. (Draft EIR Appendix A at pp. 31-32.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no lakes or substantial reservoirs either on or near the Project Site that would impact the Project due to a seiche. The Project Site is more than forty (40) miles from the Pacific Ocean and would not be exposed to a tsunami. The topography of the Project Site is relatively flat and less than one percent (1%) slope to the south. The chance of mudflow either on- or off-site is remote and unlikely. The Project will not be impacted by a seiche, tsunami, or mudflow. (Draft EIR Appendix A at pp. 31-32.)

Impact: Would the Project result in cumulative impacts related to hydrology and water quality? (Draft EIR at p. 3.9-10.)

Finding: The Project would not result in cumulative impacts related to hydrology and water quality. (Draft EIR at p. 3.9-10.)

Mitigation Measures: No mitigation measures are required.

Explanation: Related developments within the Ontario Ranch area would be required to implement water quality control measures pursuant to the same NPDES General Construction Permit that requires implementation of a SWPPP (for construction), a SWQMP (for operation) and BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, reduce runoff, reduce erosion and sedimentation, and increase filtration and infiltration. The NPDES permit requirements have been set by the State Water Board and implemented by the RWQCB (and the Ontario Municipal Code Section 6-6) to reduce incremental effects of individual projects so that they would not become cumulatively considerable. The Project includes the installation of underground stormwater retention chambers and landscaping areas that would retain, slow, and filter the runoff before its discharge through storm drain connections to the County Line Channel. These facilities would retain runoff and reduce erosion and siltation. In addition, pursuant to state and regional regulations that require development projects to maintain pre-project hydrology, no net increase of offsite stormwater flows would occur. As a result, the Project would not generate runoff that could combine with additional runoff from cumulative projects that could cumulatively combine to impact erosion, siltation, flooding, and water quality. Cumulative hydrology and water quality impacts would be less than significant. (Draft EIR at p. 3.9-10.)

K. Land Use and Planning

Impact: Would the Project physically divide an established community? (Draft EIR Appendix A at p. 32.)

Finding: The Project would not physically divide an established community. (Draft EIR Appendix A at p. 32.)

Mitigation Measures: No mitigation measures are required.

Explanation: The proposed land uses for the Project Site are consistent with the land use categories that surround the site as designated by TOP, which include Business Park and Medium Density Residential to the north, Cucamonga Creek to the east, Industrial Park to the south and Business Park and Office Commercial to the west. The Project Site and the adjacent land uses are also within the Chino Airport Overlay zone. The Project will not physically divide an established community and will become an integrated part of the approved TOP. Therefore, no impact will occur. (Draft EIR Appendix A at p. 32.)

Impact: Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Draft EIR at pp. 3.10-4.)

Finding: The Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR at pp. 3.10-4 – 3.10-19.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will require a General Plan Amendment and Zone Change to: 1) decrease the designated Business Park area by approximately forty (40) acres to a total of 21.09-acres; 2) increase the designated Industrial land use by approximately forty (40) acres to a total of 98.09-acres; and 3) change the land use designation of approximately 2.49 gross acres (1.41 net acres) within the Parkside Specific Plan north of the Project Site from Parkside Specific Plan (residential use) to Business Park to allow for the realignment of Eucalyptus Avenue.

The Specific Plan land use plan, including the adjustment of the acreage between the Business Park and Industrial land use designations addressed by the requested General Plan Amendment, is consistent with the allowed type of land use development designated for the Project Site by TOP. The Project will implement the Industrial and Business Park development contemplated for the Project Site in TOP and will be consistent with and compatible with existing and planned industrial and commercial development in City and the City of Chino and its development planned for the area northeast of the Chino Airport. The Specific Plan has been prepared in conformance with the goals and policies of TOP. The Specific Plan would be consistent with all applicable TOP policies and impacts related to a conflict with a TOP policy would not occur.

Upon adoption of the Specific Plan, the development regulations and design standards within the Specific Plan would apply to the Project area and would establish the applicable zoning regulations and development standards. As stated in Section 1.01.035 of the Ontario Development Code, in the event of any conflict between the requirements of the Ontario Development Code and the standards contained within an adopted Specific Plan, the requirements of the Specific Plan shall govern, and when the provisions of a Specific Plan are silent on a specific matter, the regulations set forth in the Ontario Development Code shall apply. As such, the Specific Plan would not result in conflicts with the Ontario Development Code, TOP land use plan, Zoning Ordinance designations, or the applicable TOP Land Use Element goals and policies.

Southern California Association of Governments (“SCAG”) Regional Transportation Plan (“RTP”) policies focus largely on transportation and the efficiency of transportation, which are not applicable to the Specific Plan. However, the Specific Plan would implement and are consistent with all applicable listed SCAG policies. Therefore, implementation of the Specific Plan would not result in conflict with SCAG policies, and impacts would not occur. (Draft EIR at pp. 3.10-4- 3.10-19.)

Impact: Would the Project conflict with any applicable HCP or NCCP? (Draft EIR Appendix A at p. 32.)

Finding: The Project would not conflict with any applicable HCP or NCCP. (Draft EIR Appendix A at p. 32.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project Site is not located within any adopted HCP or NCCP. The Project will not conflict with or have any impacts to a HCP or NCCP. (Draft EIR Appendix A at p. 32.)

Impact: Would the Project result in a cumulatively considerable impact with respect to land use impacts? (Draft EIR at p. 3.10-19.)

Finding: The Project would not result in a cumulatively considerable impact with respect to land use impacts. (Draft EIR at p. 3.10-19.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will comply with TOP land use designations and City Zoning Ordinance designations for the Project Site. Prior to their approval, the cumulative projects identified in EIR Chapter 2.0 (Project Description) will be required to address compatibility with the respective jurisdictions land use and zoning plans. If a general plan amendment or zone change is requested, similar to the Project, the appropriate analysis would be required by the respective jurisdiction and adjustments would be made to their general plan and zoning plans. Therefore, the Project in combination with the cumulative projects will result in a less than significant cumulative land use impact. (Draft EIR at p. 3.10-19.)

L. Mineral Resources

Impact: Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Draft EIR Appendix A at p. 32.)

Finding: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. (Draft EIR Appendix A at p. 32.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no known mineral resources either on the Project Site or in the immediate vicinity of the Project Site that would be impacted by the Project. TOP does not identify any known or suspected mineral resources in the Project area that could be impacted. The Project is located in MRZ-3. Areas designated by the State of California Geologist as MRZ-3 include land that the significance of mineral deposits cannot be determined from the available data. Since there are no known mineral resources present that are of value to the State, the Project will not impact mineral resources. (Draft EIR Appendix A at pp.32-33.)

Impact: Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Draft EIR Appendix A at p. 33.)

Finding: The Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. (Draft EIR Appendix A at p. 33.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no known mineral resources on the Project Site or in the area. There is no loss of availability of any locally important mineral resource because the Project Site is not designated as a mineral resource area. The Project would have no impact to the loss of important mineral resources. (Draft EIR Appendix A at p. 33.)

M. Noise and Vibration

Impact: Would the Project expose persons to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies? (Draft EIR at p. 3.11-15.)

Finding: The Project would not expose persons to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies. (Draft EIR at p. 3.11-15 -3.11-17.)

Mitigation Measures: No mitigation measures are required.

Explanation:

Construction Noise

The City exempts construction noise as long as it occurs between 7:00 a.m. and 6:00 p.m. on a weekday or between 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays. Because construction operations would not occur outside the construction hour limits imposed by the City, construction noise impacts related to exceedance of a noise standard would not occur.

Operational Noise

The proposed warehouses with loading docks would generate noise associated with the loading dock activities, and the Business Park and Industrial uses would generate noise associated with air conditioning units, parking lot noise including deliveries, building maintenance employee vehicles, landscape maintenance, etc.

The Ontario Noise Ordinance requires that noise levels remain below forty-five (45) dBA (Leq) during nighttime hours. The projected noise level generated by the Project at the nearest residence is estimated to be 28.6 dBA (Leq), which is below the City forty-five (45) dBA noise level limit. Therefore, the noise impacts from on-site activities during the operation of the Project would be less than significant. (Draft EIR at pp. 3.11-15 – 3.11-17.)

Impact: Would the Project expose persons to or generate excessive groundborne vibration or groundborne noise levels? (Draft EIR at p. 3.11-17.)

Finding: The Project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels. (Draft EIR at p. 3.11-17 – 3.11-18.)

Mitigation Measures: No mitigation measures are required.

Explanation: The threshold for vibration is eighty (80) vibration decibels (“VdB”) for infrequent daily events and seventy-two (72) VdB for frequent events. The grading and construction equipment that would be used during Project construction would not generate any vibrations greater than the seventy-two (72) VdB at sensitive receptors. Therefore, the potential impacts related to groundborne vibration from Project construction would be less than significant.

The operation of the Project would include heavy trucks transiting on site to and from the loading dock areas. The FTA Transit Noise Impact and Vibration Assessment describes that trucks traveling at a distance of fifty (50) feet typically generate groundborne vibration velocity levels of around sixty-three (63) VdB and could reach seventy-two (72) VdB when trucks pass over bumps in the road. The operational truck trips would not generate substantial vibration at nearby sensitive receptors, and impacts would be less than significant. (Draft EIR at pp. 3.11-17 – 3.11-18.)

Impact: Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project? (Draft EIR at p. 3.11-18.)

Finding: The Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. (Draft EIR at p. 3.11-18 – 3.11-20.)

Mitigation Measures: No mitigation measures are required.

Explanation:

On-Site Operations

The loading dock operations would generate the highest exterior noise from the Project, and the projected noise level at the nearest residence is estimated to be 28.6 dBA (Leq). The closest sensitive receptors to the Project has an existing ambient noise level of sixty-four (64) Leq and the next closest sensitive receptor has an existing ambient noise level of 70.4 Leq. The noise from on-site operational activities would be lower than the existing ambient noise in the Project area, and impacts would be less than significant.

Off-Site Traffic

Traffic generated by the Project would result in increased traffic noise levels along the roadways in the vicinity of the Project. The highest noise generated by Project traffic would be along Eucalyptus Avenue between Grove Avenue where the existing ambient noise level is 47.6 dB CNEL. The Project would result in a 3.2 dBA noise level increase, which is less than the 5 dBA threshold for areas with ambient noise of less than sixty (60) dBA. Traffic noise in the existing plus Project condition would be less than significant.

Horizon Year Plus Project

As described above the highest noise generated by the Project would be along Eucalyptus Avenue between Grove Avenue and the Project Site. The sixty-five (65) CNEL noise level noise along this same roadway in 2040 with the Project would be twenty-one (21) feet from the roadway centerline. There are twelve (12) existing residences along this roadway that are located between sixty-five (65) to 105 feet from the centerline of Eucalyptus Avenue. The noise levels at these residences with the project in 2040 would range from fifty-five (55) to fifty-eight (58) CNEL, which is below the sixty-five (65) CNEL impact criteria. Therefore, the long-term off-site noise impacts due to traffic generated during the operation of the Project would be less than significant. (Draft EIR at p. 3.11-18 – 3.11-20.)

Impact: Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project? (Draft EIR at p. 3.11-20.)

Finding: The Project would not result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project. (Draft EIR at p. 3.11-20 – 3.11-21.)

Mitigation Measures: No mitigation measures are required.

Explanation: The highest levels of noise would be generated during site preparation and grading when large pieces of heavy equipment would be operating on the Project Site. The Lmax for most of the equipment that would be used during the construction of the Project is seventy (70) to ninety-five (95) dBA at a distance of fifty (50) feet. Noise levels at further distances would be less than this and intervening terrain would reduce noise levels even further.

The closest noise sensitive receptor closest to construction activities is a residence south of the Project Site. Based on a distance of 200 feet from the existing residence, the worst-case unmitigated Lmax construction noise levels could be fifty-eight (58) to eighty-three (83) dBA at the residence. The ambient noise levels that were measured at existing residences west of the Project Site on Merrill Avenue are similar to the ambient noise levels on Merrill Avenue adjacent to the residence south of the Project, which was approximately eighty-six (86) dBA. Thus, the construction noise of fifty-eight (58) to eighty-three (83) dBA at the residence closest to and south of the Project Site would be less than the ambient noise levels at this location, and impacts would be less than significant.

The next closest sensitive noise receptors are the residential units east of the Project and the ambient noise is approximately sixty-four (64) Leq. Construction operations near the east property line would occur about 1,300 feet from these residences. Based on a distance of 1,300 feet, the worst-case unmitigated Lmax construction noise levels could be forty-two (42) to sixty-seven (67) dBA at the residences. The construction noise levels at this location would be approximately the same as the existing ambient noise levels, and impacts would be less than significant.

Backup warning systems, which are required by California labor law for heavy equipment, typically employ audible alarms in the form of backup beepers. These beepers typically produce sound levels between sixty-three (63) to sixty-seven (67) dBA at fifty (50) feet. The ambient noise levels that were measured closest to the Project Site at Archibald Avenue and Merrill Avenue east of the Project Site recorded an Lmax noise levels measured at this site were about 86 dBA. Thus, the noise from the backup warning systems would be less than the ambient noise levels at sensitive receptor locations, and impacts would be less than significant.

As described above, the noise levels of the construction equipment that will be operating on the Project Site would be approximately the same as or less than the ambient noise at sensitive receptors. Additionally, all construction activity will be required to comply with the Ontario Municipal Code Chapter 5-29.09 that restricts construction to specific hours and days of the week. The Project would not result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity and impacts would be less than significant. (Draft EIR at p. 3.11-20 – 3.11-21.)

Impact: Would the Project that is located within the noise impact zones of the airport land use compatibility plan for Ontario and Chino Airports, expose people residing or working in the project area to excessive noise levels? (Draft EIR Appendix A at p. 34.)

Finding: The Project would not expose people residing or working in the Project area to excessive airport noise levels for Ontario and Chino Airports. (Draft EIR Appendix A at p. 34.)

Mitigation Measures: No mitigation measures are required.

Explanation: According to Figure 5.12-3 of the Ontario International Airport Land Use Compatibility Plan, the Project Site is located outside the sixty (60) dB CNEL noise contour of the Ontario airport. Based on Map CH-3 of the Riverside County Airport Land Use Compatibility Plan Policy Document, the Project Site is outside the fifty-five (55) CNEL noise contour of the Chino Airport that is located approximately 1.5 miles to the southwest. The Project will not be impacted by noise from the operations at either the Ontario International Airport or the Chino Airport. (Draft EIR Appendix A at pp.34.)

Impact: Is the Project within the vicinity of a private airstrip and expose people residing or working in the Project area to excessive noise? (Draft EIR Appendix A at p. 34.)

Finding: The Project would not be within the vicinity of a private airstrip and expose people residing or working in the Project area to excessive noise. (Draft EIR Appendix A at p. 34.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no private airstrips within the Project vicinity. Therefore, no impacts would occur. (Draft EIR Appendix A at p. 34.)

Impact: Would the Project result in a cumulatively considerable impact with respect to the exposure of sensitive receptors to noise or vibration? (Draft EIR at p. 3.11-21.)

Finding: The Project would not result in a cumulatively considerable impact with respect to the exposure of sensitive receptors to noise or vibration. (Draft EIR at pp. 3.11-21 – 3.11-23.)

Mitigation Measures: No mitigation measures are required.

Explanation: Development of the Specific Plan in combination with the related projects would result in an increase in local construction-related and traffic-related noise and vibration. However, each of the related projects would be subject to the operational noise standards established in Sections 5-29.09 of the Ontario Municipal Code. In addition, construction noise and vibration is localized in nature and decreases substantially with distance. Due to the size of the Specific Plan area (120 acres) and the intermittent location of development activities, the construction noise and/or vibration would have a minimal potential to combine and become cumulatively significant. Therefore, cumulative noise and/or vibration impacts associated with construction activities would be less than significant.

The operational noise from onsite activities at Specific Plan buildout at the closest sensitive receptor would be 28.6 dBA L_{max}, which is less than the noise standards and the existing ambient noise in the Project vicinity. The Specific Plan would result in a less than cumulatively significant impact on ambient noise levels from operational activities.

Cumulative mobile source noise increases that would occur as a result of the combination of increased traffic on local roadways due to the proposed Specific Plan, horizon year 2040 growth, and related projects. The highest noise generated by the Project would be along Eucalyptus Avenue between Grove Avenue and the Project Site, where traffic noise with the project in 2040 would result in noise levels that are below the significance thresholds, and therefore less than cumulatively considerable. (Draft EIR at pp. 3.11-21 – 3.11-23.)

N. Population and Housing

Impact: Would the Project induce substantial population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)? (Draft EIR Appendix A at p. 34.)

Finding: The Project would not induce substantial population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure). (Draft EIR Appendix A at p. 34.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project proposes the development of a Business Park and Industrial uses and does not propose any housing that would directly generate additional residents. The Project will not generate a population growth greater than planned by TOP. (Draft EIR Appendix A at p. 34.)

Impact: Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Draft EIR Appendix A at p. 34.)

Finding: The Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. (Draft EIR Appendix A at p. 34 - 35.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are approximately two (2) occupied residences and one (1) previously occupied residence on the Project Site that would be removed as part of the Project. Most of the existing residents are current landowners and have acknowledged their willingness to sell. Because the existing residents are landowners and willing sellers, the Project will not displace a substantial number of houses, requiring the construction of a substantial number of replacement houses elsewhere. The Project will not have an impact on existing housing. (Draft EIR Appendix A at p. 34 - 35.)

Impact: Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Draft EIR Appendix A at p. 35.)

Finding: The Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (Draft EIR Appendix A at p. 35.)

Mitigation Measures: No mitigation measures are required.

Explanation: The existing residents are the landowners and have agreed to sell their property and move to accommodate development of the Project. The Project will not displace a substantial number of people and will not necessitate construction of replacement housing elsewhere. The Project will not have a replacement housing impact. (Draft EIR Appendix A at p. 35.)

O. Public Services

Impact: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives? (Draft EIR at p. 3.12-4.)

Finding – Fire: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. (Draft EIR at p. 3.12-4 – 3.12-5.)

Mitigation Measures: No mitigation measures are required.

Explanation– Fire: The Specific Plan would increase calls for Ontario Fire Department services, which would increase needs for Ontario Fire Department staffing and equipment. Construction of Fire Station 139 is scheduled to be completed by August 2018 would, once

completed, serve the Project and reduce the Ontario Fire Department response times compared to existing conditions. The Project will be required to meet all applicable current California Fire Code and California Building Code requirements for fire safety. The Project would be consistent with the TOP goal for fire protection with compliance of the California Fire Code and California Building Code requirements for fire safety.

The Project Site currently lacks adequate water supply infrastructure to provide adequate fire flow for fire protection. However, the Project proposes and is required by the Development Agreement to construct a water system to provide an adequate potable water supply for the Project and water pressure for fire suppression on the Project Site. The Ontario Fire Department would complete an inspection of all new structures before approval of occupancy permits to ensure that all fire safety features are installed appropriately, which would reduce the potential for fire hazards during operation of the Project. Impacts related to fire protection services would be less than significant. (Draft EIR at pp. 3.12-4 – 3.12-5.)

Impact: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives? (Draft EIR at p. 3.12-5.)

Finding – Police: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. (Draft EIR at p. 3.12-5.)

Mitigation Measures: No mitigation measures are required.

Explanation – Police: The Specific Plan could result in an increase in calls for police services. The Specific Plan would include installation of security features to reduce the potential for crime, such as the provision of low-intensity security lighting in parking areas and adjacent to buildings structure security. As described in the Specific Plan, illumination of on-site areas include lighting for parking areas, pedestrian walkways, shipping and loading areas, and additional exterior areas. Additionally, the Specific Plan specifically requires that a comprehensive lighting plan be prepared and approved in conjunction with the site plans, and that all plans shall be reviewed and approved by the Ontario Police Department. Pursuant to the City's existing permitting process, the City's Building Department would review and approve the final site plans to ensure that crime prevention through design measures are incorporated appropriately to provide a safe environment. The Specific Plan would include features to reduce the need for law enforcement services. Impacts related to police protection services would be less than significant. (Draft EIR at p. 3.12-5.)

Impact: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives? (Draft EIR Appendix A at p. 35.)

Finding – Schools: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at p. 35.)

Mitigation Measures: No mitigation measures are required.

Explanation – Schools: The Project does not propose any housing that would generate students to area schools. The Project will not impact the schools that serve the Project Site. (Draft EIR Appendix A at p. 35.)

Impact: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered parks facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives? (Draft EIR Appendix A at p. 36.)

Finding – Parks: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at p. 36.)

Mitigation Measures: No mitigation measures are required.

Explanation – Parks: The Project Site is served by the Ontario Parks and Recreation Department. The Project does not propose any housing that would directly increase the demand on existing City park and recreational facilities. While some Project employees may use existing City park and recreational facilities that demand is not anticipated to significantly impact existing City facilities. The Project will have a less than significant the impact on park facilities. (Draft EIR Appendix A at p. 36.)

Impact: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives? (Draft EIR Appendix A at p. 36.)

Finding – Other Public Facilities: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at p. 36.)

Mitigation Measures: No mitigation measures are required.

Explanation – Other Public Facilities: The Project Site is served by the City, which provides a variety of public services to the community. While the Project will incrementally increase the demand on some public services, including police and fire protection, the increase for other public facilities such as libraries is anticipated to be less than significant. (Draft EIR Appendix A at p. 36.)

Impact: Would the Project result in substantial adverse cumulative physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities? (Draft EIR at p. 3.12-6.)

Finding – Governmental Facilities: The Project would not result in substantial adverse cumulative physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. (Draft EIR at p. 3.12-6.)

Mitigation Measures: No mitigation measures are required.

Explanation – Governmental Facilities: As new development occurs in the Project area, there will be an increase in the demand for law enforcement and fire protection services, including the need for additional personnel, equipment, and other support facilities. However, an increase in the demand for police and fire services are routinely assessed by these agencies as dictated by TOP policy S3-3 (fire) and policies S7-7 (police) as well as part of an annual monitoring and budgeting process. The law enforcement and fire protection services in the City are anticipated to be adequate to serve existing development. The Project's contribution to the cumulative impact on police and fire services in the City is less than significant, since the Project can be served within the established response times and distances for the City's Fire Department and Police Department. (Draft EIR at p. 3.12-6.)

P. Recreation

Impact: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Draft EIR Appendix A at p. 36.)

Finding: The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (Draft EIR Appendix A at p. 36.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project does not propose any housing. Therefore, the Project would not directly increase the demand for and use of neighborhood parks and other city recreational facilities. The Project will provide bikeways as a part of the circulation improvements defined in the proposed Specific Plan. Although Project employees may indirectly use existing City park and recreational facilities, their increased use, if any, is not anticipated to significantly impact and substantially deteriorate existing park and recreational facilities. (Draft EIR Appendix A at p. 36.)

Impact: Would the Project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment? (Draft EIR Appendix A at p. 36.)

Finding: The Project would not include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment. (Draft EIR Appendix A at p. 36.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project does not propose the construction of any on- or off-site park or recreational facilities. Therefore, the Project will not have any recreational facility construction impacts. (Draft EIR Appendix A at p. 36.)

Q. Transportation and Traffic

Impact: Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in a substantial safety risk? (Draft EIR Appendix A at p. 37.)

Finding: The Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in a substantial safety risk. (Draft EIR Appendix A at p. 37.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport or Chino Airport because the Project Site is outside of areas of FAA-imposed height restrictions associated with both airports. The Project will not impact air traffic patterns at either Ontario International or Chino airports. (Draft EIR Appendix A at p. 37.)

Impact: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Draft EIR at p. 3.13-39.)

Finding: The Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Draft EIR at p. 3.13-39.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project does not propose any street designs or curves that would result in a dangerous intersection. The Ontario Public Works Department will review all building plans for compliance with its street design requirements prior to the issuance of building permit(s) to ensure that all Project-related roadways and intersections meet the City standards for roadways widths, turning radius, sight-distance requirements, etc. Project compliance with City design standards for public roadways will address potential conflicts with oversized vehicles or farm equipment on the public roadways within and adjacent to the Project Site. The Project will not result in a significant dangerous street design or intersection. (Draft EIR at p. 3.13-39.)

Impact: Would the Project result in inadequate emergency access? (Draft EIR Appendix A at p. 37.)

Finding: The Project would not result in inadequate emergency access. (Draft EIR Appendix A at p. 37.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will be designed to provide adequate emergency vehicle access to meet all applicable California Building Code and Ontario Fire and Police Department access requirements. The Project will not have any significant emergency vehicle access impacts. (Draft EIR Appendix A at p. 37.)

Impact: Would the Project result in inadequate parking capacity? (Draft EIR Appendix A at p. 37.)

Finding: The Project would not result in inadequate parking capacity. (Draft EIR Appendix A at pp. 37 - 38.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will be required to meet all applicable parking standards established by the Ontario Development Code. The Project will not have any significant parking capacity impacts. (Draft EIR Appendix A at pp. 37-38.)

Impact: Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Draft EIR Appendix A at p. 38.)

Finding: The Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Draft EIR Appendix A at p. 38.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will be required to incorporate all forms of alternative transportation, including bicycle storage, as required by TOP and the California Green Building Standards Code. The Project will have no impact to adopted alternative transportation policies, plans, or programs. (Draft EIR Appendix A at p. 38.)

R. Tribal Cultural Resources

Impact: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (Draft EIR at p. 3.14-6.)

Finding: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the CRHR, or in a local

register of historical resources as defined in Public Resources Code section 5020.1(k). (Draft EIR at p. 3.14-6.)

Mitigation Measures: No mitigation measures are required.

Explanation: On March 24, 2017, the City sent letters to five (5) Native American representatives identified by NAHC, notifying them of the Project in accordance with AB 52. One (1) California Native American tribe requested consultation, the Gabrieleño Band of Mission Indians – Kizh Nation. Tribal Chairman Mr. Andrew Salas provided information on the proximity of known Native American village sites to the Specific Plan area and the use of the Ontario Ranch area for hunting. Based on the consultation conducted, no Tribal Cultural Resources (“TCRs”) were identified. Additionally, no sites were documented in Chapter 3.5, Cultural Resources, or Chapter 3.14, Tribal Cultural Resources, of the EIR. Therefore, impacts from implementation of the Specific Plan to TCRs that are listed or eligible for listing would be less than significant. (Draft EIR at p. 3.14-6.)

S. Utilities and Service Systems

Impact: Would the Project exceed wastewater treatment requirements of the applicable RWQCB? (Draft EIR Appendix A at p. 38.)

Finding: The Project would not exceed wastewater treatment requirements of the applicable RWQCB. (Draft EIR Appendix A at p. 38 - 39.)

Mitigation Measures: No mitigation measures are required.

Explanation: The wastewater will be treated at the IEUA at Regional Plant 5 (“RP5”). The quality of wastewater treated at IEUA is overseen by two (2) agencies –Santa Ana RWQCB and the California Department of Public Health (“CDPH”). The wastewater treated in all of IEUA’s regional plants meets or exceeds the standards of water quality set by Title 22 of the California Code of Regulations (IEUA 2005). The wastewater generated by the Project has been planned for in the capacity of RP5 for accommodation and treatment. Therefore, the Project would not have any significant impact to the water quality standards of the Santa Ana RWQCB and the CDPH. (Draft EIR Appendix A at p. 38- 39.)

Impact: Would the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at p. 3.15-8.)

Finding: The Project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Draft EIR at pp. 3.15-8 – 3.15-10.)

Mitigation Measures: No mitigation measures are required.

Explanation:

Water Facilities

The Project developer will be required by the Development Agreement to construct new domestic water mains, including water master plan facilities, to provide a loop water system to serve the Project Site. In the interim scenario in Ontario Ranch, when the ultimate master planned pipeline network has not been completed, there may be instances whereby just constructing the master planned pipeline improvements to serve the Project may not meet the required fire flow demands. Therefore, the Project may be required to construct additional water pipelines whether specifically called out in the Ontario Recycled Water Master Plan or not; or upsize master planned pipelines in order to meet the necessary fire flow requirements per Fire Department and/or the criteria as provided in the Ontario Recycled Water Master Plan. The Specific Plan will comply with City Ordinance 2689 and make use of recycled water to maximize the use of recycled water to irrigate on- and off-site street landscaping and common areas.

The Water Supply Assessment prepared for the Project states that the City has an adequate future water supply to serve the Project. In addition, the use of recycled (non-potable) water to irrigate street landscaping and common areas will reduce future needs for potable water supplies. As such, impacts related to the increased demand for potable water by the Project are less than significant.

Wastewater Facilities

The RP5 wastewater treatment plant has adequate capacity to treat the wastewater generated by the Project. The RP5 treatment plant has a capacity of 16.3 million gallons a day (“mgd”) with a current flow of 9 mgd. Because the existing uses on the Project Site are not served by an existing public system for wastewater collection, treatment, and disposal, the Project will require the construction of a public wastewater collection system.

The construction of required Ontario Sewer Master Plan facilities including water, recycled water and sewer lines are part of the Project, and were planned by the City with the adoption of the respective master plans and no extensions or capacity expansions beyond the planned system are required to serve build out of the Project. The Project will be required to construct Ontario Sewer Master Plan facilities that have been planned and environmentally evaluated by the TOP EIR. Therefore, impacts related to the extension of water and wastewater infrastructure would be less than significant. (Draft EIR at pp. 3.15-8 – 3.15-10.)

Impact: Would the Project have sufficient water supplies available from existing entitlements and resources, and no new or expanded entitlements are needed? (Draft EIR at p. 3.15-10.)

Finding: Sufficient water supplies available from existing entitlements and resources, and no new or expanded entitlements are needed. (Draft EIR at pp. 3.15-10 – 3.15-11)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project is estimated to consume approximately 373 acre-feet of water per year, or 333,280 gallons per day, which includes 225 acre-feet per year of potable water and 148 acre-feet per year of recycled water. The Project’s estimated 373 acre-feet per

year of total water demand is accounted for in the City's adopted 2015 Urban Water Management Plan estimate of 73,640 acre-feet of water consumed in 2040.

The estimated water consumption by the land uses proposed for the Project Site by TOP is estimated to be 422 acre-feet of water per year, which includes 248 acre-feet per year of potable water and 174 acre-feet per year of recycled water. Thus, the Project will consume approximately forty-nine (49) acre-feet of water per year less than if the Project Site were to be developed consistent with TOP.

The water consumption impacts of the Project will be less than significant because the water demand of the Project will be less than estimated for the Project Site by TOP and the City has an adequate long-term supply of water to serve the Project. (Draft EIR at pp. 3.15-10 – 3.15-11.)

Impact: Would the Project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at 3.9-9.)

Finding: The Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Draft EIR at 3.9-9.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Although construction of the drainage system and connection to the existing storm drain system is part of the Project, these facilities have been planned by the City in its Storm Drain Master Plan, and no extensions or expansions beyond the planned system would be required. The necessary installation of drainage improvements lines is included as part of the Specific Plan and would not result in any physical environmental effects beyond those identified in the other CEQA Findings. Therefore, the Specific Plan would not result in the construction of new unplanned storm water drainage facilities or expansion of existing planned facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant. (Draft EIR at p. 3.9-9.)

Impact: Is the Project served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs? (Draft EIR Appendix A at p. 40.)

Finding: The Project is served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. (Draft EIR Appendix A at p. 40.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City will provide solid waste collection services to the Project. Currently, household and business refuse, green waste, and recycling from the City are sent to the West Valley Materials Recovery Facility ("MRF") in the City of Fontana for processing, recycling, or landfilling. The solid waste generated by the Project will be collected, recycled and transported to the appropriate landfill in compliance with the Ontario Municipal Code. The incorporation of all applicable measures of the

Environmental Resources Element of TOP and Title 6 – Sanitation and Health, Chapter 3 – Integrated Solid Waste Management of the Ontario Municipal Code will reduce solid waste impacts of the Project to less than significant. (Draft EIR Appendix A at p. 40.)

Impact: Would the Project comply with federal, state, and local statutes and regulations related to solid waste? (Draft EIR Appendix A at p. 40.)

Finding: The Project would comply with federal, state, and local statutes and regulations related to solid waste. (Draft EIR Appendix A at p. 40.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will comply with federal, state, and local statutes and regulations regarding solid waste. Therefore, no impacts are anticipated. (Draft EIR Appendix A at p. 40.)

Impact: Would the Project result in a cumulatively considerable impact to utilities and services systems, including water supply, wastewater generation, and/or solid waste? (Draft EIR at p. 3.15-12.)

Finding: The Project would not result in a cumulatively considerable impact to utilities and services systems, including water supply, wastewater generation, and/or solid waste. (Draft EIR at p. 3.15-12.)

Mitigation Measures: No mitigation measures are required.

Explanation:

Water

As described previously, a Water Supply Assessment was prepared for the Project, which determined the City has an adequate water supply to serve the long-term water needs of the Project. The adopted Ontario 2015 Urban Water Management Plan accounted for the development of the cumulative projects in the City. The Project's Water Supply Assessment took into account the Project as well as other planned future development in the City and determined the City's water supply is adequate to serve the City's cumulative water needs to the year 2040. The Project would have a less than significant cumulative impact to water supply.

Wastewater

Cumulative wastewater infrastructure impacts are considered on a system-wide basis and are associated with the overall capacity of existing and planned infrastructure. As described previously, the wastewater generated by the Project would not significantly impact the wastewater treatment capacity of the IEUA's RP5 treatment plant, which has excess capacity that is more than sufficient to handle the peak sewage flows of the Project. As such, impacts on wastewater would not be cumulatively considerable. The Project would have a less than significant cumulative impact. (Draft EIR at p. 3.15-12.)

SECTION III

IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City Council hereby finds that mitigation measures have been identified in the EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. This section also sets out in greater detail specific impacts that were determined to be less than significant even without the implementation of mitigation measures. The potentially significant impacts and the mitigation measures that will reduce them to a less than significant level are set out in the EIR and summarized below.

A. Air Quality

Impact: Would the Project violate an air quality standard or contribute substantially to an existing or projected air quality violation. (Draft EIR at p. 3.3-18.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant air quality impact identified in the Draft EIR. (Draft EIR at pp. 3.3-18 – 3.3-19.)

Mitigation Measures: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure AQ-1: Prior to the issuance of building permits, the developer shall provide to the City for its review and approval a Painting Plan that provides evidence that only paints with a VOC of 50 grams per liter (g/l) or less shall be used for the painting of all buildings. Additionally, the area that can be painted combined inside and out shall not exceed: 150,000 square feet for Phase 1A; 150,000 square feet for Phase 1B; and 700,000 square feet for Phase 2. A Painting Plan shall be provided to the City indicating the areas that will be painted and the total area to be painted for each phase. The paints to be used along with their VOC ratings shall be included in the Painting Plan.

Explanation: The peak construction emissions for reactive organic gasses (“ROG”) in Phases 1A, 1B, and 2 would exceed the SCAQMD regional significance thresholds. ROG emissions are projected to exceed the SCAQMD thresholds only during the painting phase of construction. Mitigation Measure AQ-1 has been included to reduce ROG emissions during construction activities (painting of structures) for Phases 1A, 1B, and 2 to a less than significant level.

B. Biological Resources

Impact: The Project could have a substantial adverse effect, either directly or through habitat modifications, on a special-status wildlife species identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS. (Draft EIR at p. 3.4-15).

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant biological impact identified in the Draft EIR.

Mitigation Measures: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure BIO-1 Prior to any demolition or grading on the Site and areas with off-site improvements, a qualified biologist shall conduct a focused survey for burrowing owl following CDFW's March 2012 recommended guidelines including conducting four visits between February 15 and July 15. If the species is found, an eviction plan shall be drafted and submitted to CDFW for approval. Eviction shall only occur when the owls are not nesting. If the species is not found during the focused survey and the focused survey is completed more than 14 days prior to ground disturbance, a preconstruction presence/absence survey for burrowing owl within 14 days prior to each phase of development (including clearing and grubbing) shall be completed to ensure no mortality to the species occurs. If burrowing owls are detected during the preconstruction survey, a mitigation and eviction plan for that phase shall be drafted and provided to the CDFW for approval. Eviction shall occur only when the owls are not nesting (CDFW 2012).

Mitigation Measure BIO-2 The removal of any vegetation on the Site by the Project developer shall occur outside of the nesting season (January 1 through August 31). If avoidance of the nesting season is not feasible, a qualified biologist shall conduct a nesting bird survey within three days prior to the disturbance of any vegetation, including disking, demolition, grading or construction. If active nests of native bird species are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. The buffer shall be 300 feet for raptors and 150 feet for songbirds; unless specifically determined to be less by a qualified biologist that is familiar with the nesting phenology of the nesting species.

Mitigation Measure BIO-3 Prior to any site clearing, demolition, or grading, the Project developer shall provide evidence to the City of Ontario that a qualified biologist shall conduct North American bat surveys. If bats are determined to be present, the applicant or developer shall submit a mitigation plan by a qualified biologist that defines

measures to protect the bat species in compliance with established protocols and regulations. The plan shall be reviewed and approved by CDFW prior to submittal to the City for approval.

Explanation:

Special-Status Wildlife Species

Western Burrowing Owl

No direct observations or western burrowing owl (“BUOW”) sign (feathers, pellets, fecal material, prey remains, etc.) were recorded on the Project Site during the reconnaissance surveys. Four (4) focused surveys for BUOW were initiated on the Project Site starting September 29 and ending December 9, 2017. No direct BUOW observations were recorded during the focused BUOW surveys. However, several California ground squirrel burrows potentially suitable to accommodate BUOW were recorded on the Project Site. Therefore, BUOW was determined to have a moderate potential to nest and forage in the Specific Plan area due to the presence of suitable burrowing habitat. Implementation of the Specific Plan could result in significant direct impacts to a BUOW if present. Therefore, Mitigation Measure BIO-1 has been included to require additional follow up focused surveys prior to approval of demolition or grading permits to determine the presence or absence of BUOW in accordance with CDFW protocol. Implementation of Mitigation Measure BIO-1 would reduce potential impacts to BUOW to a less than significant level.

Nesting Birds

No nesting birds were incidentally observed during the reconnaissance surveys or BUOW field surveys. Although many native bird species are not protected by state or federal/state endangered species acts, most are protected under alternative statutes (Migratory Bird Treaty Act [“MBTA”] and California Fish and Game Code sections 3503, 3503.5, and 3800), which prohibits take, possession, or destruction of birds, their nests or eggs. Construction activities during the nesting season requiring tree removal could affect nesting birds. Mitigation Measure BIO-2 is recommended to reduce potential impacts to nesting birds to a less than significant level.

North American Bat Species

North American bat species may occur on the Project Site. If construction activities (e.g., tree removal) are proposed during the breeding season, bat surveys would be required prior to development. The breeding season of native bat species in California is generally from April 1 through August 31. Large trees, especially those with loose bark and cavities, are considered potential bat roosting habitat. Construction activities requiring tree removal or other activities could affect the North American bat species. Implementation of Mitigation Measure BIO-3 is required to reduce potential impacts to the North American bat species to a less than significant level. (Draft EIR at pp. 3.4-15 – 3.4-17.)

Impact: The Project could result in cumulatively considerable impacts to biological resources, including wildlife movement, special status species, or jurisdictional waters. (Draft EIR at p. 3.4-17 – 3.4-18.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant cumulative biological impacts to the BUOW, nesting birds and North American bat species as identified in the Draft EIR. (Draft EIR at p. 3.4-17 – 3.4-18.)

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measures: BIO-1 through BIO-3, listed previously.

Explanation: The Project Site has been subjected to decades of agricultural and dairy uses that provide limited potential for the presence of the BUOW, nesting birds and North American bat species. Cumulatively considerable impacts to these limited biological resources would not occur from implementation of the Specific Plan with implementation of mitigation measures BIO-1 through BIO-3. (Draft EIR at pp. 3.4-17 – 3.4-19.)

C. Cultural Resources

Impact: The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5. (Draft EIR at p. 3.5-12.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant archeological resource impact identified in the Draft EIR.

Mitigation Measure: Implementation of the following required mitigation measure would reduce potentially significant impacts to a less than significant level.

Mitigation Measure CUL-1: Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall be contacted to flag the area in the field and determine if the archaeological

deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a “resource” the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by project construction activities. If the resources are Native American in origin, they shall have the opportunity to consult with the City and/or project developer on appropriate treatment and curation of these resources. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the applicant’s expense. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.

Explanation: No archaeological sites are known to exist on the Project Site or the study area. The archaeological survey on the Project Site did not detect sites or surface indicators of potential sites. While damage or destruction of archaeological resources is not anticipated by the Project, the areas of the Project Site that have not been surveyed could contain archaeological resources that were not identified during the Project Site survey. Implementation of Mitigation Measure CUL-1 is required to reduce potential impacts to a less than significant level. (Draft EIR at p. 3.5-12.)

Impact: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Draft EIR at p. 3.5-12.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant paleontological resource impact identified in the Draft EIR.

Mitigation Measure: Implementation of the following required mitigation measure would reduce potentially significant impacts to a less than significant level.

Mitigation Measure CUL-2: Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a paleontologist

selected from the roll of qualified paleontologists maintained by San Bernardino County, stating that the paleontologist has been retained to provide services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the City. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological monitoring of excavation that exceeds depths of five feet. The PRIMP shall state that the project paleontologist may re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than four feet have been completed.

In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.

Explanation: No prehistoric resources have been identified within the Project Site. Although no known fossils have been recovered on the Project Site, due to the existing rock formations on the Project Site and in the area, there is a moderate to high possibility of paleontological resources could be present and disturbed during project grading.

Implementation of Mitigation Measure CUL-2 is required to reduce potential paleontological impacts to less than significant. (Draft EIR at p. 3.5-12 – 3.5-13.)

Impact: The Project could result in a cumulatively considerable impact to archaeological and paleontological resources. (Draft EIR at p. 3.5-13.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant cumulative archaeological and paleontological impacts identified in the Draft EIR.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measures: CUL-1 and CUL-2, listed previously.

Explanation: The City recognizes the potential for the loss of cultural resources as a result of development in the Ontario Ranch. Such impacts to cultural resources was and continues to be considered to be a significant impact, as these resources are nonrenewable and have the potential, unless specifically determined otherwise, to provide important scientific information regarding history and prehistory. Mitigation Measures CUL-1 and CUL-2 would be implemented by the Specific Plan and enforced throughout grading and construction to ensure that important scientific information provided by the resources of the history and prehistory would be retained. Consequently, the contribution of potential impacts from the Project to the cumulative destruction of subsurface cultural resources throughout the City would be less than significant. (Draft EIR at pp. 3.5-13 – 3.5.14.)

D. Hazards and Hazardous Materials

Impact: Construction of the Project could create a hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Draft EIR at p. 3.8-10.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant hazardous materials impact identified in the Draft EIR. (Draft EIR at pp. 3.8-10 – 3.8-13.)

Mitigation Measure: Implementation of the following required mitigation measure would reduce potentially significant hazardous material impacts to a less than significant level.

Mitigation Measure HAZ-1: HM-1 Prior to approval of grading permits, the Project applicant shall hire a qualified environmental consultant to conduct a limited soils investigation to identify the hazards related to the soils near the pumping equipment for the holding ponds on the GH Dairy site (APNs 0218-261-32 and 0218-271-08, -10, -13).

Soil remediation and/or export of hazardous materials must be performed in accordance with applicable regulatory

requirements from the Regional Water Quality Control Board, Department of Toxic Substances Control, and the South Coast Air Quality Management District requirements. A Soil Management Plan shall be prepared to ensure the appropriate reporting, oversight, and protocols used during construction to protect the health and safety of workers and the environment. The Soil Management Plan shall include methodology and procedures to perform additional testing during soil disturbance activities if unknown potentially hazardous materials are identified. If additional contamination is discovered, soil disturbance activities within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures in accordance with the Soil Management Plan are completed.

Explanation:

Potential Impacts from Construction Activities

Given the current and historic uses of the Project Site, including extensive dairy and agricultural operations in the past, the potential exists for hazardous materials to be encountered. The development of the Project would include demolition of existing structures, excavation, and grading, which could result in release of hazardous materials into the environment and exposure of construction workers and adjacent residents to health or safety risks.

Contaminated Soils

The Phase I and Limited Phase II ESAs that were prepared for the Project Site identified Recognized Environmental Concerns on the property that include an existing debris pile and areas of stained soil near the holding ponds on the southeastern portion of the Project Site. Soils testing of this area been included as Mitigation Measure HM-1 to identify levels of soils contamination, and implement removal pursuant to federal and state regulations, if soils exceed human screening levels. With implementation of Mitigation Measure HM-1, impacts related to contaminated soils would be reduced to a less than significant level. (Draft EIR at pp. 3.8-10 – 3.8-13.)

E. Transportation and Traffic

Impact: The Project would conflict with and impact the performance of the one area intersection. (Draft EIR at p. 3.13-23.)

Finding: The Project would impact and cause the intersection of Grove Avenue at Edison Avenue to operate at an unsatisfactory level of service (“LOS”) F in the existing plus Project condition.

Mitigation Measure: Implementation of the following required mitigation measure would reduce a potentially significant traffic impacts to a less than significant level.

Mitigation Measure TR-1: The Project developer shall pay the cost to signalize the intersection of Grove Avenue/Edison Avenue prior to the issuance of the first building permit.

Explanation: The intersection of Grove Avenue/Edison Avenue would be impacted in the existing plus Project scenario and cause the intersection to operate at unsatisfactory LOS F. The implementation of mitigation measure TR-1 would reduce the Project's traffic impact to the intersection to less than significant. (Draft EIR at p. 3.13-27.)

F. Tribal Cultural Resources

Impact: The Project could cause an adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1 that considers the significance of the resource to a California Native American tribe. (Draft EIR at p. 3.14-7.)

Finding: Changes or alterations have been incorporated into the Project that avoid or substantially lessen the significant environmental effect identified in the Draft EIR.

Mitigation Measures: Implementation of the following required mitigation measure would reduce potentially significant tribal cultural resource impacts to a less than significant level.

Mitigation Measure TCR-1: Prior to the start of any demolition or project grading, whichever occurs first, the Project developer shall implement the following:

- The Project developer shall retain a Native American Monitor of Gabrieleño Ancestry to conduct a Native American Indian Sensitivity Training for construction personnel prior to commencement of any excavation activities. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry and the general steps the Monitor would follow in conducting a salvage investigation.
- The Project developer shall retain a Native American Monitor of Gabrieleño Ancestry to be on-site during all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring,

grading, excavation, potholing, trenching, grubbing, and weed abatement) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. At their discretion, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil, but not at the developers' expense.

- A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by Project construction activities. If the resources are Native American in origin, the Tribe shall coordinate with the developer regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If archeological features are discovered, the archeologist shall report such findings to the City Planning Director. If the archeological resources are found to be significant, the archeologist shall determine the appropriate actions, in cooperation with the City that shall be taken for exploration and/or salvage in compliance with CEQA Guidelines section 15064.5(f).
- Prior to the start of ground disturbing activities, the Project developer shall arrange a designated site location within the footprint of the Project for the respectful reburial of Tribal human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the County Coroner. All construction activity shall be diverted while the County Coroner determines if the remains are Native American. The discovery shall be confidential and secure to prevent further disturbance. If Native American, the County Coroner shall notify the NAHC as mandated by state law who will then appoint a MLD. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Tribe shall

make every effort to recommend diverting the Project and keep the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC.

- No scientific study or the utilization of any invasive diagnostics shall be allowed to any Native American human remains.
- If the County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the County Coroner. Reburial will be in an appropriate setting. If the County Coroner determines the remains to be modern, the County Coroner shall take custody of the remains.
- Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Explanation: No substantial evidence exists that TCRs are present in the Specific Plan area. Although, no TCRs have been identified, during the AB 52 consultation, the Gabrieleño Band of Mission Indians – Kizh Nation requested the presence of Native American monitors during the grading process to identify tribal cultural resources, should any be discovered.

Mitigation Measure TCR-1 requires Native American resource sensitivity training and monitoring of previously undisturbed native soil. Mitigation Measure TCR-1 also requires that a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by Project construction activities. Mitigation Measure TCR-1 ensures the respectful treatment and reburial of Native American human remains and/or ceremonial objects should any be encountered. The Project would be subject to the requirements of the California Health and Safety Code section 7050.5, to properly recover and evaluate any TCR related to human remains if encountered. With implementation of Mitigation Measure TCR-1, and the related regulations, impacts to TCRs would be less than significant. (Draft EIR at p. 3.14-7.)

Impact: The Project could result in cumulative impacts related to TCRs. (Draft EIR at p. 3.14-7.)

Finding: Changes or alterations have been incorporated into the Project that avoid or substantially lessen the significant Tribal Cultural Resource impacts identified in the Draft EIR.

Mitigation Measures: Implementation of the following required mitigation measure would reduce potentially significant impacts to a less than significant level.

Mitigation Measure TCR-1: Native American Monitoring, listed previously.

Explanation: Cumulative impacts to TCRs would be reduced by compliance with applicable regulations and consultations required by AB 52. As described above, the Specific Plan area is not known to contain TCRs. However, Mitigation Measure TCR-1 would be implemented to ensure that impacts would not occur in the case of an inadvertent discovery of a potential TCR. Mitigation Measure TCR-1 would ensure that the Specific Plan would not contribute to a cumulative loss of TCRs. Therefore, cumulative impacts would be less than significant. (Draft EIR at p. 3.14-7.)

SECTION IV

RESOLUTION REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

Public Resources Code section 21002 states that “it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

Section 15364 of the CEQA Guidelines defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

The City Council hereby finds that, despite the incorporation of feasible measures outlined in the Final EIR, the following impacts cannot be fully mitigated to a less than significant

level. Despite these significant and unavoidable impacts, the City nevertheless approves the Project because of the benefits described in the Statement of Overriding Considerations included herein.

A. Agricultural Resources

Impact: The Project would convert prime farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (Draft EIR at p. 3.2-10.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The conversion of Prime and Unique Farmland to non-agricultural use is considered significant and unavoidable. (Draft EIR at p. 3.2-10.)

Mitigation Measures: No feasible mitigation measures on or off the Project Site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: The Specific Plan would implement the urban land uses identified by TOP. Buildout of TOP land uses identified for the Ontario Ranch area would result in conversion of virtually all of the existing agricultural land to urban uses. Impacts to agricultural lands as a result of such conversion were found to be significant and unavoidable impacts for which the City Council adopted a Statement of Overriding Considerations. As described by the TOP EIR (page 5.2-10), the City is focusing on developing land in an economically productive way that would serve the growing population, and the City's future development emphasizes mixed-use, commercial, industrial, and residential projects rather than supporting the continuation of agricultural uses, which are becoming less economically viable.

The Specific Plan is consistent with TOP. Thus, it follows that implementation of the conversion of urban land uses by the Specific Plan, which implements TOP, would also result in significant and unavoidable impacts related to the conversion of Prime Farmland to non-agricultural use. Therefore, impacts would be significant and unavoidable. (Draft EIR at p. 3.2-10.)

Impact: The Project would conflict with an existing Williamson Act contract. (Draft EIR at p. 3.2-10.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Specific Plan would result in a significant and unavoidable impact related to conflict with a Williamson Act contract. (Draft EIR at pp. 3.2-10 – 3.2-12.)

Mitigation Measures: No feasible mitigation measures on or off the Project Site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: There are two (2) parcels in the northeast and northwest areas of the Project Site consisting of approximately 16.06 acres and 13.7 acres, respectively, currently in Williamson Act contracts. The property owners of the parcels under Williamson Act contracts have followed the standard requirements set forth by the Williamson Act, including the recordation of Non-Renewals in 2016. However, the contracts have remaining terms that will expire on January 1, 2026. A Petition of Cancellation will be filed by the property owner with the City upon Project approval, which would cancel the remaining term of the Williamson Act contract. This would be a significant and unavoidable impact. (Draft EIR at pp. 3.2-10 – 3.2-12.)

Impact: The Project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of prime farmland, to non-agricultural use. (Draft EIR at p. 3.2-12.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The loss of prime farmland is considered significant and unavoidable. (Draft EIR at pp. 3.2-12 – 3.2-13.)

Mitigation Measures: Implementation of the following required mitigation measure would reduce potential pressure to convert agricultural land to other uses, however impact would remain significant and unavoidable.

Mitigation Measure AG-1: Deed Disclosure - In order to reduce conflicting issues between sensitive receptors and agricultural uses, all property owners in the West Ontario Commerce Center Specific Plan shall be provided with a deed disclosure or similar notice approved by the City Attorney regarding the proximity and nature of neighboring agricultural uses. This disclosure shall be applied at the tentative map stage to the affected properties, or otherwise prior to finalizing the sale or rental agreement of any property. The written disclosure shall be supplied to the property purchaser or renter by the vendor or vendor's agent. The content and text of the disclosure shall be approved by the City Attorney and shall include language to inform new residents that existing agricultural uses may create nuisances such as flies, odors, dust, night-light, and chemical spraying.

Explanation: The Project will result in the conversion of the existing agricultural uses that include approximately twenty (20) acres of Prime Farmland to an urban or non-agricultural use. The conversion of agricultural lands to nonagricultural uses was analyzed in the TOP EIR, which determined that there would be no agricultural land use designations in the City except for the 200 acres of preserves and impacts to agricultural lands as a result of the General Plan build out were found to be significant and unavoidable.

The City has an Agricultural Overlay Zone/Right to Farm ordinance to serve as a “buffering” device between existing agricultural uses and urban development, to allow existing

agricultural uses to continue, through notice in the form of a deed disclosure to future homeowners that agricultural nuisances (odors, noises, etc.) are present and that they have a right to exist until development occurs as long as the land is not developed otherwise. The right-to-farm ordinance also protects against the forced sale or conversion of agricultural lands. Implementation of the City's right-to-farm ordinance has been included as Mitigation Measure AG-1 (listed below) to reduce potential pressure to convert agricultural land to other uses. However, impacts would remain significant and unavoidable. (Draft EIR at pp. 3.2-12 – 3.2-13.)

Impact: The Project would result in cumulatively considerable impacts related to agricultural resources. (Draft EIR at p. 3.2-13.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The loss of agricultural land is considered a cumulatively significant impact. (Draft EIR at p. 3.2-13.)

Mitigation Measures: While feasible mitigation measures on or off the Project Site were identified or put forth that would eliminate this potentially significant impact altogether, Mitigation Measure AG-1 will reduce the Project's incremental contribution to this cumulative agricultural resources impact to the extent feasible. However, this cumulative impact will remain significant and unavoidable.

Explanation: Throughout San Bernardino County, planned and approved development proposals, including the Project and the cumulative projects identified in Chapter 2 (Cumulative Projects) in the Final EIR, will result in the loss of conversion of Prime Farmland and Important Farmland to non-agricultural land uses. This will occur on the Project Site and the sites for the defined cumulative projects. Therefore, the Project, along with the cumulative projects, will result in a cumulative impact due to the conversion of Prime Farmland to non-agricultural uses. The implementation of Mitigation Measure AG-1, which serves to minimize conflicts between agricultural and other uses within the Project area, will reduce the Project's incremental contribution to this cumulative impact to the extent feasible. However, this cumulative impact will remain significant and unavoidable.

The acceleration of two (2) Williamson Act contract non-renewal by the Project would constitute a cumulatively considerable contribution to a conflict with a Williamson Act contract. Consequently, the cumulative impact of the proposed Specific Plan on agricultural lands and conflict with an existing Williamson Act contract would be significant and unavoidable. In addition, the implementation of the Project and the cumulative projects will increase pressures to convert the remaining Farmland in the project area and the vicinity of the cumulative projects to non-agricultural uses, resulting in a significant cumulative impact. (Draft EIR at p. 3.2-13.)

B. Air Quality

Impact: The Project would conflict with or obstruct implementation of the applicable air quality plan. (Draft EIR at p. 3.3-17.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (CEQA Guidelines § 15091(a)(1).) Beyond the mitigation measure identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable impact to an existing or projected air quality violation. (Draft EIR at pp. 3.3-17 – 3.3.18.)

Mitigation Measures: Although the implementation of the following required mitigation measure would reduce air emissions, the impact to an air quality violation would be significant and unavoidable.

Mitigation Measure AQ-2

Prior to the issuance of building permits, the developer shall submit to the Planning Director for review and approval a plan that states the following NOx reduction measures shall be incorporated via such mechanisms as conditions of approval for sales or conditions of leases into the operations of the Project:

- All fleet vehicles to conform to 2010 air quality standards or better. Users shall maintain compliance through normal course of business.
- All space utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration shall be prohibited from accessing the site.
- Install catalytic converters on gasoline-powered equipment.
- Electrical powered equipment shall be used in-lieu of gasoline-powered engines when available.
- Electrical equipment shall be used for landscape maintenance.
- All forklifts shall be electric or natural gas powered.
- Prohibit idling of trucks for periods exceeding three minutes.
- The project plans and specifications shall include signs at loading dock facilities that identify CARB anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations.

Explanation: Nitrogen oxide (“NO_x”) emissions during the operation of the Project would exceed the SCAQMD regional significance thresholds. With incorporation of Mitigation Measure AQ-2, operational NO_x emissions would be reduced, but not to a level of less than significant. Therefore, the Project is not consistent with the Air Quality Management Plan (“AQMP”) and impacts would be significant and unavoidable. (Draft EIR at pp. 3.3-17–3.3-18.)

Impact: Operation of the Project would violate an air quality standard or contribute substantially to an existing or projected air quality violation. (Draft EIR at p. 3.3-18.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (CEQA Guidelines § 15091(a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable impact to an existing air quality threshold. (Draft EIR at p. 3.3-20.)

Mitigation Measures: Although the implementation of Mitigation Measure AQ-2 would reduce air emissions, the impact to an air quality violation would be significant and unavoidable.

Mitigation Measure AQ-2: See Mitigation Measure AQ-2 above.

Explanation: The operational emissions of the Project exceed the SCAQMD regional significance thresholds for NO_x. The NO_x emissions generated by the Project are due almost exclusively to motor vehicle trips, most notably the truck trips. Neither the applicant nor the City can reduce emissions from vehicles, and NO_x emissions would continue to exceed thresholds with implementation of mitigation. Therefore, operational emissions related to NO_x would remain significant and unavoidable. (Draft EIR at pp. 3.3-20 – 3.3-21.)

Impact: The Project would result in a cumulatively considerable net increase of a criteria pollutant and exceed a SCAQMD regional significance threshold. (Draft EIR at p. 3.3-25.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (CEQA Guidelines § 15091 (a)(1).) Beyond the mitigation measure identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable and cumulatively considerable net increase of a SCAQMD regional significance threshold for a criteria pollutant (NO_x) for which the Project region is in non-attainment. (Draft EIR at pp. 3.3-25 – 3.3-26.)

Mitigation Measures: Although the implementation of Mitigation Measure AQ-2 would reduce air emissions, the cumulative impact would be significant and unavoidable.

Mitigation Measure AQ-2: See Mitigation Measure AQ-2 above.

Explanation: CEQA's cumulative air quality analysis focuses on whether a specific project would result in a cumulatively considerable increase in emissions. The net increase in emissions over existing conditions would result in the generation of NO_x emissions that exceed SCAQMD thresholds. Because the SCAQMD project-specific thresholds are designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards, any exceedance of these thresholds would also contribute a considerable amount of criteria air pollutant emissions to the region's emissions profile and would impede attainment and maintenance of Ambient Air Quality Standards. Thus, because the Project would have a significant and unavoidable operational air quality impact with respect to NO_x emissions, the Project would also have a cumulatively considerable impact. (Draft EIR at p. 3.3-25 – 3.3-27.)

C. Transportation and Traffic

Impact: The Project would conflict with a City policy by exceeding an acceptable LOS standard of performance at fourteen area intersections. (Draft EIR at p. 3.13-23 and 3.13-39.)

Finding: The Project would impact the LOS at fourteen (14) area intersections for the Opening Year 2023 condition. (Draft EIR at p. 3.13-23 and 3.13-39.)

Mitigation Measure: Implementation of the following required mitigation measure would reduce a potentially significant traffic impact, but not to a level of insignificance.

Mitigation Measure TR-2: The Project developer shall pay a City required Development Impact Fee (DIF) prior to the issuance of the first building permit toward construction of the traffic improvements listed below. For those required traffic improvements listed below that are not paid by DIF, the Project developer shall pay its fair share towards the cost of the required street improvements prior to the issuance of the first building permit.

Improvements to Signalized Intersections

- #16. Euclid Avenue/Chino Avenue (City of Chino) – Add westbound left-turn lane.
- #21. SR-71 SB Ramp/Grand Avenue (City of Chino, Caltrans) – Work with City of Chino and Caltrans to identify feasible improvements and pay fair share.
- #22. SR-71 NB Ramp/Grand Avenue (City of Chino, Caltrans) – Add southbound right turn overlap phasing.
- #24. Central Avenue/Edison Avenue (City of Chino) – Work with City of Chino to identify feasible improvements and pay fair share.
- #28. Archibald Avenue/Edison Avenue (City of Ontario) – Add a 2nd northbound left-turn lane, 3rd northbound through lane, 3rd southbound through lane, 3rd

eastbound through lane, 2nd westbound through lane, 2nd southbound left-turn lane, 3rd westbound through lane.

- #29. Hamner Avenue/Cantu-Galleano Ranch Road/Ontario Ranch Road (City of Ontario, City of Eastvale) – Add a 2nd northbound through lane, northbound right-turn lane with overlap phasing, 2nd southbound left-turn lane, 2nd southbound through lane, 2nd eastbound through lane, 2nd westbound left-turn lane, 2nd westbound through lane, westbound right-turn overlap phasing, 3rd southbound through lane, 3rd eastbound through lane, 3rd westbound through lane, eastbound right-turn with overlap phasing, southbound right-turn lane with overlap phasing.
- #30. I-15 SB Ramp/Cantu-Galleano Ranch Road (City of Eastvale, Caltrans) – Restripe #2 southbound left-turn lane to a shared left-right-turn lane to provide a southbound left-turn lane, southbound shared left-right-turn lane and a southbound right-turn lane.
- #31. I-5 NB Ramp/Cantu-Galleano Ranch Road (City of Eastvale, Caltrans) – Optimize signal timing to improve operations.
- #35. Euclid Avenue/Merrill Avenue (City of Chino, City of Ontario, Caltrans) – Add a 3rd northbound through lane, 2nd southbound left-turn lane, 3rd southbound through lane, 2nd westbound left-turn lane, westbound right-turn lane with overlap phasing.
- #39. Archibald Ave./Limonite Ave. (City of Eastvale) - Add 2nd westbound right turn, 2nd northbound through lane, 2nd southbound left-turn lane, 2nd southbound through lane, 2nd westbound left-turn lane, 3rd northbound through lane.
- #40. Hamner Avenue/Limonite Avenue (City of Eastvale) – Add right-turn overlap phasing in all directions, 3rd westbound through lane, 3rd southbound through lane.
- #41. I-15 SB Ramp/Limonite Avenue (City of Eastvale, Caltrans) – Add a 3rd eastbound and 3rd westbound through lane, redesign interchange to a partial cloverleaf.
- #42. I-15 NB Ramp/Limonite Avenue (City of Eastvale, Caltrans) – Add a 3rd eastbound and 3rd westbound through lane, redesign interchange to a partial cloverleaf.
- #48. Archibald Avenue/Eucalyptus Avenue (City of Ontario) – Add a northbound left-turn lane, 3rd northbound through Lane, 3rd southbound through

lane, eastbound left-turn lane, eastbound through lane, eastbound right-turn lane, 2nd northbound left-turn lane.

Improvements to Unsignalized Intersections

- #17. Grove Avenue/Chino Avenue (City of Ontario) – Signalize Intersection.
- #27. Grove Avenue/Edison Avenue (City of Ontario) – Signalize Intersection.
- #33. Grove Avenue/Eucalyptus Avenue (City of Ontario) – Signalize Intersection.
- #36. Grove Ave./Merrill Ave. (City of Chino, City of Ontario) - Add eastbound left-turn lane, 2nd eastbound through lane, 2nd westbound through lane, signalize intersection.
- #37. Carpenter Avenue/Merrill Avenue (City of Ontario, City of Chino) – add southbound left-turn lane, 2nd westbound through lane, westbound left-turn lane and signalize intersection.

Explanation: Because the Project would add traffic sufficient to cause a cumulative impact at these deficient intersection and roadway segment locations, Mitigation Measure TR-2 would be implemented, which requires contribution of fair share funding towards various improvements to mitigate the Specific Plan’s fair share of the impacts at these intersection locations. With payment of the fair share contribution, the Specific Plan’s share of impacts would be mitigated, and implementation of these improvements at the impacted intersections would improve the LOS. However, notwithstanding this commitment to use the funds for the specified improvements, the uncertainty regarding the timing of the construction of the improvements means the impacts are considered significant and unavoidable even with implementation of Mitigation Measure TR-2. In addition, many intersections (as listed above) are under the jurisdiction of Caltrans or the cities of Chino and Eastvale; and the City cannot guarantee implementation of the improvements within these jurisdictions. As a result, traffic impacts to intersections in the opening year 2023 plus Project condition would be cumulatively significant and remain significant and unavoidable. (Draft EIR at p. 3.13-39.)

SECTION V

RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the CEQA Guidelines requires that an EIR discuss “any significant irreversible environmental changes which would be involved in the proposed action should it be implemented.” Generally, a project would result in significant irreversible environmental changes if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources.

- The primary and secondary impacts of the project would generally commit future generations to similar uses.
- Irreversible damage can result from environmental accidents associated with the project.
- The proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

The Specific Plan would result in or contribute to the following irreversible environmental changes:

- Lands in the Specific Plan area would be committed to industrial warehousing and business park uses once the proposed buildings are constructed. Secondary effects associated with this irreversible commitment of land resources include:
 - Changes in views associated with construction of the new buildings and associated development (see EIR Section 3.1, Aesthetics).
 - Increased traffic on area roadways (see EIR Section 3.13, Transportation and Traffic).
 - Emissions of air pollutants associated with Project construction and operation (see EIR Section 3.3, Air Quality).
 - Consumption of non-renewable energy associated with construction and operation of the Specific Plan due to the use of automobiles, lighting, heating and cooling systems, appliances, and the like (see EIR Section 5.5, Energy Conservation).
 - Increased ambient noise associated with an increase in activities and traffic associated with future site-specific development projects (see EIR Section 3.11, Noise).
 - Construction of the proposed Specific Plan as described in EIR Section 2.0, Project Description, would require the use of energy produced from non-renewable resources and construction materials. (Draft EIR at p. 5.8 -5.9.)

SECTION VI

RESOLUTION REGARDING GROWTH-INDUCING IMPACTS AND COMMITMENT OF RESOURCES

Section 15126.2(d) of the CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. EIR Section 5.3 evaluates the potential for the proposed Project to affect economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Growth-inducing impacts are caused by those characteristics of a project that tend to foster or encourage population and/or economic growth either directly or indirectly. Inducements to growth include the generation of construction and permanent employment opportunities in the support sector of the economy. A project could also induce growth by lowering or removing barriers to growth or by creating an amenity that attracts new population or economic activity. The Project could result in the following types of growth-inducement:

1. Extension of public facilities, such as electrical lines, natural gas lines, sewers, storm drains, and water lines;
2. The creation of employment opportunities; and

3. Stimulation of the economy that could result in the need for additional housing or businesses.

Extension of Public Facilities

The elimination of a physical obstacle to growth is considered to be a growth inducing impact. A physical obstacle to growth typically involves the lack of public service infrastructure. The Specific Plan would induce growth if it would provide public services or infrastructure with excess capacity to serve lands that would otherwise not be developable.

The Specific Plan would provide improvements to infrastructure that are consistent with the City's master plans to serve the Project Site. The Specific Plan includes roadway improvements that would not extend roadways beyond the Project area. The Project would install new water and sewer facilities that are part of the Ontario Water Master Plan that would connect to the existing water infrastructure. Proposed drainage improvements pursuant to the Ontario Drainage Master Plan and connect to existing drainage infrastructure. The water, sewer, and drainage improvements would only serve the Project Site and designed pursuant to the City's master plans to ensure that excess capacity is not provided. Because the infrastructure improvements would only provide services to proposed developments and not provide excess capacity, infrastructure improvements would not result in significant growth inducing impacts.

Employment Generation

The Specific Plan would develop 2,905,510 square feet of non-residential employment generating uses, which would result in approximately 5,100 new jobs/employment opportunities. In addition, the proposed industrial warehousing uses would stimulate economic activity in the Specific Plan area.

SCAG estimates that employment in the City will increase from 103,300 in 2012 to 175,400 in 2040, which is an increase of 72,100 jobs or a seventy-percent (70%) increase (SCAG 2016 growth forecast). The employment generated by the Specific Plan would represent a small portion of the estimated job growth, and the proposed employment growth would be within, and not exceed, SCAG's population forecast. The Specific Plan would result in direct employment growth at a level that is already anticipated in regional projections; and thus, would be less than significant.

The new jobs that would be generated by the Specific Plan would accommodate the forecasted employment in an environmentally sustainable manner by improving the jobs to housing balance that would reduce VMTs. The new jobs generated by the Specific Plan would provide new employment opportunities to employees that are already living in the City and the surrounding cities. The San Bernardino Association of Governments ("SANBAG") subregion is housing rich, and the increase in jobs from the Specific Plan is not expected to create a corresponding increase in population or housing. Overall, the Specific Plan would develop the Project area pursuant to the existing land uses, which would accommodate forecasted employment growth consistent with SCAG's regional forecasts. Thus, impacts related to increased growth through the provision of employment opportunities would be less than significant.

Stimulate Economy

Induced growth can occur outside of a project site as the result of direct and indirect investment and spending by residents, employees, and businesses. Such growth stems from the “induced” employment generated by a project’s economic activity. Indirect employment growth generated by a direct increase in economic activity can be due to the increases in spending that would occur on the part of the businesses, employees, and employee households. It could also be due to the additional spending that would occur on the part of suppliers of goods and services demanded by a project’s direct economic activity (households, businesses and employees).

The Specific Plan would implement economic activity that would result in an improvement in the jobs-household ratio. The City has had recent unemployment rates ranging between 5.2 and 14.2 percent (EDD, 2017), and most of the new jobs that would be created by the Specific Plan would be positions that do not require a specialized workforce. This type of workforce exists in the City and surrounding areas. Thus, due to the unemployment within the City and the availability of a workforce, it is anticipated that new jobs that would be generated by the Specific Plan would be filled by people within the City and surrounding communities and would not induce an unanticipated influx of new labor into the region. The Specific Plan would not remove any obstacles that would result in increased levels of growth that would not otherwise not occur. Therefore, impacts would be less than significant.

Environmental Impacts of Induced Growth

The Specific Plan would provide development to accommodate SCAG’s forecasted employment demands. All physical environmental effects from construction of development has been analyzed in all technical sections of the Final EIR. Therefore, construction of the Specific Plan has been analyzed in the Final EIR and would be adequately mitigated either through implementation of conditions of approval, plans, policies, and programs and/or mitigation measures contained within the Final EIR.

Overall, the Specific Plan would not remove any obstacles that would result in increased levels of growth that would not otherwise not occur. Therefore, growth-inducing impacts would be less than significant.

SECTION VII

RESOLUTION REGARDING ALTERNATIVES

The City Council hereby declares that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly achieve most of its basic objectives, but would avoid or substantially lessen any of the significant effects identified in the EIR analysis. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, an EIR must consider a reasonable range of alternatives that are potentially feasible; an EIR is not required to consider alternatives that are infeasible. In addition, an EIR should evaluate the comparative merits of the alternatives. Therefore, this section sets forth the

potential alternatives to the Project analyzed in the EIR and evaluates them in light of the objectives of the Project, as required by CEQA.

OBJECTIVES

The Specific Plan lays out a series of Project-specific objectives that have been carefully crafted to ensure that the Project would be a quality industrial and business park development. The applicant's Project objectives are as follows:

- Create a professional, well-maintained and attractive environment for the development of a multi-purpose business park, light industrial, and warehousing/logistics complex that is compatible with nearby residential neighborhoods.
- Provide employment opportunities for community residents.
- Facilitate the construction of utilities, roads, and other major infrastructure investments that will be sufficiently sized to adequately serve the Specific Plan area.
- Increase Ontario's industrial uses in proximity to local airports and regional transportation networks.
- Create economic engine to spur future growth of Ontario Ranch that will continue to drive the infrastructure improvements for the area and effect the vision for the Specific Plan.

ALTERNATIVES

CEQA Guidelines section 15126.6 requires an EIR describe a range of reasonable alternative to the project that could feasibly attain the basic objectives of the project while reducing significant project impacts. An EIR is not required by CEQA to consider every conceivable alternative to a project; rather, it must consider a range of potentially feasible alternatives that will foster informed decision-making and public participation. In addition, an EIR should evaluate the comparative merits of the project alternatives.

Each alternative must be capable of avoiding or substantially lessening any significant effects of the project. The rationale for selecting the alternatives to be evaluated and a discussion of the "no project" alternative are also required, per CEQA Guidelines section 15126.6. (Draft EIR at p. 4-1.)

Rationale for Selecting Potentially Feasible Alternatives

The alternatives must include a no-project alternative and a range of reasonable alternatives to the Project if those reasonable alternatives would attain most of the Project objectives while substantially lessening the potentially significant Project impacts. The range of alternatives discussed in an EIR is governed by a "rule of reason," which the CEQA Guidelines section 15126.6(f)(3) defines as:

set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of

feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the CEQA Guidelines section 15126.6(f)(1) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the Project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative.

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening any significant effects of the Project.

ALTERNATIVES ANALYSIS

The goal for evaluating any alternatives is to identify ways to avoid or lessen the significant environmental effects resulting from implementation of the Project, while attaining most of the Project objectives. The City has included the following three (3) alternatives for consideration:

- No Project/No Build Alternative;
- Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP; and
- Reduced Density.

Alternatives Not Selected for Analysis

Alternative Site: An alternative site was considered and eliminated from further consideration. CEQA specifies that the key question regarding alternative site consideration is “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project at another location.” In addition, an alternative site need not be considered when implementation is “remote and speculative,” such as when the alternative site is beyond the control of a project applicant.

For this Project, there are no suitable alternative sites within the control of the applicant. In the event land could be purchased of suitable size and developmental characteristics, based on the known general conditions in the southern portion of the City, an alternative site would likely have similar impacts as the Project. Given the size and nature of the Specific Plan and the Project objectives, it would be impractical and infeasible to develop the Project on an alternate site in the area with fewer environmental impacts. Depending upon the final location, an alternative site could have greater environmental impacts than the Project.

The City is not aware of any similarly sized parcel that is not already zoned for Business Park and Industrial use and have the ability to substantially reduce one or more of the significant impacts of the Project. As other land in the vicinity of the Specific Plan or within Ontario Ranch are similarly used for agricultural purposes and include agricultural soils, the loss of prime farmland would still occur with an alternative site.

Given the Business Park and Industrial uses of the Project, a similarly sized Project at an alternative location elsewhere within the South Coast Air Basin would result in the same Project-level or cumulative air quality impacts that would occur with implementation of the Specific Plan. Likewise, a similarly sized Project at an alternative location would result in similar traffic impacts in other jurisdictions that would be significant and unavoidable, because the City cannot guarantee implementation of improvements outside of its jurisdiction. Therefore, analysis of an alternative site for the proposed development of 555,505 square feet of Business Park and 2,350,005 square feet of Industrial use with a total development of 2,905,510 square feet is not feasible because the significant impacts resulting from the Project would not be avoided or substantially lessened at an alternative site.

DESCRIPTION OF ALTERNATIVES

Alternative 1 – No Project

In accordance with the CEQA Guidelines, the No Project Alternative for a development project on an identifiable property consists of the circumstance under which the Project does not proceed. Section 15126.6(e)(3)(B) of the CEQA Guidelines states that, “[i]n certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.”

The No Project Alternative would continue the existing agricultural uses on the Project Site. As a result, there would not be an increase in traffic, air emissions, noise, increased demand for public services and utilities, etc. as associated with the Project. Thus, the subsequent impacts would not occur, including unavoidable adverse agriculture, air quality, and traffic. Conversely, the improvements included in the Project such as street widening, street improvements, new bridge construction and bridge widening, installation of traffic signals, the construction of infrastructure improvements such as storm drains, water lines, and sewer mains, would not be constructed by the Project developer. The construction by the Project of master planned infrastructure facilities such as new sewer lines, water lines, and storm drains that are vital to serve not only the Project, but other development within the Ontario Ranch as well would not be constructed.

It is too speculative to determine the longevity of the existing agricultural uses with regards to the likelihood they will continue their agricultural use well into the future. All of the dairies on the Project Site have ceased operations entirely and highly likely that these dairies will find other uses for their property, which may include non-agricultural uses. (Draft EIR at p. 4-5.)

Alternative 2 – Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP

This alternative would develop half of the Project Site consistent with the land use designated for the Project Site by TOP. Under this alternative, approximately one-half of the Project Site would be developed with either Business Park or Industrial use, depending on how the Project Site is divided. The remaining half of the Project Site, including the twenty (20) acres of Prime Farmland in the southeast area of the Project Site, would be retained in agricultural use. TOP currently allows the development of

approximately 1,600,933 square feet of Business Park on the northerly sixty-one (61) gross acres of the Project Site and approximately 1,391,641 square feet of Industrial use on the southerly fifty-eight (58) gross acres. The Project Site is almost equally split between Business Park and Industrial use allowed currently by TOP. (Draft EIR at p. 4-9.)

Alternative 3 – Reduced Density

This alternative would allow the development of approximately 532,500 square feet of Business Park and Industrial use, including 430,691 square feet of Industrial and 101,809 square feet of Business Park compared to 2,905,510 square feet of use by the Project. This represents approximately eighteen percent (18%) of the development allowed by the Specific Plan. Using the same floor area ratio (“FAR”) as the Specific Plan, the 532,500 square feet of development would require approximately 20.46 acres of land on the Project Site. Due to a reduction in the amount of development proposed for the Project Site, this alternative would allow some of the existing agricultural uses to continue. The amount of existing agricultural use that continues would be based on the desire of the land owners to continue their agricultural operations. For the purpose of this alternative it is assumed that the area not developed will continue in agricultural use. (Draft EIR at p. 4-13.)

EVALUATION OF ALTERNATIVES

Alternative 1 – No Project Alternative

The No Project Alternative would eliminate the significant and unavoidable impacts related to agriculture, air quality, and traffic that would occur from implementation of the proposed Specific Plan. This alternative would also eliminate the impacts related to biological resources, cultural resources, hazards and hazardous materials, and tribal cultural resources that would require mitigation to be reduced to a less than significant level under the Specific Plan. In addition, the No Project Alternative would reduce the Project’s less than significant impacts related to aesthetics, geology and soils, GHG, hydrology, land use, noise, public services, utilities, and energy.

However, the No Project Alternative would not provide remediation of hazardous substances on the Project Site, and this benefit to the environment that would occur from implementation of the proposed Specific Plan would not occur.

Implementation of the No Project Alternative would stop any new development from occurring within the Project Site, and none of the Project objectives would be achieved under this alternative. The No Project Alternative would not provide for the development of industrial and business facilities in proximity to the Ontario Airport, attract businesses to provides employment opportunities to area residents, provide industrial and business park uses that are compatible with surrounding uses, provide a flexible plan that meets the needs of an ever-changing business market, or provide infrastructure to support on-site uses. (Draft EIR at pp. 4-5 – 4-9.)

The City finds that the No Project Alternative is infeasible based on several economic and social factors. A key consideration for the City is providing development consistent with the TOP, which would not occur by the No Project Alternative. The TOP was structured to provide for a coherent, integrated plan of land uses that would provide employment

opportunities to future and existing area residents, as well as industrial uses that would serve the community. The No Project Alternative would not provide for this development and would not generate employment opportunities. Also, the No Project Alternative would not provide remediation of hazardous substances on the Project Site. Overall, the No Project Alternative fails to meet any of the Project objectives and is rejected on that basis.

Alternative 2 – Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative

This alternative would develop half of the Project Site consistent with the land use designated for the Project Site by TOP. Under this Project alternative, approximately one-half of the Project Site would be developed with either Business Park or Industrial use, depending on how the Project Site is divided. The remaining half of the Site, including the twenty (20) acres of Prime Farmland in the southeast area of the Project Site, would be retained in agricultural use.

The Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative would avoid the significant and unavoidable agricultural impact that would result from the Specific Plan. This alternative would also reduce the volume of vehicular trips, which would decrease the impacts related to air quality and traffic. The prime farmland in the southeast portion of the site could remain in agricultural use with this alternative. However, significant and unavoidable impacts related to air quality and traffic would continue to occur from implementation of this alternative. This alternative would also reduce impacts related to aesthetics, geology and soils, GHG, hydrology, land use, noise, public services, utilities, and energy compared to the Specific Plan. However, the environmental topic areas that would require mitigation by the proposed Specific Plan would continue to be required for the Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative to reduce impacts to a less than significant level. Overall, although the volume of impacts would be less by the Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative in comparison to the proposed Specific Plan, this alternative would not eliminate all of the significant and unavoidable impacts of the proposed Specific Plan, with the exception of agricultural resources, or eliminate the need for mitigation.

Implementation of the Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative would achieve the Project objectives, but not to the extent as would be achieved by the Specific Plan. The Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative would provide for the development of industrial and business facilities in proximity to the Ontario Airport; however, the reduced development compared to the Specific Plan would attract fewer or smaller businesses and less employment opportunities to area residents. In addition, the smaller development would provide less flexibility to meet the needs of an ever-changing business market. (Draft EIR at pp. 4-9 – 4-13.)

The City finds that the Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative is infeasible based on several economic and social factors. A key consideration for the City is providing development consistent with the TOP, which permits buildout of the Specific Plan area at a density greater than that proposed by the Continued Agricultural Use and Business Park and Industrial Use

Consistent with TOP Alternative. The TOP was structured to provide for a coherent, integrated plan of land uses that would provide employment opportunities to future and existing area residents, as well as industrial uses that would serve the community. Here, the Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative would not provide as much square footage for development that would use the Specific Plan area's prime location near the Ontario Airport. Also, this alternative would not generate employment opportunities to the same extent as the proposed Project. Finally, the Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative would not avoid the significant and unavoidable air quality and traffic impacts of the Project. Therefore, the City rejects the Continued Agricultural Use and Business Park and Industrial Use Consistent with TOP Alternative in favor of the Project.

Alternative 3 – Reduce Density Alternative

The Reduced Density Alternative would allow the development of approximately 532,500 square feet of Business Park and Industrial use, including 430,691 square feet of Industrial and 101,809 square feet of Business Park compared to 2,905,510 square feet of use by the Project. This represents approximately eighteen percent (18%) of the development allowed by the Specific Plan. Using the same FAR as the Specific Plan, the 532,500 square feet of development would require approximately 20.46 acres of land on the Project Site. Due to a reduction in the amount of development proposed for the Project Site, this alternative would allow some of the existing agricultural uses to continue. The amount of existing agricultural use that continues would be based on the desire of the land owners to continue their agricultural operations. For the purpose of this alternative, it is assumed that the area not developed will continue in agricultural use.

The Reduce Density Alternative would avoid the significant and unavoidable agricultural and air quality impacts that would result from the Specific Plan. This alternative would also reduce impacts related to aesthetics, geology and soils, GHG, hydrology, land use, noise, public services, utilities, and energy compared to the proposed Specific Plan. However, significant and unavoidable impacts related to traffic would continue to occur from implementation of this alternative. This alternative also would not implement the development for the Project Site as allowed by TOP.

The environmental topic areas that would require mitigation with implementation of the Specific Plan would continue to be required for the Reduced Density Alternative to reduce impacts to a less than significant level. Overall, although the significant and unavoidable impacts related to agriculture and air quality would not occur, and the volume of impacts would be less in comparison to the proposed Specific Plan, the Reduced Density Alternative would not eliminate the significant and unavoidable impacts related to traffic or eliminate the need for mitigation.

Implementation of the Reduced Density Alternative would achieve the Project objectives, but not to the extent as would be achieved by the proposed Specific Plan, as 2,373,010 square feet less development would occur, which would have the ability to attract fewer or smaller businesses and less employment opportunities to area residents. The remaining agricultural uses on the Project Site would be less compatible with surrounding industrial and business park uses that would be developed pursuant to TOP

land use designations. In addition, the smaller development would provide less flexibility to meet the needs of an ever-changing business market. (Draft EIR at pp. 4-13 – 4-16.)

The City finds that the Reduced Density Alternative is infeasible based on several economic and social factors. Partial retention would not fully mitigate the impacts resulting from Project implementation. Although the significant and unavoidable impacts related to agriculture and air quality would not occur, and the volume of impacts would be less with this alternative in comparison to the Specific Plan, the Reduced Density Alternative would not eliminate the significant and unavoidable impacts related to traffic or eliminate the need for mitigation. Additionally, the Reduced Density Alternative would achieve the Project objectives to a lesser extent; fewer or smaller businesses and less employment opportunities would be provided to area residents, and the Specific Plan would be less compatible with surrounding Industrial and Business Park uses that would be developed pursuant to TOP land use designations. Therefore, the City rejects the Reduced Density Alternative in favor of the Project.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

Of the alternatives analyzed in the EIR, the No Project Alternative is the environmentally superior alternative with respect to reducing impacts created by the Project through retaining agricultural soils and prime farmland, reducing air quality impacts, reducing the need for public services and utilities, etc. However, the No Project Alternative would not include the removal of the hazardous materials on the Project Site and this benefit to the environment, which would occur with the development of the Specific Plan.

The Environmentally Superior Alternative among the other alternatives analyzed in the EIR is the Reduced Density Alternative, which would retain land that is prime farmland and within a Williamson Act contract and result in 2,373,010 square feet less development within the Specific Plan area compared to the Specific Plan.

The significant and unavoidable agricultural and air quality impacts would not occur with implementation of the Reduced Density Alternative, and potential impacts from this alternative are less than the proposed Specific Plan because a smaller area would be developed and fewer operational activities would occur from a smaller development. Thus, impacts related to aesthetics, geology and soils, GHG, hydrology, land use, noise, public services, utilities, and energy would be less compared to the Specific Plan. However, significant and unavoidable traffic impacts would continue to occur under this alternative, and the environmental topic areas that would require mitigation under the proposed Specific Plan would continue to be required for the Reduced Density Alternative to reduce impacts to a less than significant level.

In addition, the Reduced Density Alternative would not meet some of the Project objectives to the same extent as the Project. The Reduced Density Alternative would have the ability to attract fewer or smaller businesses and less employment opportunities to area residents. The remaining agricultural use on the Project Site would be less compatible with surrounding industrial and business park uses that would be developed pursuant to TOP land use designations. In addition, the smaller development would provide less flexibility to meet the needs of an ever-changing business market. Thus, the City finds that the Reduced Density Alternative is infeasible based these factors. (Draft EIR at pp. 4-19, 4-20.)

SECTION VIII

RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code section 21081(b) and CEQA Guidelines sections 15093 and 15043, the City has balanced the economic, legal, social, technological, and other benefits of the Project, including the provision of employment opportunities for highly trained workers, against the following unavoidable adverse impacts associated with the Project identified in Section III, above, and has adopted all feasible mitigation measures with respect to the specific impacts described in Section IV in the environmental impact areas of Agricultural Resources, Air Quality, and Transportation and Traffic. The City also has examined alternatives to the Project, none of which meet the Project objectives and are environmentally superior to the Project.

The City, after balancing the specific economic, legal, social, technological, and other benefits of the Project, has determined that the unavoidable adverse environmental impacts identified above and the findings for which are set forth in Section IV, above, may be considered "acceptable" due to the following specific considerations that outweigh the unavoidable, adverse environmental impacts of the Project. Each of the separate benefits of the Project, as stated herein and as supported by substantial evidence in the record, is determined to be, unto itself and independent of the other Project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of other benefits, despite each and every unavoidable impact. Project benefits include:

1. The Project proposes development that implements the goals and land use designations contained within TOP, as the City's general plan. Implementing TOP is a legal and social prerogative of the City.
2. The Project would provide for high-quality industrial and business park uses within the City and the TOP area, and would increase employment opportunities for City and area residents.
3. The Project would remediate existing site conditions, which consist of historic agricultural and dairy-related uses that contributed to limited site contamination.
4. The land use plan provides for a range of industrial and business park uses and opportunities to accommodate a changing industrial and business park environment. The planned industrial area will include wholesale and distribution, light manufacturing, and businesses with high-value, time-sensitive merchandise

that could benefit from proximity to an airport. The business park area could include construction companies, food manufacturing apparel manufacturing, furniture manufacturing, medical equipment and supplies, wholesale electronics, etc.

5. The Project will implement GHG reduction measures specified in the Draft EIR and will comply with the City's adopted CCAP, which strives to achieve GHG reductions City-wide that comply with the State's reduction requirements.
6. The Project would construct improvements and infrastructure consistent with the TOP and the City's various master plans for roadways and sewers, among others.
7. The Project will pay DIFs to the City prior to the issuance of building permits for each building.
8. The Project will be responsible for the construction of area-wide infrastructure construction within Ontario Ranch, including water, sewer and storm drains as set forth in the Specific Plan.
9. The Project will ensure the availability and utilization of recycled water for all construction-related water uses including prior to, and during, any grading of the Project Site. The Project will also utilize recycled water for landscape irrigation needs.
10. The Project will pay a Public Services Funding Fee in the amount of Fifty-Six Cents (\$0.56) per square foot for each non-residential building.
11. The Project will contribute to the funding of the Phase 2 Water Improvements needed to serve regional development and will benefit other properties within the Ontario Ranch area.

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these effects can be mitigated to a level of less than significant, except for unavoidable significant impacts as discussed in Section IV of these Findings. The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project. The City Council further finds that, except for the Project, all other alternatives set forth in the Final EIR are infeasible because they would prohibit the realization of Project objectives and/or of specific economic, social, and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

For the foregoing reasons, the City Council hereby declares that the benefits provided to the public through approval and implementation of the Specific Plan outweigh any significant adverse environmental impacts of the Project. The City Council finds that each of the Project benefits outweighs the adverse environmental effects identified in the EIR, and therefore finds those impacts to be acceptable. The substantial evidence demonstrating the benefits of the Project are set forth in these findings, and in the documents in the record of proceedings, discussed in Section XI below. Therefore, the City adopts this Statement of Overriding Considerations.

SECTION IX

RESOLUTION REGARDING CERTIFICATION OF THE EIR

The City Council finds that it has reviewed and considered the Final EIR in evaluating the proposed Specific Plan, that the Final EIR is an accurate and objective statement that fully complies with CEQA, CEQA Guidelines and the City's Local CEQA Guidelines and that the Final EIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines section 15088.5 has been received by the City after circulation of the Draft EIR that would require recirculation.

The City Council certifies the EIR based on the entirety of the record of proceedings, including but not limited to the following findings and conclusions:

A. Findings:

The following significant environmental impacts have been identified in the EIR and will require mitigation as set forth in Section IV of this Resolution but cannot be mitigated to a level of insignificance: agriculture (Project-related and cumulative), air quality (Project-related and cumulative), and traffic and transportation (cumulative).

B. Conclusions:

1. Except as to those impacts stated above relating to agriculture, air quality, and traffic and transportation, all significant environmental impacts from the implementation of the Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.
2. Other alternatives to the Specific Plan, which could potentially achieve the basic objectives of the Specific Plan, have been considered and rejected in favor of the Specific Plan.
3. Environmental, economic, social and other considerations and benefits derived from the development of the Specific Plan override and make infeasible any alternatives to the Specific Plan or further mitigation measures beyond those incorporated into the Project.

SECTION X

RESOLUTION ADOPTING A MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the MMRP attached to this Resolution as Exhibit A. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control.

SECTION XI

RESOLUTION REGARDING CONTENTS AND 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, 303 East "B" Street, Ontario, California. The custodian for these records is the Planning Director. This information is provided in compliance with Public Resources Code section 21081.6.

The record of proceedings for the City Council's decision on the Project consists of the following documents, at a minimum:

1. The NOP and all other public notices issued by the City in conjunction with the Project;
2. All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR;
3. All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the Draft EIR;
4. The Final EIR for Specific Plan, including comments received on the Draft EIR, responses to those comments, and technical appendices;
5. The MMRP for the Project;
6. All findings, resolutions and ordinances adopted by the City Council or Planning Commission in connection with the Specific Plan, and all documents cited or referred to therein;
7. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Specific Plan;
8. All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Specific Plan, up through the close of the final City Council public hearing period;
9. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Specific Plan;
10. Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
11. TOP, as the City's general plan and all environmental documents prepared in connection with the adoption of TOP;
12. The New Model Colony General Plan and all environmental documents prepared in connection with the adoption of the General Plan (January 7, 1998);
13. Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;
14. Any documents expressly cited or referenced in these findings, in addition to those cited above; and

15. Any other materials required for the record of proceedings by Public Resources Code section 21167.6 (e).

SECTION XII

RESOLUTION REGARDING STAFF DIRECTION

A Notice of Determination shall be filed with the County of San Bernardino within five (5) working days of final Project approval.

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

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

West Ontario Commerce Center Specific Plan

Mitigation Monitoring and Reporting Plan

(Document follows this page)

**Table 1
West Ontario Commerce Center Specific Plan Mitigation Monitoring and Reporting Program**

Impact Category	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
				Signature	Date	Remarks
Agricultural Resources	AG-1 Deed Disclosure - In order to reduce conflicting issues between sensitive receptors and agricultural uses, all property owners in the West Ontario Commerce Center Specific Plan shall be provided with a deed disclosure or similar notice approved by the City Attorney regarding the proximity and nature of neighboring agricultural uses. This disclosure shall be applied at the tentative map stage to the affected properties, or otherwise prior to finalizing the sale or rental agreement of any property. The written disclosure shall be supplied to the property purchaser or renter by the vendor or vendor's agent. The content and text of the disclosure shall be approved by the City Attorney, and shall include language to inform new residents that existing agricultural uses may create nuisances such as flies, odors, dust, night-light, and chemical spraying.	Prior to approval of each tentative parcel/tract map.	City Attorney and developer.			
Air Quality	<p>AQ-1 Prior to the issuance of building permits, the developer shall provide to the City of Ontario (City) for its review and approval a Painting Plan that provides evidence that only paints with a volatile organic content (VOC) of 50 grams per liter (g/l) or less shall be used for the painting of all buildings. Additionally, the area that can be painted combined inside and out shall not exceed: 150,000 square feet for Phase 1A; 150,000 square feet for Phase 1B; and 700,000 square feet for Phase 2. A Painting Plan shall be provided to the City indicating the areas that will be painted and the total area to be painted for each phase. The paints to be used along with their VOC ratings shall be included in the Painting Plan.</p> <p>AQ-2 Prior to the issuance of building permits, the developer shall submit to the Planning Director for review and approval a plan that states the following NO_x reduction measures shall be incorporated via such mechanisms as conditions of approval for sales or conditions of leases into the operations of the Project:</p> <ul style="list-style-type: none"> • All fleet vehicles to conform to 2010 air quality standards or better. Users shall maintain compliance through normal course of business. • All space utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration shall be prohibited from accessing the site. • Install catalytic converters on gasoline-powered equipment. • Electrical powered equipment shall be used in-lieu of gasoline-powered engines when available. • Electrical equipment shall be used for landscape maintenance. • All forklifts shall be electric or natural gasoline-powered. • Prohibit idling of trucks for periods exceeding three (3) minutes. • The Project plans and specifications shall include signs at loading dock facilities that identify California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers 	Prior to the issuance of building permits.	City of Ontario Building Department.			

Impact Category	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
				Signature	Date	Remarks
	to restrict idling to no more than three (3) minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations.					
Biological Resources	<p>BIO-1 Prior to any demolition or grading on the Site and areas with off-site improvements, a qualified biologist shall conduct a focused survey for burrowing owl following California Department of Fish & Wildlife's (CDFW) March 2012 recommended guidelines including conducting four (4) visits between February 15 and July 15. If the species is found, an eviction plan shall be drafted and submitted to CDFW for approval. Eviction of the species shall only occur when the owls are not nesting. If the species is not found during the focused survey and the focused survey is completed more than fourteen (14) days prior to ground disturbance, a preconstruction presence/absence survey for burrowing owl within fourteen (14) days prior to each phase of development (including clearing and grubbing) shall be completed to ensure no mortality to the species occurs. If burrowing owls are detected during the preconstruction survey, a mitigation and eviction plan for that phase shall be drafted and provided to the CDFW for approval. Eviction shall occur only when the owls are not nesting (CDFW 2012).</p> <p>BIO-2 The removal of any vegetation on the Site by the Project developer shall occur outside of the nesting season (January 1 through August 31). If avoidance of the nesting season is not feasible, a qualified biologist shall conduct a nesting bird survey within three (3) days prior to the disturbance of any vegetation, including disking, demolition, grading or construction. If active nests of native bird species are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. The buffer shall be 300 feet for raptors and 150 feet for songbirds; unless specifically determined to be less by a qualified biologist that is familiar with the nesting phenology of the nesting species.</p> <p>BIO-3 Prior to any Site clearing, demolition, or grading, the Project developer shall provide evidence to the City that a qualified biologist shall conduct North American bat surveys. If bats are determined to be present, the applicant or developer shall submit a mitigation plan by a qualified biologist that defines measures to protect the bat species in compliance with established protocols and regulations. The plan shall be reviewed and approved by CDFW prior to submittal to the City for approval.</p>	BIO-1 and BIO-3 shall occur prior to the start of clearing, demolition or grading. BIO-2 shall occur prior to the removal of any on-site vegetation.	City of Ontario Planning Department and developer.			

Mitigation Monitoring Reporting Program

Impact Category	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
				Signature	Date	Remarks
Cultural Resources	CUL-1 Prior to the issuance of the first grading permit, the developer shall provide a letter to the City of Ontario Building Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within fifty (50) feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall be contacted to flag the area in the field and determine if the archaeological deposits meet the CEQA definition of historical (CEQA Guidelines § 15064.5(a)) and/or unique archaeological resource (Pub. Res. Code § 21083.2(g)). If the find is considered a "resource," the archeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. A qualified archeologist and a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by Project construction activities. If the resources are Native American in origin, the archeologist and a Native American Monitor shall have the opportunity to consult with the City and/or developer on appropriate treatment and curation of these resources. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer's expense. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code section 21083.2 and CEQA Guidelines sections 15064.5 and 15126.4. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archeologist. Resources shall be identified and curated into an established accredited professional repository. The archeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.	Prior to the issuance of the first grading permit.	City of Ontario Planning Department.			
Cultural Resources	CUL-2 Prior to the issuance of the first grading permit, the developer shall provide a letter to the City of Ontario Building Department, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by San Bernardino County, stating that the paleontologist has been retained to provide services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the City. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological monitoring of excavation that exceeds depths of five (5) feet. The PRIMP shall state that the project paleontologist may re-evaluate the	Prior to the issuance of the first grading permit.	City of Ontario Building Department.			

Impact Category	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
				Signature	Date	Remarks
	<p>necessity for paleontological monitoring after fifty percent (50%) or greater of the excavations deeper than four feet have been completed.</p> <p>In the event that paleontological resources are encountered, ground-disturbing activity within fifty (50) feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.</p> <p>Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.</p>					
Hazards and Hazardous Materials	<p>HM-1 Prior to approval of grading permits, the developer shall hire a qualified environmental consultant to conduct a limited soils investigation to identify the hazards related to the soils near the pumping equipment for the holding ponds on the GH Dairy site (APNs 0218-261-32 and 0218-271-08, -10, -13).</p> <p>Soil remediation and/or export of hazardous materials must be performed in accordance with applicable regulatory requirements from the Regional Water Quality Control Board, Department of Toxic Substances Control, and the SCAQMD requirements. A Soil Management Plan shall be prepared to ensure the appropriate reporting, oversight, and protocols used during construction to protect the health and safety of workers and the environment. The Soil Management Plan shall include methodology and procedures to perform additional testing during soil disturbance activities if unknown potentially hazardous materials are identified. If additional contamination is discovered, soil disturbance activities within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures in accordance with the Soil Management Plan are completed.</p>	Prior to the approval of grading permits.	City of Ontario Building Department.			

Impact Category	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
				Signature	Date	Remarks
Transportation/Traffic	<p>TR-1 The Project developer shall pay the cost to signalize the intersection of Grove Avenue/Edison Avenue prior to the issuance of the first building permit.</p> <p>TR-2 The Project developer shall pay a City required Development Impact Fee (DIF) prior to the issuance of the first building permit toward construction of the traffic improvements listed below. For those required traffic improvements listed below that are not paid by DIF, the developer shall pay its fair share towards the cost of the required street improvements prior to the issuance of the first building permit.</p> <p><u>Improvements to Signalized Intersections</u></p> <ul style="list-style-type: none"> • #16. Euclid Avenue/Chino Avenue (City of Chino) – Add westbound left-turn lane. • #21. SR-71 southbound (SB) Ramp/Grand Avenue (City of Chino, Caltrans) – Work with City of Chino and Caltrans to identify feasible improvements and pay fair share. • #22. SR-71 northbound (NB) Ramp/Grand Avenue (City of Chino, Caltrans) – Add SB right turn overlap phasing. • #24. Central Avenue/Edison Avenue (City of Chino) – Work with City of Chino to identify feasible improvements and pay fair share. • #28. Archibald Avenue/Edison Avenue (City of Ontario) – Add a 2nd NB left-turn lane, 3rd NB through lane, 3rd SB through lane, 3rd eastbound (EB) through lane, 2nd westbound (WB) through lane, 2nd SB left-turn lane, 3rd WB through lane. • #29. Hamner Avenue/Cantu-Galleano Ranch Road/Ontario Ranch Road (City of Ontario, City of Eastvale) – Add a 2nd NB through lane, NB right-turn lane with overlap phasing, 2nd SB left-turn lane, 2nd SB through lane, 2nd EB through lane, 2nd WB left-turn lane, 2nd WB through lane, WB right-turn overlap 	Prior to the issuance of the first building permit.	City of Ontario Building Department			

Impact Category	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
				Signature	Date	Remarks
	<p>phasing, 3rd SB through lane, 3rd EB through lane, 3rd WB through lane, EB right-turn with overlap phasing, SB right-turn lane with overlap phasing.</p> <ul style="list-style-type: none"> #30. I-15 SB Ramp/Cantu-Galleano Ranch Road (City of Eastvale, Caltrans) – Restripe #2 SB left-turn lane to a shared left-right-turn lane to provide a SB left-turn lane, SB shared left-right-turn lane and a SB right-turn lane. #31. I-5 NB Ramp/Cantu-Galleano Ranch Road (City of Eastvale, Caltrans) – Optimize signal timing to improve operations. #35. Euclid Avenue/Merrill Avenue (City of Chino, City of Ontario, Caltrans) – Add a 3rd NB through lane, 2nd SB left-turn lane, 3rd SB through lane, 2nd WB left-turn lane, WB right-turn lane with overlap phasing. #39. Archibald Avenue/Limonite Avenue (City of Eastvale) - Add 2nd WB right turn, 2nd NB through lane, 2nd SB left-turn lane, 2nd SB through lane, 2nd WB left-turn lane, 3rd NB through lane. #40. Hamner Avenue/Limonite Avenue (City of Eastvale) – Add right-turn overlap phasing in all directions, 3rd WB through land, 3rd SB through lane. #41. I-15 SB Ramp/Limonite Avenue (City of Eastvale, Caltrans) – Add a 3rd EB and 3rd WB through lane, redesign interchange to a partial cloverleaf. #42. I-15 NB Ramp/Limonite Avenue (City of Eastvale, Caltrans) – Add a 3rd EB and 3rd WB through lane, redesign interchange to a partial cloverleaf. #48. Archibald Avenue/Eucalyptus Avenue (City of Ontario) – Add a NB left-turn lane, 3rd NB through lane, 3rd SB through lane, EB left-turn lane, EB through lane, EB right-turn lane, 2nd northbound left-turn lane. <p><u>Improvements to Unsignalized Intersections</u></p> <ul style="list-style-type: none"> #17. Grove Avenue/Chino Avenue (City of Ontario) – Signalize Intersection. #27. Grove Avenue/Edison Avenue (City of Ontario) – Signalize Intersection. #33. Grove Avenue/Eucalyptus Avenue (City of Ontario) – Signalize Intersection. #36. Grove Avenue/Merrill Avenue (City of Chino, City of Ontario) - Add EB left-turn lane, 2nd EB through lane, 2nd WB through lane, signalize intersection. #37. Carpenter Avenue/Merrill Avenue (City of Ontario, City of Chino) – Add SB left-turn lane, 2nd WB through lane, WB left-turn lane and signalize intersection. 					
Tribal Cultural Resources	<p>TCR-1 Prior to the start of any demolition or Project grading, whichever occurs first, the developer shall implement the following:</p> <ul style="list-style-type: none"> The Project developer shall retain a Native American Monitor of Gabrieleño Ancestry (Native American Monitor) to conduct a Native American Indian Sensitivity Training for construction personnel prior to commencement of any excavation activities. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor and the general steps 	Prior to the start of demolition or Project grading, whichever occurs first.	City of Ontario Building Department.			

Impact Category	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
				Signature	Date	Remarks
	<p>the Native American Monitor would follow in conducting a salvage investigation.</p> <ul style="list-style-type: none"> • The developer shall retain a Native American Monitor to be on-site during all Project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, grubbing, and weed abatement) of previously undisturbed native soils to a maximum depth of thirty (30) feet below ground surface. At their discretion, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil, but not at the developers' expense. • A qualified archaeologist and a Native American Monitor shall evaluate all archaeological resources unearthed by Project construction activities. If the resources are Native American in origin, the Tribe shall coordinate with the developer regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If archeological features are discovered, the archeologist shall report such findings to the City Planning Director. If the archeological resources are found to be significant, the archeologist shall determine the appropriate actions, in cooperation with the City that shall be taken for exploration and/or salvage in compliance with CEQA Guidelines section 15064.5(f). • Prior to the start of ground disturbing activities, the developer shall arrange a designated site location within the footprint of the Project for the respectful reburial of Tribal human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of fifty (50) feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the County Coroner. All construction activity shall be diverted while the County Coroner determines if the remains are Native American. The discovery shall be confidential and secure to prevent further disturbance. If Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a most likely descendant (MLD). In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Tribe shall make every effort to recommend diverting the Project and keep the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be 					

Impact Category	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
				Signature	Date	Remarks
	<p>removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC.</p> <ul style="list-style-type: none"> • No scientific study or the utilization of any invasive diagnostics shall be allowed to be conducted on any Native American human remains. • If the County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the County Coroner. Reburial will be in an appropriate setting. If the County Coroner determines the remains to be modern, the County Coroner shall take custody of the remains. • Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project Site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered. 					

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA16-002, AN AMENDMENT TO THE LAND USE ELEMENT OF THE POLICY PLAN (GENERAL PLAN), REVISING EXHIBIT LU-01 (OFFICIAL LAND USE PLAN) AND EXHIBIT LU-03 (FUTURE BUILDOUT), AFFECTING PROPERTIES BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, FOR 47.06 ACRES OF LAND FROM BUSINESS PARK (0.60 FAR) TO INDUSTRIAL (0.55 FAR), AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18. (LAND USE ELEMENT CYCLE 2 FOR THE 2018 CALENDAR YEAR).

WHEREAS, REDA, OLV has filed an Application for the approval of a General Plan Amendment, File No. PGPA16-002, 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 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 designations of these properties consistent with the proposed West Ontario Commerce Center Specific Plan (File No. PSP16-002); 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 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 April 24, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH# 2017041074), including the adoption of a Mitigation Monitoring and Reporting Plan and a Statement of Overriding Considerations, and concluded said hearing on that date, voting to issue Resolution No. PC18-044 recommending the City Council approve the Application; and

WHEREAS, as the first action on the Project, on June 19, 2018, the City Council approved a Resolution for the West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH# 2017041074), including the adoption of a Mitigation Monitoring and Reporting Plan and a Statement of Overriding Considerations for the Project; and

WHEREAS, on June 19, 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 the West Ontario Commerce Center Environmental Impact Report (EIR) (SCH#: 2017041074), the Mitigation Monitoring and Reporting Plan ("MMRP"), and a Statement of Overriding Considerations, prepared for the project and supporting documentation.

(2) The West Ontario Commerce Center Specific Plan EIR, MMRP, and the Statement of Overriding Considerations contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The West Ontario Commerce Center Specific Plan EIR, MMRP, and the Statement of Overriding Considerations were completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The West Ontario Commerce Center Specific Plan EIR, MMRP, and the Statement of Overriding Considerations reflects the independent judgment of the City Council.

SECTION 2. 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 3. 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 2, 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:

(a) **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.

(b) **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 change from Business Park to Industrial will provide consistency between the TOP Policy Plan Land Use Plan and the proposed West Ontario Commerce Center Specific Plan and will result in a logical land use pattern in and around the affected areas.

(c) **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.

(d) **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/commercial uses. These uses are consistent with ALUCP Table 2-3 (Noise Criteria); provided, the light manufacturing and office/commercial 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 second amendment to the Land Use Element of the 2018 calendar year consistent with Government Code Section 65358;

(4) The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. Changing the land use designation of the subject property from Business Park (0.6 FAR) to Industrial (0.55 FAR) will not impact the City's Regional Housing Needs Allocation obligations or the City's ability to satisfy its share of the region's future housing need; and

(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 4. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 3, 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 5. 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 6. 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 7. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

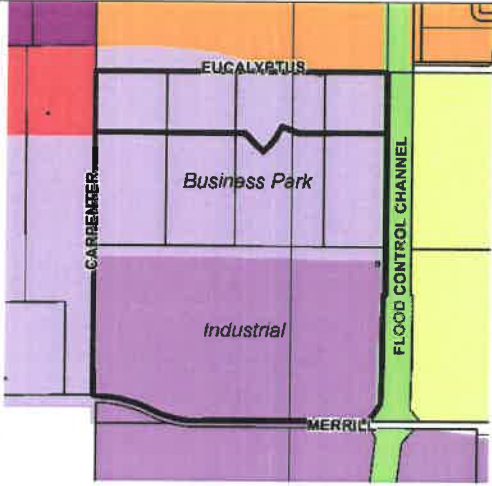

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT 1: Policy Plan Land Use Plan (Exhibit LU-01) Revision

EXISTING TOP	PARCELS	PROPOSED TOP
	<p>0218-261-16 0218-261-22 0218-261-23 0218-261-32 0218-271-04 0218-271-08 0218-271-10 0218-271-13 0218-271-18</p>	
Business Park and Industrial	(9 Properties)	Business Park and Industrial

47.06 acres from BP to IND

ATTACHMENT 2: 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	529	2.0 du/ac	1,059	4,232		
Low Density ⁶	7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584	122,244		
Low-Medium ⁶ Density	999	8.5 du/ac	8,492	33,941		
Medium Density	1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200	133,791		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,864		84,750	315,679		
Mixed Use						
• Downtown	113	<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 	2,365	4,729	1,569,554	2,808
• 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 at 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 	465	929	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	1,668		15,129	30,257	34,922,836	72,383

ATTACHMENT 2: Future Buildout (Exhibit LU-03) Revision Cont'd



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	281	0.30 FAR			3,671,585	8,884
General Commercial	533	0.30 FAR			6,964,199	6,470
Office/Commercial	516	0.75 FAR			16,872,748	37,418
Hospitality	141	1.00 FAR			6,157,642	7,060
Subtotal	1,472				33,666,174	59,831
Employment						
Business Park	1,554 1,507	0.40 FAR			27,081,583 26,261,610	47,514 46,075
Industrial	6,321 6,368	0.55 FAR			151,427,425 152,554,889	132,047 134,038
Subtotal	7,875				178,509,009 178,816,499	180,561 180,113
Other						
Open Space–Non-Recreation	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	4,871	Not applicable				
Subtotal	9,906					
Total	31,784		99,878	345,936	247,098,018 247,405,508	312,775 312,327

Notes

- 1 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.
- 2 Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- 3 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.
- 4 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.
- 5 To view the factors used to generate the number of employees by land use category, access the Methodology report.
- 6 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 THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (FILE NO. PSP16-002), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18.

WHEREAS, REDA, OLV ("Applicant") has filed an Application for the approval of a Specific Plan, File No. PSP16-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 119 acres of land, bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, within the Business Park and Industrial land use designations, and is presently improved with agriculture/dairy and single-family residential uses; and

WHEREAS, the property to the north of the project site is within Planning Areas 5 and 9 (Multi-Family Residential) and Planning Area 7 (Single Family Residential) of the Parkside Specific Plan, and is currently vacant. The property to the east is the Cucamonga Creek Flood Control Channel. The property to the south is within the Colony Commerce Center West Specific Plan and is developed with agricultural uses. The property to the west is within the Specific Plan/Agricultural Overlay zone and is currently developed with agricultural/dairy and single-family residential uses; and

WHEREAS, the West Ontario Commerce Center Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. In addition, the Specific Plan will establish the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved; and

WHEREAS, the West Ontario Commerce Center Specific Plan consists of approximately 119 acres of land, which includes the potential development of up to 2,905,510 square feet of business park and industrial development; and

WHEREAS, a request for approval of a General Plan Amendment (File No. PGPA16-002) to change the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for 47.06 acres of land from Business Park (0.60 FAR) to Industrial (0.55 FAR) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes has also been submitted as part of the proposed West Ontario Commerce Center Specific Plan; and

WHEREAS, the land use intensity of the West Ontario Commerce Center Specific Plan anticipated in the two planning areas is consistent with The Ontario Plan (TOP). The Specific Plan is proposing a maximum 0.60 Floor Area Ratio (FAR) within the Business Park land use designation (Planning Area 1) located along the northern portion of the Specific Plan area, is 21 acres in size and can potentially be developed with 555,505 square feet of business park development. In addition, buildings within the Business Park land use area that front onto a public right-of-way shall not exceed 100,000 square feet in size. The Specific Plan is proposing a maximum 0.55 Floor Area Ratio (FAR) within the Industrial land use designation (Planning Area 2) located along the southern portion of the Specific Plan, is 98 acres in size, and can potentially be developed with 2,350,005 square feet of industrial development. The proposed FAR's for each of the Planning Areas is consistent with the Policy Plan Land Use designations for Business Park and Industrial; and

WHEREAS, the West Ontario Commerce Center Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the West Ontario Commerce Center Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and

WHEREAS, the Specific Plan does not conflict with the Land Use Policies of the General Plan (TOP) and will provide for development, in a manner consistent with the General Plan. The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and

WHEREAS, a Williamson Act Contracts 73-406 (File No. PWIL17-009) and 70-219 (File No. PWIL18-004) have also been submitted as part of the proposed West Ontario Commerce Center Specific Plan; and

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

WHEREAS, an Environmental Impact Report (EIR) (SCH#2017041074) including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration have been prepared in accord with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (West Ontario Commerce Center); and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and make a recommendation on the subject Application; 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 development 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, the project site is also located within the Airport Influence of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which 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 April 24, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Environmental Impact Report (EIR) (SCH#2017041074) including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration for the Project, and concluded said hearing on that date, voting (5-0) to issue Resolution No. PC18-045, recommending the City Council approve the Application; and

WHEREAS, on June 19, 2018, the City Council of the City of Ontario conducted a hearing to consider the Environmental Impact Report (EIR) (SCH# 2017041074) and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on June 19, 2018, the City Council approved a resolution adopting an Environmental Impact Report (EIR) (SCH#2017041074) prepared for the West Ontario Commerce Center Specific Plan pursuant to CEQA; 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 Environmental Impact Report (EIR) (SCH#2017041074) prepared for the project and supporting documentation. Based upon the facts and information contained in the Environmental Impact Report (EIR) (SCH#2017041074) and supporting documentation, the City Council finds as follows:

(1) The West Ontario Commerce Center Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The West Ontario Commerce Center Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The West Ontario Commerce Center Specific Plan EIR reflects the independent judgment of the City Council; and

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

SECTION 2. *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 3. 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 2, above, the City Council hereby concludes as follows:

(1) The approximately 119 acre West Ontario Commerce Center Specific Plan is suitable for business park and industrial development and 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. The proposed land uses in the proposed districts will also be in harmony in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed West Ontario Commerce Center Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide standards and guidelines for the harmonious development within the districts, in a manner consistent with the Policy Plan. The Specific Plan is proposing business park and industrial type development for the approximately 119 acre site, which is what is mandated by the land use plan of the Policy Plan, therefore, the proposed industrial uses will be in conformance with the policies and goals of the Policy Plan; and

(3) During the West Ontario Commerce Center Specific Plan review, 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 California Government Code Section 65351; and

(4) The proposed project is consistent with the adopted Housing Element. The Project site and is not one of the properties (areas) listed in the Available Land Inventory in the Housing Element.

SECTION 4. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Application.

SECTION 5. 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 6. 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 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 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 8. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

SECTION 9. **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 June 19, 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)

Attachment "A"

File No. PSP16-002
West Ontario Commerce Center
Specific Plan
(Document follows this page)

city of ontario



West Ontario Commerce Center

Specific Plan

April 2018

WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN City of Ontario

Specific Plan

#XXXXXXXX

Draft Submittal to City

April 2018

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Thienes Engineering, Inc.
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WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN

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1.0 INTRODUCTION

The West Ontario Commerce Center Specific Plan (this “Specific Plan”) is one of the initial industrial specific plans implementing the vision outlined by the City of Ontario for the Ontario Ranch area (formerly New Model Colony). The Ontario Ranch area covers 8,200 acres of the former 14,000-acre San Bernardino Agricultural Preserve, which was historically used for dairy or cattle farming by descendants of Dutch, French Basque, Portuguese, and Mexican families. The Agricultural Preserve was divided in 1999, with portions incorporated into the three adjacent cities of Chino, Chino Hills, and Ontario. The City of Ontario named its portion the *New Model Colony* after the original *Model Colony of Ontario* established by the Chaffey Brothers, William and George Jr., in 1882. The original Model Colony was founded on innovative land development principles that included the distribution of water rights with land purchases (Mutual Water Company), a grand boulevard (Euclid Avenue), and an agricultural college (Chaffey College, established 1885). The Ontario Plan, adopted by the City of Ontario in 2010, contains innovative land development principles for the Ontario Ranch area in an effort to continue the legacy of the Model Colony. The Land Use Plan for Ontario Ranch provides for housing, commercial and industrial areas, parks, a lake, a golf course, and trail and bike links. Specific plans are required to guide development in Ontario Ranch to ensure that the objectives of the City’s Policy Plan (General Plan) are achieved.

On January 26th, 2010, the City of Ontario adopted The Ontario Plan (TOP) which serves as the City's new business plan and includes a long term Vision and a principle based Policy Plan (General Plan). The City's Policy Plan, which acts as the City's General Plan, designates (Policy Plan Exhibit LU-1 - Land Use Plan) the project site for development of Business Park (0.6 FAR) and Industrial (0.55 FAR).

1.1 PURPOSE AND INTENT OF THE SPECIFIC PLAN

The West Ontario Commerce Center Specific Plan serves to implement the City's Policy Plan (General Plan) for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for development. A comprehensive set of design guidelines and development regulations are included to guide and regulate site planning, landscape, and architectural character within the community ensuring that excellence in community design is achieved during project development. The West Ontario Commerce Center Specific Plan establishes the procedures and requirements to approve new development within the project site.

The purpose of the West Ontario Commerce Center Specific Plan is:

- ❖ To provide a planning framework that responds to the physical and market driven aspects of future development opportunities;

- ❖ To provide adequate and coordinated infrastructure, utilities, and public services to this area within the Ontario Ranch;
- ❖ To encourage compatible uses and interfaces with adjacent properties;
- ❖ To determine the appropriate location and intensity of uses through new development parameters; and
- ❖ To conform with State laws and local ordinances and policies for the preparation of the Specific Plan.

The specific objectives of the West Ontario Commerce Center Specific Plan are:

1. Create a professional, well-maintained and attractive environment for the development of a multi-purpose business park, light industrial and warehousing/logistics complex that is compatible with nearby residential neighborhoods.
2. Provide employment opportunities for community residents.
3. Facilitate the construction of utilities, roads, and other major infrastructure investments that will be sufficiently sized to adequately serve the Specific Plan area.
4. Increase Ontario's industrial uses in proximity to local airports and regional transportation networks.
5. Create economic engine to spur future growth of Ontario Ranch. Future development will continue to drive the infrastructure improvements for the area and effect the vision for Specific Plan.

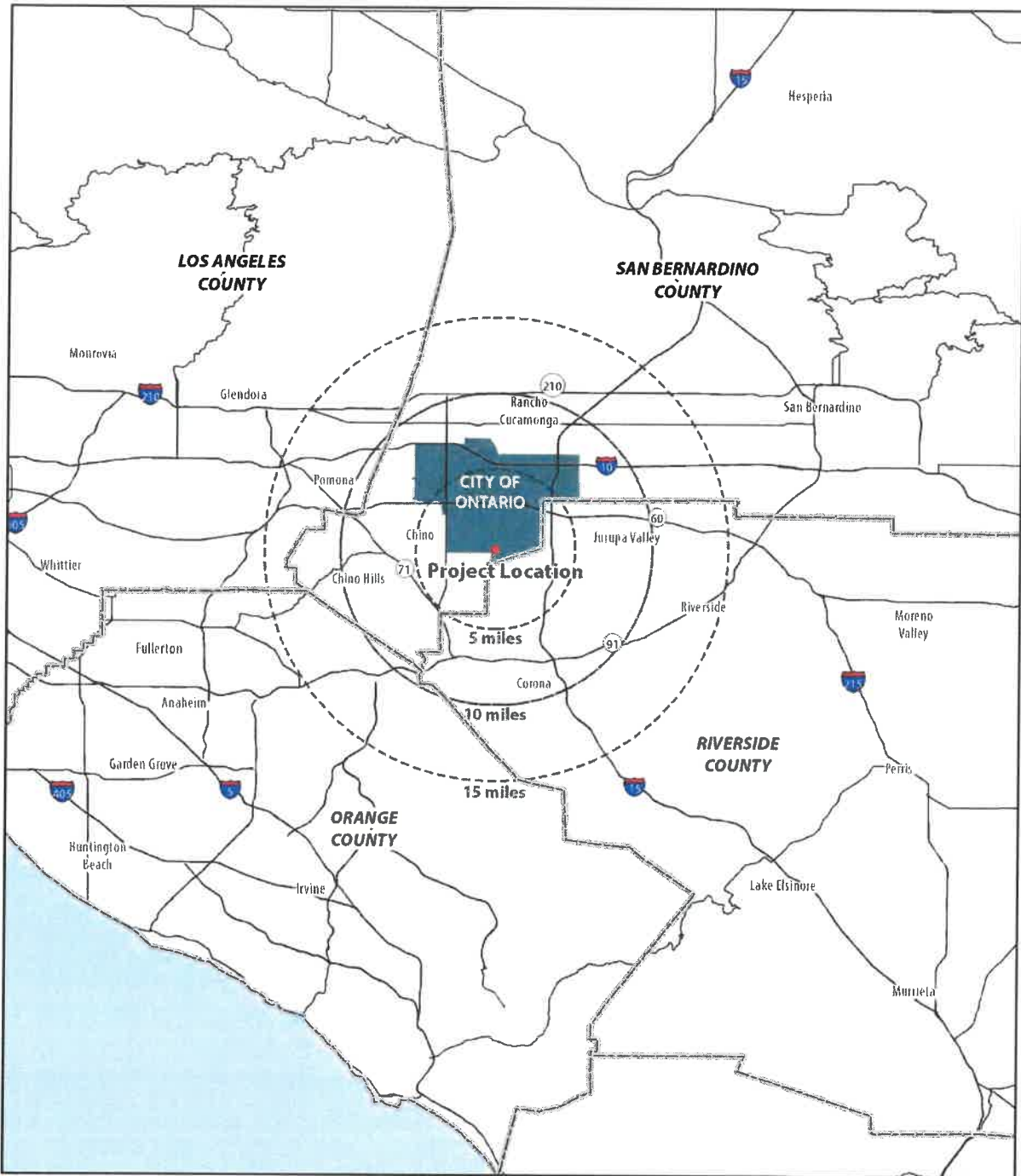
1.2 PROJECT DESCRIPTION

The West Ontario Commerce Center Specific Plan is the regulatory document for the West Ontario Commerce Center Industrial Park, consisting of up to 2,905,510 square feet allowing for the development of business park and light industrial uses on approximately 119 net acres of land. The Specific Plan will address consistency with the Ontario Plan Vision and Policy Plan; provide a development plan that identifies the proposed land uses, circulation, infrastructure, streetscape, and landscape plans; establish the allowable uses and development standards for reviewing individual projects within the Specific Plan area; present conceptual design guidelines and elevations to create a visually attractive environment; and summarize the development review process and provisions to administer and implement the Specific Plan.

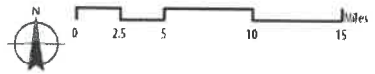
Location and Specific Plan Boundary

The West Ontario Commerce Center Specific Plan area is located near the southern boundary of the City, adjacent to the City of Chino (Figure 1.1 Regional Location) and within Ontario Ranch (Figure 1.2 Ontario Ranch). The project site consists of seven existing parcels bounded by Eucalyptus Avenue on the north, the San Bernardino County Flood Control Channel (Cucamonga Creek Channel) to the east, Merrill Avenue to the south, and Carpenter Avenue to the west. The location of each existing parcel (and Assessor Parcel Number) is shown on Exhibit 1.3 (Plan Boundary).

FIGURE 1.1: REGIONAL LOCATION

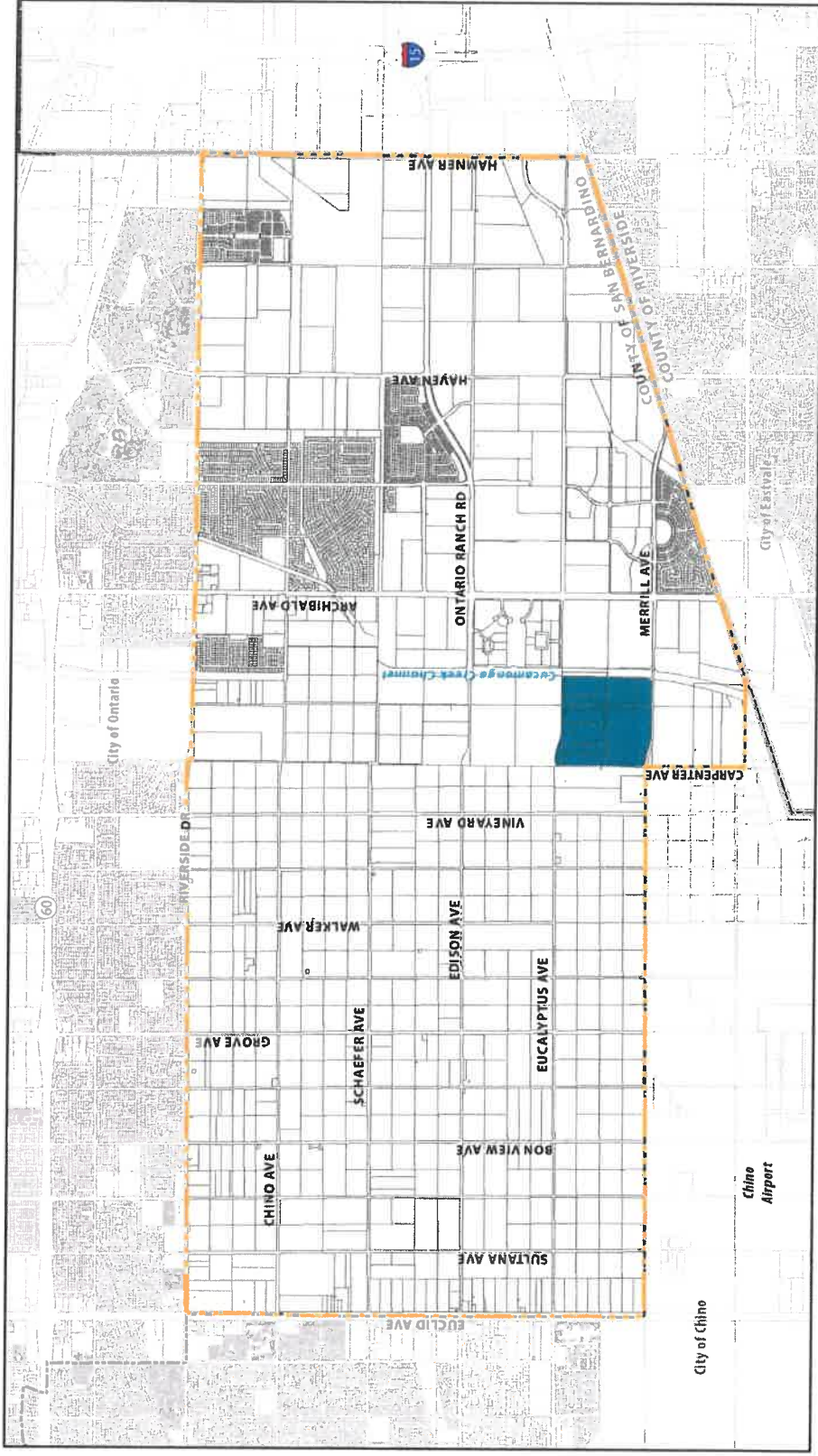


 Specific Plan Area



Date: November 2016
Base Map Prepared by: MKG, Inc.

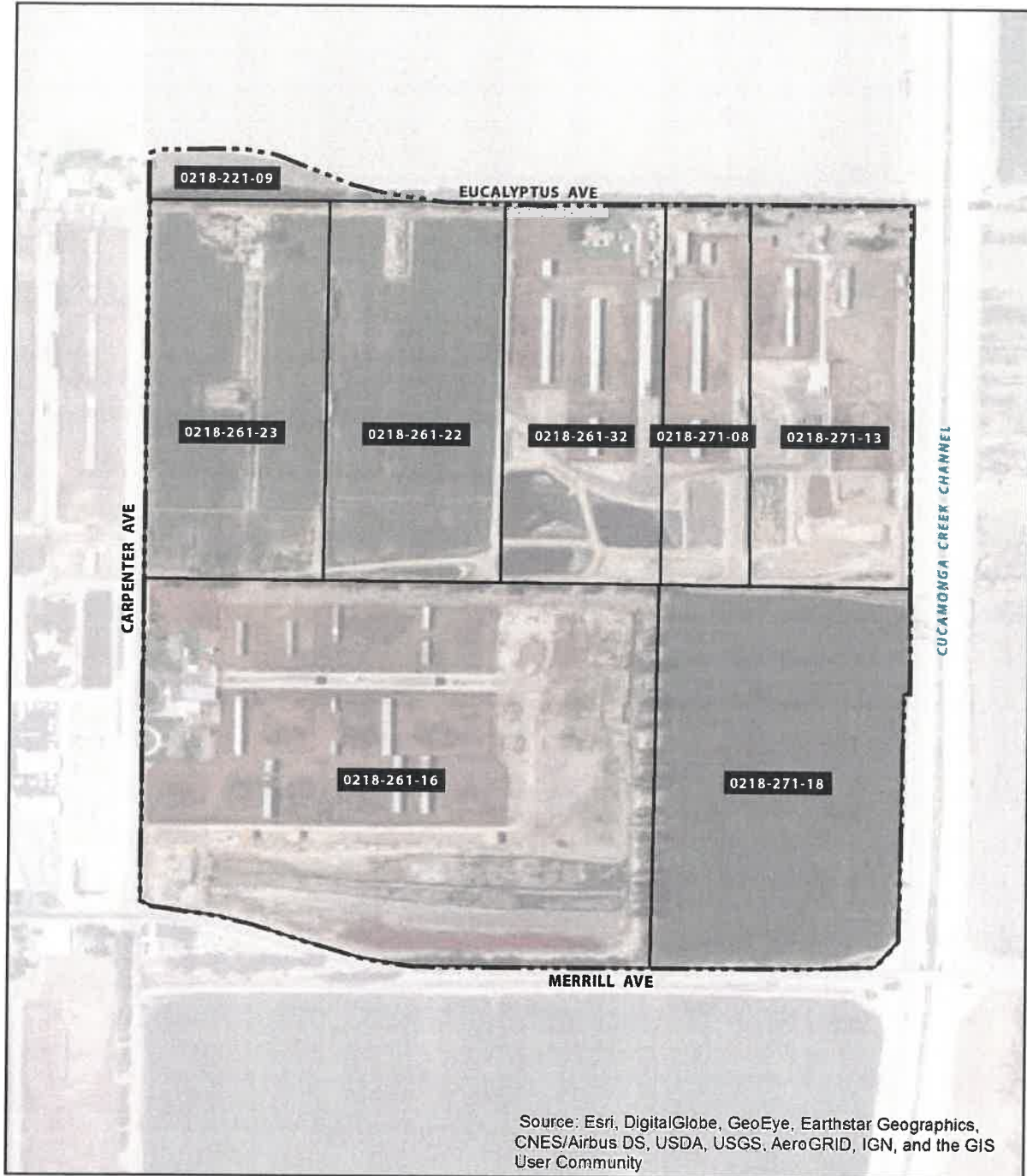
FIGURE 1.2: ONTARIO RANCH






- Legend**
- Ontario Ranch
 - Specific Plan Area
 - Assessor Parcels

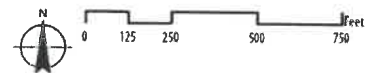
Date: November 2016
Source: City of Ontario
Base Map Prepared by: MGL, Inc.

FIGURE 1.3: SPECIFIC PLAN BOUNDARY



Legend

-  Specific Plan Boundary
-  Assessor Parcels
-  Assessor Parcel Number (APN)



Date: December 2016
Source: ESRI World Imagery, 2015
Base Map Prepared by: MIG, Inc.

Employment Generation

At build-out, the West Ontario Commerce Center is anticipated to create over 600 jobs in warehousing, logistics, light manufacturing, and administration. This estimate is based on the 2001 Natelson Company, Inc. Employee Density Study, assuming warehouse and research and development uses on the site. Actual job creation depends on the type of land uses ultimately developed, as a wide range of commercial, office, and industrial uses are permitted. For example, e-commerce uses such as internet merchant fulfillment would yield more jobs than a distribution warehouse as many e-commerce companies employ labor-intensive picking and packing operations. Employment opportunities will range from entry level to highly skilled labor, adding to Ontario's competitive advantage in the region. Business Park uses in the West Ontario Commerce Center Industrial Park will provide expanded opportunities for start-up businesses and provide retail and service uses to serve the surrounding area.

Infrastructure Framework

In cooperation with adjacent property owners and developers, the West Ontario Commerce Center Industrial Park will help establish the necessary framework to enable the continued growth and development of Ontario Ranch. The project will participate in providing and/or funding master planned water, sewer, and storm drain infrastructure as properties develop along Eucalyptus Avenue from Carpenter Avenue to the Cucamonga Creek Channel, Carpenter Avenue from Merrill Avenue to Eucalyptus Avenue, and Merrill Avenue from the Cucamonga Creek Channel to Carpenter Avenue. The extent of infrastructure provision for the project will be established as part of the development agreement.

Community Compatibility

The Parkside Specific Plan is located immediately north of the West Ontario Commerce Center Specific Plan and plans for residential uses. To enhance the transition between the industrial uses of the West Ontario Commerce Center and residential uses to the north, the Specific Plan's land use plan places larger scale industrial uses in the southern portion of the site and smaller scale buildings with less intense uses on the northern Business Park portion.

1.3 SPECIFIC PLAN REQUIREMENTS

The range of issues contained in a specific plan is left to the discretion of the decision-making body. However, all specific plans must at a minimum address the following:

- ❖ The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- ❖ The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be

- located within the area covered by the plan and needed to support the land uses described in the plan.
- ❖ Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 - ❖ A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the above identified items.

1.4 AUTHORITY AND SCOPE OF THE SPECIFIC PLAN

The Policy Plan (General Plan) requires the approval of a Specific Plan for development of the project site to ensure that sufficient land area is included to achieve unified districts and neighborhoods. The City of Ontario has zoned the project site as AG-Specific Plan. The zoning designation of AG-Specific Plan requires that a Specific Plan be approved to guide development of the project site and to implement the goals and policies of the Policy Plan. The Specific Plan provides the zoning regulations to govern development of the project site. The requirements of the Specific Plan shall take precedence over the City of Ontario Development Code. In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457) grants the City of Ontario the authority to adopt a specific plan by ordinance (as a regulatory plan) or resolution (a policy driven plan). This Specific Plan is a regulatory document, providing land use and design guidance adopted by ordinance.

As a regulatory plan, this document serves as zoning law for the land within the Specific Plan area. Development plans, site plans, and tentative tract and parcel maps must be consistent with the West Ontario Commerce Center Specific Plan and the Ontario Plan. The scope of topics covered in this Specific Plan includes land use, infrastructure, development standards, design guidelines, and implementation measures, all of which must meet the minimum requirements of a specific plan, as established by California Government Code Sections 65450 through 65457 and City of Ontario Code Sections 9-1.2100 to 9-1.2125.

No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan (California Government Code Section 65455). Beyond the Policy Plan (General Plan) and Municipal Code, the California Government Code also requires compatibility with local, regional and other planning measures. For example, the Specific Plan must be consistent with any applicable comprehensive airport land use plan (ALUP) (California Government Code Section 65302.3). After adoption, any identification of inconsistency must be followed by the amendment of either existing plans and regulations or the specific plan itself. Failure to correct inconsistencies can result in the inability to enforce specific plan regulations and policies.

1.5 CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

The West Ontario Commerce Center Specific Plan is a discretionary project and is subject to the requirements of the California Environmental Quality Act (CEQA). Pursuant to State and local CEQA guidelines, an Environmental Impact Report addressing the impacts associated with the development of the project must be considered and certified by the City of Ontario prior to approval of the Specific Plan.

To address potential environmental impacts, it is anticipated that a program environmental impact report (program EIR) will be prepared. The Program EIR will analyze the potential environmental impacts of the adoption and implementation of the West Ontario Commerce Center Specific Plan. The program EIR for the Specific Plan will be most helpful in dealing with subsequent activities within the Specific Plan area. With a detailed analysis of the program (the Specific Plan), many subsequent activities (such as development within the Specific Plan and or related infrastructure provision) could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

1.6 ORGANIZATION OF THE SPECIFIC PLAN

The West Ontario Commerce Center Specific Plan is organized by chapter as follows:

1. **Introduction.** This chapter introduces the proposed project, summarizes the development and planning context, and explains the scope and authority of the Plan and its compliance with CEQA as well as its relationship to the Ontario Plan, Ontario Ranch, and the Development Plan.
2. **Existing Conditions.** This chapter explains the baseline conditions for the project site including current and surrounding land uses, airport influence, circulation, utilities, and environmental conditions.
3. **Development Plan.** The chapter establishes the overall land use concept for the West Ontario Commerce Center Specific Plan including the land use plan, the infrastructure plans for water, sewer, utilities, and circulation, and the provision of public services such as fire, police, and solid waste disposal.
4. **Land Use and Development Regulations.** This chapter establishes the land use designations and regulations for the West Ontario Commerce Center Specific Plan. Upon adoption of this specific plan, the land use and development standards within this chapter serve as the legal zoning for the Specific Plan area.
5. **Design Guidelines.** This chapter identifies the conceptual themes for site planning, architecture, and landscape design in the Specific Plan area.
6. **Implementation and Administration.** This chapter provides requirements for the development review and administration of the West Ontario

Commerce Center Specific Plan including amendment procedures and implementation priorities.

7. **Appendix: Ontario Plan Consistency.** This chapter describes the West Ontario Commerce Center Specific Plan's conformance with the Ontario Plan.

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2.0 EXISTING CONDITIONS

2.1 EXISTING AND SURROUNDING LAND USES

The project site is occupied by agricultural uses, including a dairy farm, row crops, and vacant land which was previously used in the same manner. Dairy farming and agriculture (row crops) have been the primary use of the property since the 1930s or earlier. The surrounding uses also include dairy farms, row crops, and vacant, undeveloped land (Exhibit 2.1 Aerial Map of Surrounding Uses). The Parkside Specific Plan is located to the north of the project site. The Ontario Plan has designated the surrounding areas in Ontario Ranch for business park, industrial, and residential uses. The City of Chino abuts the southwest corner of the project site.

Figure 2.1 also shows approved specific plan areas surrounding the site as well as current projects and projects with pending applications. On the north and east side, there are two specific plan areas that will be developed primarily with residential uses and with some supporting commercial and open space uses. To the south of the site there are several industrial projects in progress or with pending applications.

2.2 AIRPORT INFLUENCE AREAS

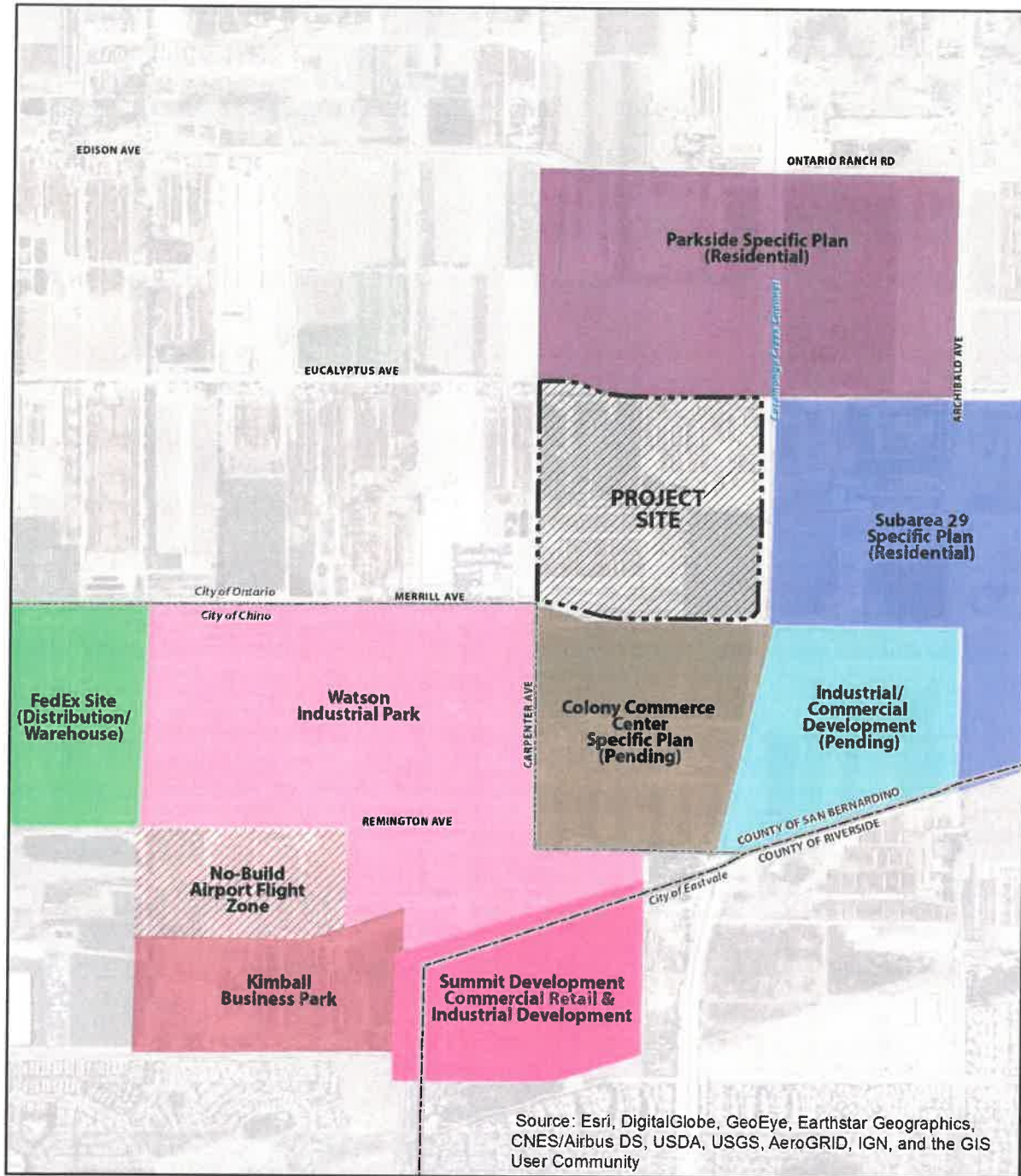
Ontario International Airport Influence Area

The Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) was adopted by the Ontario City Council on April 19, 2011. The intent of a compatibility plan is to avoid conflicts between airport operations and surrounding land uses. The project site is not within the safety, noise impact, or airspace protection zones of the ONT ALUCP; however, it is within the Airport Influence Area, as is the entire City of Ontario. While a Real Estate Transaction Disclosure policy is not required for non-residential land, developers or tenants may purchase a Natural Hazard Disclosure report that would indicate that the property is in an Airport Influence area.

Chino Airport Overlay Zone

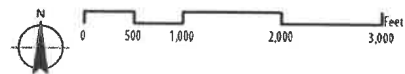
The Specific Plan area is within Safety Zone 6 of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). Zone 6 calls for limiting people-intensive uses such as stadiums, large day care centers, hospitals, and nursing homes. The Plan's land uses (industrial and business uses) are compatible with these guidelines. The California Airport Land Use Planning Handbook requires the provision of approximately 10 percent of usable open land or an open area approximately every 1/4 to 1/2 mile with minimum dimensions of 300 feet long by 75 feet wide in projects within Safety Zone 6. The Handbook further indicates that ideal emergency landing sites are ones which are long, level, and free of obstacles, much like a runway. In the Specific Plan area, surrounding roads, drive aisles and truck parking lots address the open land requirement. In addition, the Specific Plan's parking areas and all public streets (Merrill, Eucalyptus, Carpenter, and Hellman Avenues) meet these width and length requirements.

FIGURE 2.1: SURROUNDING LAND USES



Legend

Specific Plan Boundary



Date: December 2016
 Source: ESRI World Imagery, 2015
 Base Map Prepared by: MIG, Inc.

2.3 WILLIAMSON ACT CONTRACTS

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The motivation for the Williamson Act is to promote voluntary land conservation, particularly farmland conservation. Landowners may terminate a Williamson Act contract through non-renewal in which the contract winds down over a ten-year period or cancellation under limited circumstances and with the payment of a cancellation fee.

Within the West Ontario Commerce Center Specific Plan area there were four Williamson Act contracts. Two expired in 2011 and two are active, as shown in Exhibit 2.2. Parcels with active Williamson Act contracts may not be used for any purpose other than agriculture or open space until the contract has been terminated either through the non-renewal process or payment of a cancellation fee. Any remaining Williamson Act contracts will need to be retired prior to development of those areas. Cancellation has been requested for parcels in the Specific Plan area subject to Williamson Act requirements.

2.4 EXISTING (2016) ONTARIO PLAN AND ZONING LAND USE DESIGNATIONS

The project site currently carries two Ontario Plan land use designations (Exhibit 2.3 Land Use Plan and Zoning). The two parcels on the southern portion of the site (APNs 0218-261-16 and 0218-261-22), are designated Industrial. The northern parcels (APNs 0218-261-23, 0218-261-22, 0218-261-32, 0218-271-08, 0218-271-13, 0218-221-09) are designated Business Park and (Figure 2.4). The project includes an application for a General Plan Amendment in conjunction with the first phase of the project to increase the area designated Industrial and decrease the area designated Business Park.

Most of the project site is zoned AG-Specific Plan. The AG-Specific Plan indicates that while the underlying land can accommodate the continuation of agricultural uses, a specific plan is required by the City in order to comprehensively plan for development of uses within the project site. The small parcel (0218-221-09) in the northwest corner of the Specific Plan area is zoned Specific Plan and is currently part of the Parkside Specific Plan, which designates the parcel for residential uses.

FIGURE 2.2: WILLIAMSON ACT CONTRACT STATUS



Legend

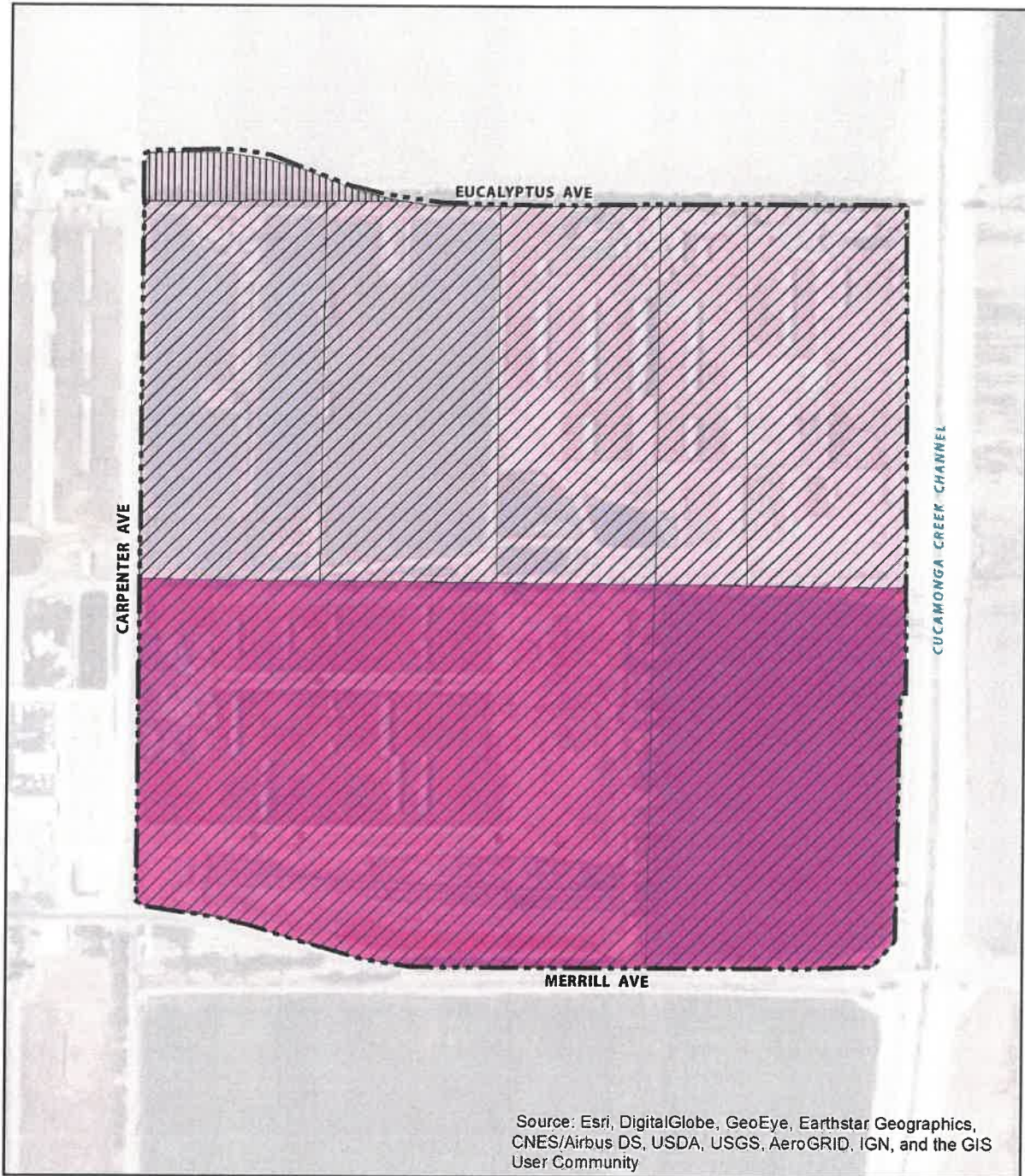
- Specific Plan Boundary
- 73-406 Active Contract
- 72-368 Expired
- Not Subject to Williamson Act



0 125 250 500 750 Feet

Date: December 2016
Source: City of Ontario, 2010;
ESRI World Imagery, 2015
Base Map Prepared by: MIG, Inc.

FIGURE 2.3: LAND USE PLAN AND ZONING



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

Specific Plan Boundary

Land Use Plan Designation Zoning Designation

Business Park
 Industrial

AG-Specific Plan
 Parkside Specific Plan



Date: December 2016
 Source: City of Ontario, 2010;
 ESRI World Imagery, 2015
 Base Map Prepared by: MIG, Inc.

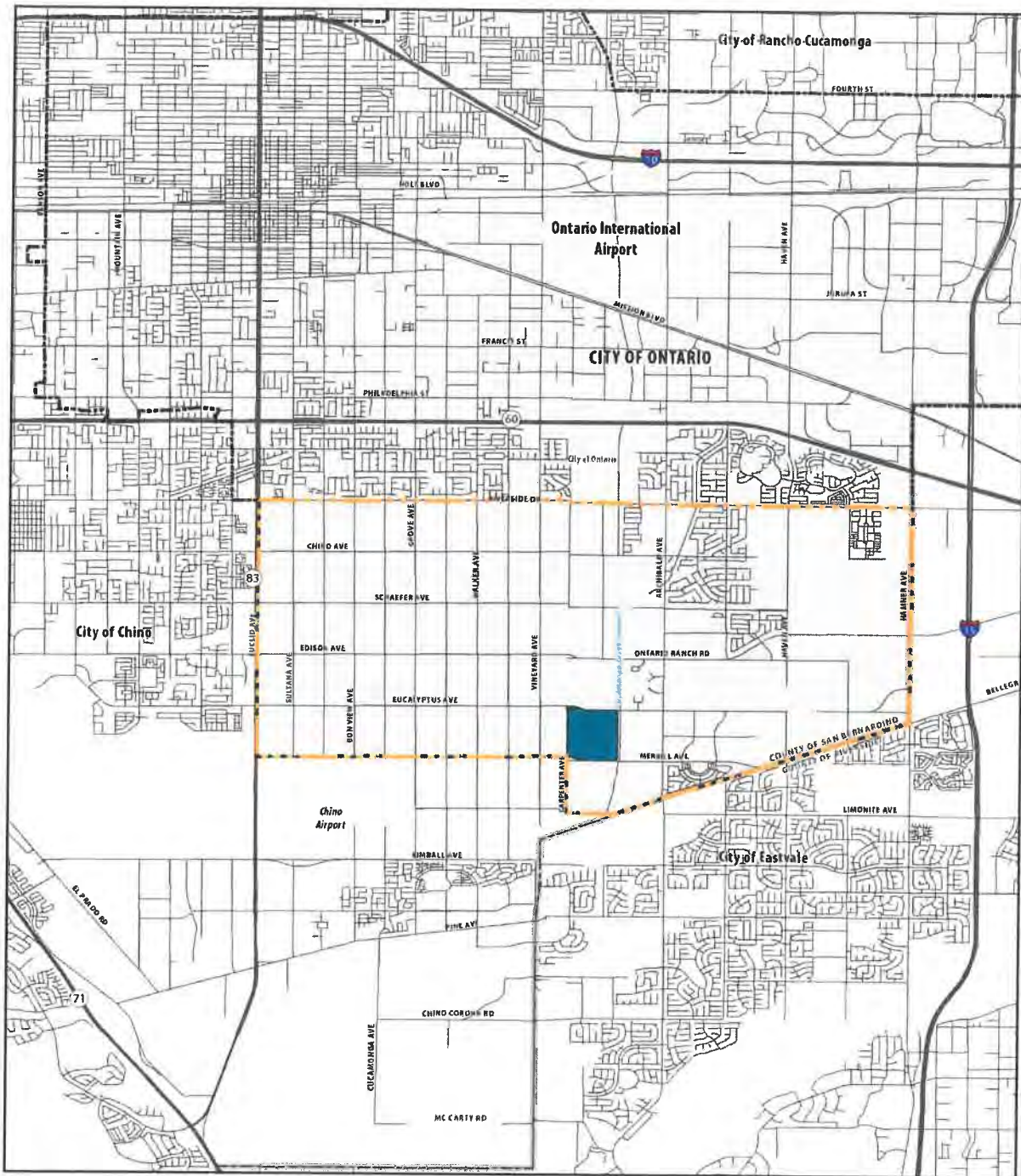
2.5 EXISTING CIRCULATION

The project site is located approximately 3.5 miles due west of Interstate 15 with access via Limonite Avenue, then north to Archibald Avenue and west on Merrill Avenue, which abuts the project site on the south. State Route 60 is located approximately three miles north of the project site via Archibald Avenue. State Route 83 (Euclid Avenue) is located approximately 2.5 miles west of the project site with access from Merrill Avenue.






Local access to the project site is provided from Eucalyptus Avenue on the north, Carpenter Avenue on the west, and Merrill Avenue on the south. Eucalyptus Avenue is currently a two-lane street that terminates at Cucamonga Creek on the east and connects with State Route 83 on the west. The Ontario Plan designates Eucalyptus Avenue as a four-lane collector street running the length of the City and eventually connecting to I-15 to the east, but currently the portion of Eucalyptus Avenue bounding the north portion of the Specific Plan area is an unpaved road. Merrill Avenue is currently a paved two-lane road that is designated by The Ontario Plan as a four-lane collector and a truck route. Carpenter Avenue is currently a two-lane paved road that is not designated in The Ontario Plan. Carpenter Avenue runs along the length of the Specific Plan area beginning at Eucalyptus Avenue and continues to the south. North of the Specific Plan area, Carpenter Avenue is not yet developed. The City of Ontario Functional Roadway Plan also shows Hellman Avenue running from Riverside Drive and south to Merrill Avenue but it is not yet developed. If constructed per the Functional Roadway Classification Plan, Hellman Avenue would bisect the Specific Plan area. No access is available on the east as the project site is bounded by the Cucamonga Creek Channel.

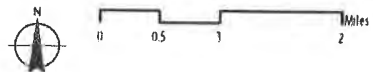
Figure 2.4 shows regional circulation routes. Currently (2016) Interstate 10 and the Ontario International Airport can be accessed from the Specific Plan area via Archibald Avenue and Haven Avenue. State Route 60, located north of the Plan area, can be reached from Euclid Avenue (State Route 83), located west of the Plan area or Archibald Avenue located east of the Plan area. Interstate 15, located east of the Plan area, can be reached via Archibald Avenue and either north to Ontario Ranch Road or south to Limonite Avenue. State Route 71, located eight miles to the west of the Specific Plan area, can be reached by traveling west on Merrill Avenue and South on Euclid Avenue (State Route 83).

FIGURE 2.4: REGIONAL CIRCULATION



Legend

-  Ontario Ranch
-  Specific Plan Area
-  City of Ontario
-  Freeways/Highways
-  Roads



Date: November 2016
 Source: City of Ontario
 Base Map Prepared by: MIG, Inc.

2.6 EXISTING ENVIRONMENTAL CONDITIONS

Topography

Visually, site topography slopes gently downward to the south, at an estimated gradient of one percent. There is an approximately 25-foot change in elevation across the plan area.

Geology, Soils, and Seismicity

An environmental site assessment (ESA) indicates that the soils encountered at the subject site within the approximately explored depth of 30 feet below ground surface consisted of fine, sandy, silty, moderately moist clay. Groundwater was not encountered in any of the soil borings conducted as part of the assessment and no unusual odors were identified in the soil samples. No other unusual conditions were noted during the environmental site assessment field work.

No levels of arsenic, methane, or organochlorinated pesticides were detected in on-site soils including soils sampled on land that is currently in use as a dairy and on land that was formerly occupied by dairy uses. The specific principal findings of the Phase II ESA for all the areas sampled are as follows:

- ❖ No levels of Arsenic (USEPA Method 6061B) were detected that are a concern or that exceed their respective reporting limits and/or any identified action levels.
- ❖ No levels of Methane (USEPA Method 8015B Methane) were detected that are a concern or exceed their respective reporting limits and/or any identified action levels.
- ❖ No levels of Organochlorinated pesticides (Agricultural Chemicals) (USEPA Method 8081A) were detected that are a concern or exceed their respective reporting limits and/or any identified action level.

A geotechnical feasibility study on the Specific Plan site indicated that the proposed development is considered feasible from a geotechnical standpoint. The subject site is located in an area that is subject to strong ground motions due to earthquakes. Research of available maps indicates that the Plan area is not located within an Alquist-Priolo Earthquake Fault Zone. Furthermore, a geotechnical feasibility study did not identify any evidence of faulting during the geotechnical investigation. Therefore, the possibility of significant fault rupture on the site is considered to be low. The potential for other geologic hazards such as seismically induced settlement, lateral spreading, tsunamis, inundation, seiches, flooding, and subsidence affecting the site is considered low. Research of the San Bernardino County Land Use Services website indicates that the subject site is not located within a zone of liquefaction susceptibility. Based on the mapping performed by San Bernardino County and the conditions encountered at the boring locations, liquefaction is not considered to be a design concern for development within the Plan area.

Hydrology

There are no major or minor waterways on the project site. Running parallel to the east of the project site is Cucamonga Creek, a concrete-lined flood control channel. Existing topography causes storm water to discharge across the site primarily from north to south. Current storm water runoff is generally contained by berms or discharges into holding ponds on site, which also contain waste water from dairy operations.

According to FEMA Flood Insurance Rate Maps, the project site is located within Zone X (minimal flood hazard), in an area protected by levees from the one percent annual chance flood.

Biological Resources

The project site generally represents low biological resource value, due to highly disturbed site conditions and the long-standing and historic dairy/agricultural uses resulting in low biological diversity. There is limited vegetation on the majority of the site; the vegetation that exists is generally non-native grasses and weeds.

Utilities

Chapter 3 (Development Plan) of this Specific Plan describes the type and location of utility improvements that will serve the West Ontario Commerce Center Specific Plan.

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3.0 DEVELOPMENT PLAN

This chapter provides the framework to guide the development of the West Ontario Commerce Center Specific Plan. The chapter presents the proposed planning areas, infrastructure plans for water, sewer, utilities, and circulation, and discusses the provision of public services such as fire, police, and solid waste disposal to support the project.

3.1 LAND USE PLAN

The West Ontario Commerce Center Specific Plan consists of two Planning Areas that will accommodate a variety of commercial, office, technology, light manufacturing, and warehouse/distribution uses. The Land Use Plan implements the vision of The Ontario Plan by providing opportunities for employment in manufacturing, distribution, research and development, service, and supporting retail at intensities designed to meet the demand of current and future market conditions. A list of allowable uses by Planning Area is shown in Chapter 4 (Land Use and Development Standards).

The two Planning Areas in the West Ontario Commerce Center Specific Plan are described below:

BP (Business Park) Zoning District: The BP zoning district is intended to accommodate industrial-serving commercial and office uses and very light industrial uses. Development within this district is typically multi-tenant in nature; however, single-tenant buildings are not precluded.

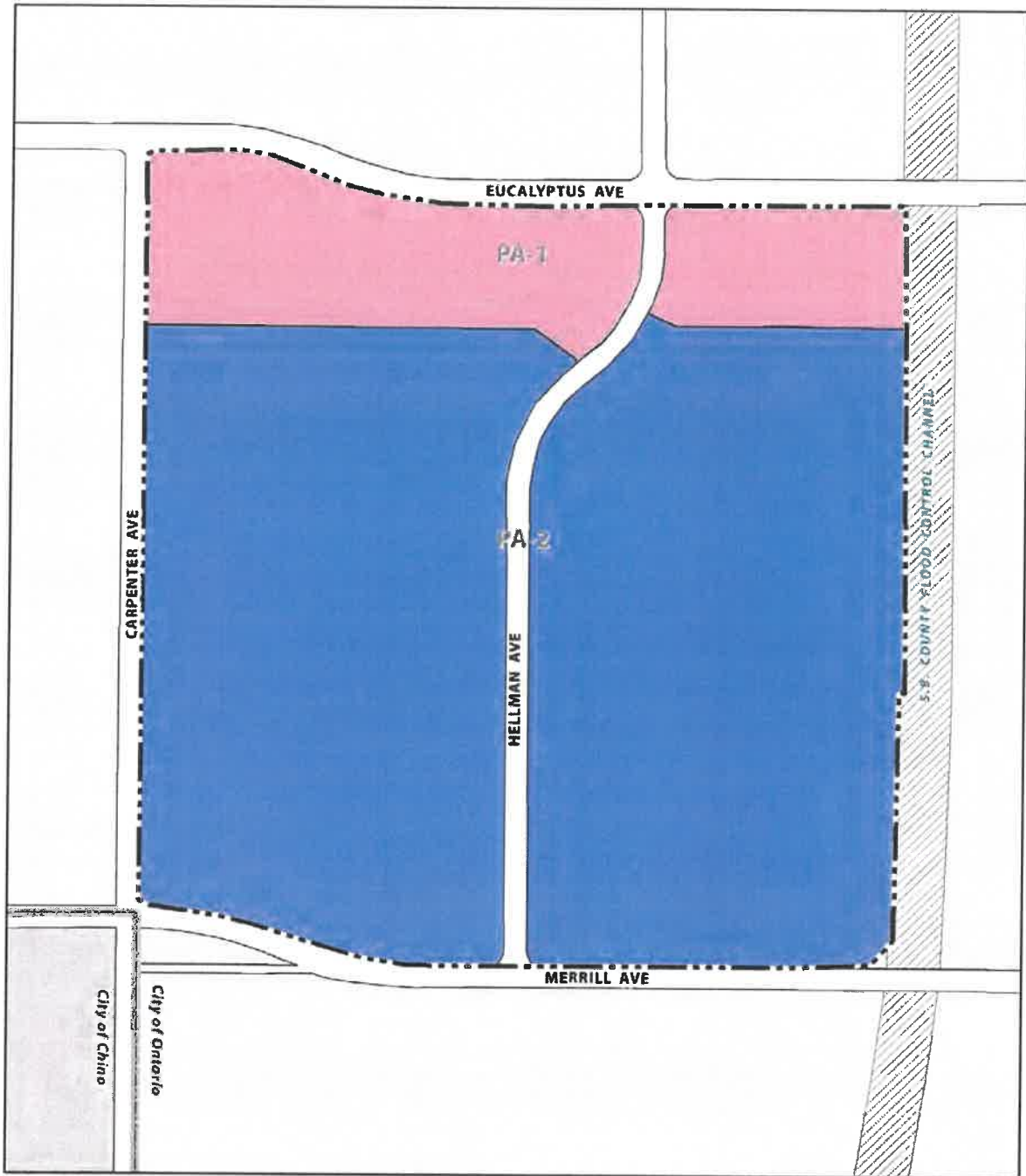
IG (General Industrial) Zoning District: The IG zoning district is intended to accommodate storage and warehousing uses located in larger buildings on larger sites. Uses may include e-commerce uses and development of high cube warehouses or distribution uses. A wide-range of manufacturing uses and assembly uses are also permitted in this district.

Table 3.1 (Land Use Summary) identifies the Planning Areas by acreage and zoning district as defined below. Figure 3.1 (Land Use Plan) identifies the location of the Planning Areas.

Table 3.1 Land Use Summary

Planning Area	Zoning District	Ontario Plan Land Use Designation	Existing Acreage (Net)	Maximum SF per Existing TOP (The Ontario Plan)	Proposed Acreage	Maximum SF per Proposed
1	AG Specific Plan	Business Park (0.6 FAR)	61	1,600,933	21	555,505
2	AG Specific Plan	Industrial (0.55 FAR)	58	1,391,641	98	2,350,005
TOTAL			119	2,992,634	119	2,905,510

FIGURE 3.1: LAND USE PLAN



Legend

- Specific Plan Boundary
- Planning Areas

Land Use Districts

- BP - Business Park
- IG - General Industrial



Date: November 2016
Source: ESRI World Imagery, 2015
Base Map Prepared by: M/G, Inc.

Table 3.2 shows the maximum allowable gross building area for each planning area at its associated floor area ratio. Development standards (found in Chapter 4), such as setback requirements, streets, drive aisles, parking, landscaping, storm drainage facilities, and site design, may reduce the maximum gross square footage.

Table 3.2 Build-Out Summary

Planning Area	Maximum Floor Area Ratio	Maximum Building Square Footage
PA-1: Business Park	0.60	555,505
PA-2: General Industrial	0.55	2,350,005
TOTAL		2,905,510 SF

3.2 CONCEPTUAL SITE PLAN

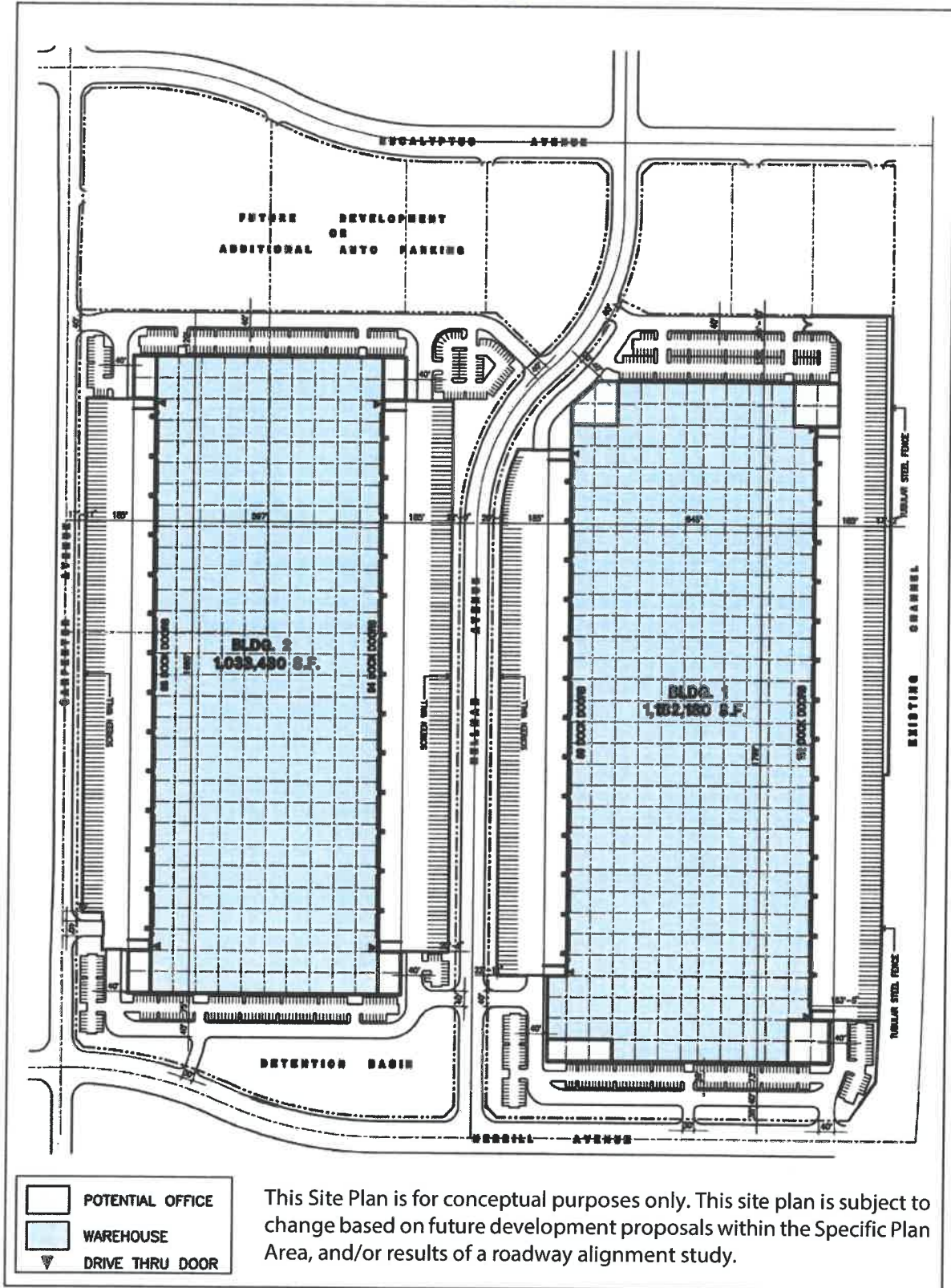
The conceptual site plan for the West Ontario Commerce Center Specific Plan is presented in Figure 3.2. Under this concept plan, the first phase of development is indicated – the southern portion of the site would be developed with two large industrial buildings and associated surface parking. The northern portion of the site is reserved for future development, which would include business park and commercial uses to provide a transition between planned residential uses to the north and industrial uses on the site and surrounding areas.

3.3 CIRCULATION AND PARKING PLAN

The Circulation Plan (Figure 3.3) for the West Ontario Commerce Center Specific Plan is designed to facilitate the movement of pedestrians and vehicles and connect the Plan Area with major regional routes. Several major roads are in place or planned to provide regional access to the Specific Plan area. State Route 60 (SR-60) is located less than three miles north of the project area. Vineyard Avenue, located just under a quarter mile west of the Specific Plan boundary, is not yet fully developed but is designated in The Ontario Plan (City of Ontario Policy Plan [General Plan]) Functional Roadway Classification Plan (2014) as a six-lane, north/south Principal Arterial that will eventually connect to SR-60. Archibald Avenue, located just over a third of a mile east, provides access to SR-60 and is designated as a six-lane Principal Arterial. Edison Avenue/ Ontario Ranch Road located just over a half mile to the north is designated an eight-lane Principal Arterial and provides east/west regional access to major arterials, including State Route 83 (Euclid Avenue), SR- 60 and Interstate 10 (I-10).

The conceptual circulation plan for the Specific Plan area is shown in Figure 3.3 and the City of Ontario’s Roadway Classification Plan for the surrounding area is shown in Figure 3.4. All sidewalks and road surface improvements within the Specific Plan area must be approved by the City’s Engineering Department. The Cucamonga Creek Channel, a concrete-lined flood control channel, bounds the site on the east. Merrill Avenue and Eucalyptus Avenue will allow circulation over the Cucamonga Creek Channel. Figure 3.5 presents typical street cross sections for Carpenter, Hellman, Eucalyptus, and Merrill Avenues and the Cucamonga Creek Channel. A detailed conceptual streetscape design is presented in Chapter 5 (Design Guidelines).

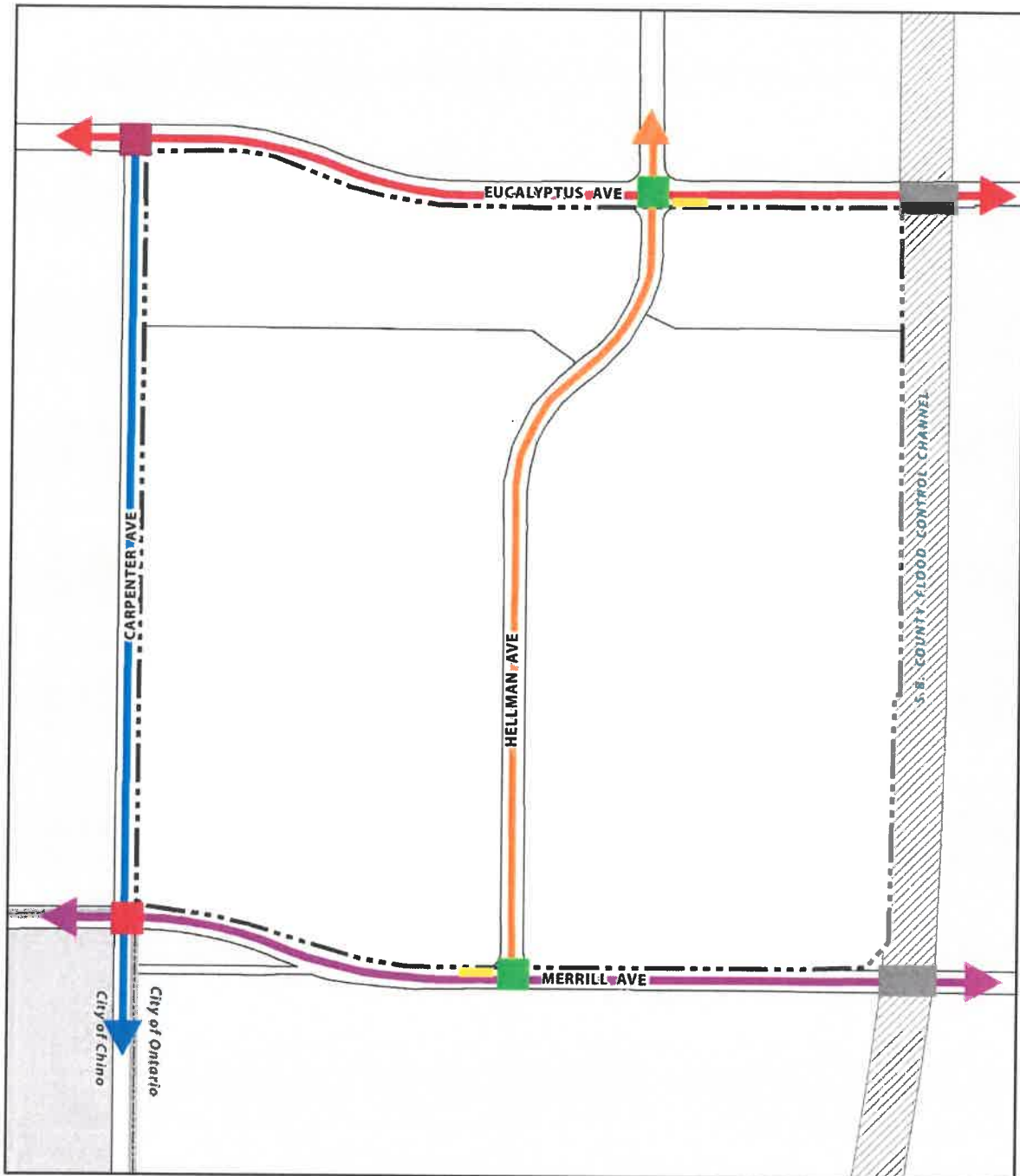
FIGURE 3.2: CONCEPTUAL SITE PLAN



This Site Plan is for conceptual purposes only. This site plan is subject to change based on future development proposals within the Specific Plan Area, and/or results of a roadway alignment study.

Source: HPA Architecture, 2016

FIGURE 3.3: CIRCULATION PLAN



Legend

- Specific Plan Boundary
- Planning Areas

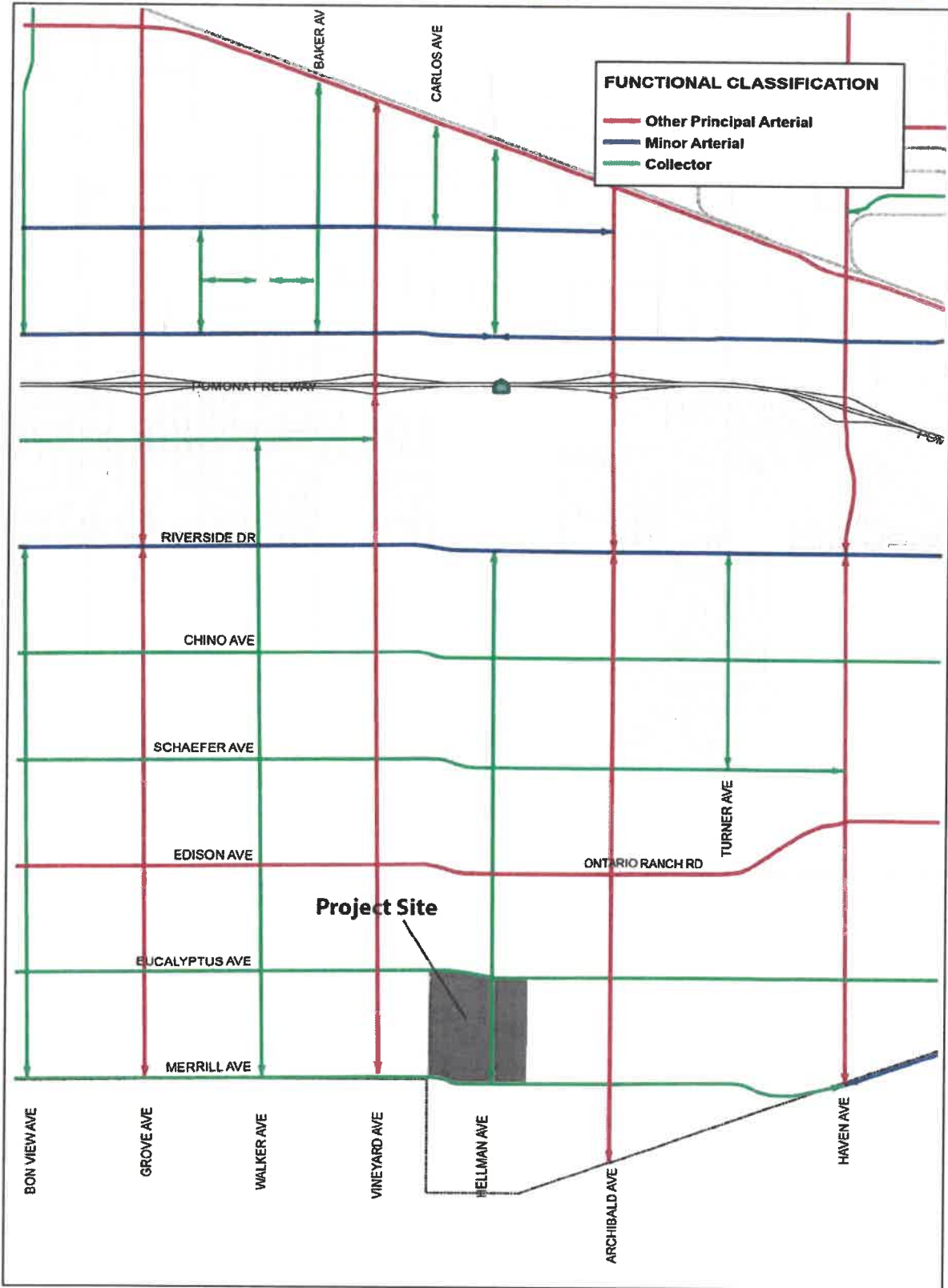
Circulation Plan

- Carpenter Ave.: 48' Two-Lane Local Industrial Street (66' R/W) Designated "No Parking"
- Eucalyptus Ave.: 84' Four-Lane Collector Street (108' R/W) Designated "No Stopping"
- Hellman Ave.: 64' Four-Lane Collector Street (88' R/W) Designated "No Parking"
- Merrill Ave.: 84' Four-Lane Collector Street (108' R/W) Designated "No Stopping"

- Future Traffic Signal (Interconnected)
- New Traffic Signal (Interconnected)
- New Master Planned Traffic Signal (Interconnected)
- Bus Pad
- Bridge Improvements

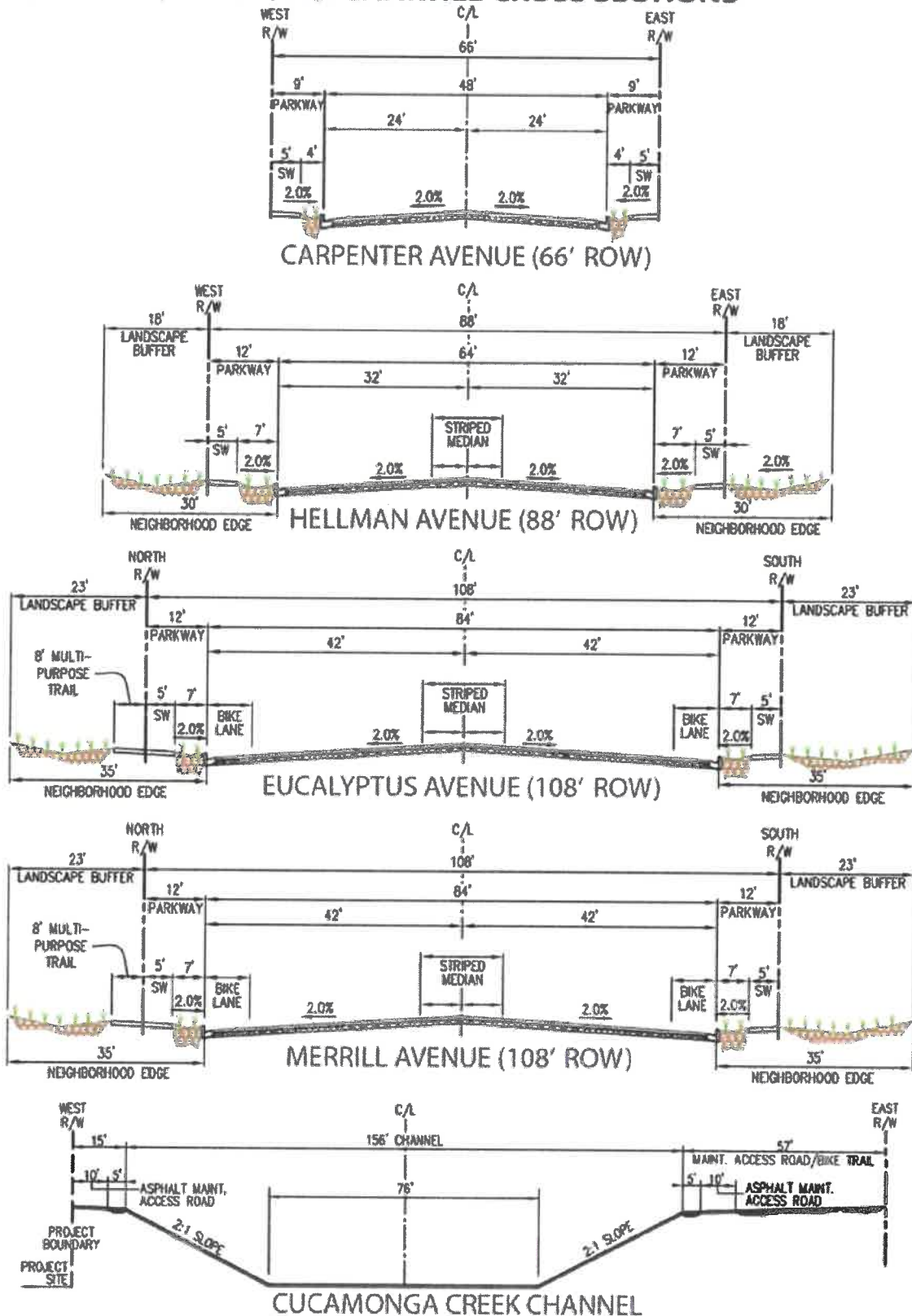
Date: May 2017
 Source: David Evans and Assoc., Inc., 2016
 Base Map Prepared by: MIG, Inc.

FIGURE 3.4: CITY OF ONTARIO ROADWAY CLASSIFICATION PLAN



Source: City of Ontario, 2014, Edited by MIG, Inc. 2016

FIGURE 3.5: STREET AND CHANNEL CROSS SECTIONS



Source: David Evans and Associates, Inc., 2016

Local Circulation

A roadway alignment study, corresponding to the Caltrans Highway Design Manual's minimum radii for specific design speeds, will be required. Final site planning and off-site design shall conform to the roadway alignment study, and be subject to City approval. The design speeds for the various roadway facilities' are as follows:

- ❖ Eucalyptus Avenue: 45 miles per hour (MPH)
- ❖ Merrill Avenue: 45 MPH
- ❖ Carpenter Avenue: 40 MPH
- ❖ Hellman Avenue: 40 MPH

In addition to the typical street sections described and depicted, additional geometric enhancements, including but not limited to those at intersections, may be required to adequately mitigate impacts identified the Traffic Impact Analysis/Specific Plan EIR. Local roadway circulation shall accommodate trucks with a double trailer combination wheelbase of 67 feet (known as the WB-67 design vehicle).

Driveways shall conform to access requirements of the Traffic and Transportation Design Guidelines. Driveway locations, specifically those that are in proximity to master-planned or future traffic signals, shall be located so as not to interfere with queues as projected in the Traffic Impact Analysis for the Specific Plan. The use of surrounding roads, drive aisles and truck parking lots to address the open land requirement for the Chino Airport Overlay zone is discussed in Chapter 2 (Section 2.2: Airport Influence Areas).

Carpenter Avenue

Carpenter Avenue bounds the Plan area on the west beginning at Eucalyptus Avenue and continues to the south. North of the Specific Plan area, Carpenter Avenue is not yet developed. Carpenter Avenue is designated as a two-lane Local Industrial Street to be ultimately developed into a 48-foot wide street with a 66-foot wide right-of-way. Proposed improvements include a four-foot curb-adjacent parkway strip and a five-foot sidewalk. On-street parking is prohibited along Carpenter Avenue.

Eucalyptus Avenue

Eucalyptus Avenue is located along the northern boundary of the West Ontario Commerce Center Specific Plan, providing east/west access to the site. While currently an unpaved road, Eucalyptus Avenue is designated by The Ontario Plan as a four-lane Collector Street and is planned to include a Class II Bikeway and multipurpose trail. Eucalyptus Avenue is intended to be ultimately developed as an 84-foot wide street within a 108-foot right-of-way, including a striped median. The alignment for Eucalyptus Avenue will be curved to cross Carpenter and connect with the alignment of the existing street west of the Specific Plan area.

Proposed improvements for Eucalyptus Avenue include a bike lane at the edge of the street, seven-foot curb adjacent landscaped area, a five-foot sidewalk on the south side

of the street (adjacent to the project site), and a 23-foot additional landscape buffer setback described as a neighborhood edge in the City's *Ontario Ranch Colony Streetscape Master Plan*. On-street parking is prohibited along Eucalyptus Avenue as is stopping along the roadway. A future bikeway/multipurpose trail will eventually be constructed on the north side of Eucalyptus Avenue but it is not part of the West Ontario Commerce Center Specific Plan. The Eucalyptus Avenue Bridge crossing over Cucamonga Creek will be required to extend Eucalyptus Avenue to the east and will be designated in accordance to the Ontario Master Plan of Streets and Highways. Fair share responsibilities for bridges, streets, and storm drain improvements will be addressed in a Development Agreement with the City of Ontario.

Merrill Avenue

Merrill Avenue is designated as a four-lane Collector Street and provides east-west access to the project at its southern boundary. The street will ultimately be developed into an 84-foot wide road within the 108-foot right-of-way, including a striped median. Proposed improvements include a bike lane at the edge of the street, a seven-foot curb adjacent landscaped area, a 13-foot multipurpose trail (that includes a 5-foot sidewalk) on the north side of the street (adjacent to the project site), and a 15-foot additional landscape buffer setback, for a total 35-foot neighborhood edge, as described in the City's *Ontario Ranch Streetscape Master Plan*. On-street parking is prohibited along Merrill Avenue as is stopping along the roadway. The Merrill Avenue Bridge crossing over Cucamonga Creek will be required to be widened in accordance with the Ontario Master Plan of Streets and Highways. Fair share responsibilities for bridges, streets, and storm drain improvements will be addressed in a Development Agreement with the City of Ontario.

Hellman Avenue

The Ontario Plan Functional Roadway Plan shows Hellman Avenue connecting Riverside Drive south to Merrill Avenue. Currently, Hellman Avenue in the vicinity of the Plan area is not yet developed, but the road will bisect the Specific Plan area and will be developed concurrently with the Specific Plan. The Ontario Plan designates the segment of Hellman Avenue extending from Ontario Ranch Road to Merrill Avenue as a four-lane Collector Street. The section of Hellman Avenue extending north of the project site, from Ontario Ranch Road to Riverside Drive, is designated as a two-lane Collector Street. Between Merrill and Eucalyptus, Hellman Avenue will be developed into a Collector Street, 64-foot wide road within the 88-foot right-of-way, including a striped median. Unlike the straight alignment shown on the City of Ontario Roadway Classification Plan (Figure 3.4), Hellman Avenue will be curved within the Specific Plan area. Proposed improvements for Hellman Avenue include a seven-foot curb adjacent landscaped area, a five-foot sidewalk on both sides of the street (adjacent to the project site), and an 18-foot additional landscape buffer setback, for a total 30-foot neighborhood edge, as described in the City's *Ontario Ranch Streetscape Master Plan*. No parking will be allowed on Hellman Avenue. If an amendment to the City of Ontario Functional Roadway Classification Plan removes the Hellman Avenue extension through the site, no Specific Plan amendment is required.

Traffic Signals and Control Devices

Interconnected traffic signals will be located around the Plan area. Master planned traffic signals will be located at the intersections of Hellman Avenue/Eucalyptus Avenue and Hellman Avenue/Merrill Avenue. A new traffic signal will also be located at Carpenter Avenue/Merrill Avenue. The intersection of Carpenter Avenue/Eucalyptus Avenue will also have a future traffic signal. All traffic signs regulating, warning, and/or guiding traffic on public roads will conform to the California Manual on Uniform Traffic Control Devices (MUTCD), latest edition. All traffic-control signs, whether on public or private property, shall conform to the California MUTCD.

Truck Routes

The City of Ontario designates and maintains a network of truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses (Figure 3.6). Merrill Avenue, which runs along the southern boundary of the Specific Plan Area, is a designated truck route from the western City boundary to Archibald Avenue. Euclid Avenue, located to the west at the City boundary, Ontario Ranch Road, located several blocks north of the Specific Plan Area, and Archibald Avenue, located several blocks east of the Specific Plan Area, are also designated truck routes.

Pedestrian Circulation

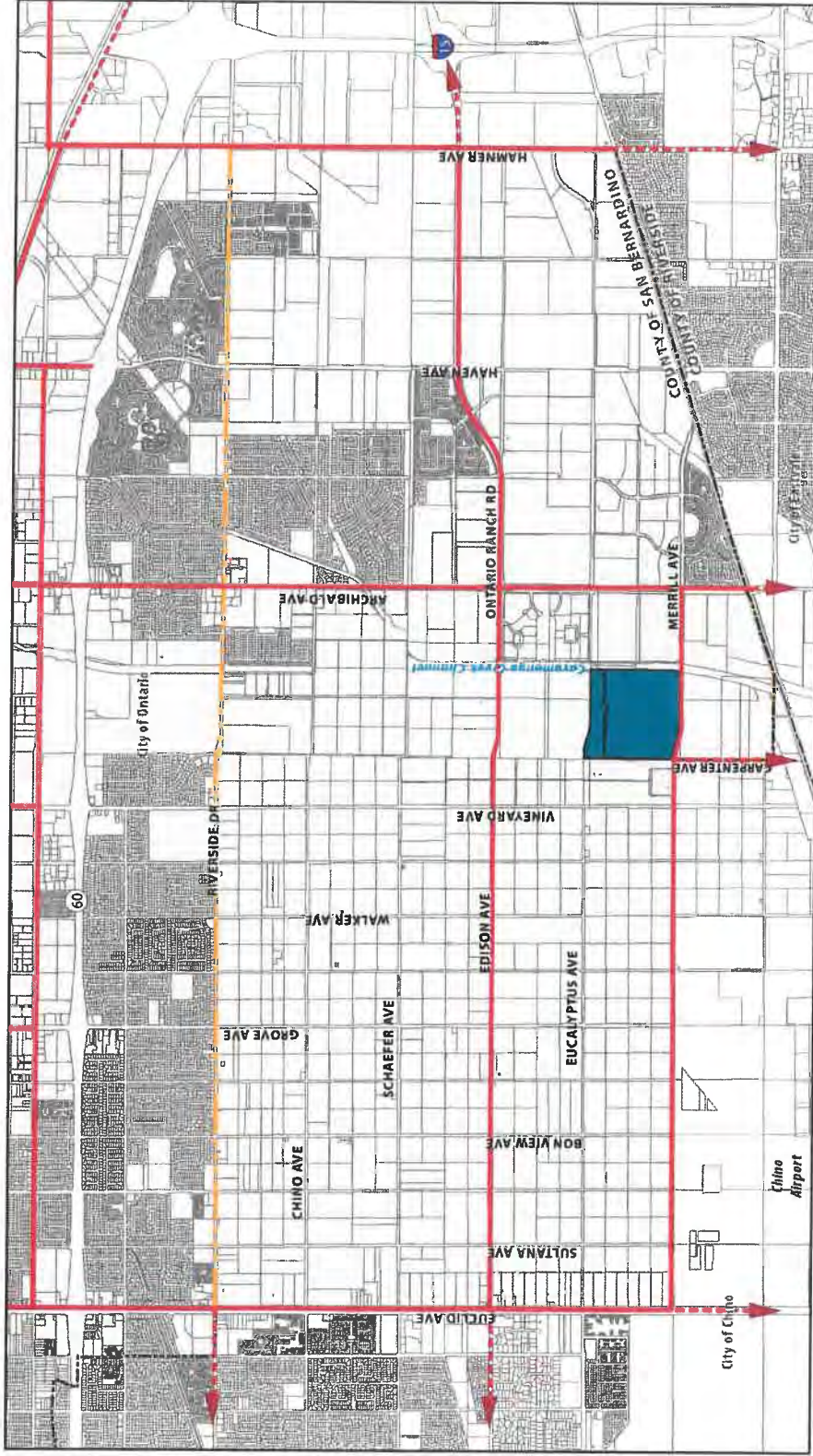
To improve the pedestrian experience and safety, and to connect the various parts of the Specific Plan area and provide access to adjacent land uses, sidewalks will be provided along all streets abutting the Specific Plan Area. Each sidewalk will be five-foot wide, constructed of concrete, and installed at the same time as adjacent roadway improvements.

Bike Paths and Trails

Bicycle paths and trails will provide an additional mode of circulation in and around the Specific Plan area. Bounding the site area on the east, the existing Cucamonga Creek Trail provides 1.3 miles of equestrian trails and 2.4 miles of paved hiking and bicycle trails within the City of Ontario. Approximately 2,600 linear feet of the Cucamonga Creek Trail runs along the east side of the Cucamonga Creek, immediately to the east of the Specific Plan area.

The Ontario Plan Mobility Element plans for a Class II Bikeway and multipurpose trail along both Merrill and Eucalyptus Avenues (Figure 3.7), connecting to the Cucamonga Creek Trail (a Class I Bikeway). Class II bikeways are defined as dedicated (striped) lanes along streets, with no parking allowed in the bike lane. These bike lanes provide linkages to the City's bike path system (Figure 3.8). The bikeway and trail improvements will be installed along the project frontage with the installation of the street improvements.

FIGURE 3.6: TRUCK ROUTES



Legend

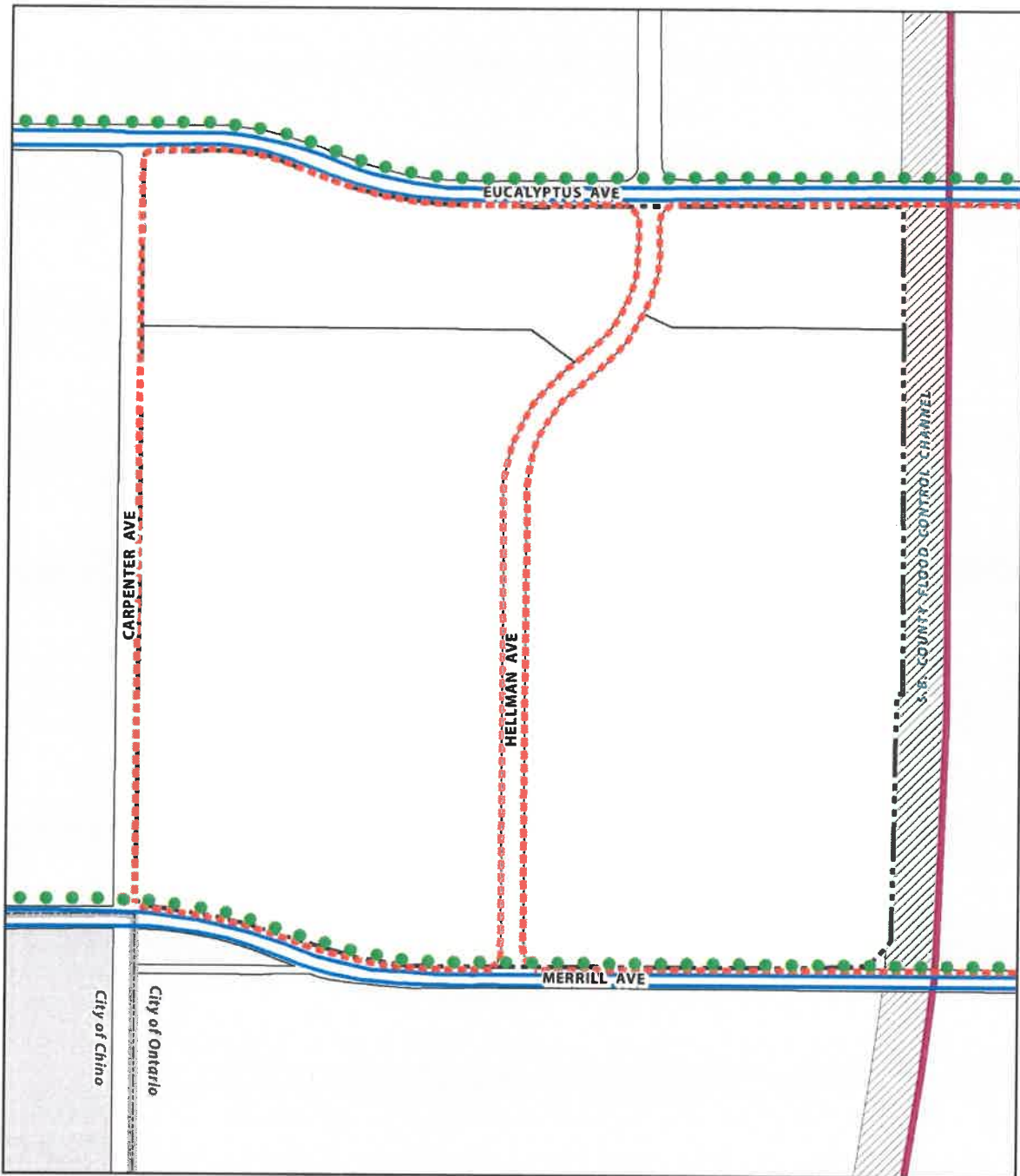
- Specific Plan Area
- Ontario Ranch
- City of Ontario

Truck Routes

- City of Ontario Truck Route
- Adjacent Agency Truck Route

Date: March 2017
 Source: City of Ontario
 Base Map Prepared By: HIG, Inc.

FIGURE 3.7: BICYCLE AND PEDESTRIAN PLAN

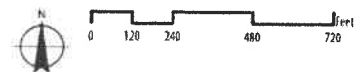


Legend

-  Specific Plan Boundary
-  Planning Areas

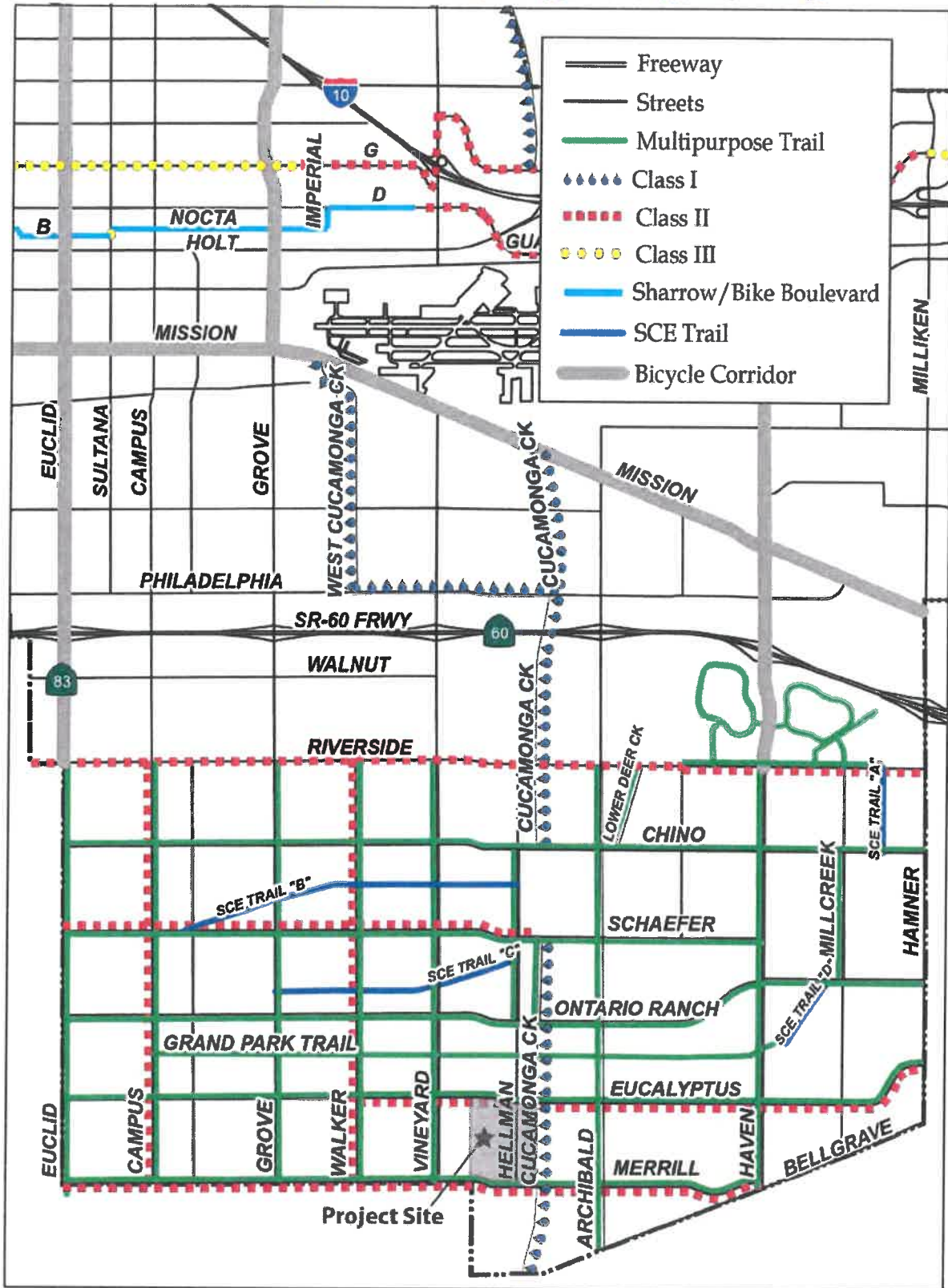
Bike and Pedestrian Plan

-  Multi-Purpose Trail
-  Sidewalk
-  Class I Bikeway
-  Class II Bikeway



Date: March 2017
 Source: City of Ontario, 2016
 Base Map Prepared by: MKG, Inc.

FIGURE 3.8: CITY OF ONTARIO TRAIL AND BIKEWAYS PLAN



Source: City of Ontario, 2016

Landscaped Buffer and Neighborhood Edge Design for Water Quality

All landscape buffers and neighborhood edge areas, adjacent to public roads within the Specific Plan area will be swaled to improve retention/infiltration of rainwater, irrigation water and roadway runoff, in order to meet the Site Design and Low Impact Development requirements of the San Bernardino County Water Quality Management Plan (WQMP).

Transit

Transit options provide an alternative mode of transportation for motorists and a primary mode for the transit dependent. The City is coordinating with regional transit agencies to implement Bus Rapid Transit (BRT) service to target destinations and along corridors, including Ontario Ranch Road, located one-half mile north of the Specific Plan and along Euclid Avenue, located two and one-half miles west of the Specific Plan along the City's western edge.

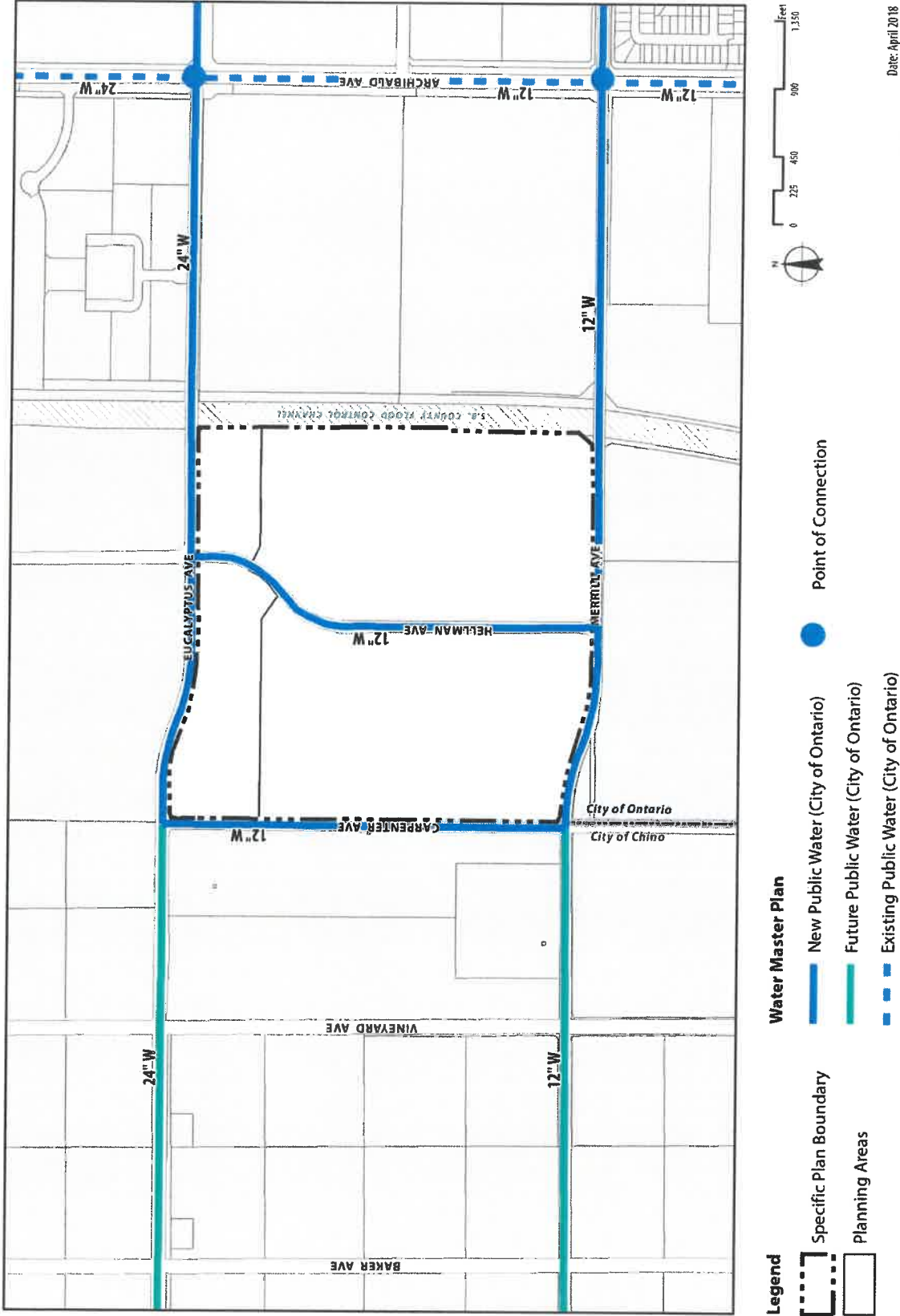
3.4 WATER PLAN

The ultimate sizing and alignment of the potable water lines will follow the most current approved Master Plan with a proposed future Amendment to locate the 24-inch 925 PZ transmission backbone from Edison to Eucalyptus Avenue.. Water service to the Specific Plan area will be provided by the City of Ontario. Potable water is provided by imported water from the Water Facilities Authority (WFA), Chino Basin Desalter Authority (CDA) and groundwater from the Chino Basin, extracted via the City's wells. The WFA was formed in 1980 as a Joint Powers Authority by the Cities of Chino, Chino Hills, Ontario and Upland, and the Monte Vista Water District. It was formed to construct and operate water treatment facilities that provide a supplemental supply of potable water to its member agencies.

The City's ultimate domestic water system will consist of five pressure zones. Most of Ontario Ranch (including the Specific Plan area) will be located in the 925 Pressure Zone. Ultimate improvements for West Ontario Commerce Center Specific Plan include a network of 24-inch water mains within Eucalyptus and Merrill Avenues from Carpenter Avenue and connecting to an existing 12-inch water line at Archibald Avenue. Improvements will also include a 12-inch water line within Carpenter and Hellman Avenues between Eucalyptus and Merrill Avenues (Figure 3.9). New water mains required to serve the project will need to be constructed prior to or concurrent with on-site water improvements. Within the project site, a network of 10- to 12-inch water lines for fire services water and 2- to 4-inch water lines for domestic water service will be installed. The onsite water system includes connections to the main in Eucalyptus Avenue for PA-1 and to the main in Merrill Avenue for PA-2.

Existing water supply infrastructure for the 925 Zone has been constructed and/or funded by the NMC Builders LLC under the terms of a Construction Agreement. These facilities are referred to as Phase 1. Water supply infrastructure (production, storage, transmission) required for development in Ontario Ranch requires Phase 2 backbone water infrastructure for the 925 Zone, generally consisting of transmission mains, wells, and reservoir. Phase 2 infrastructure is shown on Figure 3.10. Phase 2 transmission line locations are subject to change, based on City conducted and approved hydraulic analysis.

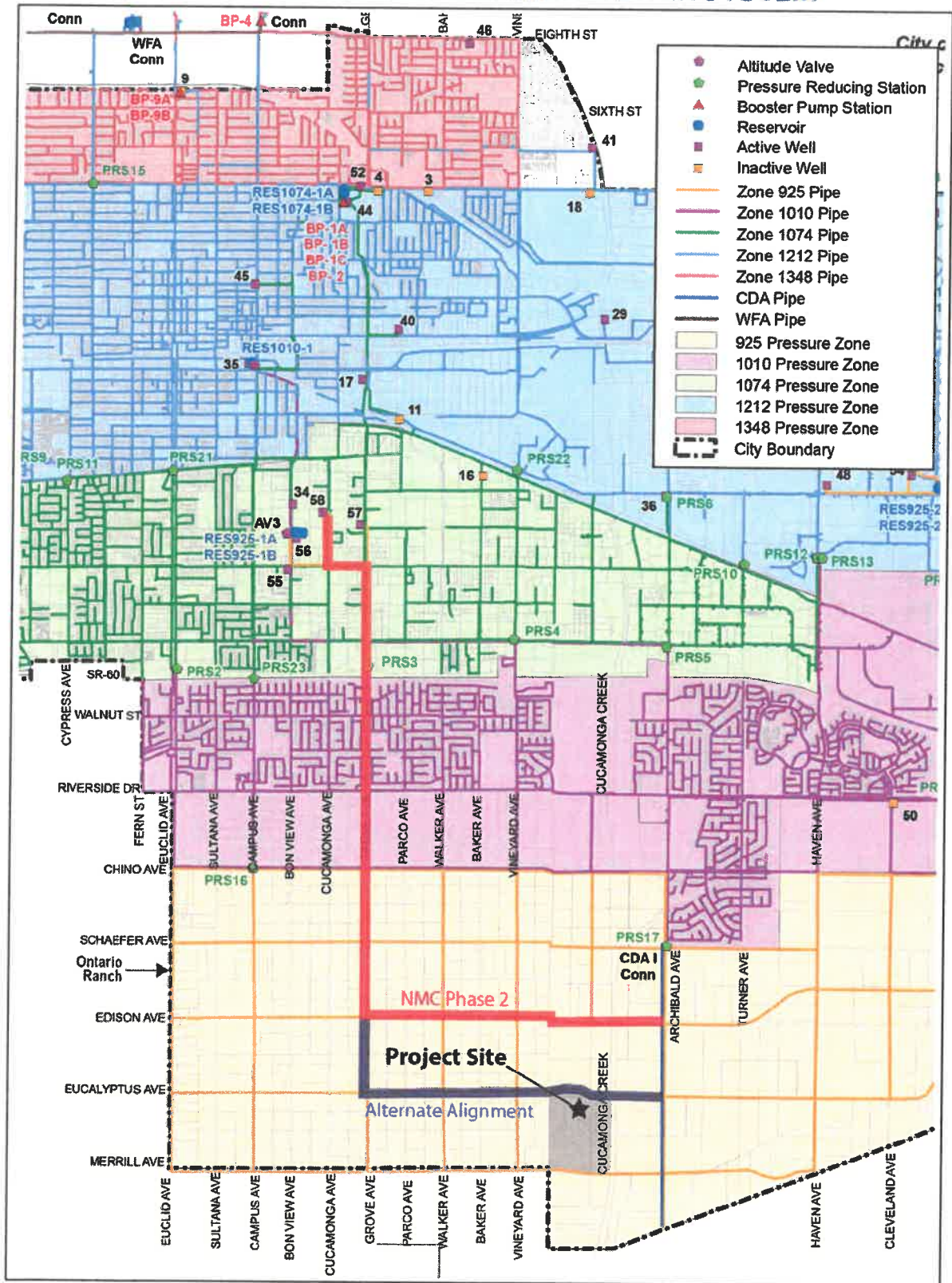
FIGURE 3.9: WATER MASTER PLAN



Date: April 2018
Source: David Evans and Assoc., Inc., 2017
Base Map Prepared by M/G, Inc.

Size and location of the waterlines are subject to change based on the current approved Master Plan as well as a City conducted and approved hydraulic analysis.

FIGURE 3.10: CITY OF ONTARIO ULTIMATE WATER SYSTEM



Source: City of Ontario, 2013

Phase 2 transmission line locations are subject to change based on the current approved Master Plan as well as a City conducted and approved hydraulic analysis.

In the interim scenario in Ontario Ranch, when the ultimate master planned pipeline network has not been completed, there may be instances whereby just constructing the master planned pipeline improvements to serve the project may not meet the required fire flow demands. Therefore, the proposed project may be required to construct additional pipelines whether specifically called out in the Master Plan or not; or upsize master planned pipelines in order to meet the necessary fire flow requirements per Fire Department and/or the criteria as provided for in the Water Master Plan. Developer shall submit a hydraulic analysis to the City for review/approval to demonstrate adequate fire flow protection requirements.

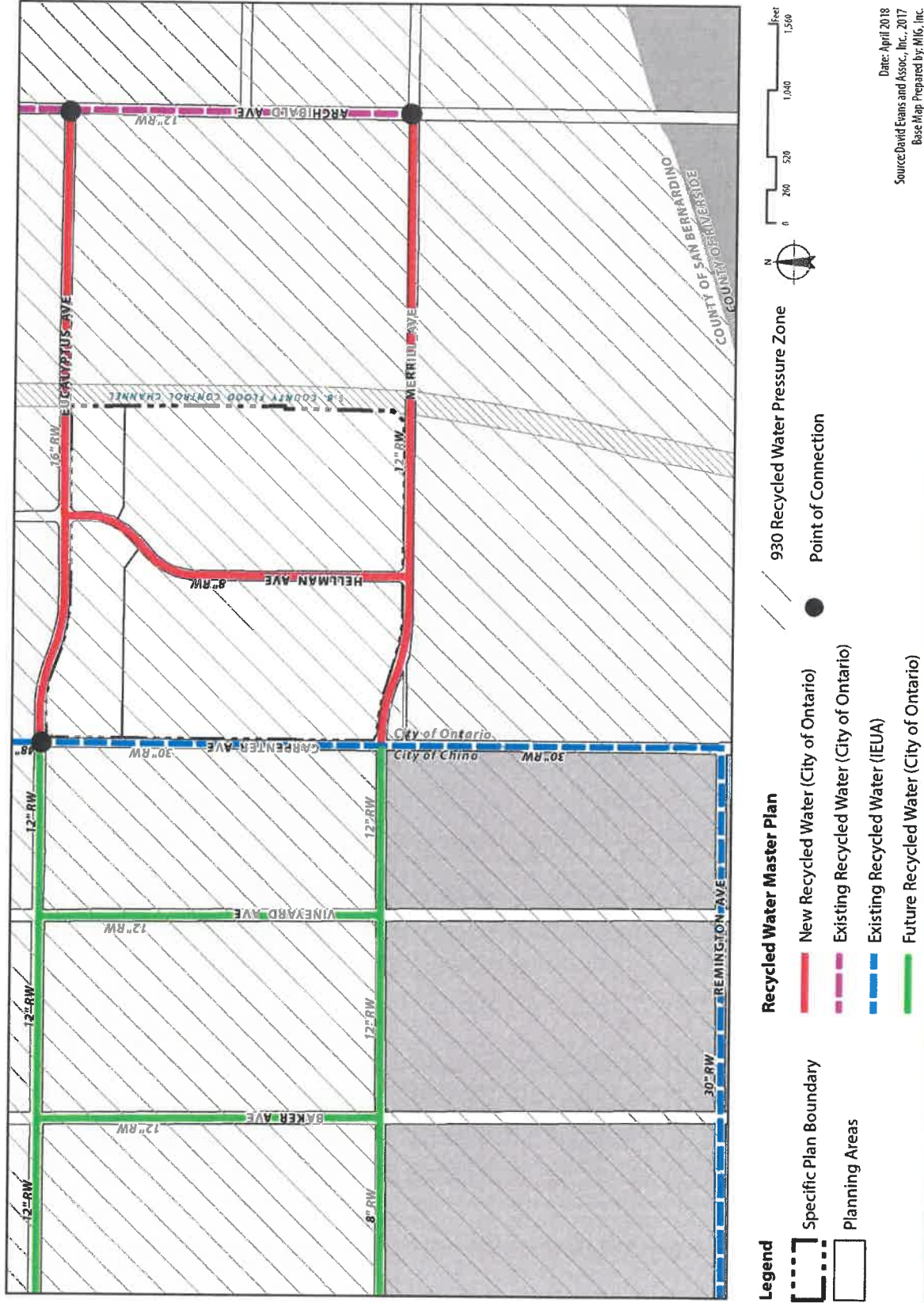
3.5 RECYCLED WATER PLAN

Ultimate sizing and alignment of the recycled water lines shall follow the most currently approved Master Plan and/or a City conducted and approved hydraulic analysis. The City of Ontario Recycled Water Master Plan describes the location and diameters of the “backbone” recycled water pipelines to be located within Ontario Ranch. Recycled water is provided to the City of Ontario by the Inland Empire Utility Agency (IEUA), which treats wastewater at four regional wastewater reclamation plants. The City’s existing regional system consists of approximately 35 miles of recycled water pipelines serving four different pressure zones: Zone 930, Zone 1050, Zone 1158, and Zone 1299. The names of these pressure zones refer to the design hydraulic grade line (HGL) of the zone in feet above mean sea level. Most of Ontario Ranch (including the Specific Plan area) is located in the 930 Zone.

The City of Ontario Ordinance 2689 indicates that all new development in Ontario Ranch is required to connect to and use recycled water for all approved uses, including but not limited to landscape irrigation. Therefore, a grid backbone system of recycled water pipelines coincident with major arterial roadways was devised to serve Ontario Ranch (Figure 3.12). An existing 30-inch recycled water line (IEUA) is located on the west side of the Specific Plan area along Carpenter Avenue. A new 16-inch recycled water line will be located along the Specific Plan area’s northern boundary (along Eucalyptus Avenue), a new 12-inch recycled water line will be located on the Plan area’s southern boundary along Merrill Avenue and an 8-inch recycled water line will be located within Hellman Avenue (Figure 3.11). Master Plan recycled water mains are required in both Merrill and Eucalyptus, between Archibald and Carpenter to complete the recycled water loop system.

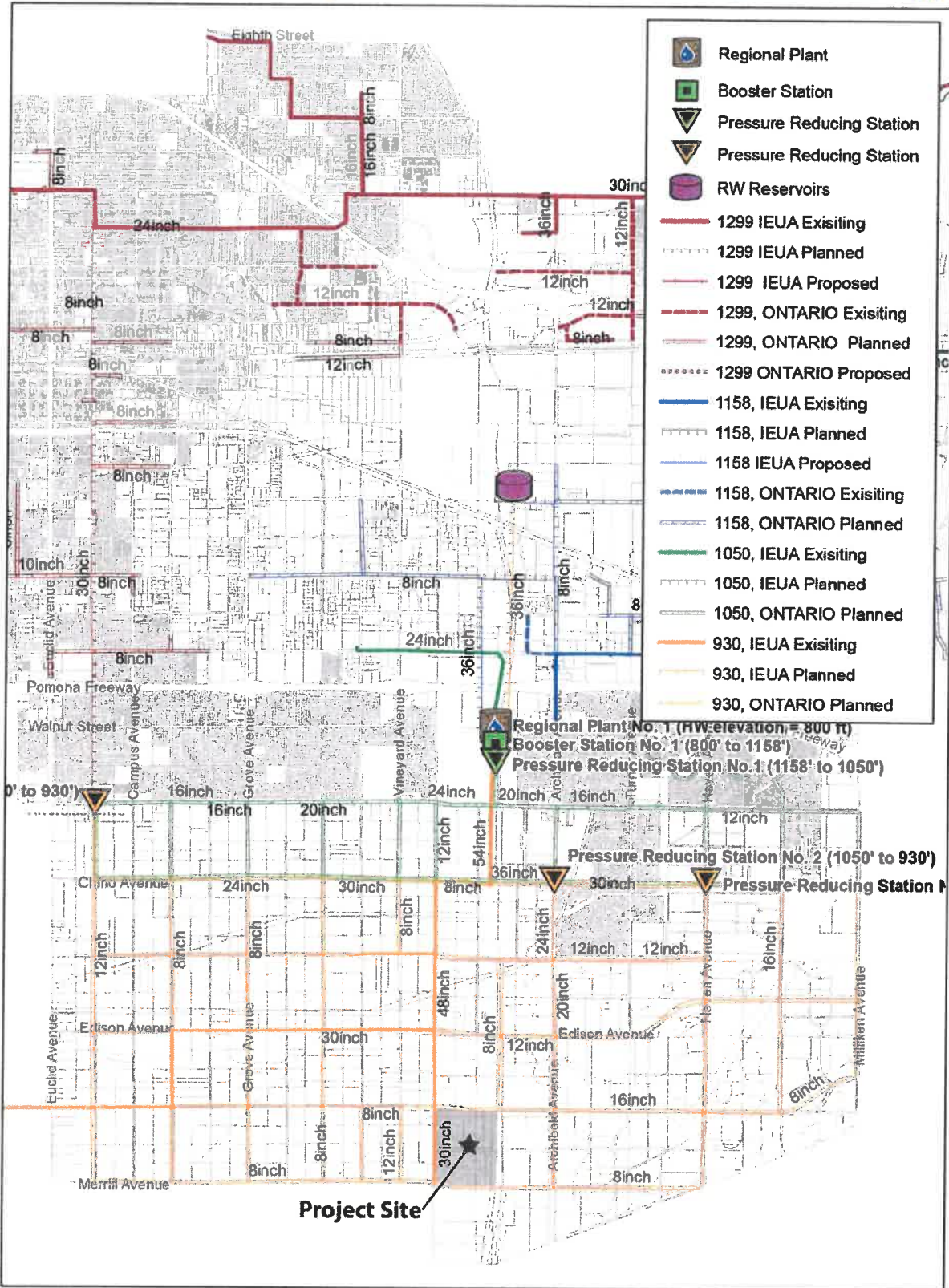
The West Ontario Commerce Center Specific Plan will utilize the existing recycled water lines and connect where required to serve the project site. The West Ontario Commerce Center will make use of recycled water for all approved uses, including but not limited to the irrigation of off-site and on-site landscaping and common areas, in compliance with Ontario Municipal Code Section 6-8.700 et seq. and Recycled Water Use Ordinance 2689. Prior to use of recycled water, approval of an Engineering Report from the City of Ontario and State Water Resources Control Board (SWRCB) is required. Interim connection to potable water is not allowed.

FIGURE 3.1.1: RECYCLED WATER MASTER PLAN



Date: April 2018
 Source: David Evans and Assoc., Inc., 2017
 Base Map Prepared by: M/G, Inc.

FIGURE 3.12: CITY OF ONTARIO FUTURE RECYCLED WATER SYSTEM



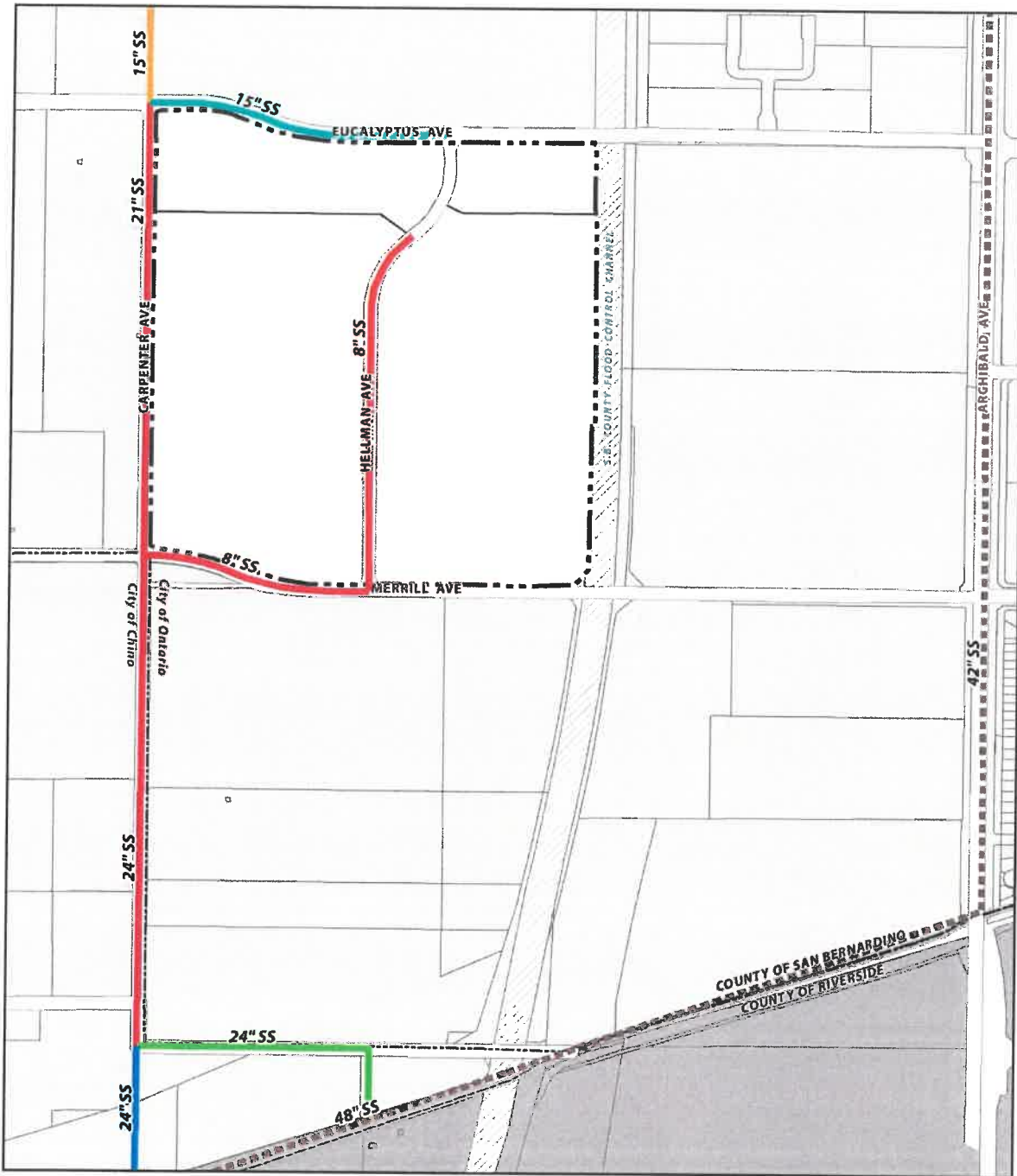
Source: City of Ontario, 2011

3.6 SEWER PLAN

Ultimate sizing and alignment of the sewer shall follow the most current approved Master Plan and/or a City conducted and approved hydraulic analysis. Regional wastewater treatment services are provided to the City of Ontario and its neighboring agencies by the Inland Empire Utilities Agency (IEUA). Several regional trunk sewers collect sewage generated in the City and transport it to IEUA's Regional Plant No.1 and Regional Plant No.5 for treatment. The City of Ontario's sewer service area has been divided into eight sewersheds, primarily based on the outlet points where the City's system ties into a downstream facility owned by IEUA. Ontario Ranch is located in Sewershed 8.

Sewer services to the West Ontario Commerce Center will be provided by the City of Ontario consistent with the City's Sewer Master Plan. A new 21-inch sewer trunk line will be constructed within Carpenter Avenue adjacent to the site's western boundary and will connect to the south to the existing eastern trunk sewer (IEUA) or a new alternate alignment at Moon Place. (Figure 3.13 shows the primary alternative alignment of the sewer). A new 8-inch sewer trunk line will also be constructed within Merrill Avenue between Carpenter and Hellman Avenues and a portion of Hellman Avenue. Construction of the sewer lines outside of the immediate Specific Plan area may occur prior to development of the West Ontario Commerce Center Specific Plan as a continuation of neighboring development projects such as the Colony Commerce Center Specific Plan located south of the West Ontario Commerce Center Specific Plan area and the Parkside Specific Plan located to the north of the Specific Plan area (Figure 3.13). Within Eucalyptus Avenue, adjacent to the site's northern boundary, a future 15-inch sewer line will be constructed as part of the Parkside Specific Plan. Figure 3.14 depicts the currently (as of 2017) approved Sewer Master Plan alignment for the sewershed.

FIGURE 3.13: SEWER MASTER PLAN



Legend

- Specific Plan Boundary
- Planning Areas

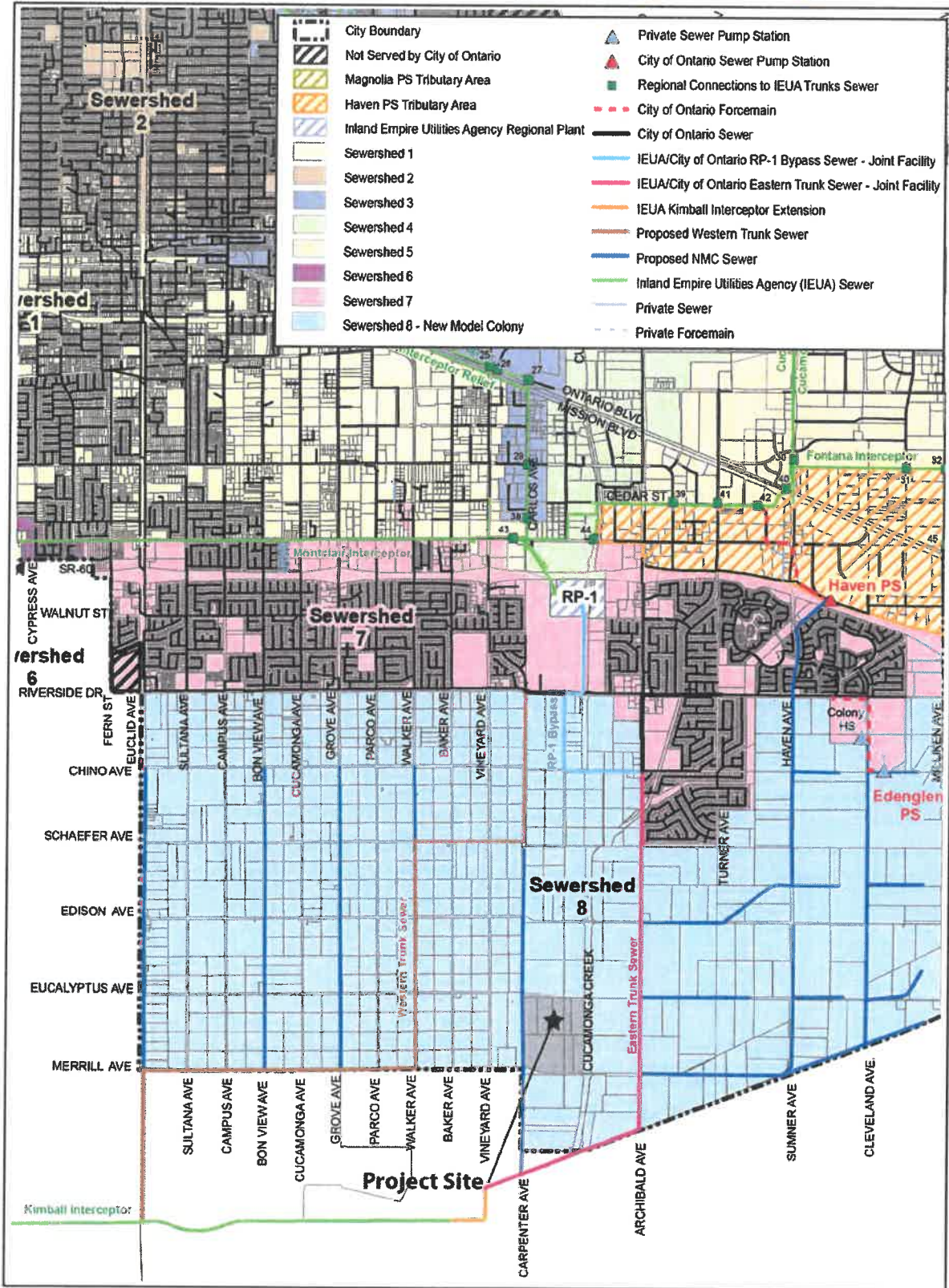
Sewer Master Plan

- New Sewer (City of Ontario) Master Plan Alignment
- New Sewer (City of Ontario) Alternate Alignment
- New Sewer (City of Ontario) Master Plan To Be Realigned
- Future Sewer (City of Ontario)
- Existing Eastern Trunk Sewer (IEUA)
- Future Sewer (City of Ontario) Per Parkside Specific Plan



Date: April 2018
 Source: David Evans and Assoc., Inc., 2017
 Base Map Prepared by: M/G, Inc.

FIGURE 3.14: CITY OF ONTARIO ULTIMATE SEWER SYSTEM



Source: City of Ontario, 2014

3.7 CONCEPTUAL GRADING PLAN

Site topography slopes gently downward to the south, at an estimated gradient of one percent. There is an approximately 25-foot change in elevation across the plan area. The grading activities for West Ontario Commerce Center will generally consist of clearing and grubbing, demolition of existing structures, and moving surface soils to construct building pads, driveways and streets. The Conceptual Grading Plan (Figure 3.15) provides a balance of cut and fill for the Specific Plan area. Grading plans for each development project within the project shall be reviewed and approved by the City of Ontario prior to the issuance of grading permits. All grading plans and activities shall conform to the City's grading ordinance and dust and erosion control requirements.

All landscaped areas within the Specific Plan area shall be graded as shallow swales and designed to accept runoff water from impervious surfaces. Water quality retention basins, trenches, etc., the exact location of which will be determined at the time of WQMP approval for individual implementing projects, will have a maximum side slope of 3:1.

3.8 DRY UTILITIES PLANS

Utility services provided to the site will be installed underground in accordance with City of Ontario guidelines.

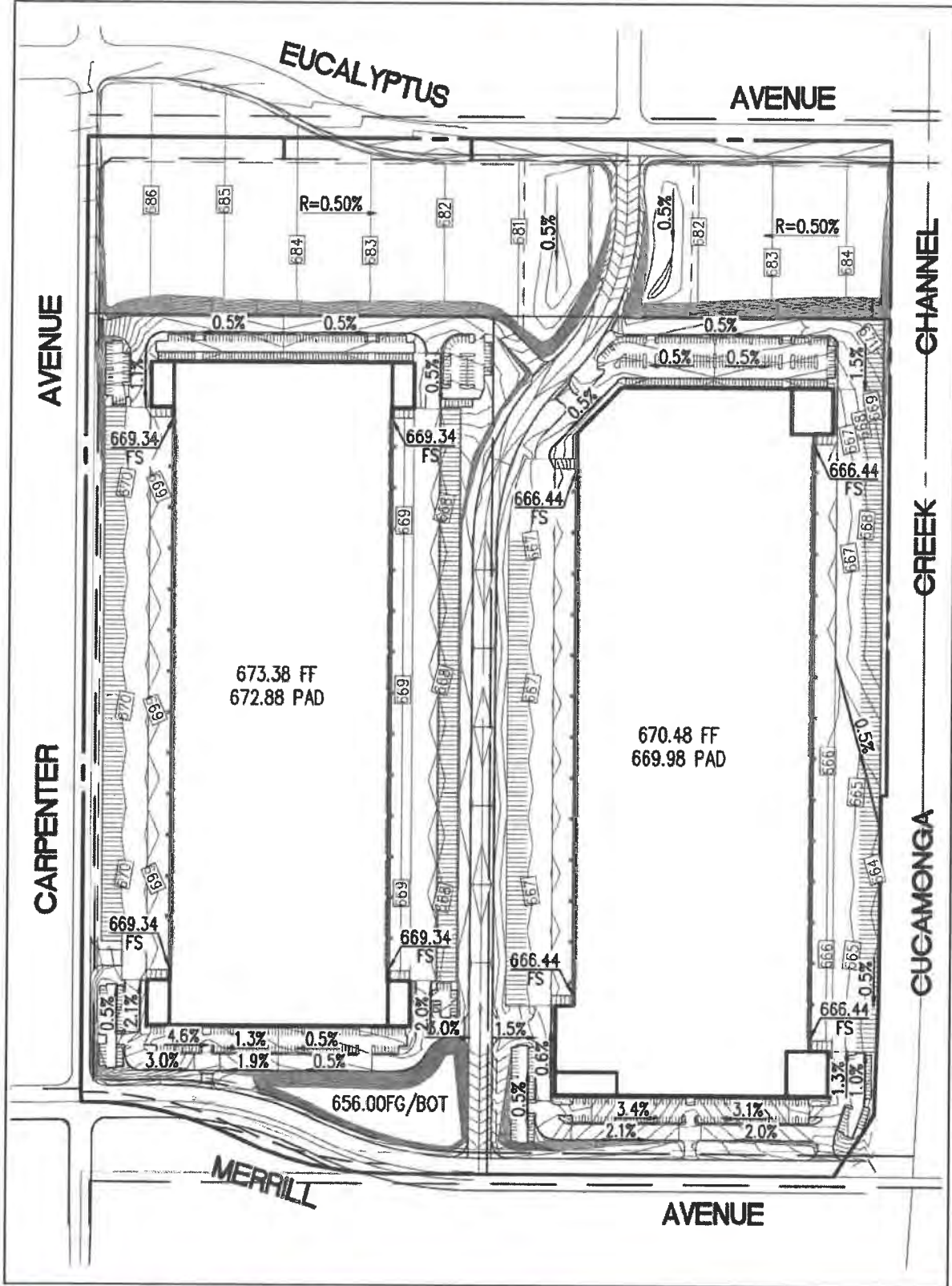
Communication Systems

Developments in Ontario Ranch are required to install and provide fiber conduit to all improved lots. Proposed on-site facilities will be placed underground within a duct and structure system that will be installed by the Developer. Pursuant to the City of Ontario 2013 Fiber Optic Master Plan, the fiber optic network will be owned and operated by the City of Ontario and as such maintenance of the installed system will be the responsibility of the City and/or Special District fiber optic entity and not the Developer. According to the City's Fiber Optic Master Plan, the proposed fiber optic infrastructure, including approximately 23 miles of backbone fiber south of Riverside Drive, is an investment into a long term capital asset using newly constructed and existing conduit to provide high speed communication links to key locations throughout the City. The West Ontario Commerce Center Specific Plan will be connected to the City's system as shown on Figure 3.16.

Natural Gas

The Gas Company will provide natural gas to the project site. Gas mains will be installed to the individual development projects by the Gas Company, as necessary.

FIGURE 3.15: CONCEPTUAL GRADING PLAN



Source: Thienes Engineering, Inc., 2016

Electricity

Southern California Edison will provide electricity to the project site from existing facilities in the vicinity. All new lines within the project shall be installed according to City of Ontario requirements.

3.9 STORM DRAINAGE PLAN

The City of Ontario Storm Drain Master Plan (Figure 3.18) identifies future storm drain improvements that will serve the Specific Plan area and provide storm water drainage for the site. The Specific Plan area is located within the 2.3 square mile Drainage Area XI, and is a tributary to the Cucamonga Creek Channel south of Lower Cucamonga Spreading Grounds via master planned, City-owned storm drains. Future storm drains will be installed along the northern boundary of the Plan Area and also connect to the Cucamonga Creek. Figure 3.17 identifies storm drain improvements that will ultimately serve the Specific Plan area, in the wider context of the surrounding area, pursuant to the City of Ontario Storm Drain Master Plan.

Located just south of the Specific Plan area, the Colony Commerce Specific Plan has proposed a revision to the Master Plan of Drainage. As part of the proposed revision, the storm drain lines "MERL-XI-1" and "WLKR-XII-1" will be combined in Merrill Avenue as a double 10-foot (height) by 12-foot (width) reinforced concrete box storm drain (RCB) connecting to the Cucamonga Creek Channel. Ultimate sizing and alignment of the storm drain improvements shall follow the most currently approved Master Plan. Fair share responsibilities for bridges, streets, and storm drain improvements will be addressed in a Development Agreement with the City of Ontario.

NPDES Compliance

The grading and drainage of the West Ontario Commerce Center Specific Plan area will be designed to retain/infiltrate, harvest & re-use or biotreat surface runoff, in order to comply with the current requirements of the San Bernardino County NPDES Stormwater Program's Water Quality Management (WQMP) for significant new development projects. The objective of the WQMP for this project is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants and changes in hydrology. These effects may be minimized through the implementation of site designs that reduce runoff and pollutant transport by minimizing impervious surfaces and maximizing on-site infiltration, Source Control Best Management Practices (BMP's) or use of on-site structural Treatment Control BMP's, where infeasibility of installing LID BMPs is demonstrated.

New development within the Specific Plan area will utilize a variety of Low Impact Development site drainage designs to manage stormwater, including but not limited to retention/infiltration basins, trenches and swales and above ground and/or below ground bio-treatment systems.

Development projects within the Specific Plan area will comply with the latest low impact development guidelines and incorporate features including but not limited to

- ❖ Landscape designs that promote water retention and incorporation of water conservation elements such as use of native plants and drip irrigation systems;
- ❖ Permeable surface designs in parking lots and areas with low traffic;
- ❖ Parking lots that drain to landscaped areas to provide retention and infiltration or bio-treatment, where infiltration is infeasible;
- ❖ Limit soil compaction during grading operations within landscaped storm water infiltration areas to no more than 80 percent compaction.

Prior to the issuance of a grading or construction permit, a Storm Water Pollution Prevention Plan (SWPPP), Erosion & Sediment Control Plan sheets and a Water Quality Management Plan (WQMP) will be prepared and approved. The SWPPP and Erosion & Sediment Control Plan Sheets will identify and detail all appropriate Best Management Practices (BMPs) to be implemented or installed during construction of the project and the WQMP will describe all post-construction BMPs designed to address water quality and quantity of runoff, for the life of the project.

3.10 PUBLIC SERVICES

Police

The City of Ontario will provide police services to the West Ontario Commerce Center Specific Plan. The closest police station is located approximately three miles north of the Specific Plan area at 2500 S. Archibald Avenue, just south of SR-60. This station is also the City of Ontario Police Department headquarters.

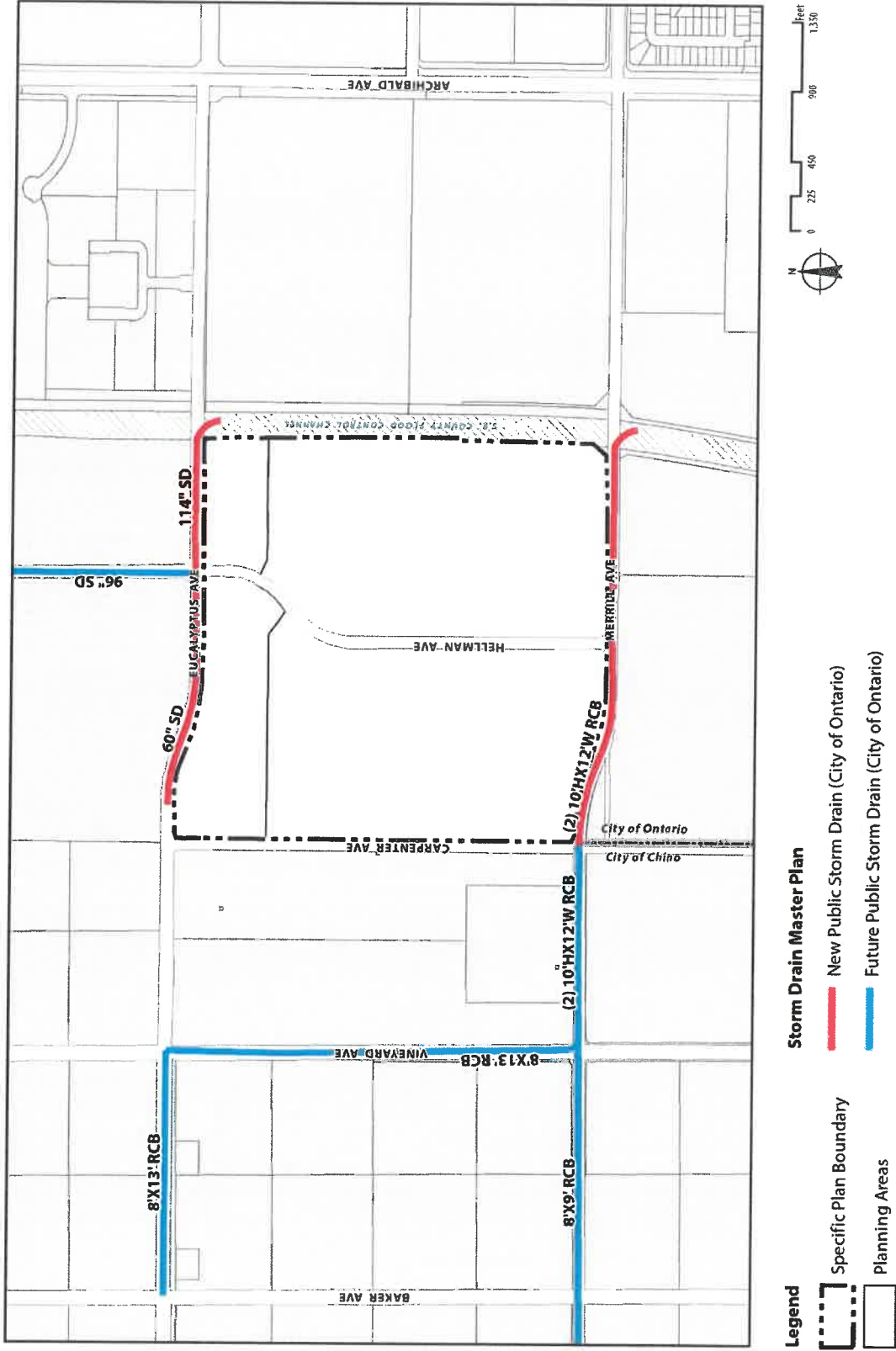
Fire

The City of Ontario will provide fire protection services to the West Ontario Commerce Center. The Ontario Fire Department currently has eight stations, which are staffed with eight four-man paramedic engine companies and two four-man truck companies. The closest operational fire station, Station 6, is located at 2931 E. Philadelphia Avenue, approximately four miles north of the Specific Plan area. The Ontario Fire Department will soon begin construction of Fire Station Nine approximately one mile north of the Specific Plan area.

Solid Waste Disposal

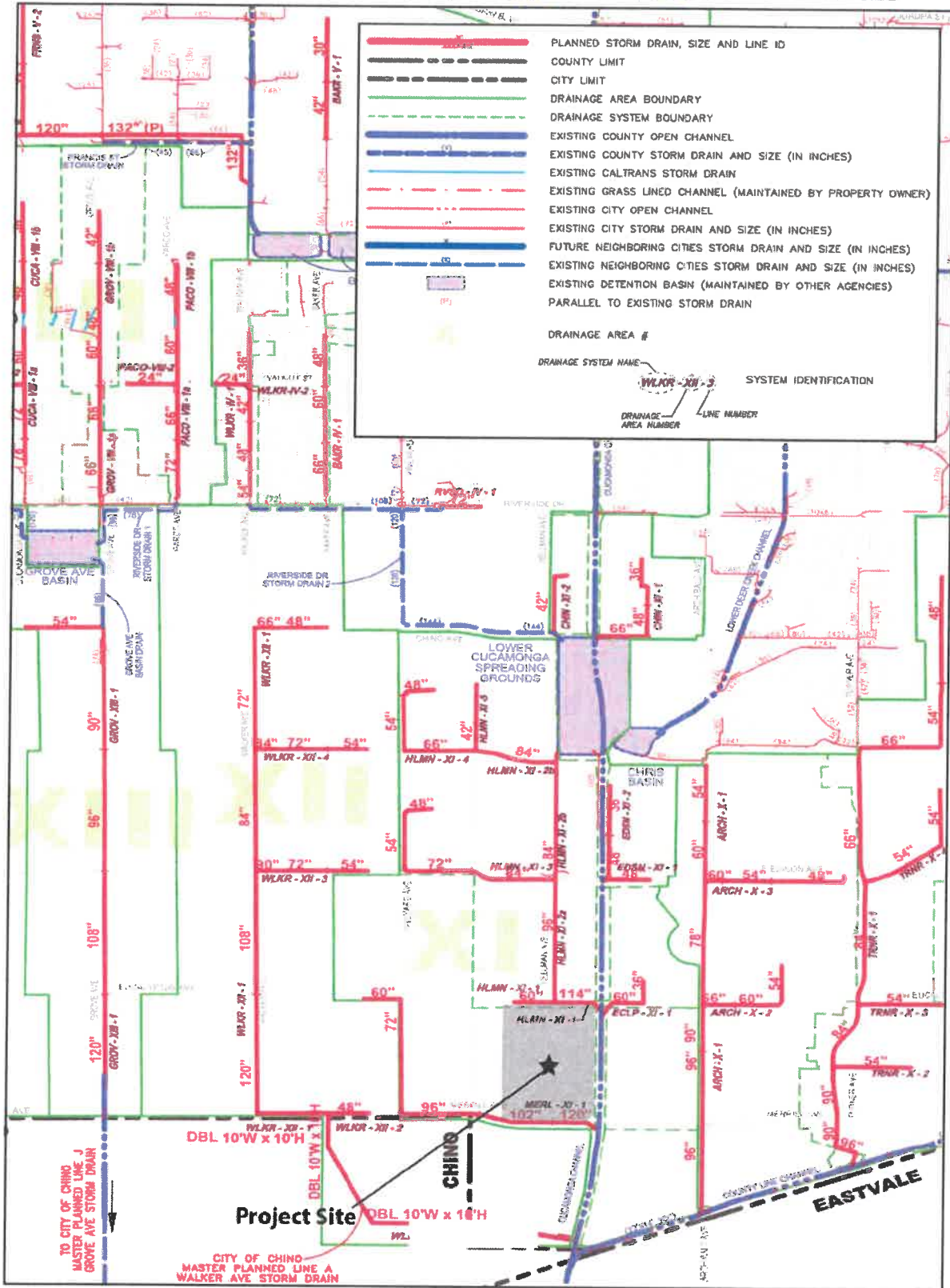
The City of Ontario will provide solid waste services to the West Ontario Commerce Center Specific Plan. The City offers a full array of commercial and industrial services designed to meet the business community's needs. Solid waste requirements shall follow the "Solid Waste Department Refuse and Recycling Planning Manual." The Manual establishes the City of Ontario's requirements for refuse and recycling storage and access for service, as well as address the City's recycling goals. The Mid-Valley Landfill is the nearest County of San Bernardino landfill located at 2390 N. Alder Avenue in the City of Rialto, approximately 20 miles northeast of the Specific Plan area.

FIGURE 3.17: STORM DRAIN MASTER PLAN



Date: December 2017
 Source: David Evans and Assoc., Inc., 2017
 Base Map Prepared by: MEG, Inc.

FIGURE 3.18: CITY OF ONTARIO PLANNED DRAINAGE FACILITIES



Source: City of Ontario, 2012

3.11 PHASING PLAN

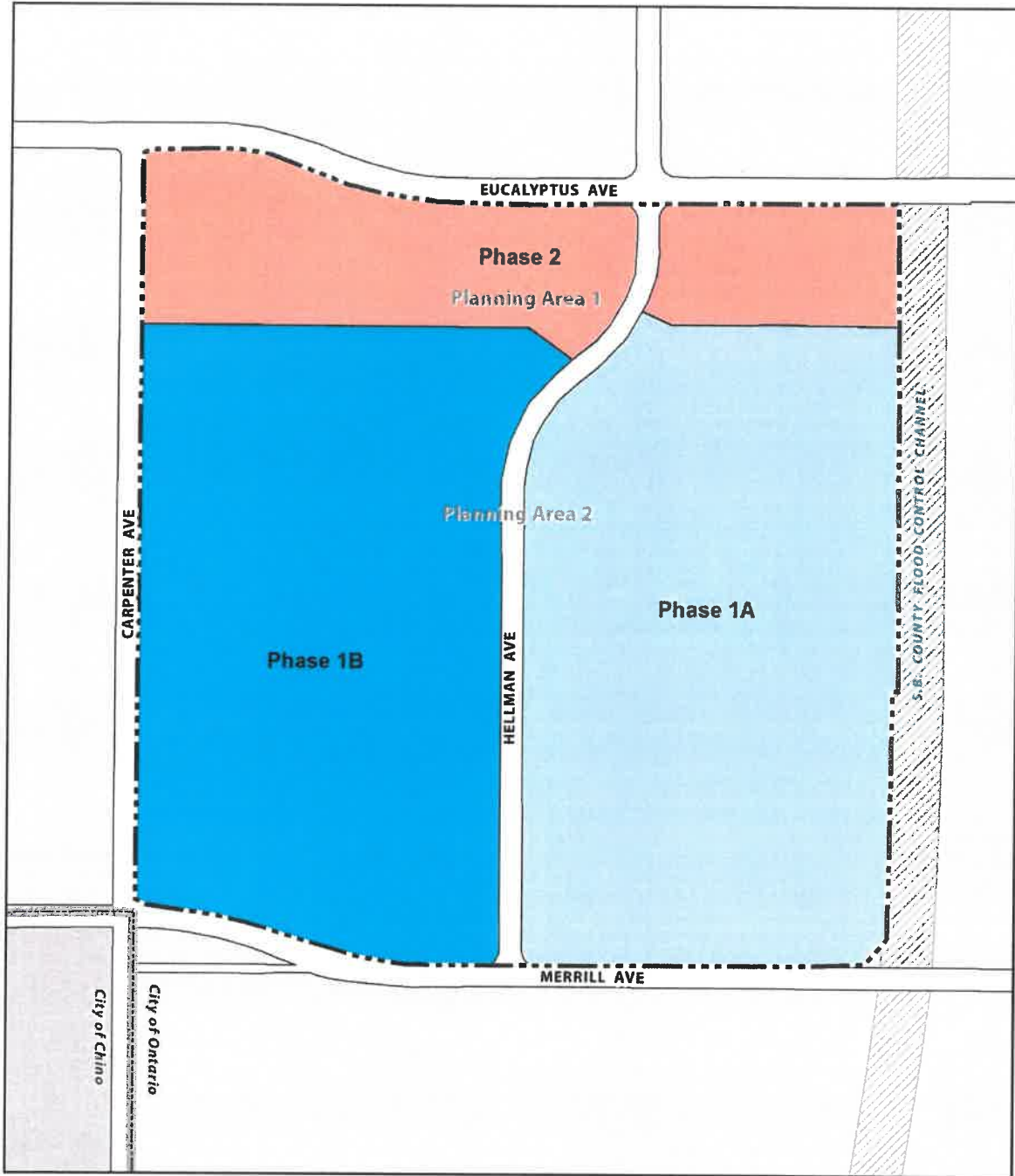
Development phasing of the project site will be determined by the landowner and/or developer based upon real estate market conditions. Phasing will occur as appropriate levels of infrastructure are provided. Phasing sequencing is subject to change over time to respond to various market and local factors and as such, individual phases may overlap or develop concurrently. Infrastructure improvements, as required and approved by the City Engineer to support the development, will be installed by the developer. Figure 3.19, Conceptual Phasing Plan, describes two general phases of development, starting with the southern portion of West Ontario Commerce Center and extending north over time.

Backbone infrastructure to the West Ontario Commerce Center will be installed by the project developer, in accordance with the applicable City-adopted Master Plan for the area, as well as the provisions of this Specific Plan and the approved Development Agreement. Fair share responsibilities for bridges, streets, and storm drain improvements will be addressed in a Development Agreement with the City of Ontario. The timing for installation of infrastructure and utilities within the Specific Plan will be determined as part of the City's approval of parcel maps. Infrastructure will be constructed and made available in a timely manner as development progresses.

Phase 1: Phase 1 consists of the construction of the storage, warehousing, and industrial uses in Planning Area 2. This phase may be developed in two or more subphases, based on development plans. Final grading and infrastructure improvements will be completed in accordance with the approved Development Agreement and City Engineer approval.

Phase 2: Phase 2 consists of the construction of the business park uses in Planning Area 1. This phase may be developed in several subphases in response to market demands and according to the logical and orderly completion of infrastructure improvements.

FIGURE 3.19: CONCEPTUAL PHASING PLAN

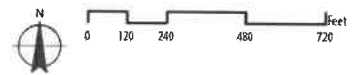


Legend

- Specific Plan Boundary
- Planning Areas

Conceptual Phasing Plan

- Phase 1A
- Phase 1B
- Phase 2



Date: November 2016
Base Map Prepared by: MIG, Inc.

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4.0 LAND USE AND DEVELOPMENT STANDARDS

This chapter identifies the allowable uses and the standards for building heights, setbacks, parking, coverage, landscape, signage, and all other development standards within the West Ontario Commerce Center Specific Plan. The application of these regulations is intended to create a harmonious relationship within the Specific Plan area and with the surrounding land uses as well as to protect the health, safety, and general welfare of the community.

4.1 GENERAL PROVISIONS

Upon adoption of the West Ontario Commerce Center Specific Plan, the development standards and procedures established within the Specific Plan become the governing zoning standards for any new construction, addition, or remodel within the Specific Plan area. However, in reviewing individual projects requiring discretionary approval, additional conditions may be applied by the approving body to accomplish the goals and objectives of this Specific Plan.

4.2 ALLOWABLE USES

Table 4.1 (Land Use Matrix) shows the allowable land use, activity, or facility permitted within the BP (Business Park) and IG (General Industrial) Districts of the West Ontario Commerce Center as described in Chapter 3. The letters/symbols used in Table 4.1 shall have the following meanings:

“P” - Permitted Land Uses

A Permitted Use (P) is permitted by right and may be established as the primary use of a building or use without the need for discretionary approval. Permitted Uses are subject to the development standards and guidelines applicable to the zoning district in which the use is located.

“C” - Conditionally Permitted Land Uses

A Conditionally Permitted Use (C) is permitted upon issuance of a Conditional Use Permit (CUP) pursuant to Section 4.02.015 of the Ontario Development Code and City processing procedures.

“A” - Administratively Permitted Uses

An Administratively Permitted Use (A) is permitted upon issuance of a Administrative Use Permit (AUP) pursuant to Section 4.03.015 of the Ontario Development Code and City processing procedures.

“--” - Prohibited Land Uses

A land use indicated with a “--” symbol is prohibited within the land use district.

Land Uses Not Listed

A land use not listed in Table 4.1 shall be considered a prohibited land use. For land uses similar to those listed in Table 4.1, but not expressly stated in this Specific Plan, the Planning Director or his/her designee has the authority to make a determination of the applicability of similar land uses.

Table 4.1: Allowable Uses

Land Use	BP District	IG District
AGRICULTURAL USES		
Commercial Crop Production and Farming	C	P
Community Gardens, Urban Farms, and Related Uses	A	A
Kennels and Catteries	--	P
RESIDENTIAL USES		
Caretaker's Unit (not to exceed 1,000 square feet)	A	A
CONSTRUCTION		
Contractors (e.g., building construction, site preparation, capital improvement projects)		
• Completely within a building	P	P
• With outdoor storage	--	P
MANUFACTURING		
Apparel Manufacturing	P	P
Artisan Crafts (made by hand) such as glassworks, jewelry, and pottery	P	P
Beverage Manufacturing	--	P
Chemical Manufacturing (excludes pesticides and fertilizers)	--	C
Computer and Electronic Product Manufacturing	P	P
Electrical Equipment, Appliance and Component Manufacturing	P	P
Fabricated Metal Product Manufacturing	--	P
Food Manufacturing, General (but excluding animal slaughtering and processing and seafood product preparation and packaging)	--	P
Food Manufacturing, Limited (bread, tortilla, snack foods, roasted nuts and peanut butter, coffee, tea, flavoring syrup, seasoning and dressing, spice extract)	P	P
Furniture and Related Product Manufacturing	P	P
Glass and Glass Product Manufacturing	--	C
Leather and Allied Product Manufacturing (excluding leather and hide tanning and finishing)	P	P
Machinery Manufacturing	--	P
Miscellaneous Manufacturing (medical equipment and supplies, jewelry, sporting goods, toys, office supplies, signs, etc.)	P	P
Paper Manufacturing	--	P
Pharmaceutical and Medicine Manufacturing (excludes biological product manufacturing)	C	C
Printing and Related Support Activities	P	P
Primary Metal Manufacturing	--	C
Petroleum and Coal Products Manufacturing	--	C
Plastics Product Manufacturing	--	P
Rubber Product Manufacturing	--	C

Table 4.1: Allowable Uses

Land Use	BP District	IG District
Textile Mills	--	P
Textile Product Mills	--	P
Transportation Equipment Manufacturing	--	P
Wood Product Manufacturing	--	P
WHOLESALE TRADE		
Merchant Wholesalers, Durable Goods - General (includes motor vehicles and parts, lumber and construction materials, metals and minerals other than petroleum, and machinery equipment and supplies)	--	P
Merchant Wholesalers, Durable Goods - Limited (includes furniture and home furnishings, professional and commercial equipment and supplies, hardware, plumbing, and heating equipment and supplies)	P	P
Merchant Wholesalers, Nondurable Goods (excluding industrial gases, petroleum bulk stations and terminals, and fireworks and explosives merchant wholesalers)	--	P
Wholesale Electronic Markets and Agents, and Brokers (excluding automobile auctions)	P	--
HEALTH CARE AND SOCIAL ASSISTANCE		
Ambulatory Health Care Services	P	P
Child Day Care Services (Commercial Facilities)	P	--
Child Day Care Services (Employer Provided Services)	P	P
Medical Office	P	--
Vocational Rehabilitation Services	C	--
COMMERCIAL USES		
Information		
Broadcasting	P	P
Data Processing, Health, and Related Services	P	P
Publishing Industries	P	P
Motion Picture and Sound Recording Facilities (excluding movie theaters)	P	P
Recording and sound studios	P	--
Telecommunication Facilities	P	P
Eating and Drinking Places, and Food Services		
Alcoholic beverage sales for consumption on the premises (includes all retailer's on-sale licenses issued by the State of California Department of Alcoholic Beverage Control)	C	--
Food Bank or Meal Delivery Services	C	C
Restaurant		
• Without drive-thru	P	--
• With drive-thru	C	--
Motor Vehicle Mechanical and Electrical Repair and Maintenance		
Servicing Facilities (limited to retail-oriented services, such as emissions testing, battery replacement and other similar retail activities that involves the limited use of pneumatic tools or equipment that create noise impacts)	P	--
General Repair Facilities (includes general motor vehicle mechanical and electrical repair and maintenance of air conditioning, brake, cooling, electric, exhaust, fuel, and suspension		

Table 4.1: Allowable Uses

Land Use	BP District	IG District
systems; and engine, transmission, and drive train) (2 types)		
<ul style="list-style-type: none"> General Repair Facilities - Automobile, Light Truck and Van Repair and Maintenance 	C	P
<ul style="list-style-type: none"> General Repair Facilities- Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance 	--	P
Automotive Body, Paint, Interior and Glass Repair		
<ul style="list-style-type: none"> Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization 	C	P
<ul style="list-style-type: none"> Minor Customization Work (limited to the "bolt-on" replacement or addition of parts only -- no body or paint work is allowed) 	C	P
<ul style="list-style-type: none"> Large Truck and Bus Body, Paint, and Interior Repair and Maintenance 	--	P
Personal Services		
Couriers and Messengers	P	P
Commercial and Industrial Machinery and Equipment Repair and Maintenance (except automotive and electronic)	--	P
Electronic and Precision Equipment Repair and Maintenance	P	P
Fitness and Recreational Sports Center		
<ul style="list-style-type: none"> Gross Floor Area less than 10,000 square feet 	P	--
<ul style="list-style-type: none"> Gross Floor Area 10,000 square feet or more 	C	C
Industrial Laundry and Linen Supply	P	P
Personal and Household Goods Repair and Maintenance	P	P
Pet Boarding and Kennels		
<ul style="list-style-type: none"> Day only (e.g. Doggie Daycare) 	C	--
<ul style="list-style-type: none"> Overnight Stays 	C	--
Postal Services	P	P
Passenger Car Rental and Leasing	C	--
Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing	C	P
Offices		
Administrative and Support Services	P	--
Finance and Insurance Offices	P	--
Management of Companies and Enterprises	P	--
Office Ancillary to a Primary Industrial Use (less than 10%)	P	P
Professional, Scientific, and Technical Services (e.g. accounting, tax preparation, architecture, bookkeeping, legal, engineering, consulting)	P	--
Real Estate Offices	P	--
Retail		
Alcoholic beverage sales for consumption off the premises (includes all retailer's off-sale licenses issued by the State of California Department of Alcoholic Beverage Control)	C	--
Auction Houses	C	--
Automotive Parts and Accessories (including tires)	P	--
Convenience stores (without alcoholic beverage sales)	P	--
Gasoline Fueling Station with or without Convenience Store (without alcoholic beverage sales)	C	P

Table 4.1: Allowable Uses

Land Use	BP District	IG District
Internet fulfillment/warehousing/distribution (E-Commerce)	P	P
Industrial Retail Sales (retail of goods and/or product either manufactured, warehoused or wholesaled on-site)		
<ul style="list-style-type: none"> Maximum 15% of building floor area or 8,000 square feet, whichever is less) 	A	A
<ul style="list-style-type: none"> Over 15% of building floor area or 8,000 square feet 	C	C
Non-Store Retailers (including electronic shopping and mail-order houses, vending machine operators, and other direct selling establishments (excluding fuel/petroleum dealers)	P	P
WAREHOUSING		
Warehousing and Storage (General and Other)		
<ul style="list-style-type: none"> Completely within a building 	P	P
<ul style="list-style-type: none"> Outdoor Storage Accessory to an Allowed Use 	A	A
<ul style="list-style-type: none"> Outdoor Storage as the Primary Use 	--	C
Refrigerated Warehousing and Storage	P	P
OTHER		
Religious Assembly	C	--
Parking Facilities	P	--
Vocational/Trade Schools	C	C
Notes:		
1. P=Permitted, C= Conditionally Permitted, A=Administratively Permitted, -- = Prohibited		
2. Refer to the Specific Plan EIR and Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) for additional development criteria and policies that may affect allowable land uses.		

4.3 DEVELOPMENT STANDARDS

Table 4.2 (Development Standards) provides a summary of the development standards applicable to the land uses, structures, and related improvements located within the West Ontario Commerce Center. Refer to the Ontario Development Code for any standard not addressed in Table 4.2.

Table 4.2 Development Standards

Development Standard	District	
	BP	IG
Minimum Lot Area	10,000 sq ft	20,000 sq ft
Minimum Lot Dimensions		
1. Lot Width	100 ft	100 ft
2. Lot Depth	100 ft	100 ft
Maximum Floor Area Ratio	0.60	0.55
Maximum Building Area ⁽¹⁾	100,000 sq ft	N/A
Minimum Landscape Setback		
1. Eucalyptus Avenue	23 ft	N/A
2. Carpenter Avenue	10 ft	10 ft
3. Merrill Avenue	N/A	23 ft
4. Hellman Avenue	18 ft	18 ft
5. Interior Side	N/A	N/A
6. Interior Rear	N/A	N/A

Table 4.2 Development Standards

Development Standard	District	
	BP	IG
Minimum Building Setback⁽²⁾		
1. Eucalyptus Avenue	23 ft	N/A
2. Carpenter Avenue	10 ft	10 ft
3. Merrill Avenue	N/A	23 ft
4. Cucamonga Creek Channel	5 ft	5 ft
5. Hellman Avenue	18 ft	18 ft
6. Interior Side	10 ft	10 ft
7. Interior Rear	10 ft	10 ft
Minimum Parking Space and Drive Aisle Separations^(3,4,7)		
1. Parking Space or Drive Aisle to Street Property Line	20 ft	10 ft
2. Parking Space or Drive Aisle to Interior Property Line	5 ft	5 ft
3. Parking Space to Buildings, Walls, and Fences	Areas adjacent to public entries and office areas: 10 FT Areas adjacent to other building areas: 5 FT. Within screened loading and storage yard areas: 0 FT	
4. Drive Aisles to Buildings, Walls, and Fences	10 ft	10 ft
5. Drive Aisles Within screened loading and storage yard areas	0 FT	0 FT
Maximum Building Height^(5,6)	45 ft	55 ft
Minimum Landscape Coverage	15%	10%
Walls, Fences, and Hedges: Per Ontario Development Code Division 6.02 (Walls, Fences, and Obstructions) and Section 4.4 (Screening) below.		
Notes: 1. The maximum building area limit is applicable only to buildings that front onto a public right-of-way. 2. All setback areas shall be measured from the property line and shall be landscaped. 3. Within yard areas fully screened by a decorative wall, there shall be no minimum drive aisle or parking space setback required, unless adjacent to residentially zoned properties. 4. The minimum separation area between a building, wall, or fence, and a parking space or drive aisle, shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 5-foot wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang. 5. Architectural projections, mechanical equipment, and focal elements may be allowed to exceed maximum height up to 25 percent above the prescribed height limit. 6. The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP). Refer to the ALUCP for properties affected by airport safety zones for additional development criteria and policies that may affect allowable land uses. 7. The use of surrounding roads, drive aisles and truck parking lots to address the open land requirement for the Chino Airport Overlay zone is discussed in Chapter 2 (Section 2.2: Airport Influence Areas).		

Table 4.3 (Off Street Parking Design Standards) establishes the design standards for off-street parking in the Specific Plan area. Refer to the Ontario Development Code for any standard not addressed in Table 4.3.

Table 4.3: Off-Street Parking and Loading Design Standards

Development Standard	Requirement
Parking Space Dimensions	
1. Standard parking	9 feet wide by 18 feet long
2. Tractor trailer parking	12 feet wide by 45 feet long
3. At grade loading space	12 feet wide by 18 feet long
Minimum aisle width with 90-degree parking angle	24 feet
Maximum gradient at parking space	5 percent measured in any direction
Dock-High Loading Facilities	
1. Dock high loading door loading space	12 feet wide by 45 feet long with 14-foot minimum vertical clearance measure from finish service of loading dock.
2. Truck maneuvering area	Designed to accommodate the minimum practical turning radius of a 53-foot semi-trailer and tractor combination.

Table 4.4 (Required Number of Parking and Loading Spaces) specifies the number of parking spaces that must be provided by land use. For a use not specified in the table, refer to the Ontario Development Code, Table 6.03-1: Off-Street Parking Requirements.

Table 4.4: Required Number of Parking and Loading Spaces

Land Use	Number of Required Spaces
Multi-Tenant Business Park	3 spaces per 1,000 square feet plus required parking for "general business offices" when exceeding 10 percent of GFA; plus, one trailer parking space per 4 dock-high loading doors
General office when office use exceeds 10 percent of building gross floor area.	4 spaces per 1,000 square feet of gross floor area
Industrial - speculative buildings (includes office uses if less than 10 percent of building gross floor area)	Per 1,000 square feet of gross floor area: <ul style="list-style-type: none"> • Up to 50,000 sq ft: 1.85 spaces • 50,001 – 100,000 sq ft: 1 space • 100,001 sq ft and over: 0.5 space plus one tractor trailer parking space per four dock-high loading doors.
Manufacturing (includes office uses if less than 10 percent of building gross floor area)	1.85 spaces per 1,000 square feet of gross floor area, plus one tractor trailer parking space per four dock-high loading doors.
Restaurants (includes outdoor seating area up to 25 percent of gross floor area) <ul style="list-style-type: none"> • Under 2,000 square feet • More than 2,000 square feet 	<ul style="list-style-type: none"> • 5 spaces per 1,000 square feet of gross floor area • 10 spaces per 1,000 square feet of gross floor area
Warehousing and Distribution (includes office uses if less than 10 percent of building gross floor area)	1 space per 1,000 square feet of gross floor area for first 20,000 square feet; 0.5 space per 1,000 square feet of additional gross floor area, plus one tractor trailer parking space per four dock-high loading doors plus required parking for "general business offices" and other associated uses, when those uses exceed ten percent of the building gross floor area.

Sufficient off-street loading and unloading spaces shall be provided on each development site, and adequate provisions and space shall be made for maneuvering freight vehicles and handling all freight. All loading activity, including turnaround and maneuvering, shall be made on site. Buildings, structures, and loading facilities shall be designed and placed on the site so that vehicles, whether rear loading or side loading, may be loaded or unloaded at any loading dock, door, or area without extending beyond the property line.

4.4 OTHER DEVELOPMENT STANDARDS

Development projects located within the West Ontario Commerce Center are subject to the following general development standards. For any standard not addressed in this Specific Plan, the Ontario Development Code shall apply.

Screening

1. Loading docks and truck parking areas shall be visually screened from Carpenter Avenue, Merrill Avenue, and Eucalyptus Avenue. Screening may include landscaping, berms, decorative walls, or any other appropriate screening material or combination of materials. Tubular steel fencing in conjunction with a minimum five-foot wide planter area may be used to screen truck parking areas only along Cucamonga Creek Channel.
2. Outdoor storage requires a use permit and shall be limited to predefined areas with a height not-to-exceed the screen wall(s). Storage areas shall be screened from public view by decorative walls or landscaping at a maximum height of fourteen feet and a minimum height of eight feet.
3. Ground- or roof-mounted mechanical equipment shall be architecturally screened from public view, including views from the Cucamonga Creek Multi-Purpose Trail. Ground mounted equipment shall be screened with decorative walls or landscaping.
4. Refuse enclosures shall be easily accessed by service vehicles but screened from public view within the building's façade or within a screened enclosure.

Landscaping

1. Landscape areas shall have a minimum dimension of five feet, exclusive of curbs and excepting vine pockets.
2. A minimum of 15 percent of landscape coverage is required and shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface.
3. Landscape areas that are comprised of living plant material shall be planted at spacing no greater than mature plant diameter. Non-living ornamental features may comprise a maximum of five percent of a landscaped area and shall be of a permeable material.
4. All utilities shall be shown on plans to facilitate landscape design and tree placement. Utilities such as backflow devices and transformers shall be screened to at least 75 percent of the equipment. Transformers and backflow devices shall be located and dimensioned with a five-foot setback from hardscape for landscape screening.

5. Shade trees with irrigation shall be located in appropriate areas where space permits to reduce the impacts of heat gain by shading large areas of paving, building walls, roofs, and windows.
6. The landscape plan shall be designed for the intended function of the project and for the efficient use of water. Plants shall be selected and planted based upon their adaptability to the climate and the topographical conditions of the project site.
7. Landscape planter islands at least five feet in width (exclusive of curbs) and the length of the abutting parking space shall be placed every ten parking spaces. Planter islands shall include at least one tree, appropriate shrubs, and groundcover. Parking areas provided behind screen walls shall not be subject to this provision.
8. Landscape and irrigation plans shall incorporate water conservation features.

Landscape and irrigation plans shall be submitted for City review and approval subject to the requirements of the Ontario Development Code.

Parking Lot Lighting

1. Exterior lighting fixtures shall be directed downward to illuminate pedestrian pathways and avoid unnecessary glare.
2. Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 30 feet in height to minimize direct glare beyond the parking lot or service area.
3. Pole-mounted lights shall be shielded and the light directed away from public streets.
4. Exterior lighting must be consistent with the Chino Airport Land Use Compatibility Plan.
5. Parking lot lighting shall be designed to avoid light fixture placement in required tree locations.

Environmental Performance and Sustainable Development

1. Skylights shall be incorporated into warehouse/distribution building design to provide natural light and reduce lighting demand, at a rate of 2 percent throughout.
2. Site lighting shall use energy efficient LED (or similar) products.
3. Interior or exterior bicycle storage shall be provided consistent with the California Green Building Standards Code.
4. Drought tolerant landscaping with drip irrigation shall be used and shall include plantings such as trees, shrubs, groundcovers or vines. Optional amenities include benches, trellises, thematic fencing, and walkways.
5. High performance dual pane glazing shall be provided in office storefronts.

Signage

Project signage shall be provided consistent with the design guidelines in Chapter 5 of this Specific Plan. The approval of a comprehensive sign program shall be required:

- ❖ Whenever the floor area is in excess of 25,000 square feet;

- ❖ Whenever five or more separate commercial or industrial tenant spaces are present on the same site;
- ❖ Whenever the City determines that a comprehensive sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, the location of the site relative to other lots, buildings, or streets, and the like).

A comprehensive sign program for larger developments within the Plan Area will integrate a project's signs with the overall site design and the structures' design into a unified architectural statement. A comprehensive sign program provides a means for flexible application of sign regulations in order to provide incentive and latitude in the design and display of multiple signs.

5.0 DESIGN GUIDELINES

This chapter identifies the conceptual themes for site planning, architecture, and landscape design in the West Ontario Commerce Center. The guidelines are intended to ensure a cohesive and attractive development that meets the following objectives:

- ❖ Demonstrates that the West Ontario Commercial Center is a high quality development that complements and integrates into the community and adds value to the City.
- ❖ Creates a functional and sustainable place that ensures that the West Ontario Commerce Center is competitive regionally and appropriate for the Ontario Ranch community.
- ❖ Illustrates through site planning the distinctive characteristics of the two districts of the land use plan: Business Park District (Planning Area 1) and General Industrial District (Planning Area 2).
- ❖ Establishes criteria for building design and materials, landscape design, and site design that provide guidance to developers, builders, architects, landscape architects, and other professionals preparing plans for construction.
- ❖ Provides guidance to City staff and the Planning Commission in the review and evaluation of future development projects in the West Ontario Commerce Center.
- ❖ Incorporates construction and landscape design standards that promote energy and water conservation strategies.
- ❖ Implements the goals and policies of The Ontario Plan and the intent of the Ontario Development Code.

5.1 SITE DESIGN

The Planning Areas within the West Ontario Commerce Center are designed to be architecturally consistent yet distinct through use and circulation. As indicated in Figure 3.1 (see Chapter 3), Planning Area 1 is oriented toward Eucalyptus Avenue and intended to serve as a buffer between the residential uses to the north and the industrial and/or warehouse and distribution uses of Planning Area 2.

Site design within Planning Area 1 (Business Park District) shall incorporate the following design features, as feasible:

- ❖ The arrangement of multiple buildings and associated circulation, and parking areas should reflect a well-organized site plan that emphasizes pedestrian connectivity and landscaped areas responsive to the public.
- ❖ Orient buildings to front onto Eucalyptus Avenue and create an inviting public perimeter.
- ❖ Provide pedestrian access to buildings visible from Eucalyptus Avenue, the parking areas, and perimeter sidewalks.
- ❖ Install enhanced paving, accent trees, and other landscape features that mark major building entries.

- ❖ Design parking areas along Hellman, Eucalyptus and Carpenter Avenues to include a landscape buffer with screening trees, and drought tolerant plants. (See Section 5.3 for additional information.)
- ❖ Plan landscaped areas, drive entrances, and/or buildings to separate parking areas and keep the parking lot from being the dominant visual element of the site.
- ❖ Locate visitor and short-term parking areas at the front and sides of buildings to be near primary building entrances.
- ❖ Orient elements such as trash enclosure areas, loading bay doors, and service docks to prevent visibility from Eucalyptus Avenue and screen such elements to minimize their visibility from Carpenter Avenue.
- ❖ Design loading and storage areas to provide for on-site backing and maneuvering, adequate parking for loading vehicles to ensure that normal traffic flow is not impeded, and orient such spaces away from Eucalyptus Avenue, as feasible.
- ❖ Design drive aisles that minimize impact to pedestrians, provide adequate stacking, and prevent the queuing of vehicles onto public streets.
- ❖ Strategically locate service entrances to not interfere with owner, tenant, or customer access.
- ❖ Design buildings with electrical rooms and adjacent transformers in locations away from front entry and not visible from streets.

Site design within Planning Area 2 (General Industrial District) shall incorporate the following design features, as feasible:

- ❖ Guide pedestrian access to the buildings from Hellman, Merrill, and Carpenter Avenues, and parking areas with building entrances marked by signage, architectural features, and landscaping features.
- ❖ Design parking areas along Merrill and Carpenter Avenues to include a landscape buffer with screening trees and drought tolerant plants. (See Section 5.3 for additional information)
- ❖ Design buildings with electrical rooms and adjacent transformers in locations away from front entry and not visible from streets.

5.2 ARCHITECTURAL DESIGN

The building design, materials, colors, and textures in the West Ontario Commerce Center establish its theme and character. The design elements in the two Planning Areas shall be compatible and complement each other; however, variation is encouraged to provide visual interest.



Planning Area 1 Architectural Design Examples

Architectural design within Planning Area 1 (Business Park District) shall incorporate the following design features, as feasible:

Office, Light Industrial, and Commercial Development

- ❖ Ensure consistency of materials, colors, fenestration, scale, and massing with the intended architectural style or theme of the West Ontario Commerce Center.
- ❖ Avoid blank walls. Provide sufficient vertical and horizontal articulation for elevations that are visible from public rights-of-way and Cucamonga Creek Channel.
- ❖ Feature the highest level of articulation on the front façade and on facades visible from public streets.

- ❖ Incorporate similar and complementary massing materials and details into rear and side yards.
- ❖ Apply materials in a consistent manner to all facades of the project.
- ❖ Terminate changes in material or color around the corner of the building to a logical termination point in relation to the architectural features or massing.
- ❖ Design entry features as a significant aspect of the building's overall composition. Entry monuments shall be designed in accordance with City of Ontario Traffic and Transportation Guidelines for monument placement.
- ❖ Use four different colors, materials, and/or textures on each building.
- ❖ Provide shade and visual relief through recessed or covered entrances.
- ❖ Have a recognizable base, middle, and top in each facade. Typical base treatments include textured materials, different colored materials or paint colors, or enriched landscaping. Typical top treatments include cornice elements, roof overhangs, stepped parapets, textured materials, different colored materials or paint colors, or vertical expressions.
- ❖ Roofing materials visible to public view may include metal standing seam and concrete tile.
- ❖ Decorative concrete, stucco, exterior plaster, tile, and stone are appropriate primary exterior materials for buildings. Veneers that are visibly prefabricated are not recommended.
- ❖ Unfinished exterior surfaces are not permitted on any building façade.
- ❖ Paint exposed downspouts, service doors, and mechanical screens the same color as the adjacent wall.

Architectural design within Planning Area 2 (General Industrial District) shall incorporate the following design features, as feasible:

- ❖ Ensure consistency of materials, colors, fenestration, scale, and massing with the intended architectural style or theme of the West Ontario Commerce Center.
- ❖ Avoid blank walls. Provide sufficient vertical and horizontal articulation for elevations that are visible from public rights-of-way and Cucamonga Creek Channel.
- ❖ Feature the highest level of articulation on the front façade and on facades visible from public streets.
- ❖ Incorporate similar and complementary massing materials and details into rear and side yards.
- ❖ Terminate changes in material or color around the corner of the building to a logical termination point in relation to the architectural features or massing.
- ❖ Highlight primary building entries through the massing of the building, special materials, colors, detailing, and/or other architectural treatment. Provide shade and visual relief through recessed or covered entrances.
- ❖ Portray a quality office appearance for primary entries, and tie the entry into the overall mass and building composition. Entries should not appear as an "add-on" or afterthought.
- ❖ Have a recognizable base, middle, and top in each facade. Typical base treatments include textured materials, different colored materials or paint colors, or enriched landscaping. Typical top treatments include cornice

- elements, roof overhangs, stepped parapets, textured materials, different colored materials or paint colors, or vertical expressions.
- ❖ Roofing materials visible to public view may include metal standing seam and concrete tile.
 - ❖ Decorative concrete, stucco, exterior plaster, tile, and stone are appropriate primary exterior materials for buildings. Veneers that are visibly prefabricated are not recommended.
 - ❖ Unfinished exterior surfaces are not permitted on any building façade.
 - ❖ Paint exposed downspouts, service doors, and mechanical screens the same color as the adjacent wall.



Planning Area 2 Architectural Design Examples

5.3 LANDSCAPE DESIGN

The conceptual landscape plan for the West Ontario Commerce Center encourages durable landscape materials and designs that enhance the aesthetics of the structure, create and define public and private spaces, and provide shade and environmental benefits. The City of Ontario has developed the following guidelines to guarantee that intersection sight lines and pedestrian safety are preserved. All landscaping plans within the West Ontario Commerce Center will comply with City of Ontario Standard Drawings and Traffic and Transportation Guidelines for sight-distance.

Key features include:

- ❖ Provide a landscape setback on Merrill and Eucalyptus Avenues consistent with the Ontario Ranch *Streetscape Master Plan* as identified in Chapter 3, Section 3.3: Circulation and Parking Plan.
- ❖ Include in the drought-tolerant plant selection colorful shrubs and groundcovers, ornamental grasses and succulents, evergreen and deciduous trees, and species native to Southern California or naturalized to the arid Southern California climate.
- ❖ Design parking lot landscaping to reduce associated heat buildup, improve aesthetics, and integrate into onsite landscape design and adjacent streetscapes.
- ❖ Use landscaping to aid in the screening and buffering of mechanical equipment, trash collection areas, loading docks and outside storage areas from public view, without using berms. Landscape and provide an automatic irrigation system for all areas within the West Ontario Commerce Center that are not intended for a specific use.
- ❖ Design and grade projects to direct two-year storm event runoff from building roofs and paved areas into swaled landscape areas for retention/infiltration. In particular, open space, landscaped setback areas and trails are to be used for this purpose.

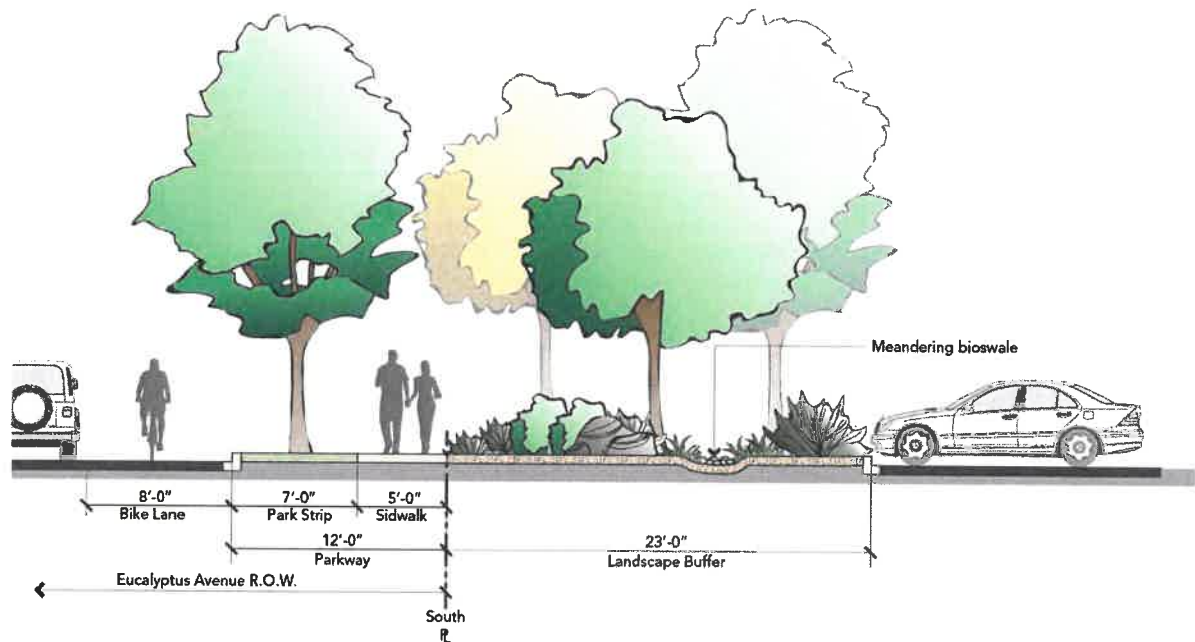
Streetscapes

The West Ontario Commerce Center uses streetscape design to present an aesthetically pleasing view for pedestrians and motorists, screen parking and loading areas from the public right-of-way, and integrate the development into the surrounding community. Streetscape designs presented are conceptual only; final grading, plantings, and tree locations are to be determined on a project-by-project basis. Slopes shall have a maximum 4:1 slope with dripline irrigation to prevent irrigation water runoff.

Eucalyptus Avenue

The typical Eucalyptus Avenue section will feature a 12-foot parkway and 23-foot landscape setback defined in the *Ontario Ranch Streetscape Master Plan* as the "Neighborhood Edge." The parkway will include a 7-foot curb-adjacent parkway strip generally planted with groundcover and a 5-foot sidewalk. The 35-foot Neighborhood Edge is intended provide a buffer between the West Ontario Commerce Center and the residential neighborhoods to the north as well as provide a visual statement and pleasing aesthetic along a major City thoroughfare (Figure 5.1).

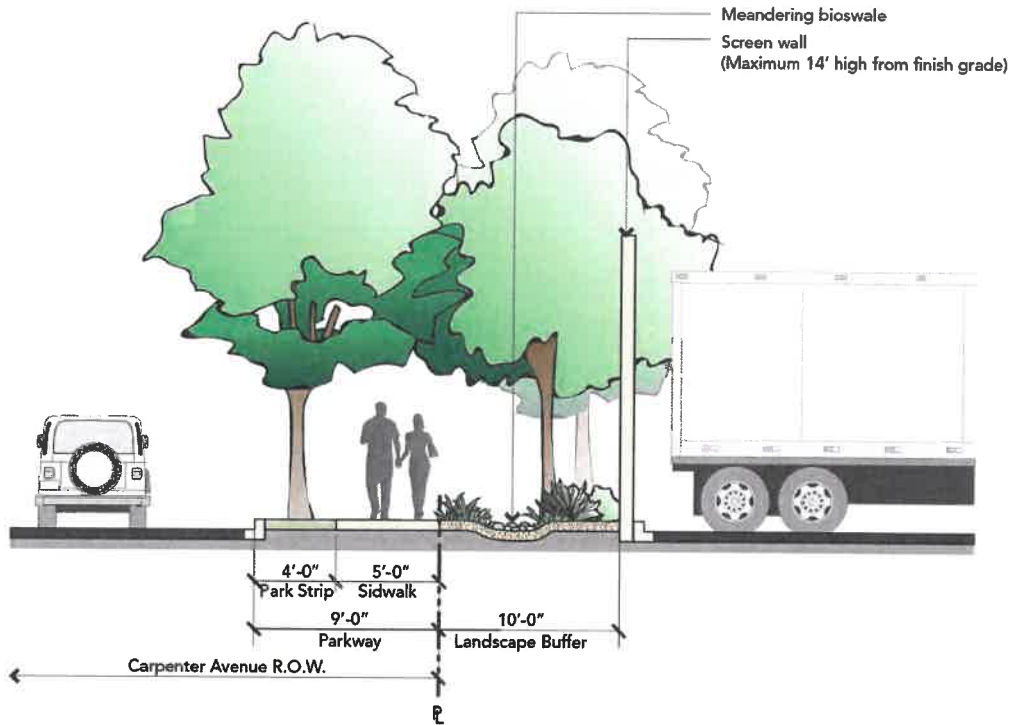
FIGURE 5.1: EUCALYPTUS AVENUE CONCEPTUAL STREETSCAPE



Carpenter Avenue

The typical Carpenter Avenue section will feature a nine-foot parkway and a 10-foot landscape setback. The parkway will include a curb-adjacent parkway strip generally planted with deciduous and/or evergreen trees and groundcover and a five-foot sidewalk. The landscape setback in Planning Area 2 (General Industrial District) is primarily intended to soften the loading dock and parking area of the adjacent warehouse/distribution use. Trees, screenwalls, and bushes will be used to provide a visually pleasing yet functional buffer (Figure 5.2).

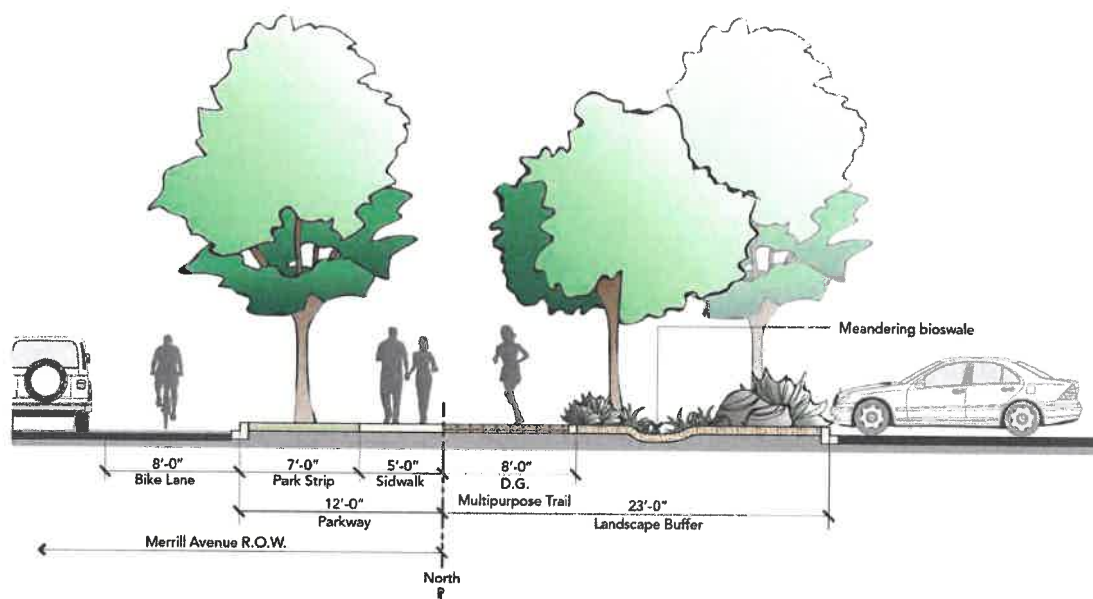
FIGURE 5.2: CARPENTER AVENUE CONCEPTUAL STREETSCAPE



Merrill Avenue

The typical Merrill Avenue section will feature an 8-foot on-street Class II bike lane, 12-foot parkway and 23-foot landscape setback defined in the *Ontario Ranch Streetscape Master Plan* as the "Neighborhood Edge." The parkway will include a 7-foot curb-adjacent parkway strip generally planted with Toyon Trees, Coast Live Oak, and colorful groundcover and a five-foot sidewalk. The landscape setback will provide an attractive entry to Planning Area 2 (Figure 5.3).

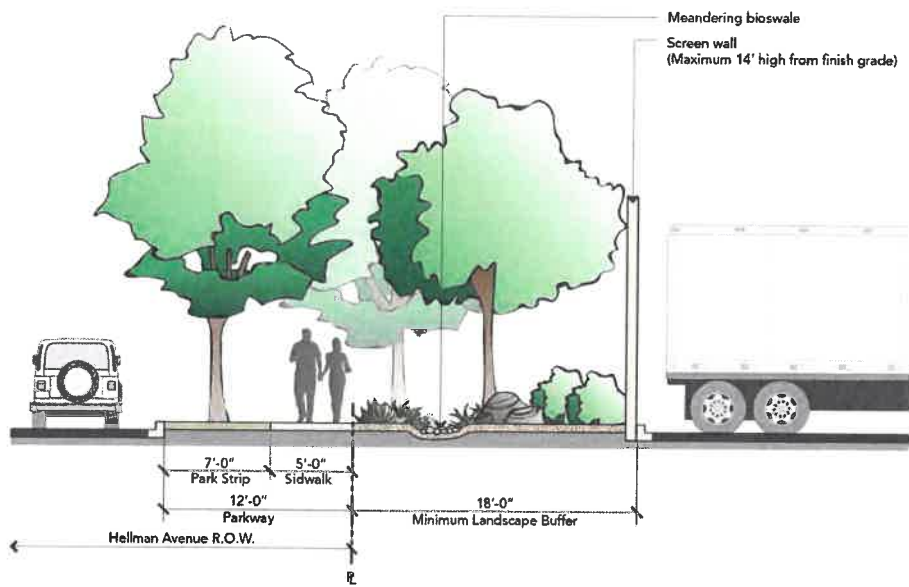
FIGURE 5.3: MERRILL AVENUE CONCEPTUAL STREETSCAPE



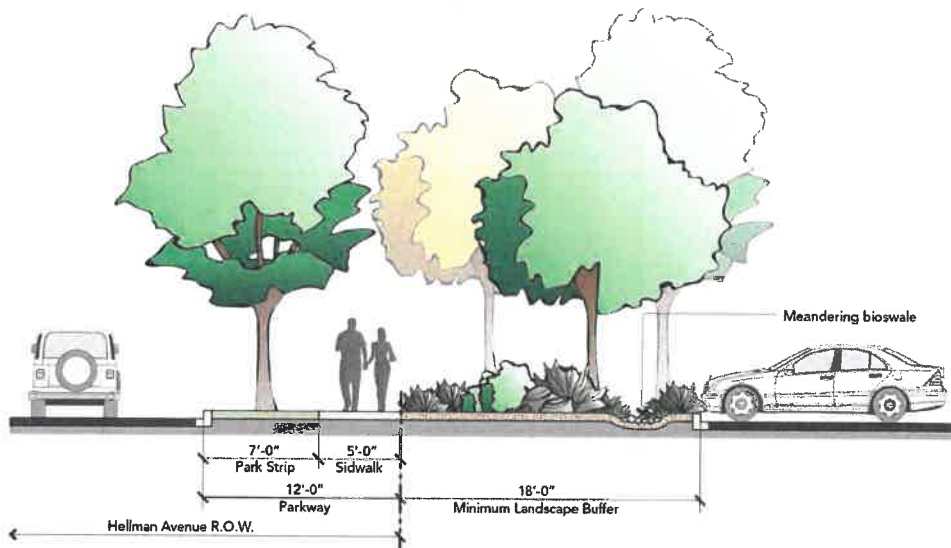
Hellman Avenue

The typical Hellman Avenue section will feature a 12-foot parkway adjacent to an 18-foot landscape setback. The parkway will include a seven-foot curb-adjacent parkway strip generally planted with Tulip Tree, Afghan Pine, Flowering Plum and generally planted with groundcover and a five-foot sidewalk. The landscape setback in Planning Area 2 (General Industrial District) is primarily intended to soften the loading dock and parking area of the adjacent warehouse/distribution use. Trees, and bushes will be used to provide a visually pleasing yet functional buffer (Figures 5.4 and 5.5).

FIGURE 5.4: HELLMAN AVENUE CONCEPTUAL STREETSCAPES



Hellman Avenue - Truck Yard Condition



Hellman Avenue - Parking Lot Condition

FIGURE 5.5: Merrill Avenue Conceptual Project Entry

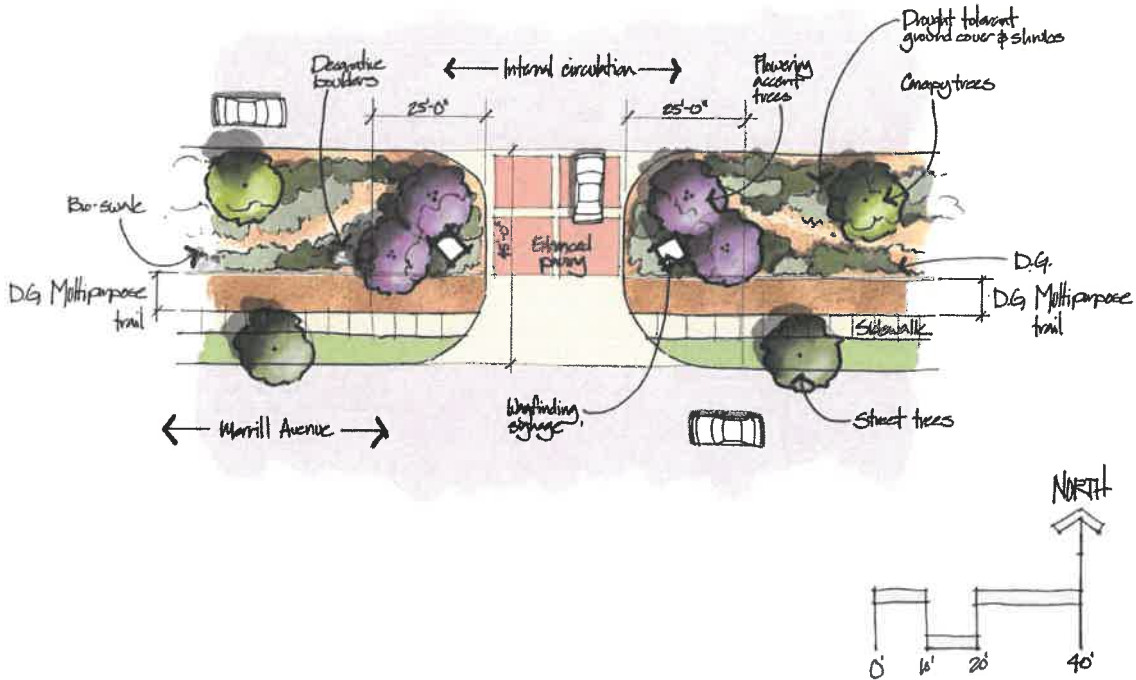


FIGURE 5.6: Carpenter Avenue Conceptual Project Entry



Plant Palette

The Plant Palette shown in Table 5.1 establishes a base palette for the West Ontario Commerce Center and includes a variety of groundcovers, shrubs, ornamental grasses, and evergreen and deciduous trees. The selection complements the design theme of the Specific Plan area and features water-efficient, drought-tolerant species native to the region. Similar plant materials may be substituted for the species listed in Table 5.1 if the alternative plants are climate appropriate and enhance the thematic setting.

Table 5.1: Plant Palette

Botanical Name	Common Name	Use
<i>Chilopsis linearis</i>	Desert Willow	Tree
<i>Chitalpa tashkentensis</i>	Chitalpa	Tree
<i>Cinnamomum camphora</i>	Camphor Tree	Tree
<i>Cupressus sempervirens</i>	Italian Cypress	Tree
<i>Heteromeles arbutifolia</i>	Toyon	Tree
<i>Juniperus s. 'Skyrocket'</i>	Skyrocket Juniper	Tree
<i>Koelreuteria bipinnata</i>	Chinese Flame Tree	Tree
<i>Lagerstroemia i 'Muskogee'</i>	Crape Myrtle	Tree
<i>Magnolia g. 'Samuel Sommer'</i>	Magnolia	Tree
<i>Magnolia g. 'Little Gem'</i>	Magnolia	Tree
<i>Olea europaea</i>	Olive	Tree
<i>Pinus canariensis</i>	Canary Island Pine	Tree
<i>Pinus eldarica</i>	Afghan Pine	Tree
<i>Pistacia chinensis</i>	Chinese Pistache	Tree
<i>Platanus acerifolia</i>	London Plane	Tree
<i>Platanus racemosa</i>	California Sycamore	Tree
<i>Quercus agrifolia</i>	Coast Live Oak	Tree
<i>Schinus molle</i>	California Pepper	Tree
<i>Tristania conferta</i>	Brisbane Box	Tree
<i>Washingtonia filifera</i>	California Fan Palm	Tree
<i>Phoenix dactylifera</i>	Date Palm	Tree
<i>Acca sellowiana</i>	Pineapple Guava	Shrub
<i>Buxus j. Green Beauty'</i>	Japanese Boxwood	Hedge
<i>Callistemon 'Little John'</i>	Dwarf Bottle Brush	Shrub
<i>Carissa macrocarpa 'Tuttle'</i>	Natal Plum	Shrub
<i>Cistus 'Sunset Pink'</i>	Sunset Pink Rockrose	Shrub
<i>Dianella 'Little Rev'</i>	Dwarf Dianella	Shrub
<i>Dianella tasmanica</i>	Dianella	Shrub
<i>Dodonaea viscosa 'Purpurea'</i>	Hopseed Bush	Shrub
<i>Eleagnus pungens</i>	Silverberry	Shrub
<i>Leucophyllum f. 'Green Cloud'</i>	Texas Ranger	Shrub
<i>Ligustrum j. Texanum</i>	Texas Privet	Shrub
<i>Pittosporum tobira 'Variegata'</i>	Variegated Mock Orange	Hedge
<i>Pittosporum t. 'Wheeleri'</i>	Wheeler's Dwarf	Shrub
<i>Raphiolepis i. 'Clara'</i>	Indian Hawthorn	Hedge
<i>Raphiolepis i. 'Springtime'</i>	Indian Hawthorn	Hedge
<i>Rhamnus californica</i>	Coffeeberry	Shrub
<i>Rhamnus c. 'Mound San Bruno'</i>	Dwarf Coffeeberry	Shrub
<i>Rosmarinus o. 'Tuscan Blue'</i>	Rosemary	Shrub

Table 5.1: Plant Palette

Botanical Name	Common Name	Use
<i>Salvia c.</i> 'Allen Chickering'	Allen Chickering Sage	Shrub
<i>Salvia greggii</i>	Autumn Sage	Shrub
<i>Salvia leucantha</i>	Mexican Sage	Shrub
<i>Westringia fruticosa</i>	Coast Rosemary	Shrub
<i>Xylosma congestum</i>	Shiny Xylosma	Hedge
Agave 'Blue Flame'	Blue Flame Agave	Accent
<i>Aloe maculata</i>	Soap Aloe	Accent
<i>Aloe petricola</i>	Stone Aloe	Accent
<i>Aloe polyphylla</i>	Spiral Aloe	Accent
<i>Aloe striata</i>	Coral Aloe	Accent
<i>Echeveria</i> 'Ruffles'	Ruffles Echeveria	Accent
<i>Hesperaloe parviflora</i>	Red Yucca	Accent
<i>Acacia redolens</i> 'Low Boy'	Dwarf Acacia	Groundcover
<i>Baccharis p.</i> 'Pigeon Point'	Dwarf Coyote Bush	Groundcover
<i>Baccharis p.</i> 'Centennial'	Coyote Bush	Groundcover
<i>Carex pansa</i>	California Meadow Sedge	Grass
<i>Carex tumulicola</i>	Foothill Sedge	Grass
<i>Festuca mairei</i>	Altas Fescue	Grass
<i>Festuca o.</i> 'Glauca'	Blue Fescue	Grass
<i>Lonicera j.</i> 'Halliana'	Hall's Honeysuckle	Groundcover
<i>Muhlenbergia capillaris</i>	Pink Muhly	Grass
<i>Myoporum parvifolium</i>	Myoporum	Groundcover
Rosa 'Flower Carpet' -Red	Red Flower Carpet Rose	Groundcover
<i>Rosmarinus o.</i> 'Huntington Carpet'	Prostrate Rosemary	Groundcover
<i>Salvia</i> 'Bee's Bliss'	Bee's Bliss Sage	Groundcover
<i>Senecio mandraliscae</i>	Blue Fingers	Groundcover
<i>Sesleria autumnali</i>	Moor Gras	Grass
<i>Trachelospermum jasminode</i>	Star Jasmin	Groundcover
<i>Distictus buccinatoria</i>	Blood-red Trumpet Vine	Vine

5.4 WALLS AND FENCES

Walls and fences are an important design feature in the West Ontario Commerce Center intended to both complement building and landscape architecture and provide functional elements. Any proposed entry gates shall be reviewed and approved by the City of Ontario Traffic and Transportation Division prior to installation, and permitted only if approved.



Wall and Fence Examples

Key features include:

- ❖ Provide attractive, durable, and complementary wall and fencing materials consistent with the Planning Area design theme.
- ❖ Offset and architecturally treat long expanses of wall surfaces every 100 feet with material changes, pilasters and posts, staggered walls, or landscape treatments to prevent monotony.
- ❖ Soften fencing with plants that may reach the height of the wall or fence at maturity.

- ❖ Construct sliding gates visible from a public street of tubular steel, vertical steel pickets, or high-density perforated metal screening painted to match or complement adjacent walls. Interior gates not visible to public view may be galvanized steel or chain link.
- ❖ Chain link fencing visible from public street rights-of-way is prohibited. However, tubular steel fencing may be used along the Cucamonga Creek Channel along the property line.

5.5 BUFFERING AND SCREENING

To alleviate the unsightly appearance of loading and service areas in the West Ontario Commerce Center, buffering and screening design features will be used to enhance the overall development. Any proposed entry gates shall be reviewed and approved by the City of Ontario Traffic and Transportation Division prior to installation.



Buffering and Screening Examples

Key features include:

Parking Lots

- ❖ Buffer parking lots adjacent to and visible from public streets using a combination of architectural wing walls, portions of the building, decorative screen walls, and landscape buffers.
- ❖ Use landscaping, aesthetically pleasing masonry low walls, elevation changes or any combination to visually buffer parking lots.
- ❖ Use plants for screening that are a minimum of 3 feet tall at the time of installation.

Loading and Service Areas (Truck Courts)

- ❖ Screen service areas with portions of the building, architectural wing walls, and landscaping.
- ❖ Clearly mark loading and delivery areas with directional signage.
- ❖ Design loading areas with enough space to maneuver without encroaching onto an adjoining street.
- ❖ Incorporate gated/screened entrances to loading areas into the overall architectural design of the development.
- ❖ Design walls and fencing used to screen truck courts high enough to hide the views of the top of loading bays or trailers at a maximum of 14-feet in height and a minimum of 8-feet in height, as measured from finished grade.



Loading and Service Area Example

5.6 LIGHTING

Outdoor lighting in the West Ontario Commerce Center consists of two types: public lighting and site lighting. Public lighting refers to the lighting within the public right-of-way. Site lighting refers to on-site illumination for purposes of operations, safety, security, and nighttime ambiance. Lighting design shall coordinate with landscape plans to avoid required tree locations.

Public Lighting

Lighting within the public right-of-way shall adhere to the standards and requirements of the City of Ontario.

Site Lighting

Site lighting addresses illumination of parking lots, loading dock areas, pedestrian walkways, building entrances, signage, and architectural and landscape features. Key provisions include:

- ❖ Choose lighting fixtures that advance the Planning Area design theme and provide consistency throughout each Planning Area.
- ❖ Install ground or low mounted fixtures to provide for safety and convenience along the pedestrian movement walkways and corridors.
- ❖ Allow for building-mounted lights that are intended for architectural accent purposes, and may be used for general illumination if there is no light spill or distraction onto a roadway or adjacent property.
- ❖ Install exterior lights to accent entrances, activity areas, steps, ramps, and special features.

5.7 SIGNAGE

Signage in the West Ontario Commerce Center will identify the center and tenants within the center, direct vehicular traffic, and provide on-site way-finding signage for pedestrians. A sign program is required for development in the West Ontario Commerce Center. Traffic signs regulating, warning, and/or guiding traffic on public roads shall conform to the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD).

Key signage features should include:

- ❖ Coordinate signage with the building design, materials, color, size, and placement.
- ❖ Avoid covering significant architectural elements with signage.
- ❖ Position flush mounted signs within architectural features and align with other signs on the block to maintain an existing pattern.
- ❖ Provide a unifying sign theme in single development with multiple users.
- ❖ Appropriately sign industrial sites to give direction to loading and receiving, visitor parking, and other special uses.

- ❖ Place parcel identification signs perpendicular to approaching vehicular traffic. If located within a landscaped planter, care should be taken to ensure that plant materials do not block visibility or damage the signage.
- ❖ Lighted signs, whether internally or externally illuminated, may be used. Can-type box signs with translucent backlit panels are discouraged. Signs with backlit or internally illuminated individual channel letters are strongly encouraged.
- ❖ To conserve energy, incorporate a standard shutoff time for illuminated signs for businesses that do not operate at night.
- ❖ Construct all signs from high quality materials and avoid exposed wiring, ballasts, conduits, fasteners, or similar hardware.



Signage Examples

5.8 SUSTAINABLE DESIGN STRATEGIES

The West Ontario Commerce Center is committed to sustainable design strategies that integrate principles of environmental stewardship into the design and construction process. Appropriate strategies will be determined for each project within the Specific Plan area. Strategies include, but are not limited to:

Sustainable Construction & Technology Concepts

- ❖ Design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.
- ❖ Use passive design to improve building energy performance through skylights, building orientation, landscaping, and colors.
- ❖ Reduce the heat island effect by providing shade structures and trees that produce large canopies. In addition, choose roof and paving materials that possess a high level of solar reflectivity (cool roofs).
- ❖ Use recycled and other environmentally friendly building materials, wherever possible.

Water Quality

- ❖ Use landscaped areas as for retention/infiltration swales and basins or bio-treatment, when infiltration is infeasible as required by the San Bernardino County MS4 Permit and Water Quality Management Plan.
- ❖ Utilize native and drought tolerant plants to reduce water demand.
- ❖ As feasible, integrate permeable pavement and perforated curbs throughout the project area to allow stormwater to enter planter areas and ultimately help with filtration and runoff.
- ❖ Whenever possible, use captured runoff to augment irrigation systems.
- ❖ Use irrigation systems that respond to changing weather conditions, irrigate by hydrozone, and use micro-irrigation techniques.
- ❖ The use of recycled water to irrigate landscape areas and for other uses is encouraged. For certain approved uses, the use of recycled water is required by the City of Ontario Recycled Water Master Plan.



Water Quality Concepts

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6.0 IMPLEMENTATION

This chapter summarizes the development process for implementation of the West Ontario Commerce Center Specific Plan and provides for the orderly development of the Specific Plan area.

6.1 APPLICABILITY

The provisions, guidelines, and regulations contained within this Specific Plan provide the standards for land uses and development within the West Ontario Commerce Center. The Specific Plan supersedes the applicable development standards and regulations of the City of Ontario unless stated otherwise in this document. Whenever the provisions and development standards of the West Ontario Commerce Center Specific Plan conflict with those of the City of Ontario Development Code, the provisions of the Specific Plan shall take precedence. Where the Specific Plan is silent, the City of Ontario Development Code shall apply.

Definitions of Terms

The terms used within the West Ontario Commerce Center Specific Plan shall be the same as defined by the Ontario Development Code, unless otherwise noted.

6.2 SEVERABILITY

The West Ontario Commerce Center Specific Plan serves as the implementation tool for the City's Policy Plan (General Plan). In the event that any provision of this Specific Plan or its application to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct and independent, and shall not affect the validity of the remaining provisions of this Specific Plan or applications thereof, which can be implemented without the invalid provision or application.

6.3 INTERPRETATION

If an issue, condition, or situation occurs that is not sufficiently covered or provided for in this Specific Plan, those that are applicable for the most similar issue, condition, or situation shall be used. Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the Planning Director of the City of Ontario in a manner consistent with the goals, policies, objectives, and intent established in the West Ontario Commerce Center Specific Plan.

6.4 CONSISTENCY WITH OTHER PLANS AND REGULATIONS

Consistency with the Ontario Plan

No land use, activity, or facility shall be permitted that is inconsistent with the objectives, policies, general land uses, and programs of The Ontario Plan.

Consistency with Airport Land Use Compatibility Plans

Projects located within the West Ontario Commerce Center are subject to the restrictions and provisions of the Airport Land Use Compatibility Plans prepared for the Ontario International Airport and the Chino Airport.

California Building Code

Projects located within the West Ontario Commerce Center must comply with the State of California Building Code as adopted and implemented by the City.

CEQA

The City of Ontario is defined as the lead agency under the California Environmental Quality Act (CEQA) based upon its authority to approve the West Ontario Commerce Center Specific Plan. Concurrent with approval of this Specific Plan, the City Council will be required to certify the associated Environmental Impact Report (EIR), including a Mitigation Monitoring and Reporting Program to ensure that all approved EIR mitigation measures are implemented. The Planning Director shall be responsible for confirming that all applicable mitigation measures have been implemented in accordance with approved plans.

6.5 SPECIFIC PLAN REVISIONS

It is recognized that modifications to the text or exhibits of this Specific Plan may be warranted in the future to accommodate unforeseen conditions or events. Revisions shall be processed in a manner prescribed by the City of Ontario Planning Department pursuant to the provisions in this section.

Minor Modifications to the Specific Plan

Minor modifications to the West Ontario Commerce Center Specific Plan are processed administratively without the submission of a formal Specific Plan Amendment application and do not require a public hearing or review by the Planning Commission. The Planning Director of the City of Ontario shall have the authority to review and make a determination of approval, approval with conditions, or denial of a request for minor modification to the Specific Plan. The Director may, at his/her discretion, refer any such request to the Planning Commission or the City Council.

Minor modifications are defined as:

- ❖ Expansions or reductions to a Planning Area boundary or acreage, provided that the total acreage within each affected Planning Area is not modified by more than 20 percent.
- ❖ An increase in maximum building area for both single- and multi-tenant buildings of up to 20 percent, provided that the maximum square footage for the Planning Area established by this Specific Plan is not exceeded.

- ❖ A modification of up to 20 percent of the minimum lot area, minimum lot dimensions, or setback requirements for the Planning Area, if compatible with the surrounding land uses and consistent with overall design character of the West Ontario Commerce Center.
- ❖ Additions, deletions, or modifications to Table 4.1 Allowable Uses, which lists the permitted and conditionally permitted uses in the Planning Area.
- ❖ Minor modification of conceptual design criteria for architectural features and materials, landscape treatments, lighting, signage, and sustainable design strategies.
- ❖ Revisions to roadway alignment when the change results in centerline shift of less than 250 feet.
- ❖ Revisions to infrastructure facility sizing and precise location of dry utilities, water, sewer, and storm drainage improvements subject to approval of the City Engineer.
- ❖ Changes to the Phasing Plan, provided infrastructure is available to serve the phase as determined by the City Engineer.
- ❖ Revisions to exhibits in the Specific Plan that do not substantially change its intent or character.
- ❖ Modifications of a similar nature to those listed above, which are deemed minor by the Planning Director and conform to the purpose and intent of this Specific Plan and the Ontario Plan.

Specific Plan Amendments

Proposed changes to this Specific Plan that do meet the criteria for a Minor Modification shall be subject to a formal Specific Plan Amendment application process pursuant to Section 4.01.035 of the Ontario Development Code and California Government Code Section 65450, et seq.

In the event that the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant will adhere to the City's adopted procedures and CEQA Guidelines.

6.6 SUBDIVISION MAPS

Development within the West Ontario Commerce Center shall include the processing of tentative and final tract or parcel maps and/or lot line adjustments or mergers. All subdivision maps and lot mergers shall be reviewed and approved pursuant to Section 4.02.085 of the Ontario Development Code and all other applicable City codes and regulations, California Government Code Section 66410 et seq. (Subdivision Map Act) as well as the provisions of this Specific Plan.

6.7 DEVELOPMENT AND LAND USE REVIEW PROCEDURES

Development and land use review procedures for development within the West Ontario Commerce Center shall be provided in this Specific Plan and in accordance with the Ontario Development Code.

Development Plan Review

All development projects proposed for the West Ontario Commerce Center are subject to Development Plan review pursuant to Section 4.02.025 of the Ontario Development Code. The review is intended to ensure compliance with the provisions of this Specific Plan, protect the integrity and character of the physical fabric of the City, and encourage high quality development.

Conditional Use Permit

A Conditional Use Permit is required for any use deemed “conditionally permitted” in Table 4.1 (Allowable Uses). An application for a Conditional Use Permit shall be processed pursuant to Section 4.02.015 of the Ontario Development Code.

Administrative Use Permit

An Administrative Use Permit is required for any use deemed “administratively permitted” on Table 4.1 (Allowable Uses). An application for an Administrative Use Permit shall be processed pursuant to Section 4.03.015 of the Ontario Development Code.

Appeals

Appeals of any decision of the Development Advisory Board, Zoning Administrator, Planning Director or the Planning Commission regarding implementation of this Specific Plan may be made by the applicant or any other aggrieved party pursuant to Division 2.04 of the Ontario Development Code.

6.8 DEVELOPMENT AGREEMENT

A statutory development agreement authorized pursuant to California Government Code Sections 65864 et seq. is a required component of this Specific Plan. The Development Agreement shall include, but not be limited to, methods for financing, acquisition, and construction of necessary infrastructure. The Development Agreement shall be fully executed prior to recordation of the first Final Map.

6.9 SPECIFIC PLAN PHASING

Implementation of this Specific Plan shall occur in two phases, as outlined in Chapter 3 (3.8: Infrastructure Phasing Plan):

- ❖ Phase 1: Construction of the storage, warehousing, and industrial uses in Planning Area 2
- ❖ Phase 2: Construction of the business park uses in Planning Area 1.

These phases may be developed as subphases and may occur either sequentially or concurrently with one another.

All development phasing shall meet the following objectives:

- ❖ The orderly build-out of the project based upon market and economic conditions;
- ❖ The provision of adequate parking, infrastructure, and public facilities concurrent with the development of each phase;
- ❖ The protection of the public health, safety, and welfare.

In approving a modification to the Phasing Plan, the Planning Director shall make the following findings:

- ❖ The modification is consistent with the Policy Plan (General Plan);
- ❖ The modification will not adversely affect the implementation of the Specific Plan;
- ❖ The modification will not be detrimental to public health, safety, and general welfare; and
- ❖ The modification will not delay the construction of the master plan improvements necessary to serve the development.

6.10 FINANCING OF PUBLIC IMPROVEMENTS

The financing of the construction, operation, and maintenance of public infrastructure improvements, facilities, and services within the Specific Plan area shall be provided through a combination of mechanisms. Final determination of the scope of improvements, maintenance responsibilities, and funding sources shall be specified in the approved Development Agreement and executed prior to recordation of the first final map.

Financing options may include, but are not limited to, the following:

- ❖ Private capital investment by the project developer, the property owner(s), or a Property Owners Association.
- ❖ Private capital investment by a consortium of property owners and/or developers of the project and/or surrounding area.
- ❖ Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of public facilities or the provision of public services. City Council approval is a prerequisite for use of special district financing mechanisms.
- ❖ Development Impact Fee (DIF) credits to be applied for infrastructure completed by the project developer.
- ❖ Enhanced Infrastructure Financing District to fund infrastructure development through tax increment financing pursuant to Senate Bill 628.
- ❖ Community Revitalization and Investment Authorities (CRIAs) to fund infrastructure development through tax increment financing pursuant to Assembly Bill 2.

6.11 MAINTENANCE PLAN

Final determination of maintenance responsibilities for the public and private improvements constructed within the West Ontario Commerce Center shall be specified in the approved Development Agreement and executed prior to recordation of the first Final Map. However, it is anticipated that maintenance shall be generally shared by three entities as described below and outlined in Table 6.1 Maintenance Responsibilities.

City of Ontario, Community Facilities District, Other Special District

The establishment of a community facilities district, landscape and lighting district, or other special district to fund the maintenance of public facilities shall be at the City's discretion. It is anticipated that public maintenance shall include the following:

- ❖ Right-of-way for public streets within the Specific Plan area (Merrill Avenue, Carpenter Avenue, Hellman Avenue, and Eucalyptus Avenue) shall be dedicated to the City of Ontario per the provisions of this Specific Plan (Chapter 3: Development Plan) and as approved by the City Engineer.
- ❖ Landscape improvements and public streetlights within the public right-of-way shall be maintained through a landscape and lighting district or other special maintenance district established by the City.
- ❖ All water, sewer, and storm drainage facilities located on-site shall be constructed by the developer and dedicated through easements to the City for maintenance purposes. However, the Property Owners Association shall maintain any permanent on-site water quality basins, trenches, swales and biotreatment filters required by the San Bernardino County MS4 Permit and Water Quality Management Plan. A new sewer trunk line to be constructed on Carpenter Avenue adjacent to the site's southwestern boundary may occur prior to development of the West Ontario Commerce Center Specific Plan as a continuation of neighboring development projects such as the Colony Commerce Center Specific Plan.
- ❖ The City shall maintain all off-site infrastructure improvements such as water, sewer, and storm drainage facilities.
- ❖ The City shall maintain any NPDES facilities located within the curb-to-curb area of all public streets. Operation and maintenance requirements for all NPDES stormwater runoff source control and treatment control Best Management Practices shall be identified in the approved Water Quality Management Plan for the project.

Property Owners Association

A Property Owners Association (POA) shall be established for the maintenance of common areas, including such improvements as landscape areas and private parking and drive aisles within the West Ontario Commerce Center. It is anticipated that improvements to be maintained by the POA would include the following:

- ❖ Driveways, sidewalks, and landscaping;

- ❖ All internal open spaces, common areas, parking lots, and walkways;
- ❖ Parkways and landscaped setbacks (behind the curb) of public streets
- ❖ NPDES facilities within landscape setbacks and onsite common areas;
- ❖ Property identification signage and architectural elements located within the landscaped buffer; and
- ❖ Fencing and walls, including graffiti removal.

Table 6.1: Maintenance Responsibilities

Area of Responsibility	City or Special District	Property Owners Association	Utility
Master Planned Roadways: Merrill Avenue, Eucalyptus Avenue, and Hellman Avenue			
Curb-to-curb improvements	◆		
Behind the curb improvements - Landscaping within the public right-of-way (parkways) and sidewalks	◆		
Carpenter Avenue			
Curb-to-curb improvements	◆		
Behind the curb improvements - Landscaping within the public right-of-way (parkways) and sidewalks		◆	
Other Improvements			
Traffic signals and traffic control signs on public streets	◆		
Street lights in the public right-of-way	◆		
Cucamonga Creek Channel Multi-Purpose Trail (off-site)	◆		
Drive aisles		◆	
Off-street parking areas (on-site)		◆	
Screen walls and fences		◆	
Common open space		◆	
Landscaping within setback/landscape buffer areas		◆	
Monument signage		◆	
Walls and fences		◆	
Stormwater drainage/water quality control facilities within the curb-to-curb area of all public streets	◆		
Stormwater drainage/water quality control facilities behind the curb		◆	
Water, recycled water, and sewer infrastructure in the public right-of-way	◆		
Dry utilities: electricity, natural gas, communication systems			◆

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7.0 GENERAL PLAN CONSISTENCY

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65440-65457) permits the adoption and administration of Specific Plans as an implementation tool for elements contained within a jurisdiction's local General Plan. Approval of this Specific Plan is based on the finding that the regulations, guidelines, and programs contained with West Ontario Commerce Center Specific Plan are consistent with The Ontario Plan. The Ontario Plan (TOP) establishes the direction and vision for the City of Ontario providing a single guidance system that will shape the Ontario community for the future. TOP provides for policies to accommodate change over a 30 year period commencing in 2010, the beginning of the planning period. TOP consists of a six part Component Framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback. The following demonstrates that the West Ontario Commerce Center Specific Plan implements the goals and policies of the City's Policy Plan (General Plan).

7.1 LAND USE ELEMENT

GOAL LU1:	A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
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Policy LU1-2 Sustainable Community Strategy

We integrate state, regional, and local Sustainable Community/Smart Growth principles into the development and entitlement process.

The West Ontario Commerce Center Specific Plan incorporates into its design and development standards and requirements that encourage the efficient use of energy resources through design, product selection, and operational techniques. The landscape guidelines require the use of native drought-resistant vegetation and shade trees to conserve water, improve comfort, augment neighborhood aesthetics, and maximize carbon capture and storage. Development standards related to environmental performance and sustainable development (Chapter 4: Land Use and Development Standards) address lighting, bicycle parking, sustainable landscaping, and energy efficiency. Sustainable design strategies (Chapter 5, Section 5.8: Sustainable Design Strategies) include design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption. Protecting water quality and reducing water demand and runoff will be emphasized during development of the Plan area. Stormwater runoff source control and treatment practices will be incorporated into the Water Quality Management Plan for the project.

Policy LU1-3 Adequate Capacity

We require adequate infrastructure and services for all development.

The West Ontario Commerce Center Specific Plan establishes a Phasing Plan that has been coordinated with all affected infrastructure providers and ensures that all uses on the project site are adequately served. Infrastructure development will occur in a timely manner. Potable and recycled water, sewer, fiber optic communications, and storm drain infrastructure improvements that will ultimately serve the Specific Plan area (Chapter 3: Development Plan) will be developed pursuant to applicable City of Ontario infrastructure master plans and any project development agreements.

GOAL LU2: Compatibility between a wide-range of uses.

Policy LU2-3 Hazardous Uses

We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.

The West Ontario Commerce Center Specific Plan complies with all federal, state, and local regulations pertaining to the use, storage, disposal, and transportation of hazardous materials, toxic substances, and other pollutants.

Policy LU2-5 Regulation of Uses

We regulate the location, concentration and operations of uses that have impacts on surrounding uses.

The West Ontario Commerce Center Specific Plan is established on land with the Ontario Plan land use designations of Business Park and Industrial. The Policy Plan (General Plan) analyzed the impacts of business park and industrial uses and determined the appropriateness of the designation at this location. The Specific Plan development standards (Chapter 4: Land Use and Development Standards) identify specific permitted uses within the Plan to ensure that future uses are consistent with the Land Use and Circulation Plans for the Specific Plan area (Chapter 3: Development Plan). Specifically, the conceptual site design and use regulations are designed to discourage truck traffic traveling through residential neighborhoods and emphasize land uses that are less truck traffic intensive. Planning Area 1 within the West Ontario Commerce Center is designed to create a buffer between the residential uses to the north and the industrial and/or warehouse and distribution uses of Planning Area 2 and surrounding proposed industrial developments. Loading areas will be designed to maximize truck maneuverability, safety, and consideration of adjacent uses, pursuant to Development Standards in Chapter 4.

Policy LU2-6 Infrastructure Compatibility

We require infrastructure to be aesthetically pleasing and in context with the community character.

Design guidelines (Chapter 5: Design Guidelines) in the West Ontario Commerce Center Specific Plan are intended to support high-quality development that complements the surrounding community. Landscaped areas and drive entrances will be planned to separate parking areas and keep the parking lot from being the dominant visual element of the site. The Specific Plan also establishes landscape setbacks along all roadways within the Specific Plan area (Chapter 5: Design Guidelines) to create safe and attractive streets for pedestrians and motorists, and integrates its infrastructure plans with the adjacent land uses to ensure cohesive patterns of development.

Policy LU2-9 Methane Gas Sites

We require sensitive land uses and new uses on former dairy farms or other methane-producing sites to be designed to minimize health risks.

The West Ontario Commerce Center Specific Plan incorporates into its Implementation Plan requirements for the project to comply with any mitigation measures identified in the project environmental impact report, including those for soil remediation and proper venting to address the potential existence of methane gases within the Specific Plan area.

GOAL LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

Policy LU5-7 ALUCP Consistency with Land Use Regulations

We comply with state law that requires policy plan/general plans, specific plans, and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

The West Ontario Commerce Center Specific Plan site is within the Ontario International Airport Influence Area and the Chino Airport Influence Area. The West Ontario Commerce Center Specific Plan outlines and acknowledges its compliance with the ALUCP requirements for the Ontario Airport and the Chino Airport in Chapter 2, Section 2.2: Airport Influence Areas.

7.2 COMMUNITY DESIGN ELEMENT

GOAL CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.

Policy CD1-2 Growth Areas

We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

The West Ontario Commerce Center Specific Plan contains design guidelines in Chapter 5 to guide future development, consistent with the vision for Ontario Ranch. The Specific

Plan design guidelines (Chapter 5: Design Guidelines) and development standards (Chapter 4: Land Use and Development Standards) are intended to ensure a cohesive and attractive development that complements and integrates into the community and adds value to the City.

GOAL CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional, and distinct.

Policy CD2-1 Quality Architecture

We encourage all developments to convey visual interest and character through:

- ❖ Building volume, massing, and height to provide appropriate scale and proportion;
- ❖ A true architectural style which is carried out in plan, section, and elevation through all aspects of the building and site design and appropriate for its setting;
- ❖ Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

The design guidelines in the West Ontario Commerce Center Specific Plan (Chapter 5: Design Guidelines) are intended ensure high quality building and site design, a clean and attractive appearance, and cohesive integrated design. The design elements in the two Planning Areas will be compatible and complement each other; however, variation is encouraged to provide visual interest. The Specific Plan materials, colors, fenestration, scale, and massing will be consistent with the intended architectural style or theme of the West Ontario Commerce Center.

Policy CD2-5 Streetscapes

We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identify through improvements to the public right-of-way such sidewalks, street trees, parkways, curbs, street lighting, and street furniture.

The West Ontario Commerce Center Specific Plan specifies street improvements to Eucalyptus Avenue, Merrill Avenue, Hellman Avenue, and Carpenter Avenue through the Specific Plan area that comply with the guidelines of the Circulation Element and include consideration of parkways and street trees, pedestrian walkways, landscape buffers, street lighting, and street furniture. Streetscape design for the Plan area (Chapter 5, Section 5.3: Landscape Design) will present an aesthetically pleasing view for pedestrians and motorists, screen parking and loading areas from the public right-of-way, and integrate the Center into the surrounding community.

Policy CD2-6 Connectivity

We promote development of local street patterns and pedestrian networks that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent “islands”.

The West Ontario Commerce Center Specific Plan provides for the efficient use of the street system by providing convenient connections with adjacent land uses in compliance with the vision of the Circulation Element. As part of the Specific Plan, roads will be improved with sidewalks, trails and bikeways to supplement vehicle transportation. The Specific Plan streetscape and street section designs provide for construction of public pedestrian sidewalks in the Specific Plan area to connect with adjacent existing and planned pedestrian circulation systems (Chapter 3, Section 3.3: Circulation and Parking Plan).

Policy CD2-7 Sustainability

We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

The West Ontario Commerce Center is committed to sustainable design strategies that integrate principles of environmental stewardship into the design and construction process. The Specific Plan incorporates into its development standards and design guidelines sustainability principles (Chapter 4, Section 4.4: Environmental Performance and Sustainable Development and Chapter 5, Section 5.8: Sustainable Design Strategies) such as drought tolerant landscaping, skylights in warehouse/distribution buildings to provide natural light and reduce lighting demand, high performance dual pane glazing in office storefronts, and LED products for energy efficient site lighting. Design strategies include the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption. The use of recycled water to irrigate landscape areas and for other uses is encouraged and for certain approved uses, the use of recycled water is required consistent with the City of Ontario Recycled Water Master Plan.

Policy CD2-9 Landscape Design

We encourage durable landscaping materials and designs that enhance the aesthetics of structure, create and define public and private spaces, and provide shade and environmental benefits.

The conceptual landscape plan (Chapter 5, Section 5.3: Landscape Design) at the West Ontario Commerce Center encourages durable landscape materials and designs that enhance the aesthetics of structure, create and define public and private spaces, and provide shade and environmental benefits. Consistent with the vision for Ontario Ranch, as outlined in the Ontario Ranch Streetscape Master Plan the Specific Plan, the West Ontario Commerce Center Specific Plan provides for a landscape setback on Merrill and Eucalyptus Avenues, bike lanes, and pedestrian walkways. The landscape setback will include drought-tolerant plants featuring colorful shrubs and groundcovers, ornamental

grasses and succulents, evergreen and deciduous trees, and species native to Southern California or naturalized to the arid Southern California climate. The plant selection will complement the design theme of the Specific Plan area and feature water-efficient, drought-tolerant species native to the region. Parking lot landscaping will reduce associated heat buildup, improve aesthetics, and integrate into onsite landscape design and adjacent streetscapes.

Policy CD2-11 Entry Statements

We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

The West Ontario Commerce Center Specific Plan establishes design guidelines pertaining to site planning, architectural design, landscape design, buffering and screening, walls and fences, lighting, and signs. These guidelines encourage high-quality development, transitions between types of uses, and a sense of place. Specific Plan guidelines encourage design entry features that are a significant aspect of the building's overall composition, portray a quality appearance, tie the entry into the overall mass and building composition, and not appear as an "add-on" or afterthought (Chapter 5, Section 5.2: Architectural Design). Both Eucalyptus and Merrill Avenues will feature a 23-foot landscape setback adjacent to the Plan site that will provide an attractive entry to the site (Chapter 5, Section 5.3: Landscape Design).

Policy CD2-12 Site and Building Signage

We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct uses to various aspects of the development and complement the character of the structure.

The West Ontario Commerce Center Specific Plan requires the developer of the project to obtain approval by the City of a sign program to address parcel identification, building identification and directional signage within the Specific Plan area. Industrial uses on the site will be appropriately signed to give direction to loading and receiving, visitor parking, and other special uses. A comprehensive sign program (Chapter 4, Section 4.4: Other Development Standards) will be required for larger developments within the Plan Area and will integrate a project's signs with the overall site design and the structures' design into a unified architectural statement. A comprehensive sign program provides a means for flexible application of sign regulations in order to provide incentive and latitude in the design and display of multiple signs.

GOAL CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages that are conveniently located, visually appealing, and safe during all hours.

Policy CD3-1 Design

We require that pedestrian, vehicular, bicycle, and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort, and aesthetics.

The West Ontario Commerce Center Specific Plan has coordinated its street, trail, and bikeway designs with adjacent land uses and in compliance with The Ontario Plan Mobility Element. The West Ontario Commerce Center Specific Plan specifies street improvements to Eucalyptus Avenue, Merrill Avenue, Hellman Avenue, and Carpenter Avenue through the Specific Plan area that include consideration of parkways and street trees, pedestrian walkways, landscape buffers, street lighting, and street furniture. Streetscape design for the Plan area (Chapter 5, Section 5.3: Landscape Design) will present an aesthetically pleasing view for pedestrians and motorists, screen parking and loading areas from the public right-of-way, and integrate the Center into the surrounding community.

Policy CD3-5 Paving

We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public places.

The West Ontario Commerce Center Specific Plan incorporates into its development standards a requirement that design and materials for all sidewalks and road surfaces within the Specific Plan area be approved by the City's Engineering Department. Specific Plan design guidelines (Chapter 5: Design Guidelines) include the use of enhanced paving to mark major building entries and the use of paving materials that possesses a high level of solar reflectivity to reduce the heat island effect.

GOAL CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investment.

Policy CD5-1 Maintenance of Buildings and Property

We require all public and privately owned buildings and property (including trails and easements) to be properly and consistency maintained.

The West Ontario Commerce Center Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6: Implementation, identifying the parties responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area.

Policy CD5-2 Maintenance of Infrastructure

We require the continued maintenance of infrastructure.

The West Ontario Commerce Center Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6: Implementation, identifying the parties responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area.

7.3 MOBILITY ELEMENT

GOAL M1: A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.

Policy M1-1 Roadway Design and Maintenance

We require our roadways to:

- ❖ Comply with federal, state, and local design and safety standards.
- ❖ Meet the needs of multiple transportation modes and users.
- ❖ Handle the capacity envisioned in the Functional Roadway Classification Plan.
- ❖ Endeavour to maintain a peak hour Level of Service (LOS) E or better at all intersections.
- ❖ Be compatible with the streetscape and surrounding land uses.
- ❖ Be maintained in accordance with best practices and our Right-of-Way Management Plan

The West Ontario Commerce Center Specific Plan is designed to comply with the Land Use Element and the Functional Roadway Classification Plan of the Mobility Element and, therefore, maintain a Level of Service of E or better at all intersections addressed in the project environmental impact report. Specific Plan development standards aim to minimize the effects of truck traffic on adjacent residential uses. The Land Use and Circulation Plans for the Specific Plan area (Chapter 3: Development Plan) are designed to discourage truck traffic traveling through residential neighborhoods and emphasize land uses that are less truck traffic intensive.

Policy M1-2 Mitigation of Impacts

We require development to mitigate its traffic impact.

The West Ontario Commerce Center Specific Plan requires all projects within the Specific Plan area to comply with all mitigation measures, conditions, and project design features identified in the project environmental impact report. The Land Use and Circulation Plans for the Specific Plan area (Chapter 3: Development Plan) are designed to discourage truck traffic traveling through residential neighborhoods and emphasize land uses that are less truck traffic intensive. Buildings, structures, and loading facilities will be designed to ensure that loading and unloading activities occur on-site without extending beyond the property line.

GOAL M2: A system of trails and corridors that facilitate and encourage bicycling and walking.

Policy M2-1 Bikeway Plan

We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.

The West Ontario Commerce Center Specific Plan includes a circulation plan in Chapter 3 for providing connectivity to the trails and bikeway corridors identified in the Multipurpose Trails and Bikeway Corridor Plan, including installation of a Class II Bikeway along Merrill Avenue. A future bikeway/multipurpose trail will eventually be constructed on the north side of Eucalyptus Avenue as well, but it is not part of the West Ontario Commerce Center Specific Plan.

Policy M2-3 Pedestrian Walkways

We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.

The West Ontario Commerce Center Specific Plan streetscape and street section designs provide for construction of public pedestrian sidewalks in the Specific Plan area to connect with adjacent existing and planned pedestrian circulation systems. Pedestrian sidewalks are separated from vehicular travel lanes by a landscaped parkway. Proposed improvements for the streets adjacent to the Specific Plan site are consistent with the City's Ontario Ranch Streetscape Master Plan (Chapter 3: Development Plan). Proposed improvements for Eucalyptus and Merrill Avenues include a five-foot sidewalk (adjacent to the project site), a seven-foot landscaped parkway adjacent to the street, and a 23-foot additional landscape buffer setback for a total 35-foot neighborhood edge. Proposed improvements for Hellman Avenue include a five-foot sidewalk (adjacent to the project site), a seven-foot landscaped parkway adjacent to the street, and an 18-foot additional landscaped buffer setback for a total 30-foot neighborhood edge condition. Proposed improvements for Carpenter Avenue include a five-foot sidewalk and a seven-foot landscaped area adjacent to the street (Chapter 3: Development Plan).

GOAL M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.

Policy M3-2 Transit Facilities at New Development

We require new development to provide transit facilities, such as bus shelters, transit bays and turnouts, as needed.

OmniTrans long-term transit corridor plans identify development of a transit corridor on Ontario Ranch Road Avenue located approximately one-half mile north of the Specific Plan area. OmniTrans transit corridor development will offer opportunities to influence new developments and provide intercounty connections from Ontario Ranch. In the immediate future (2 to 5 years), OmniTrans does not have plans for service in the immediate Specific

Plan area based on their 2015-2020 Short-Range Transit Plan and on the limited funding available for increased operations. As development occurs in Ontario Ranch, OmniTrans expects for development of transit stops along Archibald Avenue, located approximately 0.3 miles east of the Specific Plan area, with transit stops placed every 0.1 to 0.25 miles. The West Ontario Commerce Center Specific Plan provides for the incorporation of a transit stop along any of the streets in the Specific Plan area, as determined necessary and appropriate by the OmniTrans System of San Bernardino County and consistent with OmniTrans' long-term plans.

GOAL M4: An efficient flow of goods through the City that maximizes economic benefits and minimizes negative impacts.

Policy M4-1 Truck Routes

We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown on the truck routes.

The West Ontario Commerce Center Specific Plan is designed to enable easy vehicular access to the truck route network and to encourage its industrial users to implement effective goods movement strategies. The Land Use and Circulation Plans for the Specific Plan area (Chapter 3: Development Plan) are designed to discourage truck traffic traveling through residential neighborhoods and emphasize land uses that are less truck traffic intensive. Sufficient off-street loading and unloading spaces will be provided on site, and adequate provisions and space will be made for maneuvering freight vehicles and handling all freight. Buildings, structures, and loading facilities will be designed to ensure that loading and unloading activities occur on-site without extending beyond the property line.

7.4 ENVIRONMENTAL RESOURCES ELEMENT

GOAL ER1: A reliable and cost effective system that permits the City to manage its diverse water resources and needs.

Policy ER1-3 Conservation

We require conservation strategies that reduce water usage.

The West Ontario Commerce Center Specific Plan incorporates into its development standards and design guidelines water conservation strategies. Landscape and irrigation plans are encouraged to incorporate water conservation features. The Specific Plan landscaping plant selection complements the design theme of the Specific Plan area and features water-efficient, drought-tolerant species native to the region (Chapter 5: Design Guidelines). The use of recycled water to irrigate landscape areas and for other uses is encouraged and for certain approved uses, the use of recycled water is required consistent with the City of Ontario Recycled Water Master Plan. The Specific Plan encourages the

design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.

Policy ER1-5 Groundwater Management

We protect groundwater quality by incorporating strategies that prevent pollution, require remediation where necessary, capture and treat urban run-off, and recharge the aquifer.

The West Ontario Commerce Center Specific Plan incorporates into its development standards acknowledgement that prior to issuance of grading or construction permits, a Storm Water Pollution Prevention Plan (SWPPP) be prepared and approved by the City. The SWPPP will identify and detail all appropriate Best Management Practices (BMPs) to prevent pollutant discharge into storm drain systems and natural drainages and aquifers (Chapter 3, Section 3.7: Storm Drainage Plans). In addition to the preparation of a SWPPP, a WQMP will be prepared and approved which will enforce long-term BMPs to prevent pollutant discharges into storm drain systems, for the life of the project.

Policy ER1-6 Urban Run-off Quantity

We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration, and ultimately reduce discharge volumes to traditional storm drain systems.

The West Ontario Commerce Center Specific Plan incorporates into its development standards low impact development strategies including landscape designs that promotes water retention and incorporation of water conservation elements such as use of native plants; permeable surface designs in parking lots and areas with low traffic; and parking lots that drain to landscaped areas to provide treatment, retention, or infiltration (Chapter 3, Section 3.7: Storm Drainage Plans).

Policy ER1-7 Urban Run-off Quality

We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.

The West Ontario Commerce Center Specific Plan incorporates into its Development Plan acknowledgement that prior to issuance of grading or construction permits, a Water Quality Management Plan (WQMP) is required to minimize stormwater runoff and provide on-site opportunities for groundwater recharge that are integrated into project design and amenities. The grading and drainage of the West Ontario Commerce Center Specific Plan area will be designed to retain/infiltrate, harvest & re-use or biotreat surface runoff, in order to comply with the current requirements of the San Bernardino County NPDES Stormwater Program's Water Quality Management (WQMP) for significant new development projects (Chapter 3, Section 3.7: Storm Drainage Plans).

Policy ER1-8 Wastewater Management

We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.

The West Ontario Commerce Center Specific Plan provides for design of a wastewater system consistent with City and Regional Water Quality Board requirements. Sewer services to the West Ontario Commerce Center will be provided by the City of Ontario consistent with the City's Sewer Master Plan. A new 18-inch sewer trunk line will be constructed on Carpenter Avenue adjacent to the site's western boundary, and a portion of Merrill at the sites' southern boundary (Chapter 3, Section 3.4: Water and Sewer Plans).

GOAL ER3: Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.

Policy ER3-1 Conservation Strategy

We require conservation as the first strategy to be employed to meet applicable energy-saving standards.

The West Ontario Commerce Center Specific Plan incorporates into its development standards and design guidelines energy-saving conservation strategies. Development standards related to environmental performance and sustainable development (Chapter 4: Land Use and Development Standards) address lighting, bicycle parking, sustainable landscaping, and energy efficiency. Sustainable design strategies (Chapter 5, Section 5.8: Sustainable Design Strategies) include design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.

Policy ER3-3 Building and Site Design

We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.

The West Ontario Commerce Center Specific Plan incorporates into its development standards and design guidelines energy-saving conservation strategies. The Plan's Sustainable Design Strategies (Chapter 5, Section 5.8) include the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption and the use of passive design to improve building energy performance through skylights, building orientation, landscaping, and colors.

GOAL ER4: Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.

Policy ER4-1 Indoor Air Quality

We comply with State Green Building Codes relative to indoor air quality.

The West Ontario Commerce Center Specific Plan requires future development projects in the Specific Plan area to comply with the State of California Building Code as adopted and implemented by the City. The Plan's Sustainable Design Strategies (Chapter 5, Section 5.8) include the design and construction of energy efficient buildings to reduce air, water, and land pollution.

GOAL ER5: Protected high value habitat and farming and mineral resources extraction activities that are compatible with adjacent development.

Policy ER5-2 Entitlement and Permitting Process

We comply with state and federal regulations regarding protected species.

The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report.

7.5 SAFETY ELEMENT

GOAL S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

Policy S1-1 Implementation of Regulations and Standards

We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

The West Ontario Commerce Center Specific Plan requires all future development projects to comply with the State of California Building Code as adopted and implemented by the City.

Policy S1-2 Entitlement and Permitting Process

We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.

The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with state guidelines and the California Building Code. Research of available maps indicates that the Specific Plan site is not located within an Alquist-Priolo Earthquake Fault Zone. Furthermore, there was no visible evidence of faulting during a geotechnical investigation conducted in 2015.

GOAL S2: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.

Policy S2-1 Entitlement and Permitting Process

We follow state guidelines and the California Building Code to determine when development proposals require hydrological studies prepared by a State-certified engineer to assess the impact that the new development will have on the flooding potential of existing development down-gradient.

The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all applicable mitigation measures of the project environmental impact report, state guidelines, and the California Building Code regarding flooding and inundation hazards.

GOAL S3: Reduced risk of death, injury, property damage and economic loss due to fires, accidents and normal everyday occurrences through prompt and capable emergency response.

Policy S3-8 Fire Prevention through Environmental Design

We require new development to incorporate fire prevention consideration in the design of streetscapes, sites, open spaces and buildings.

The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with the City's development review process, which provides for review by the City's Fire Department and potential redesign to incorporate fire prevention design elements in streetscapes, sites, open space, and buildings.

GOAL S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

Policy S4-1 Noise Mitigation

We utilize the City's noise ordinance, building codes, and subdivision and development codes to mitigate noise impacts.

The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project

environmental impact report, the City's noise ordinance, subdivision and development codes, and the California Building Code to mitigate noise impacts.

GOAL S5: Reduced risk of injury, property damage and economic loss resulting from windstorms and wind-related hazards.

Policy S5-2 Dust Control Measures

We require the implementation of Best Management Practices for dust control at all excavation and grading projects.

The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report, the construction management plan, and any subdivision and development codes regarding dust control.

GOAL S6: Reduced potential for hazardous materials exposure and contamination.

Policy S6-9 Remediation of Methane

We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.

The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report.

GOAL S7: Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, community involvement, and a system of continuous monitoring.

Policy S7-4 Crime Prevention through Environmental Design (CPTED)

We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.

The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with the City's development review process, which provides for review by the City's Police Department and potential redesign to incorporate crime prevention design elements in streetscapes, sites, open space, and buildings. Parcel lighting (Chapter 5, Section 5.6: Lighting) addresses illumination of parking lots, loading dock areas, pedestrian walkways, building entrances, signage, and architectural and landscape features. A key provision includes the installation of ground or low mounted fixtures to provide for safety and convenience along the pedestrian movement walkways and corridors. Site design for the Specific Plan (Chapter 5, Section 5.1: Site Design) also

helps guide pedestrian access to the site buildings from adjacent streets and parking areas with building entrances marked by signage, architectural features, and landscaping features. The Specific Plan also establishes landscape setbacks along all roadways within the Specific Plan area (Chapter 5: Design Guidelines) to create safe and attractive streets for pedestrians and motorists, and integrates its infrastructure plans with the adjacent land uses to ensure cohesive patterns of development.

7.6 COMMUNITY ECONOMICS ELEMENT

GOAL CE1: A complete community that provides for all incomes and stages of life.

Policy CE1-1 Jobs-Housing Balance

We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-community.

The West Ontario Commerce Center Specific Plan anticipates the creation of 600 jobs in warehousing, logistics, light manufacturing, and administration within the Specific Plan area, which helps improve the region's jobs-housing balance. Actual job creation depends on the type of land uses ultimately developed on the site as a wide-range of commercial, office, and industrial uses are permitted in this Specific Plan. The Land Use Plan (Chapter 3, Section 3.1) implements the vision of the Ontario Plan by providing opportunities for employment in manufacturing, distribution, research and development, service, and supporting retail at intensities designed to meet the demand of current and future market conditions.

Policy CE1-5 Business Attraction

We proactively attract new and expanding businesses to Ontario in order to increase the City's share of growing sector of regional and global economy.

The West Ontario Commerce Center Specific Plan provides for the construction of over two million square feet of industrial development in compliance with City and regional planning goals and strategies that facilitate goods movement throughout the SCAG region (Chapter 3, Section 3.1: Land Use Plan).

GOAL CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

Policy CE2-1 Development Projects

We require new development and redevelopment to create unique, high-quality places that add value to the community.

The West Ontario Commerce Center Specific Plan contains design guidelines in Chapter 5 to guide future development, consistent with the vision for Ontario Ranch. The guidelines are intended to ensure a cohesive and attractive development that complements and integrates into the community and adds value to the City. The Specific Plan also establishes landscape setbacks along all roadways within the Specific Plan area (Chapter 5: Design Guidelines) to create safe and attractive streets for pedestrians and motorists, and integrates its infrastructure plans with the adjacent land uses to ensure cohesive patterns of development.

Policy CE2-2 Development Review

We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

The West Ontario Commerce Center Specific Plan establishes land uses (Chapter 3: Development Plan), site design, building design, and landscape design standards (Chapter 5: Design Guidelines) that ensure a high-quality development that is competitive regionally and appropriate for the Ontario Ranch community.

Policy CE2-5 Private Maintenance

We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

The West Ontario Commerce Center Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6 (Section 6.11: Maintenance Plan) identifying the public, private, or utility providers responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area. A Property Owners Association (POA) will be established for the maintenance of common areas, including such improvements as landscape areas and drive aisles within the West Ontario Commerce Center.

Policy CE2-6 Public Maintenance

We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly-owned property.

The West Ontario Commerce Center Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6 (Section 6.11: Maintenance Plan) identifying the public, private, or utility providers responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area. Right-of-way for public streets within the Specific Plan area (Merrill Avenue, Carpenter Avenue, Hellman Avenue, and Eucalyptus Avenue) and infrastructure improvements shall be dedicated to the City of Ontario for maintenance purposes. Landscape improvements and public streetlights within the public right-of-way shall be maintained through a landscape and lighting district or other special maintenance district

established by the City. Dry utilities such as electricity, natural gas, communication systems will be maintained by the appropriate utility company.



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

**Planning Department
Land Development Division
Conditions of Approval**

Meeting Date: April 24, 2018
File No: PSP16-002
Related Files: PGPA16-002, PWIL17-009 and PWIL18-004

Project Description: A Specific Plan (File No. PSP16-002 - West Ontario Commerce Center) request to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 119 acres of land, which includes the potential development of up to 2,905,510 square feet of industrial and business park development. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west; **submitted by REDA, OLV.**

Prepared By: Henry K. Noh, Senior Planner
Phone: 909.395.2429 (direct)
Email: hnoh@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Specific Plan. The following shall be submitted to the Planning Department within 30 days following City Council approval of the Specific Plan/Specific Plan Amendment:

- (a) Ten (10) copies of the final Specific Plan document;
- (b) One complete, unbound copy of the final Specific Plan document;
- (c) One CD containing a complete Microsoft Word copy of the final Specific Plan document, including all required revisions;
- (d) Five CDs, each containing a complete PDF copy of the final Specific Plan document, including all required revisions; and
- (e) One CD containing a complete electronic website version of the final Specific Plan document, including all required revisions.

2.2 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.3 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Planning Department

FROM: Lora L. Gearhart, Fire Protection Analyst
Bureau of Fire Prevention

DATE: October 6, 2016

SUBJECT: PSP16-002 - A request for Specific Plan (West Ontario Commerce Center) approval, to establish land use designations, development standards, design guidelines and infrastructure improvements that will govern the development of 125 acres of land generally bonded to the north by Eucalyptus Avenue, Merrill Avenue to the south, Cucamonga Creek Flood Control Channel to the east and Carpenter Avenue to the west. Related Files: PGPA16-002 & PZC16-002 APN No(s): 218-261-23, 218-261-22, 218-261-32, 218-271-08, 218-271-13, 218-261-16, 218-271-18

The plan does adequately address Fire Department requirements at this time.

Standard Conditions of Approval apply, as stated below.

-
1. The emergency response times to this new development do not meet the current criteria for the service delivery model of the Fire Department. New, relocated or replacement fire station facilities may be required and will be evaluated during the EIR review by the City.
 2. Water infrastructure used for fire protection must be in place prior to building permit. Two separate points of connection to a circulating public water main from separate mains are required for each building within the development.
 3. Two means of emergency ingress and egress are required for all future development. Provisions for secondary access for emergency vehicles, preferably by means of fully improved publically maintained streets
 4. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. Buildings that are obstructed by other buildings shall have a building directory and or signage at street frontage.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.



CITY OF ONTARIO MEMORANDUM

TO: Otto Kroutil, Development Director
 Scott Murphy, Planning Director
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Raymond Lee, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Art Andres, Deputy Fire Chief/Fire Marshal
 Tom Danna, T. E., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director

FROM: .

DATE: April 12, 2016

SUBJECT: FILE #: PSP-16-002 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by .

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A request for Specific Plan (West Ontario Commerce Center) approval, establishing land use designations, and development standards and guidelines that will govern the development of 125 acres of land generally bounded by Eucalyptus Avenue to the north, San Bernardino Flood Control channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west.

Related Files: PGPA16-002 & PZC16-002

APN No(s): 218-261-23, 218-261-22, 218-261-32, 218-271-08, 218-271-13, 218-261-16, 218-271-18

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

POLICE
Department

DOUGLAS SOREL
Signature

MONITOR ANALYST
Title

4/25/16
Date

CITY OF ONTARIO MEMORANDUM

TO: PLANNING DEPARTMENT,
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: April 13, 2016
SUBJECT: PSP-16-002

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PWIL18-004, A TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NUMBER 70-219 FOR 14.46 ACRES OF LAND GENERAL LOCATED AT THE SOUTH SIDE OF EUCALYPTUS AVENUE, WEST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL AT 9391 EAST EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 1 AND 2 OF THE WEST ONATRIO COMMERCE SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-271-13.

WHEREAS, REDA, OLV ("Applicant") has filed an Application for the approval of the cancellation of Land Conservation Contract Number 70-219, File No. PWIL18-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 14.46 acres of land generally located on the Southside of Eucalyptus Avenue, adjacent to the west of the Cucamonga Creek Flood Control Channel at 9391 East Eucalyptus Avenue within Planning Area 1 (Business Park) and Planning 2 (Industrial) of the West Ontario Commerce Center Specific Plan, and is presently improved with agriculture uses; and

WHEREAS, the property to the north of the Project site is within Planning Area 5 (Multi-Family Attached) of the Parkside Specific Plan, and is presently improved with agriculture uses. The property to the east is developed with the Cucamonga Flood Control Channel. The property to the south is located within the Planning Area 2 (Industrial) of the West Ontario Commerce Center Specific Plan, and is developed with dairy/agricultural uses. The properties to the west are within Planning Area 1 (Business Park) and Planning Area 2 (Industrial) of the West Ontario Commerce Center Specific Plan, and are developed with dairy/agricultural uses;

WHEREAS, the subject property was annexed into the City of Ontario on November 30, 1999; and

WHEREAS, the City of Ontario certified the *Ontario Sphere of Influence Final Environmental Impact Report* in January 7, 1998. The Final EIR evaluated the potential impacts to prime agricultural land and to agricultural productivity that would result from the full and complete build-out of the New Model Colony (NMC) pursuant the General Plan Amendment. The Final EIR concluded that the conversion of agricultural uses to urban uses within the NMC would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved; and

WHEREAS, the City, upon annexation, assumed responsibility for administration of the Land Conservation Contracts which existed in the annexed area; and

WHEREAS, the City Ontario certified the Environmental Impact Report for The Ontario Plan (TOP) on January 27, 2010. The adoption of TOP also included the approval of the Policy Plan (General Plan), which replaced the previous Ontario General Plan and New Model Colony General Plan Amendment. The Final TOP EIR concluded that the conversion of agricultural uses to urban uses within Ontario Ranch (NMC) would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved; and

WHEREAS, the City's the Agricultural Overlay Zoning District, or a "right-to-farm" ordinance (Development Code Division 6.01, Section 6.01.035), allows existing agricultural uses within Ontario Ranch to continue for as long as the landowner desires; 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 reviewed in conjunction with West Ontario Commerce Center Specific Plan, File No. PSP16-002, Environmental Impact Report (SCH#2017041074); 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 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 April 24, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting (6-0) to issue Resolution No. PC18-047, recommending the City Council approve the Application; 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, on June 19, 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 West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) and supporting documentation. Based upon the facts and information contained in the West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) and supporting documentation, the City Council finds as follows:

(1) The West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) reflects the independent judgment of the City Council; and

(4) All applicable mitigation measures adopted with the certification by the City Council of the West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) will become a condition of project approval.

SECTION 2. *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 3. 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 above, the City Council hereby concludes as follows:

a. ***The cancellation is for land on which a Notice of Non-Renewal has been served.*** Pursuant with Government Code § 51245 a Notice of Non-Renewal of Land Conservation Contract Number 70-219, was recorded on September 16, 2010, as Instrument No. 2010-0380748, Official Records, has been served.

b. ***Cancellation is not likely to result in the removal of adjacent lands from agricultural use.*** Cancellation of the Land Conservation Contract No. 70-219 is not likely to result in the removal of adjacent lands from agricultural uses. The properties adjacent to the contracted land are part of West Ontario Commerce Center Specific Plan. The change in use in these parcels would be due to the development of the specific plan and not to the cancellation of land conservation contracts. Moreover, the policy decision to transition uses in the area from agriculture to urban was made when the City adopted TOP Policy Plan. The environmental consequences of that decision were analyzed in the Environmental Impact Report certified in conjunction with The Ontario Plan (TOP). Thus, the City's prior planning decision, and not the cancellation of the contracts associated with this project, would be the cause of any influence on the decision to remove land from agricultural use. Additionally, to ease the transition from agricultural to urban uses and to minimize conflicts between the two uses, the City has adopted an Agricultural Overlay District.

c. ***Cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.*** The subject site is a part of West Ontario Commerce Center Specific Plan and is planned in accordance with TOP Policy Plan depiction of Business Park (0.60 FAR) and Industrial (0.55 FAR).

d. ***Cancellation will not result in discontinuous patterns of urban development. The cancellation of the Land Conservation Contracts will not result in discontinuous patterns of urban development.*** The subject properties are part of West Ontario Commerce Center Specific Plan. TOP Policy Plan includes requirements for subsequent approval by the City of a Specific Plan for development within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. Also, future residential tracts bound the West Ontario Commerce Center Specific Plan to the north, within the Parkside Specific Plan. Further, a Specific Plan (Colony Commerce Center West Specific Plan) has been approved immediately to the south of the project site. To the west of the subject property is an active agriculture use and located within the Specific Plan (AG) zone with access

from Eucalyptus Avenue and Carpenter Avenue. Because all lands within the Ontario Ranch, between the project sites and existing urban areas, will be urbanized in the near future, cancellation of the Williamson Act contracts associated with the Project would not result in leap-frog development.

e. ***There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.*** The contracted land lies within the boundaries of West Ontario Commerce Center Specific Plan. The adjacent non-contracted land is part of West Ontario Commerce Center Specific Plan and is scheduled for future development, therefore not available. Development of the subject site and adjacent non-contracted land through West Ontario Commerce Center Specific Plan will eliminate “leap frog” development. The West Ontario Commerce Center Specific Plan is bound by future residential tracts, located within the Parkside Specific Plan, to the north, future industrial development, located within The Colony Commerce Center West Specific Plan to the south, the Cucamonga Creek Flood Control Channel to the east and agriculture uses to the west, which contributes to a continuous pattern of development. Properties within adjacent Parkside Specific Plan and Colony Commerce Center West Specific Plan (contracted and non-contracted) will be developed with future residential and industrial development, thus are not available for the alternative proposed use. Furthermore, since the subject site is within West Ontario Commerce Center Specific Plan, once the adjacent parcels are developed it will provide for more contiguous patterns of urban development than development of proximate non-contracted land.

SECTION 4. City Council Action. Based upon the findings and conclusions set forth in Sections 1 and 3, above, the City Council hereby APPROVES the herein described Application, attached hereto as “Exhibit A,” and incorporated herein by this reference.

SECTION 5. 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 6. 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 7. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**Certificate of Tentative Cancellation of
Land Conservation Contract 70-219**

(Document follows this page)

EXHIBIT "A"

CONTRACT # 70-219

BOOK 7396 PAGE 744

783

70-219
MAIL TO

32

OFFICIAL RECORDS
COUNTY

1970 FEB 27 PM 3 57

BOOK 7396 PAGE 744

SAN BERNARDINO COUNTY RECORDER

NO FEE
B

LAND CONSERVATION CONTRACT

THIS CONTRACT is made and entered into this 24th day of FEBRUARY, 19 70, by and between

MARION VAN DEN BERG and GERTRUDE VAN DEN BERG, husband and wife;

MARY VAN DEN BERG and JOYCE VAN DEN BERG, husband and wife

(All owners, including multiple owners, and spouses, must be entered above. If unmarried, so indicate.) hereinafter referred to as "OWNER" (for both singular and plural), and the COUNTY OF SAN BERNARDINO, a political subdivision of the State of California, hereinafter referred to as "COUNTY":

WITNESSETH

WHEREAS, OWNER possesses certain real property located within the COUNTY, which property is presently devoted to agricultural and compatible uses and is particularly described in Exhibit "A", attached hereto and made a part hereof, and

WHEREAS, said property is located in an agricultural preserve heretofore established by COUNTY by Resolution Dated 2/10/70 *
*with reference to preserve map

WHEREAS, both OWNER and COUNTY desire to limit the use of said property to agricultural and compatible uses in order to discourage premature and unnecessary conversion of such lands from agricultural uses, recognizing that such land has definite public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, esthetic and economic asset to the COUNTY to maintain the agricultural economy of the COUNTY and the State of California, and

WHEREAS, both OWNER and COUNTY intend that the terms, conditions, restrictions and construction of this contract shall be such as to qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code Section 422, as amended, and

WHEREAS, it is the intent of COUNTY and OWNER that the continued existence of this contract is made dependent upon the existence of legislation or other law implementing Article XXVIII of the California Constitution so the effect of the terms, conditions and restrictions of the contract on property values for taxation purposes is as favorable to OWNER as the legislation existing on the last renewal date.

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NOW, THEREFORE, the parties in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. California Land Conservation Act of 1965, as amended - This contract is made and entered into pursuant to the California Land Conservation Act of 1965, as amended, (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200) and is subject to all the provisions, including amendments thereto which may be enacted, which are specifically applicable to such contracts.

2. Agricultural and Compatible Uses - During the term of this contract or any renewals thereof, the above described land shall not be used for any purpose, other than the production of agricultural commodities for commercial purposes and compatible uses as listed in the resolution establishing the preserve within which the land is located, a copy of such list is attached hereto and marked as Exhibit "B".

3. Additional Agricultural Uses - The Board of Supervisors of COUNTY may from time to time and during the term of this contract or any extensions thereof, by resolution add to those uses listed in the resolution establishing the preserve within which the land is located; provided, however, said Board shall not eliminate, without written consent of OWNER, a compatible use during the term of this contract or any renewals thereof.

4. Condemnation - In the event of an action in eminent domain or on acquisition in lieu of eminent domain in respect to the land, or any part thereof, described herein, this contract shall be subject to the provisions of Government Code Sections 51290 et seq.

5. Term of Contract - This contract shall be effective commencing on January 1, 1970, and shall remain in effect for a period ending December 31, 1979, and during such renewals of this contract.

This contract shall be automatically extended for an additional year on the first day of each January (so that the unexpired term is ten (10) years from the first day of each January), unless notice of non-renewal is given pursuant to Government Code Section 51245 et seq. Upon receipt of timely notice of non-renewal by either party this contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

6. No Payments by County - OWNER shall not receive any payment from COUNTY in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of this contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to OWNER as a result of the effect on the method of determining the assessed value of land described herein and any reduction thereof due to the imposition of the limitations on its use contained herein.

7. Successors in Interest - This contract shall run with the land described herein, and shall be binding upon the heirs, successors and assigns of OWNER.

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8. Cancellation - Except as provided in Clause 9, below, this contract may be cancelled as to any or all of the land described in Exhibit "A" by mutual agreement of OWNER and COUNTY providing such cancellation is strictly pursuant to the provisions of Government Code Sections 51280 through 51285.

9. Restrictive Law Alteration - This contract may be cancelled by mutual agreement of COUNTY and OWNER without payments or public hearing if it is replaced by an enforceable restriction authorized by Article XXVIII of the California Constitution or whenever there is no operative legislation or other law implementing said Article at the time the cancellation is requested by OWNER.

10. Division of Land under Contract - Whenever the land under this contract is divided, the owner of any parcel may exercise, independent of any other owner of a portion of the divided land, any of the rights of the owner of the original contract, including the right to give notice of non-renewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land under contract shall not be imputed to the owners of the remaining parcels and shall have no effect on the contract as it applies to the remaining parcels of divided land.

11. Information from Owner - OWNER, upon request of COUNTY, shall provide information relating to OWNER'S obligation under this contract.

12. Acts of Non-Renewal by County - Removal of land under this contract from an agricultural preserve shall be the equivalent of notice of non-renewal by COUNTY and COUNTY shall at least 60 days prior to the next renewal date following the removal, serve a notice of non-renewal as provided in Government Code Section 51245.

13. Termination Document Recordation - In the event of termination of this contract by (1) notice of non-renewal, (2) cancellation, (3) nullification by annexation or condemnation, the COUNTY shall record the appropriate documents in the County Recorder's Office and file such documents with any other governmental agency authorized to receive them.

14. Annexation of Land Within One Mile - In the event that the land of the OWNER, or any portion thereof, which is included in Exhibit "A" and is within one mile of the boundaries of a city at the time this contract is executed, is subsequently annexed by such city, but such city by its acts does not succeed to all the rights, duties and powers of this contract, then the OWNER and the land, or such portion thereof, shall be subject to a charge amounting to the differential (for the last five assessments prior to annexation, or the actual number of assessments, if less than five, during the existence of this contract) between the taxes as actually computed under this contract, and the taxes which would have been computed without the benefit of the restrictions of this contract.

15. Notices - Any notices required to be given hereunder or required to be given by law shall be given by United States Registered Mail, return receipt requested, and any notice to the COUNTY shall be sent to the Clerk to the Board of Supervisors of San Bernardino County, San Bernardino, California, and any notice to the OWNER shall be sent to the last known address as shown on the latest assessment roll. Such address shall be the proper address for every person in the case of multiple owners.

. . . .

. . . .

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.

On this 27th day of February, 1970, before me, Margaret F. Simonides a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Ruben S. Ayala known to me to be the Chairman of the Board of Supervisors of the County of San Bernardino that executed the within Contract and acknowledged to me that said County of San Bernardino did execute the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.



(SEAL)

Margaret F. Simonides
NOTARY PUBLIC in and for said
County and State

MARGARET F. SIMONIDES
My Commission Expires June 20, 1971

NOTE: All owners, including multiple owners, and spouses, must execute this Contract. All signatures must be notarized, either separately or collectively. Please obtain the certification sheets necessary for the signatures and attach them after this page.

OWNER(S):

Mariusus Van Den Berg
Mariusus Van Den Berg
Gertrude Van Den Berg
Gertrude Van Den Berg

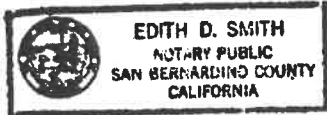
Marvin Van Den Berg
Marvin Van Den Berg
Joyce Van Den Berg
Joyce Van Den Berg

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.

On this 24th day of FEBRUARY, 1970, before me
EDITH D. SMITH, a Notary Public in and for said
County and State, residing therein, duly commissioned and sworn, personally
appeared MARTINE VAN DEN BERG, GERTRUDE VAN DEN BERG, MARVIN VAN DEN BERG and
JOYCE VAN DEN BERG

known to me to be the person(s) whose name(s) ~~is~~ (are) subscribed to the
within instrument, and acknowledged that ~~he~~ (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this Certificate first above written.



(SEAL)

Edith D. Smith
NOTARY PUBLIC in and for said
County and State

EDITH D. SMITH

STATE OF CALIFORNIA }
COUNTY OF _____ } ss.

On this _____ day of _____, 19____, before me
_____, a Notary Public in and for said
County and State, residing therein, duly commissioned and sworn, personally
appeared _____

known to me to be the person(s) whose name(s) is (are) subscribed to the
within instrument, and acknowledged that he (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this Certificate first above written.

NOTARY PUBLIC in and for said
County and State

(SEAL)

EXHIBIT "A"

DESCRIPTION OF PROPERTY

TAX PARCEL
NUMBER

EXACT DESCRIPTION FROM LAST TAX STATEMENT

218-271-09

NE 1/4 Sec 22 T2 S, R7W, EX W 243.64 Ft. and EX S 1326.15 Ft. and
EX E 1830 FT 18.30 AC M/L

UNIFORM RULES AND COMPATIBLE USES
FOR AGRICULTURAL PRESERVES IN SAN BERNARDINO COUNTY

The following uses are hereby determined to be agricultural and compatible uses within an agricultural preserve, and all other uses are prohibited therein:

- (1) Agricultural use, described as any use of land for the purpose of producing an agricultural commodity, consisting of any and all plant and animal products, for commercial purposes, provided such use is permitted by the applicable zoning and not prohibited by other law or ordinance.
- (2) A stand for display and sale of agricultural commodities produced on the premises or on other premises within the preserve.
- (3) Gas, electric, water, and communication utility facilities, and public service facilities of like nature operated by a public agency or mutual water company.
- (4) Public highways.
- (5) Fire protection works and facilities.
- (6) Flood control works, including channel rectification and alteration.
- (7) Public works required for fish and wildlife enhancement and preservation.
- (8) Improvements for the primary benefit of the lands within the preserve.
- (9) State improvements described in Section 51293, subsections (f) and (g) of the California Government Code.
- (10) One-family dwellings for the use only of an owner or manager of land within the agricultural preserve, or a person employed on said land, if such use is permitted by the applicable zoning, but not exceeding three (3) dwellings for each parcel of not less than ten (10) acres.
- (11) Farm labor camps, including temporary trailer housing, subject to the conditions of law or ordinance otherwise applicable.
- (12) Drying, packing or other processing of an agricultural commodity usually performed on the premises where it is produced.
- (13) Any other use, not inconsistent with uses listed in (1) above, existing on the date the land is included within an agricultural preserve, but such use once discontinued for two (2) years shall not be resumed unless permitted under these rules.
- (14) "Open space use" as defined in California Government Code Section 51201.
- (15) Any use required to be permitted by any amendment to the California Land Conservation Act of 1965 hereafter adopted.
- (16) Any use determined to be a compatible use in all agricultural preserves by the Board of Supervisors, after public hearing on ten (10) days' published notice and such other notice, if any, as they may specify. Thereafter such use shall be deemed a compatible use in any agricultural preserve, providing that it is not inconsistent with uses listed in paragraph (1) above.

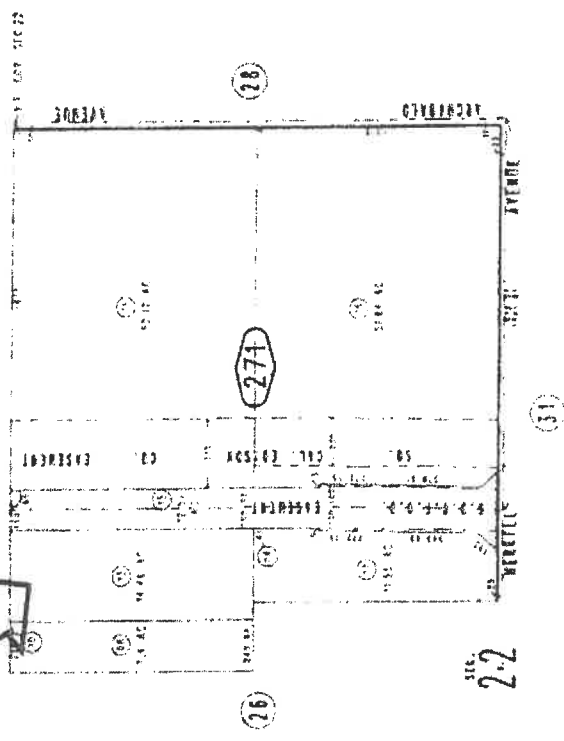
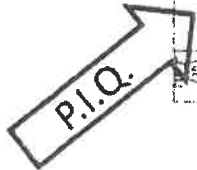
EXHIBIT "B"

Page ____

Ptn. N.E.1/4 Sec.22, T.2S..R.7W., S.B.B.&M.

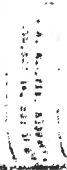
City of Ontario
Tax Rate Area
4075

0218 - 27



SEC. 22

Assessor's Map
Book 0218 Page 27
San Bernardino County



2004 2104

Exhibit "A"

(Parcel Number 0218271130000)

Legal Description

PTN NE 1/4 SEC 22 TP 2S R 7W EX PTN LYING WITHIN STRIP OF LAND 195 FT WIDE BEING 95 FT ELY FROM AND 100 FT WLY FROM FOL DESC LI BEG AT PT IN MERRILL AVE THAT IS 1844.82 FT FROM SE COR NE 1/4 SD SEC 22 TH NLY 697.68 FT ALG NON TANGENT CURVE CONCAVE WLY HAVING RADIUS OF 12000 FT AND CENTRAL ANGLE OF 03 DEG 19 MIN 52 SECONDS BEG TANGENT THEREOF BEARING N 04 DEG 18 MIN 26 SECONDS E TH N 00 DEG 58 MIN 34 SECONDS E TO N LI SD SEC 22 AND EX E 1830 FT AND EX S 1326.15 FT SD NE 1/4 SEC 22

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PWIL17-009, A TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NUMBER 73-406 FOR 16 ACRES OF LAND GENERAL LOCATED AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE AT 9139 EAST EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 1 AND 2 OF THE WEST ONATRIO COMMERCE SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-261-23.

WHEREAS, Farm Fresh Commodities, LLC ("Applicant") has filed an Application for the approval of the cancellation of Land Conservation Contract Number 73-406, File No. PWIL17-009, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 16 acres of land generally located on the Southeast corner of Eucalyptus Avenue and Carpenter Avenue at 9139 East Eucalyptus Avenue within Planning Area 1 (Business Park) and Planning 2 (Industrial) of the West Ontario Commerce Center Specific Plan, and is presently improved with agriculture uses; and

WHEREAS, the property to the north of the Project site is within Planning Area 9 (Multi-Family Attached) of the Parkside Specific Plan, and is presently improved with agriculture uses. The property to the east is within the Planning Areas 1 (Business Park) and Planning Area 2 (Industrial) of the West Ontario Commerce Center Specific Plan, and is developed with agricultural uses. The property to the south is located within the Planning Area 2 (Industrial) of the West Ontario Commerce Center Specific Plan, and is developed with dairy/agricultural uses. The property to the west is zoned Specific Plan (AG) and is developed with agriculture uses;

WHEREAS, the subject property was annexed into the City of Ontario on November 30, 1999; and

WHEREAS, the City of Ontario certified the *Ontario Sphere of Influence Final Environmental Impact Report* in January 7, 1998. The Final EIR evaluated the potential impacts to prime agricultural land and to agricultural productivity that would result from the full and complete build-out of the New Model Colony (NMC) pursuant the General Plan Amendment. The Final EIR concluded that the conversion of agricultural uses to urban uses within the NMC would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved; and

WHEREAS, the City, upon annexation, assumed responsibility for administration of the Land Conservation Contracts which existed in the annexed area; and

WHEREAS, the City Ontario certified the Environmental Impact Report for The Ontario Plan (TOP) on January 27, 2010. The adoption of TOP also included the approval

of the Policy Plan (General Plan), which replaced the previous Ontario General Plan and New Model Colony General Plan Amendment. The Final TOP EIR concluded that the conversion of agricultural uses to urban uses within Ontario Ranch (NMC) would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved; and

WHEREAS, the City's the Agricultural Overlay Zoning District, or a "right-to-farm" ordinance (Development Code Division 6.01, Section 6.01.035), allows existing agricultural uses within Ontario Ranch to continue for as long as the landowner desires; 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 reviewed in conjunction with West Ontario Commerce Center Specific Plan, File No. PSP16-002, Environmental Impact Report (SCH#2017041074); 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 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 April 24, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting (6-0) to issue Resolution No. PC18-046, recommending the City Council approve the Application; 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, on June 19, 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 West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) and supporting documentation. Based upon the facts and information contained in the West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) and supporting documentation, the City Council finds as follows:

(1) The West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) reflects the independent judgment of the City Council; and

(4) All applicable mitigation measures adopted with the certification by the City Council of the West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074) will become a condition of project approval.

SECTION 2. *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 3. 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 above, the City Council hereby concludes as follows:

a. **The cancellation is for land on which a Notice of Non-Renewal has been served.** Pursuant with Government Code § 51245 a Notice of Non-Renewal of Land Conservation Contract Number 73-406, was recorded on September 28, 2016, as Instrument No. 2016-0403397, Official Records, has been served.

b. **Cancellation is not likely to result in the removal of adjacent lands from agricultural use.** Cancellation of the Land Conservation Contract No. 73-406 is not likely to result in the removal of adjacent lands from agricultural uses. The properties adjacent to the contracted land are part of West Ontario Commerce Center Specific Plan. The change in use in these parcels would be due to the development of the specific plan and not to the cancellation of land conservation contracts. Moreover, the policy decision to transition uses in the area from agriculture to urban was made when the City adopted TOP Policy Plan. The environmental consequences of that decision were analyzed in the Environmental Impact Report certified in conjunction with The Ontario Plan (TOP). Thus, the City's prior planning decision, and not the cancellation of the contracts associated with this project, would be the cause of any influence on the decision to remove land from agricultural use. Additionally, to ease the transition from agricultural to urban uses and to minimize conflicts between the two uses, the City has adopted an Agricultural Overlay District.

c. **Cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.** The subject site is a part of West Ontario Commerce Center Specific Plan and is planned in accordance with TOP Policy Plan depiction of Business Park (0.60 FAR) and Industrial (0.55 FAR).

d. **Cancellation will not result in discontinuous patterns of urban development. The cancellation of the Land Conservation Contracts will not result in discontinuous patterns of urban development.** The subject properties are part of West Ontario Commerce Center Specific Plan. TOP Policy Plan includes requirements for subsequent approval by the City of a Specific Plan for development within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. Also, future residential tracts bound the West Ontario Commerce Center Specific Plan to the north, within the Parkside Specific Plan. Further, a Specific Plan (Colony Commerce Center West Specific Plan) has been approved immediately to the south of the project site. To the west of the subject property is an active agriculture use and located within the Specific Plan (AG) zone with access from Eucalyptus Avenue and Carpenter Avenue. Because all lands within the Ontario Ranch, between the project sites and existing urban areas, will be urbanized in the near

future, cancellation of the Williamson Act contracts associated with the Project would not result in leap-frog development.

e. ***There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.*** The contracted land lies within the boundaries of West Ontario Commerce Center Specific Plan. The adjacent non-contracted land is part of West Ontario Commerce Center Specific Plan and is scheduled for future development, therefore not available. Development of the subject site and adjacent non-contracted land through West Ontario Commerce Center Specific Plan will eliminate “leap frog” development. The West Ontario Commerce Center Specific Plan is bound by future residential tracts, located within the Parkside Specific Plan, to the north, future industrial development, located within The Colony Commerce Center West Specific Plan to the south, the Cucamonga Creek Flood Control Channel to the east and agriculture uses to the west, which contributes to a continuous pattern of development. Properties within adjacent Parkside Specific Plan and Colony Commerce Center West Specific Plan (contracted and non-contracted) will be developed with future residential and industrial development, thus are not available for the alternative proposed use. Furthermore, since the subject site is within West Ontario Commerce Center Specific Plan, once the adjacent parcels are developed it will provide for more contiguous patterns of urban development than development of proximate non-contracted land.

SECTION 4. City Council Action. Based upon the findings and conclusions set forth in Sections 1 and 3, above, the City Council hereby APPROVES the herein described Application, attached hereto as “Exhibit A,” and incorporated herein by this reference.

SECTION 5. 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 6. 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 7. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**Certificate of Tentative Cancellation of
Land Conservation Contract 73-406**
(Document follows this page)

EXHIBIT "A"

MAIL TO RECORDED
REQUEST OR

Robert D. Walker

915

BOOK 8129 PAGE 1377
RECORDED IN OFFICIAL RECORDS
SAN BERNARDINO COUNTY CAL.
TED R. CARPENTER, RECORDER

1973 FEB 28 PM 4 12

NO FEE
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73-406

LAND CONSERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 22nd day of
FEBRUARY, 19 73, by and between

LOUIS SYTSA and JENNIE SYTSA, husband and wife

(ALL owners, including multiple owners, and spouses, must be entered above. If unmarried, so indicate.) hereinafter referred to as "OWNER" (for both singular and plural), and the COUNTY OF SAN BERNARDINO, a political subdivision of the State of California, hereinafter referred to as "COUNTY";

WITNESSETH

WHEREAS, OWNER possesses certain real property located within the COUNTY, which property is presently devoted to agricultural and compatible uses and is particularly described in Exhibit "A", attached hereto and made a part hereof, and

WHEREAS, said property is located in an agricultural preserve heretofore established by COUNTY by Resolution dated February 13, 1973 with reference to Preserve Map, and

WHEREAS, both OWNER and COUNTY desire to limit the use of said property to agricultural and compatible uses in order to discourage premature and unnecessary conversion of such lands from agricultural uses, recognizing that such land has definite public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, esthetic and economic asset to the COUNTY to maintain the agricultural economy of the COUNTY and the State of California, and

WHEREAS, both OWNER and COUNTY intend that the terms, conditions and restrictions of this Agreement are substantially similar to contracts authorized by the California Land Conservation Act of 1965 so as to be an enforceable restriction under the provisions of California Revenue and Taxation Code Section 422; and

WHEREAS, it is the intent of COUNTY and OWNER that the continued existence of the within Agreement is made dependent upon the existence of legislation or other law implementing Article XXVIII of the California Constitution so the effect of the terms, conditions and restrictions of the Agreement on property values for taxation purposes is as favorable to OWNER as the legislation existing on the last renewal date.

NOW, THEREFORE, the parties in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. California Land Conservation Act of 1965, as amended - This contract is made and entered into pursuant to the California Land Conservation Act of 1965, as amended, (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200) and is subject to all the provisions, including amendments thereto which may be enacted, which are specifically applicable to such contracts.

2. Agricultural and Compatible Uses - During the term of this contract or any renewals thereof, the above described land shall not be used for any purpose, other than the production of agricultural commodities for commercial purposes and compatible uses as listed in the resolution establishing the preserve within which the land is located, a copy of such list is attached hereto and marked as Exhibit "B".

3. Additional Agricultural Uses - The Board of Supervisors of COUNTY may from time to time and during the term of this contract or any extensions thereof, by resolution add to those uses listed in the resolution establishing the preserve within which the land is located; provided, however, said Board shall not eliminate, without written consent of OWNER, a compatible use during the term of this contract or any renewals thereof.

4. Condemnation - In the event of an action in eminent domain or on acquisition in lieu of eminent domain in respect to the land, or any part thereof, described herein, this contract shall be subject to the provisions of Government Code Sections 51290 et seq.

5. Term of Contract - This contract shall be effective commencing on January 1, 1973, and shall remain in effect for a period ending December 31, 1982, and during such renewals of this contract.

This contract shall be automatically extended for an additional year on the first day of each January (so that the unexpired term is ten (10) years from the first day of each January), unless notice of non-renewal is given pursuant to Government Code Section 51245 et seq. Upon receipt of timely notice of non-renewal by either party this contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

6. No Payments by County - OWNER shall not receive any payment from COUNTY in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of this contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to OWNER as a result of the effect on the method of determining the assessed value of land described herein and any reduction thereof due to the imposition of the limitations on its use contained herein.

7. Successors in Interest - This contract shall run with the land described herein, and shall be binding upon the heirs, successors and assigns of OWNER.

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8. Cancellation - Except as provided in Clause 9, below, this contract may be cancelled as to any or all of the land described in Exhibit "A" by mutual agreement of OWNER and COUNTY providing such cancellation is strictly pursuant to the provisions of Government Code Sections 51280 through 51285.

9. Restrictive Law Alteration - This contract may be cancelled by mutual agreement of COUNTY and OWNER without payments or public hearing if it is replaced by an enforceable restriction authorized by Article XXVIII of the California Constitution or whenever there is no operative legislation or other law implementing said Article at the time the cancellation is requested by OWNER.

10. Division of Land under Contract - Whenever the land under this contract is divided, the owner of any parcel may exercise, independent of any other owner of a portion of the divided land, any of the rights of the owner of the original contract, including the right to give notice of non-renewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land under contract shall not be imputed to the owners of the remaining parcels and shall have no effect on the contract as it applies to the remaining parcels of divided land.

11. Information from Owner - OWNER, upon request of COUNTY, shall provide information relating to OWNER'S obligation under this contract.

12. Acts of Non-Renewal by County - Removal of land under this contract from an agricultural preserve shall be the equivalent of notice of non-renewal by COUNTY and COUNTY shall at least 60 days prior to the next renewal date following the removal, serve a notice of non-renewal as provided in Government Code Section 51245.

13. Termination Document Recordation - In the event of termination of this contract by (1) notice of non-renewal, (2) cancellation, (3) nullification by annexation or condemnation, the COUNTY shall record the appropriate documents in the County Recorder's Office and file such documents with any other governmental agency authorized to receive them.

14. Annexation of Land Within One Mile - In the event that the land of the OWNER, or any portion thereof, which is included in Exhibit "A" and is within one mile of the boundaries of a city at the time this contract is executed, is subsequently annexed by such city, but such city by its acts does not succeed to all the rights, duties and powers of this contract, then the OWNER and the land, or such portion thereof, shall be subject to a charge amounting to the differential (for the last five assessments prior to annexation, or the actual number of assessments, if less than five, during the existence of this contract) between the taxes as actually computed under this contract, and the taxes which would have been computed without the benefit of the restrictions of this contract.

15. Notices - Any notices required to be given hereunder or required to be given by law shall be given by United States Registered Mail, return receipt requested, and any notice to the COUNTY shall be sent to the Clerk to the Board of Supervisors of San Bernardino County, San Bernardino, California, and any notice to the OWNER shall be sent to the last known address as shown on the latest assessment roll. Such address shall be the proper address for every person in the case of multiple owners.

.....

.....

16. Severability - It is understood and agreed by the parties hereto that if any of these provisions shall contravene the Land Conservation Act of 1965, as amended, or be invalid under any law, such contravention or invalidity shall not invalidate the entire contract, but it shall be construed as if not containing the particular provision or provisions held to be invalid, and the rights and obligations of the parties shall be construed and enforced accordingly.

IN WITNESS WHEREOF, OWNER and COUNTY have executed this Contract on the day and year first above written.

COUNTY OF SAN BERNARDINO

By *[Signature]*
CHAIRMAN of the Board of
Supervisors

ATTEST:

Clerk of the Board of
Supervisors

By: *[Signature]*

NEAD

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.

On this 28th day of FEBRUARY, 19 73, before me, ESTHER VAUGALL, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared NANCY E. SMITH known to me to be the Chairman of the Board of Supervisors of the County of San Bernardino that executed the within Contract and acknowledged to me that said County of San Bernardino did execute the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(SEAL)



Esther Vaugall
NOTARY PUBLIC in and for said County and State

NOTE: All owners, including multiple owners, and spouses, must execute this Amendment. All signatures must be notarized, either separately or collectively. Please obtain the certification sheets necessary for the signatures and attach them after this page.

OWNER(S)

Louis Sytsma
Louis Sytsma

Jennie Sytsma
Jennie Sytsma

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.

On this 26th day of FEBRUARY, 1973, before me,
EDITH D. SMITH, a Notary Public in and for said
County and State, residing therein, duly commissioned and sworn, personally
appeared LOUIS SYTSA and JENNIE SYTSA

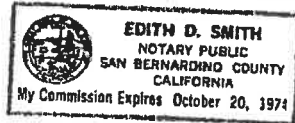
known to me to be the person(s) whose name(s) ~~is~~ (are) subscribed to the
within instrument, and acknowledged that ~~he~~ (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this Certificate first above written.

Edith D. Smith
NOTARY PUBLIC in and for said
County and State

EDITH D. SMITH

(SEAL)



STATE OF CALIFORNIA)
COUNTY OF _____) ss.

On this _____ day of _____, 19____, before
me, _____, a Notary Public in and for said County
and State, residing therein, duly commissioned and sworn, personally
appeared _____

known to me to be the person(s) whose name(s) is (are) subscribed to the
within instrument, and acknowledged that he (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this Certificate first above written.

NOTARY PUBLIC in and for said
County and State

(SEAL)

EXHIBIT "A"

DESCRIPTION OF PROPERTY

TAX PARCEL NUMBER	EXACT DESCRIPTION FROM LAST TAX STATEMENT
218 2&1 23	W1y 534.98 Ft Gov Lot 1 Sec 22 TP 2S R 7W Ex S 12 Ft 16.06 Ac II/L

UNIFORM RULES AND COMPATIBLE USES BOOK 8129 PAGE 1384
FOR AGRICULTURAL PRESERVES IN SAN BERNARDINO COUNTY

The following uses are hereby determined to be agricultural and compatible uses within an agricultural preserve, and all other uses are prohibited therein:

- (1) Agricultural use, described as any use of land for the purpose of producing an agricultural commodity, consisting of any and all plant and animal products, for commercial purposes, provided such use is permitted by the applicable zoning and not prohibited by other law or ordinance.
- (2) A stand for display and sale of agricultural commodities produced on the premises or on other premises within the preserve.
- (3) Gas, electric, water, and communication utility facilities, and public service facilities of like nature operated by a public agency or mutual water company.
- (4) Public highways.
- (5) Fire protection works and facilities.
- (6) Flood control works, including channel rectification and alteration.
- (7) Public works required for fish and wildlife enhancement and preservation.
- (8) Improvements for the primary benefit of the lands within the preserve.
- (9) State improvements described in Section 51293, subsections (f) and (g) of the California Government Code.
- (10) One-family dwellings for the use only of an owner or manager of land within the agricultural preserve, or a person employed on said land, if such use is permitted by the applicable zoning, but not exceeding three (3) dwellings for each parcel of not less than ten (10) acres.
- (11) Farm labor camps, including temporary trailer housing, subject to the conditions of law or ordinance otherwise applicable.
- (12) Drying, packing or other processing of an agricultural commodity usually performed on the premises where it is produced.
- (13) Any other use, not inconsistent with uses listed in (1) above, existing on the date the land is included within an agricultural preserve, but such use once discontinued for two (2) years shall not be resumed unless permitted under these rules.
- (14) "Open space use" as defined in California Government Code Section 51201.
- (15) Any use required to be permitted by any amendment to the California Land Conservation Act of 1965 hereafter adopted.
- (16) Any use determined to be a compatible use in all agricultural preserves by the Board of Supervisors, after public hearing on ten (10) days' published notice and such other notice, if any, as they may specify. Thereafter such use shall be deemed a compatible use in any agricultural preserve, providing that it is not inconsistent with uses listed in paragraph (1) above.

EXHIBIT "B"

Page 8

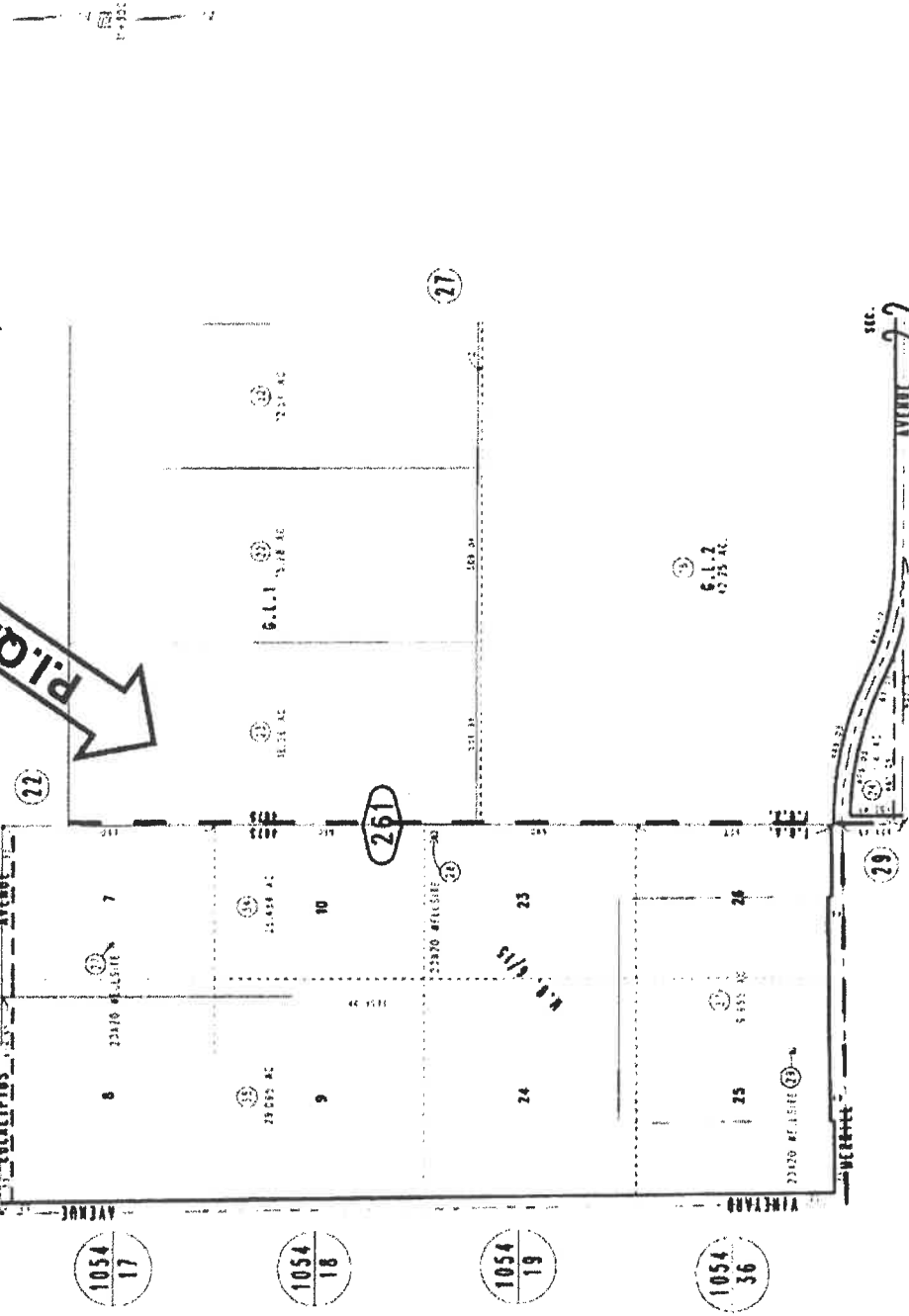
Exhibit "A" Continued

0218 - 26

City of Ontario
Tax Rate Area
4073,4075

N.W.1/4 Sec.22, T.2S.,R.7W., S.B.B.&M.

THIS MAP IS FOR THE PURPOSE
OF THE VALUATION AND TAXATION ONLY.



364 SEC
3872/23 00

Assessor's Map
Book 0218 Page 26
San Bernardino County

2004 Revised State Map by Chris, M.E. 8/15

September 2004

1054
17

1054
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1054
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1054
36

P.I.Q.

261

sec. 22

Exhibit "A" Continued

Legal Description:

Real property in the City of Ontario, County of San Bernardino, State of California, described as follows:

PARCEL 1:

THE WESTERLY 534.98 FEET OF GOVERNMENT LOT 1 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF. EXCEPT THEREFROM THE SOUTHERLY 12 FEET THEREOF.

PARCEL 2:

AN EASEMENT OF INGRESS AND EGRESS OVER THE WESTERLY 33 FEET OF GOVERNMENT LOT 2 AND THE WESTERLY 33 FEET OF THE SOUTHERLY 12 FEET OF GOVERNMENT LOT 1 IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF.

APN: 0218-261-23-0-000

CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
PUBLIC HEARINGS

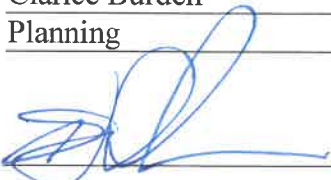
SUBJECT: A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (FILE NO. PGPA18-001) TO: 1) MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION SHOWN ON THE LAND USE PLAN MAP (EXHIBIT LU-1) FOR ONE 2.05 ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FRANCIS STREET FROM OFFICE COMMERCIAL TO INDUSTRIAL; AND 2) MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE; AND A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA18-002) TO CHANGE THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN LAND USE DESIGNATION OF THE PROPERTY FROM COMMERCIAL/FOOD/HOTEL TO RAIL INDUSTRIAL

RECOMMENDATION: That City Council:

- (A) Adopt a Resolution approving an Addendum to The Ontario Plan Environmental Impact Report (SCH#2008101140) adopted by City Council on January 27, 2010,
- (B) Adopt a Resolution approving a General Plan Amendment (File No. PGPA18-001) to change The Ontario Plan (TOP) land use designation of a 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street from Office Commercial to Industrial. (Amending Exhibits LU-01& LU-03), and
- (C) Adopt a Resolution approving a Specific Plan Amendment (File No. PSPA18-002) to change the California Commerce Center Specific Plan land use designation of the property from Commercial/Food/Hotel to Rail Industrial.

**COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods**

STAFF MEMBER PRESENTING: Scott Murphy, Development Director

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

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

37

FISCAL IMPACT: None.

BACKGROUND: SRG Archibald, LLC (“Applicant”) is requesting approval of an amendment to the General Plan to change the land use designation of approximately two acres of undeveloped land from Office Commercial to Industrial and an amendment to the California Commerce Center Specific Plan to change the land use from Commercial/Food/Hotel to Rail Industrial. The project site is located at the southeast corner of Haven Avenue and Francis Street. The request is proposed in order to facilitate future industrial development of the site. The surrounding area is characterized by both high quality industrial and office developments.

In 2007, the project site received a Specific Plan Amendment from Industrial to Commercial/Food/Hotel in order to accommodate an envisioned office building on this corner parcel. The roughly triangular shaped, 2.05 acre property has long street frontages along Haven Avenue and Francis Street and is bounded on the third side by a railroad spur line. These constraints, as well as lack of access from Haven Avenue and the need to provide parking to meet office requirements, have limited the site’s office development potential. The Applicant has unsuccessfully attempted to market the site for office development for a number of years. Therefore, the Applicant is requesting that the land use designation be returned to Industrial with the understanding that the design quality of any future development of the site will need to coordinate with the area for this highly visible corner.

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

The Planning Commission reviewed the proposed General Plan Amendment and Specific Plan Amendment requests on April 24, 2018, including the written and oral arguments presented at the public hearing. The Planning Commission voted 5 to 0 to recommend that City Council approve the General Plan Amendment and voted 4 to 1 to recommend that City Council approve the Specific Plan Amendment as presented.

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 reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (SCH#2008101140) certified by City Council on January 27, 2010. 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.

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. PGPA18-001 AND PSPA18-002 APN: 0211-281-56

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. PGPA18-001 and PSPA18-002 (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, the subject project site is a 2.05 acre parcel of undeveloped land located at the southeast corner of Haven Avenue and Francis Street; and

WHEREAS, File No. PGPA18-001 analyzed under the Initial Study/Environmental Impact Report Addendum, consists of a General Plan Amendment to change the land use designation of the project site from Office Commercial to Industrial, and modify the Future Buildout Table to be consistent with the land use designation change (amending TOP Exhibits LU-01 and LU-03), hereinafter referred to as the "Project" together with File No. PSPA18-002; and

WHEREAS, File No. PSPA18-002 analyzed under the Initial Study/Environmental Impact Report Addendum, consists of an amendment to the California Commerce Center Specific Plan to change the land use designation of the project site from Commercial/Food/Hotel to Rail Industrial hereinafter referred to as the "Project" together with File No. PGPA18-001; 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 approving authority for the proposed approval to undertake the Project; and

WHEREAS, on April 24, 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. PC18-050 recommending City Council approval of the Addendum; 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 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, 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 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 — SCH# 2008101140, certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001 (hereinafter referred to as "Certified EIR").

(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, 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, attached hereto as "Attachment A," and 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 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**Addendum to The Ontario Plan (TOP)
Environmental Impact Report**

(Addendum to follow this page)

CITY OF ONTARIO

ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE ONTARIO PLAN RE: FILE NO. PGPA18-001: A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR ONE 2.05 ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FRANCIS STREET FROM OFFICE COMMERCIAL TO INDUSTRIAL AND MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE AND FILE NO. PSPA18-001: A SPECIFIC PLAN AMENDMENT TO THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION OF THE PROPERTY.

A. PROJECT INFORMATION

- 1. Project Title:** General Plan Amendment (File No. PGPA18-001) A request to change the General Plan land use designation for one 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street from Office Commercial to Industrial and Specific Plan Amendment (File No. PSPA18-001) A request to change the California Commerce Center Specific Plan land use designation on 2.05 acres of land from commercial/Food/Hotel to Rail Industrial, located at the southeast corner of Haven Avenue and Francis Street.
- 2. Lead Agency Name and Address:** City of Ontario
303 East "B" Street
Ontario, CA 91764
- 3. Contact Person(s) and Phone** Clarice Burden, Associate Planner (909) 395-2432
- 4. Project Location:** Southeast Corner of Haven Avenue and Francis Street as shown in Exhibit A (attached) APN: 0211-281-56

BACKGROUND:

On January 27, 2010, the Ontario City Council adopted The Ontario Plan (TOP). TOP serves as the framework for the City's business plan and provides a foundation for the City to operate as a municipal corporation that consists of six (6) distinct components: 1) Vision; 2) Governance Manual; 3) Policy Plan; 4) Council Priorities; 5) Implementation; and 6) Tracking and Feedback. The Policy Plan component of TOP meets the functional and legal mandate of a General Plan and contains nine elements; Land Use, Housing, Parks and Recreation, Environmental Resources, Community Economics, Safety, Mobility, Community Design and Social Resources.

An Environmental Impact Report (EIR) was prepared for TOP (SCH # 2008101140) and certified by the City Council on January 27, 2010 that included Mitigation Findings and a Statement of Overriding Considerations pursuant to CEQA. TOP EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan, in the Policy Plan, and impacts resultant of population and employment growth in the City. The significant unavoidable adverse impacts that were identified in the EIR included; agriculture resources, air quality, cultural resources, greenhouse gas emissions, noise, and transportation/traffic.

PROJECT DESCRIPTION:

SRG Archibald, LLC has initiated a request to change the General Plan land use designation on 2.05 acres from Office Commercial to Industrial and a related Specific Plan Amendment to the California Commerce Center Specific Plan to change the land use designation of the parcel from Commercial/Food/Hotel to Rail Industrial, located at the southeast corner of Haven Avenue and Francis Street. The project includes a change to the TOP land use map in order to be consistent with this change and modifications to the TOP Future Buildout Table and changes to the California Commerce Center Specific Plan to reflect the land use designation change.

ANALYSIS:

According to the California Environmental Quality Act Guidelines Section 15164, an Addendum to a previously certified EIR may be used if some changes or additions are necessary, but none of the conditions described in Section 15162 requiring the preparation of a subsequent EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR is needed for further discretionary approval. These findings are described below:

1. *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.*

Substantial changes are not proposed for the project and will not require revisions to TOP EIR. TOP EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan. The Ontario Plan EIR assumed more overall development at buildout as shown below. Since the adoption and certification of TOP EIR, several amendments have been approved. These amendments, along with the proposed amendment of the approximate 2 acres associated with this project, will result in less development than TOP EIR analyzed at buildout.

	Units	Population	Non-Residential Square Footage	Jobs
Original TOP EIR	104,644	360,851	257,405,754	325,794
After Proposed Project	99,878	345,936	247,080,159	312,669

Since the anticipated buildout from the proposed changes will be less than originally analyzed in TOP EIR, no revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Substantial changes have not occurred with respect to the circumstances under which the project was undertaken, that would require major revisions to TOP EIR in that the proposed changes would be in keeping with the surrounding area. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

3. *Required Finding. No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

No new information has been provided that would indicate the proposed project would result in any new significant effects not previously discussed in TOP EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

CEQA REQUIREMENTS FOR AN ADDENDUM:

If changes to a project or its circumstances occur or new information becomes available after adoption of an EIR or negative declaration, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines § 15162(a) are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the EIR or negative declaration are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or negative declaration is required only when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (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 project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the Project does not result in any of the circumstances listed in Section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to TOP EIR.

CONCLUSION:

The Ontario Plan Environmental Impact Report (TOP EIR), certified by City Council on January 27, 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the EIR focused on impacts from changes to land use associated with buildout of the City's Land Use Plan, within the Policy Plan, and impacts from the resultant population and employment growth in the City. The proposed land use designation change reflects the existing uses of the properties in the surrounding areas. As described on page 2, the amount of development anticipated at buildout will be cumulatively lower (dwelling units, population, non-residential square footage and jobs) than TOP EIR analyzed. Subsequent activities within TOP Program EIR have been evaluated to determine whether an additional CEQA document needs to be prepared.

Accordingly, and based on the findings and information contained in the previously certified TOP EIR, the analysis above, the attached Initial Study, and the CEQA statute and State CEQA Guidelines, including Sections 15164 and 15162, the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Therefore, pursuant to State CEQA Guidelines Section 15164, the Council hereby adopts this Addendum to TOP EIR.



California Environmental Quality Act Environmental Checklist Form

Project Title/File No.: PGPA18-001 & PSPA18-002

Lead Agency: City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

Contact Person: Clarice Burden, Associate Planner (909)395-2432

Project Sponsor: SRG Archibald, LLC, 18802 Burdeen, Irvine, CA 92612 Patrick Russell (949) 809-2414

Project Location: The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site consists of one 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street. APN: 0211-281-56

Figure 1: Regional Location Map

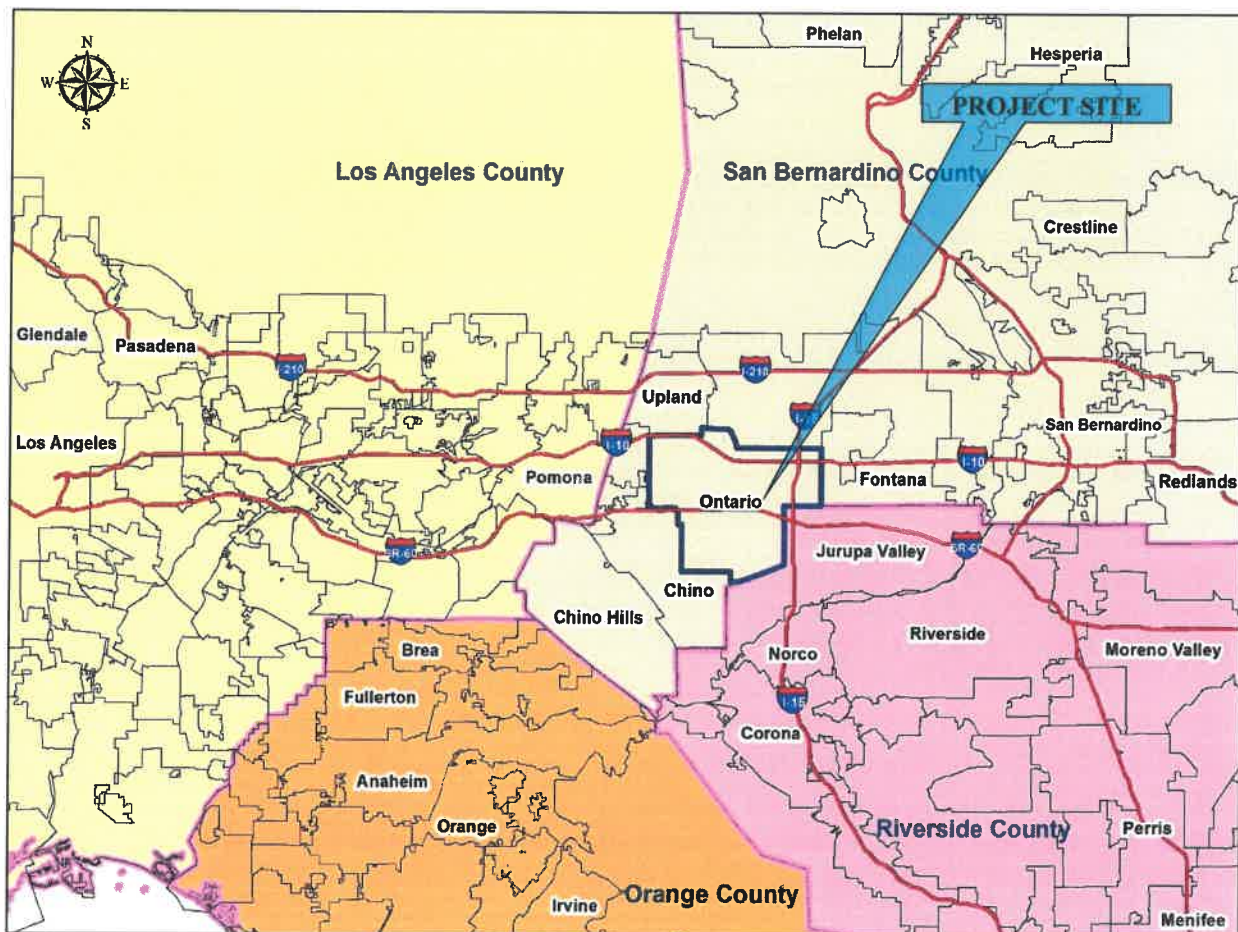


Figure 2—Vicinity Map

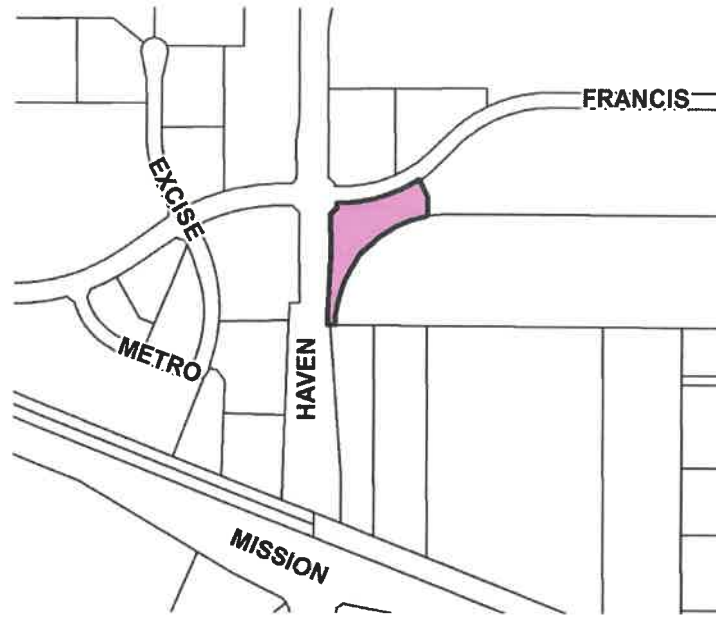
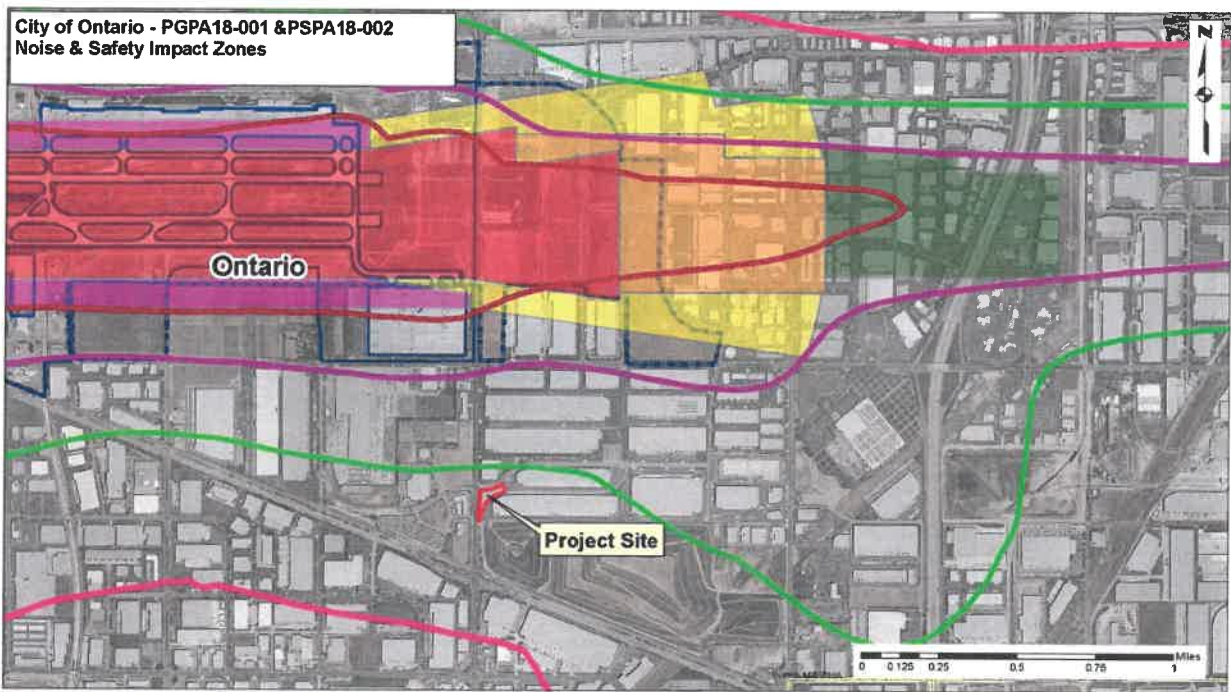


Figure 3—Airport Land Use Compatibility Review



Legend		Noise Impact Zones		Safety Impact Zones		
Project Site	60 - 65 dB CNEL	70 - 75 dB CNEL	ZONE-1	ZONE-3	ZONE-5	
City Limits	65 - 70 dB CNEL	75 - 80 dB CNEL	ZONE-2	ZONE-4		

General Plan Designation: Proposal to change the General Plan land use designation for one 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street from Office Commercial to Industrial as shown in Exhibit A and amend the Future Buildout table, as shown in Exhibit B, in conformance with the proposed land use change.

Zoning: Proposal to amend the California Commerce Center Specific Plan to change the land use designation on 2.05 acres of land from Commercial/Food/Hotel to Rail Industrial, located at the southeast corner of Haven Avenue and Francis Street. (See Exhibit C)

Description of Project: A General Plan amendment request to:

- 1) Modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designation shown on the Land Use Plan Map (Exhibit LU-1) for one 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street from Office Commercial to Industrial; and
- 2) Modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change; and

An Amendment to the California Commerce Center Specific Plan to change the land use designation on 2.05 acres of land from Commercial/Food/Hotel to Rail Industrial, located at the southeast corner of Haven Avenue and Francis Street.

Project Setting: The project is comprised of one undeveloped approximate 2 acre property located at the southeast corner of Haven Avenue and Francis Street as shown in Exhibit A.

Surrounding Land Uses:

	<u>Zoning</u>	<u>Current Land Use</u>
▪ North—	California Commerce Center SP Rail Industrial	Industrial
▪ South—	California Commerce Center SP Rail Industrial	Industrial
▪ East—	California Commerce Center SP Rail Industrial	Industrial
▪ West—	ACCO Airport Center SP Business Park	Office

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | |
|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Certified The Ontario Plan (TOP) Environmental Impact Report (EIR) pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Certified TOP EIR, including revisions or mitigation measures that are imposed upon the proposed project, the analysis from the Certified TOP EIR was used as a basis for this Addendum, nothing further is required.

Signature

Clarice Burden
Printed Name

March 31, 2018
Date

Ontario Planning Department
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.

- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1) AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9) HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10) LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
11) MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12) NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13) POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14) PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15) RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
16) TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17) UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18) MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

EXPLANATION OF ISSUES

1) AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista?

Discussion of Effects: The proposed Project will not have a significant adverse effect aesthetically. As provided in TOP EIR, the City of Ontario’s physical setting lends opportunities for many views of the community and surrounding natural features, including panoramic views of the San Bernardino and San Gabriel Mountains and stretches of open space and undeveloped land south of Riverside Drive. TOP EIR provides that compliance with TOP Policy CD1-5 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect public views of the San Gabriel Mountains. The project under consideration only proposes a General Plan Amendment and Specific Plan Amendment on approximately 2 acres of land located at the southeast corner of Francis Street and Haven Avenue. The Project does not permit construction of new buildings and so does not conflict with Policy CD1-5 as it will not alter existing public views of the San Gabriel Mountains. Since no adverse aesthetic impacts are expected, no mitigation is necessary.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east–west direction. I-15 traverses the northeastern portion of the City in a north–south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. SR-83 (Euclid Avenue) traverses the City in a north-south direction and a portion of it is designated as a National Landmark. The proposed project does not authorize any new construction and will not impact the scenic or historic character of SR-83 which is located far to the west of the subject site. Therefore, it will not result in adverse environmental impacts on a scenic highway.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Discussion of Effects: The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by development and is surrounded by urban land uses. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the property will not introduce new lighting to the surrounding area beyond what was anticipated in the Certified TOP FEIR. Therefore, no new adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

2) AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Discussion of Effects: The site does not contain any agricultural uses. Further, the site is identified as Urban Built up land on the map prepared by the California Resources Agency, pursuant to the Farmland Mapping and Monitoring Program. There are no agricultural uses in the vicinity of the project. As a result, no new adverse environmental impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Discussion of Effects: The project site is not and will not be zoned for agricultural use. The project proposes to change the General Plan land use designation and Specific Plan land use designation for this parcel. Future development will be consistent with the development standards and allowed land uses. Furthermore, there are no Williamson Act contracts in effect on the subject site. Therefore, no impacts to agricultural uses are anticipated, nor will there be any conflict with Williamson Act contracts.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Discussion of Effects: The project proposes to change the land use designation on approximately 2 acres and would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. Therefore, no adverse impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Discussion of Effects: Implementation of the Project would not result in changes to the existing environment other than those previously addressed in TOP FEIR. While conversion of farmland increases the potential for adjacent areas to also be converted from farmland to urban uses, the Project does not directly result in conversion of farmland. No new cumulative impacts beyond those identified in TOP FEIR would result from Project implementation. The potential for growth inducement due to extension of utility systems into the City is addressed in TOP FEIR. There are no agricultural uses occurring onsite. As a result, the project will not result in loss of Farmland to non-agricultural use.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, to the extent that the proposed project would result in changes to the existing environment, those changes would not impact forest land.

Mitigation Required: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

3) AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Discussion of Effects: The City is located in a non-attainment region of South Coast Air Basin (SCAB). However, this impact has already been evaluated and mitigated to the extent feasible in TOP FEIR. TOP FEIR has addressed short-term construction impacts, however, and adequate mitigation (Mitigation Measure 3-1) has been adopted by the City that would help reduce emissions and air quality impacts. No new impacts beyond those identified in TOP FEIR would result from Project implementation. Changing the General Plan and Specific Plan land use designations on this approximate 2 acre parcel will not generate significant new or greater air quality impacts than identified in TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on this parcel will not generate significant new or greater air quality impacts than identified in TOP FEIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Discussion of Effects: Changing the General Plan and Specific Plan land use designation on this approximate 2 acre parcel will not generate significant new or greater air quality impacts than identified in TOP FEIR due to the net reduced non-residential square footage compared to the TOP FEIR analysis. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) Expose sensitive receptors to substantial pollutant concentrations?

Discussion of Effects: As discussed in Section 5.3 of TOP FEIR, the proposed Project is within a non-attainment region of the SCAB. Essentially this means that any new contribution of emissions into the SCAB would be considered significant and adverse. The proposed General Plan Amendment and Specific Plan Amendment closely correlates to the land use designations of the surrounding area and will not generate significant new or greater air quality impacts than identified in TOP FEIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce air pollutants to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) Create objectionable odors affecting a substantial number of people?

Discussion of Effects: The proposed General Plan and Specific Plan Amendments do not authorize construction of any new buildings and any future development will be required to comply with the standards in place at the time of development. The Project will not create significant objectionable odors. Therefore the Project will not introduce new odors beyond those previously analyzed in TOP EIR

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

4) BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Discussion of Effects: The project site is not located within an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: No wetland habitat is present on site. Therefore, project implementation would have no impact on these resources.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: The proposed General Plan and Specific Plan Amendments do not authorize construction of any new buildings. Future development would be subject to TOP FEIR requirements for implementation of regulatory and standard conditions of approval to mitigate for impacts to species and project-specific CEQA review will be undertaken at the appropriate time. Policy ER5-1 encourages efforts to conserve flood control channels and transmission line corridors as wildlife movement corridors. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: The City of Ontario does not have any ordinances protecting biological resources. Further, the proposed General Plan and Specific Plan Amendments do not authorize any new construction. Therefore the General Plan and Specific Plan Amendments do not conflict with existing plans. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?**

Discussion of Effects: The site is not part of an adopted HCP, NCCP, or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

5) **CULTURAL RESOURCES.** Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

Discussion of Effects: The project site is undeveloped and does not contain buildings constructed more than 50 years ago and would not change the significance of a historic resource as no such resources are located in the vicinity of the project site. Therefore, no impacts to historic resources are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Discussion of Effects: The Ontario Plan FEIR (Section 5.5) indicates no archeological sites or resources have been recorded in the City with the Archeological Information Center at San Bernardino County Museum. However, only about 10 percent of the City of Ontario has been adequately surveyed for prehistoric or historic archaeology. The site was previously rough graded when the property was subdivided and no archaeological resources were found. While no adverse impacts to archeological resources are anticipated at this site due to its urbanized nature, standard conditions will be imposed on future development

that in the event of unanticipated archeological discoveries, construction activities will not continue or will be moved to other parts of the project site and a qualified archaeologist shall be contacted to determine significance of these resources. If the find is discovered to be historical or unique archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Discussion of Effects: The City of Ontario is underlain by deposits of Quaternary and Upper-Pleistocene sediments deposited during the Pliocene and early Pleistocene time. Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are, therefore, considered to have high sensitivity at depths of 10 feet or more below ground surface. In addition, the Ontario Plan FEIR (Section 5.5) indicates that one paleontological resource has been discovered in the City. However, the Project does not directly propose excavation and standard conditions will be imposed on any future development that in the event that unanticipated paleontological resources are identified during excavation, construction activities will not continue or will be moved to other parts of the project site and a qualified paleontologist shall be contacted to determine the significance of these resources. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Discussion of Effects: Changing the General Plan and Specific land use designations on this approximate 2 acre parcel does not impact whether human remains may be discovered during future development and the proposed project is in an area that has been previously disturbed by development. No known religious or sacred sites exist within the project area. Thus, human remains are not expected to be encountered during any construction activities. However, in the unlikely event that human remains are discovered, existing regulations, including the California Public Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, standard conditions will be imposed on future development that in the event that unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

6) GEOLOGY & SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rupture Hazard Zone (formerly Alquist-Priolo Zone). The Ontario Plan FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All future development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

ii) Strong seismic ground shaking?

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rupture Hazard Zone (formerly Alquist-Priolo Zone). The Policy Plan (General Plan) FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. The proposed change in land use designation does not approved any new construction. All future construction will be undertaken in compliance with the California Building Code, the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iii) Seismic-related ground failure, including liquefaction?

Discussion of Effects: As identified in TOP FEIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than 10 feet to the surface can cause the highest liquefaction susceptibility. Depth to ground water at the project site during the winter months is estimated to be between 250 to 450 feet below ground surface. Therefore, the liquefaction potential within the project area is minimal. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iv) Landslides?

Discussion of Effects: The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Changing the General Plan and Specific Plan land use designations will not create greater landslide potential impacts than were identified in the Certified TOP FEIR. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code for any future development would reduce impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Result in substantial soil erosion or the loss of topsoil?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations will not create greater erosion impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations will not create greater landslide potential impacts than were identified in the Certified TOP FEIR. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Discussion of Effects: The majority of Ontario, including the project site, is located on alluvial soil deposits. These types of soils are not considered to be expansive. Therefore, no adverse impacts are anticipated. Changing the General Plan and Specific Plan land use designation will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not necessary. There will be no impact to the sewage system.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

7) GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Discussion of Effects: The impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases (“GHGs”) was analyzed in the Environmental Impact Report (“EIR”) for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. (Re-circulated Portions of the Ontario Plan Draft Environmental Impact Report, p. 2-118.) This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan’s significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

Changing the General Plan and Specific land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. Pursuant to Public Resources Code Section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary. The mitigation measures adopted as part of TOP FEIR adequately addresses any potential significant impacts and there is no need for any additional mitigation measures.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on this approximate 2 acre parcel will not create significantly greater impacts than were identified in the Certified TOP FEIR. The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City’s contribution of greenhouse gas emissions at build-out by fifteen (15%), because the project is upholding the applicable City’s adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

8) HAZARDS & HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Discussion of Effects: The project is not anticipated to involve the transport, use or disposal of hazardous materials during either construction or project implementation. Therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: The project is not anticipated to involve the use or disposal of hazardous materials during either construction or project implementation. Therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: The proposed project does not include the use, emissions or handling of hazardous or acutely hazardous materials, substances or waste. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: Changing the General Plan and Specific land use designation on one approximate 2 acre parcel will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a hazard to the public or the environment and no impact is anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on this parcel will not create greater impacts than were identified in the Certified TOP FEIR. The project site is located outside on the safety zone for ONT and Chino Airports.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designation on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from everyday and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City

requirements for fire and other emergency access. Because future development would be required to comply with all applicable State and City codes, any impacts would be reduced to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Discussion of Effects: The project site is not located in or near wildlands. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

9) HYDROLOGY & WATER QUALITY. Would the project:

a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?

Discussion of Effects: The project site is served by City water and sewer service and will not affect water quality standards or waste discharge requirements. The proposed project does not authorize any new development and therefore no adverse impacts are anticipated. Compliance with established Codes and standards for any future development would reduce any impacts to below a level of significance.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on an approximate 2 acre parcel will not create greater impacts than were identified in the Certified TOP FEIR. No increases in the current amount of water flow to the project site are anticipated, and the proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property will be negligible. The future development of the site will require the grading of the site and excavation is expected to be less than three feet and would not affect the existing aquifer, estimated to be about 250 to 450 feet below the ground surface. No adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project does not authorize any new construction. The existing drainage pattern of the project site will not be altered and it will have no significant impact on downstream hydrology. Stormwater generated by the future development of the project site will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included in the SWPPP, and a stormwater

monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. No changes in erosion off-site are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre parcel will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project does not authorize any new development. The future development of the project site is not anticipated to increase the flow velocity or volume of storm water runoff to cause environmental harm from the site and will not create a burden on existing infrastructure. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall be reduced to below a level of significance.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on an approximate 2 acre parcel will not create greater impacts than were identified in the Certified TOP FEIR. The General Plan changes will not increase impervious surfaces and will not increase runoff. It is not anticipated that the project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create or contribute stormwater runoff pollutants during construction and/or post-construction activity. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" (WQMP), individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. The future development of the site will be required to comply with the statewide NPDES General Construction Permit and the City of Ontario's Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)) to minimize water pollution. Thus it is anticipated that there is no potential for discharges of stormwater during construction that will affect the beneficial uses of the receiving waters. However, with the General Construction Permit requirement and implementation of the policies in The Ontario Plan, any impacts associated with the project would be less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Discussion of Effects: The project site does not and will not contain housing. Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre site will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Discussion of Effects: Changing the General Plan and Specific Plan land use designation on the subject site will not create greater impacts than were identified in the Certified TOP FEIR. No levees or dams are located near the project site. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

j) Expose people or structures to inundation by seiche, tsunami or mudflow?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject site will not create greater impacts than were identified in the Certified TOP FEIR. There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

10) LAND USE & PLANNING. Would the project:

a) Physically divide an established community?

Discussion of Effects: The project site is located in an area that is currently developed with urban land uses. Changing the General Plan and Specific Plan land use designation on the approximate 2 acres project site will not create greater impacts than were identified in the Certified TOP FEIR. No adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project does not interfere with any policies for environmental protection. As such, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Discussion of Effects: There are no adopted habitat conservation plans in the project area. As such no conflicts or impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

11) MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Discussion of Effects: Changing the General Plan and Specific Plan land use designation of the subject site will not create greater impacts than were identified in the Certified TOP FEIR. The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. There are no known mineral resources in the area. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

12) NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. The project will not expose people to or generate noise levels in excess of standards as established in The Ontario Plan FEIR (Section 5.12). No additional analysis will be required at the time of site development review.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre site will not create greater impacts than were identified in the Certified TOP FEIR. The uses associated with this proposed project are required to comply with the environmental standards contained in the City of Ontario Development Code and as such, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject site will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre site will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project does not authorize any development and any future development would need to comply with existing noise standards. As such no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on approximately 2 acres will not create greater impacts than were identified in the Certified TOP FEIR. According to the Safety Element in The Ontario Plan, the proposed site is located within the airport land use plan. The project proposes to change the General Plan and Specific Plan land use designation on one parcel, located within the 60-65 CNEL Noise Impact area. This parcel is not located within safety zones. All proposed changes were found to be consistent with the ALUCP. Therefore, no significant impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

13) **POPULATION & HOUSING. Would the project:**

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre site would not induce significant population growth. No significant impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The project does not and will not contain housing. Changing the General Plan and Specific Plan land use designations on approximately 2 acres will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. The project does not and will not contain housing and therefore no replacement housing is necessary.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

14) **PUBLIC SERVICES.** Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

i) **Fire protection?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area currently served by the Ontario Fire Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

ii) **Police protection?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject site will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area, currently served by the Ontario Police Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iii) **Schools?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. The project does not and will not contain housing.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iv) **Parks?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject site will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

v) **Other public facilities?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre parcel will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

15) **RECREATION.** Would the project:

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designation designations on the subject site will not create greater impacts than were identified in the Certified TOP FEIR. This project is not proposing any new housing or large employment generator that would require the construction of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

16) **TRANSPORTATION/TRAFFIC.** Would the project:

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject site will not create greater impacts than were identified in the Certified TOP FEIR. The project is in an area that is mostly developed with most street improvements existing. Any future development of the project site will be served by the existing circulation system or any necessary mitigation will be determined by analysis per the City of Ontario guidelines. As described on page 2, the cumulative impact of the proposed general plan amendment will have less impact than the TOP EIR assumed, resulting in less than significant impacts.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre site will not create greater impacts than were identified in the Certified TOP FEIR. The project is in an area that is mostly developed with most street improvements existing. The project will generate lower total dwelling units, population, non-residential square footage and jobs than the certified TOP EIR assumed, resulting in less impacts. The project will not conflict with an applicable congestion management program or negatively impact the level of service standards on adjacent arterials. Less than significant impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject site will not create greater impacts than were identified in the Certified TOP FEIR. The project will not create a substantial safety risk or interfere

with air traffic patterns at Ontario International Airport as it is outside of areas with FAA-imposed height restrictions. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Discussion of Effects: The project is in an area that is mostly developed and most street improvements are complete. The project will not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) **Result in inadequate emergency access?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre parcel will not create greater impacts than were identified in the Certified TOP FEIR. Any future development on the project site will be designed to provide access for all emergency vehicles and will therefore not create an inadequate emergency access. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

f) **Result in inadequate parking capacity?**

Discussion of Effects: The future development of the project site will be required to meet parking standards established by the Ontario Development Code and will therefore not create an inadequate parking capacity. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

g) **Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Discussion of Effects: The project does not conflict with any transportation policies, plans or programs. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

17) **UTILITIES AND SERVICE SYSTEMS.** Would the project:

a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the approximate 2 acre parcel will not significantly alter wastewater treatment needs of Ontario and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: Changing the General Plan and Specific Plan land use designations will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Discussion of Effects: The future development of the project site will be served by the City of Ontario. The project will be required to meet the requirements of the Ontario Engineering Department regarding storm drain facilities. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on one approximate 2 acre parcel will not create greater impacts than were identified in the Certified TOP FEIR. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject site does not authorize any construction and will not create greater impacts than were identified in the Certified TOP FEIR. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject parcel will not create greater impacts than were identified in the Certified TOP FEIR. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Discussion of Effects: Changing the General Plan and Specific Plan land use designations on the subject approximate 2 acre site will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

18) MANDATORY FINDINGS OF SIGNIFICANCE

Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop

below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion of Effects: The proposed project does not have the potential to reduce wildlife habitat and threaten a wildlife species. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

a) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

Discussion of Effects: The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)

Discussion of Effects: The project does not have impacts that are cumulatively considerable other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary..

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion of Effects: The project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

EARLIER ANALYZES

(Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):

1) Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.

- a) The Ontario Plan Final EIR
- b) The Ontario Plan
- c) California Commerce Center Specific Plan

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

2) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.

Comments III.A and C were addressed in The Ontario Plan FEIR and considered a significant adverse effect that could not be mitigated. A statement of overriding considerations was adopted for The Ontario Plan FEIR.

MITIGATION MEASURES

The Mitigation Measures contained in the Certified TOP Environmental Impact Report adequately mitigate the impacts of the proposed project. These mitigation measures are contained in the Mitigation Monitoring Program.

Exhibit A PGPA18-001 Proposed General Plan Amendment

TOP Legend:

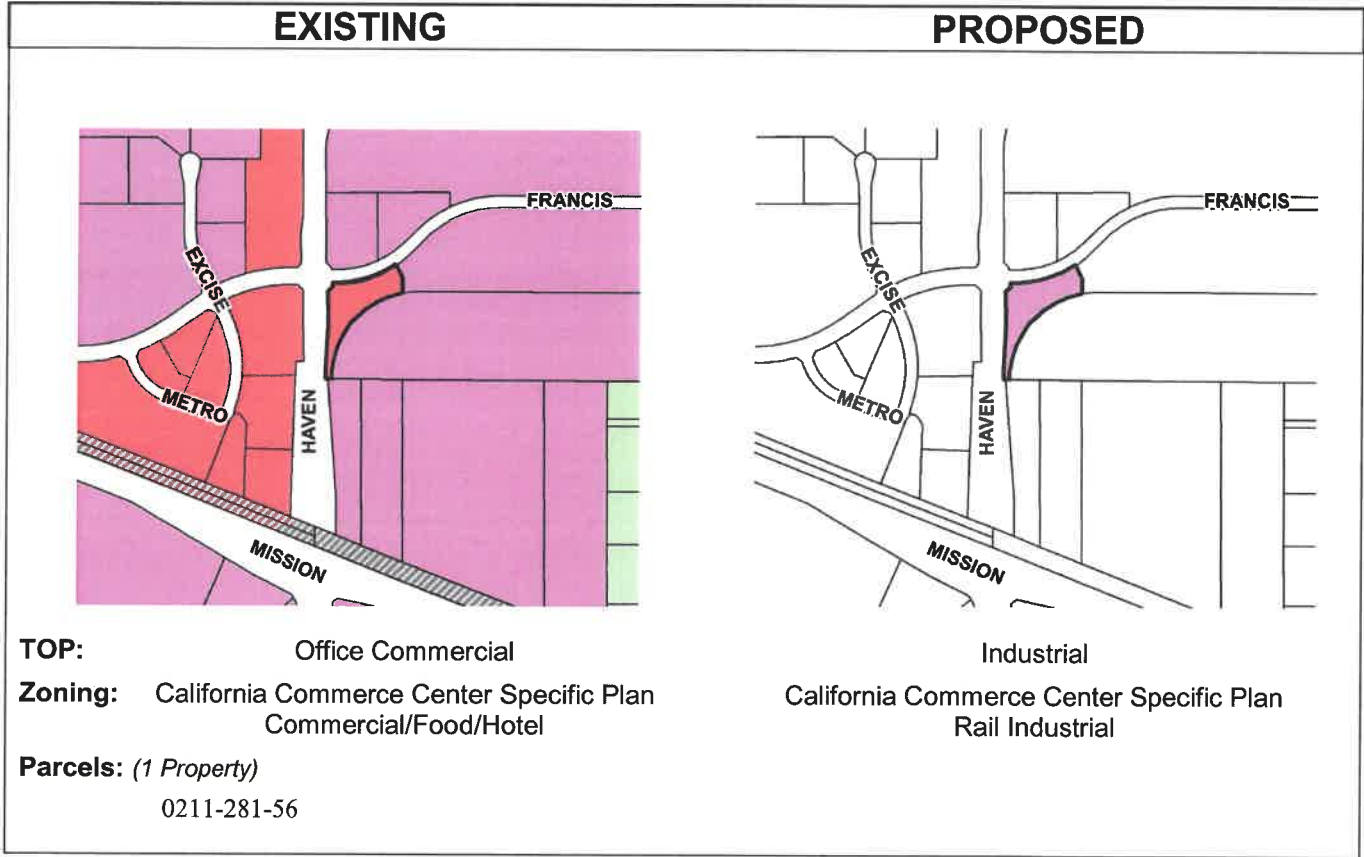
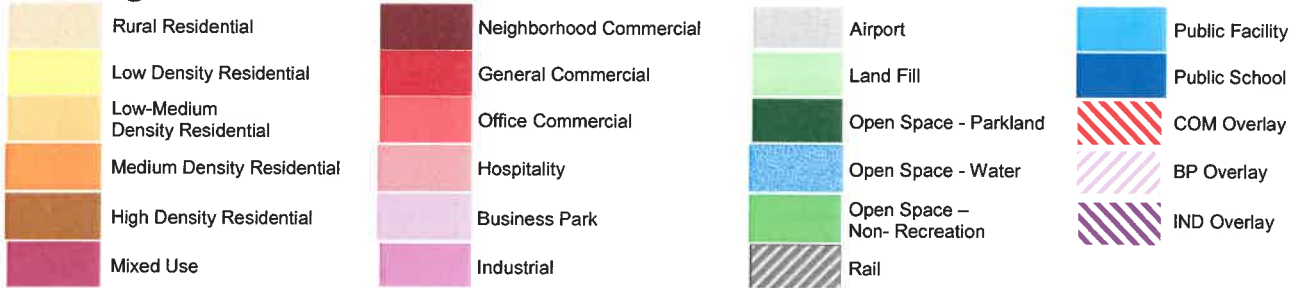


Exhibit B LU-03 Future Buildout



Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	529	2.0 du/ac	1,059	4,232		
Low Density ⁶	7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584	122,244		
Low-Medium ⁶ Density	999	8.5 du/ac	8,492	33,941		
Medium Density	1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200	133,791		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,864		84,750	315,679		
Mixed Use						
• Downtown	113	<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 	2,365	4,729	1,569,554	2,808
• 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 at 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 	465	929	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	1,668		15,129	30,257	34,922,836	72,383

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood ⁶ Commercial	281	0.30 FAR			3,671,585	8,884
General Commercial	533	0.30 FAR			6,964,199	6,470
Office/ Commercial	516 514	0.75 FAR			16,872,748 16,805,775	37,418 37,269
Hospitality	141	1.00 FAR			6,157,642	7,060
<i>Subtotal</i>	1,472 1,470				33,666,174 33,599,200	59,831 59,682
Employment						
Business Park	1,554	0.40 FAR			27,081,583	47,514
Industrial	6,321 6,323	0.55 FAR			151,427,425 151,476,539	133,047 133,090
<i>Subtotal</i>	7,875 7,877				178,509,009 178,558,122	180,561 180,604
Other						
Open Space– Non-Recreation	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	4,871	Not applicable				
<i>Subtotal</i>	9,906					
<i>Total</i>	31,784		99,878	345,936	247,098,018 247,080,159	312,775 312,669

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.

Exhibit C PSPA18-002 California Commerce Center Specific Plan Amendment Proposed Changes

EXHIBIT 17
 LAND USE PLAN

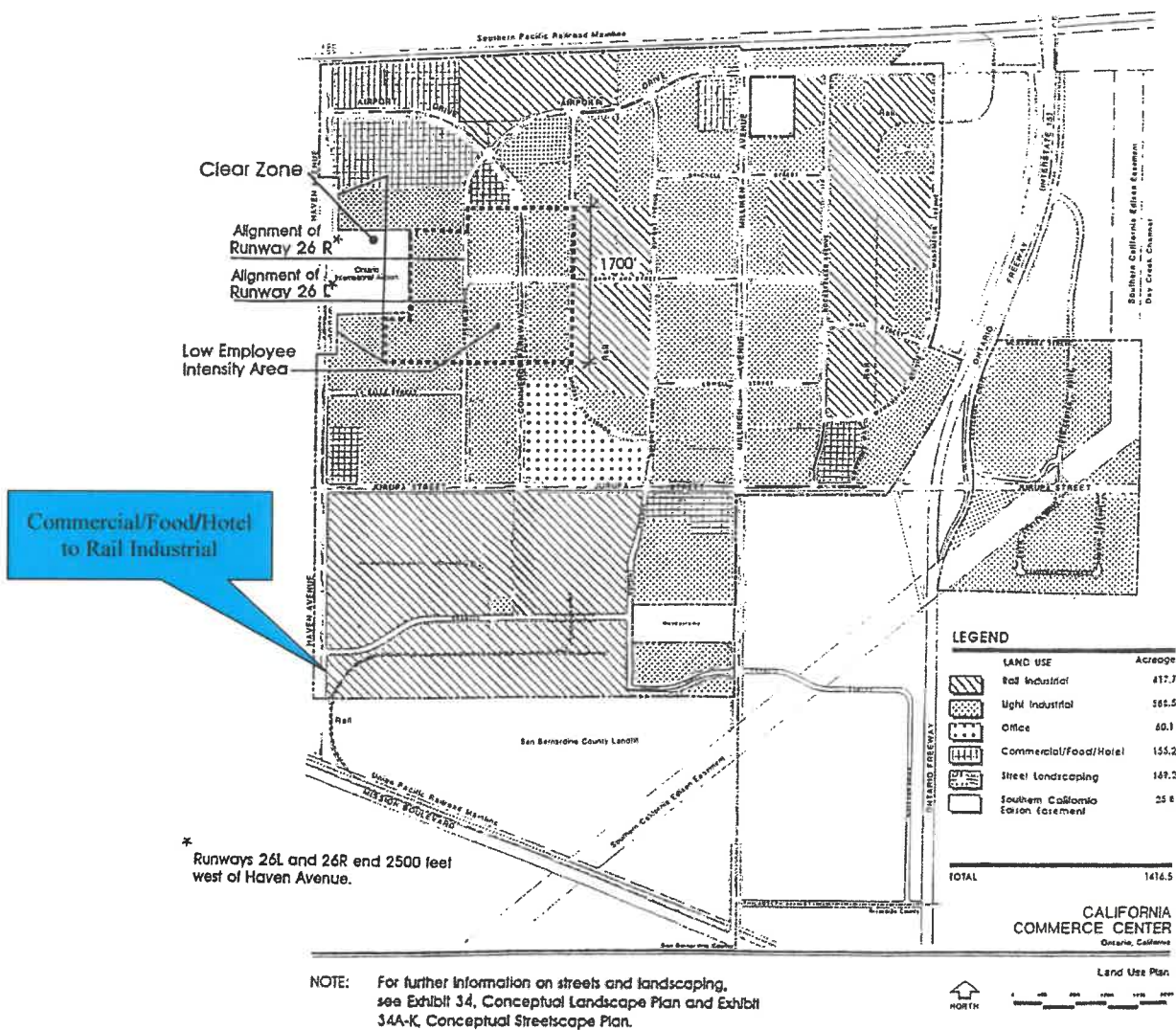


Exhibit C (cont.) PSPA18-002 California Commerce Center Specific Plan Proposed Changes

EXHIBIT 17A

AIRPORT RELATED ALTERNATIVE PROPOSED LAND USE PLAN

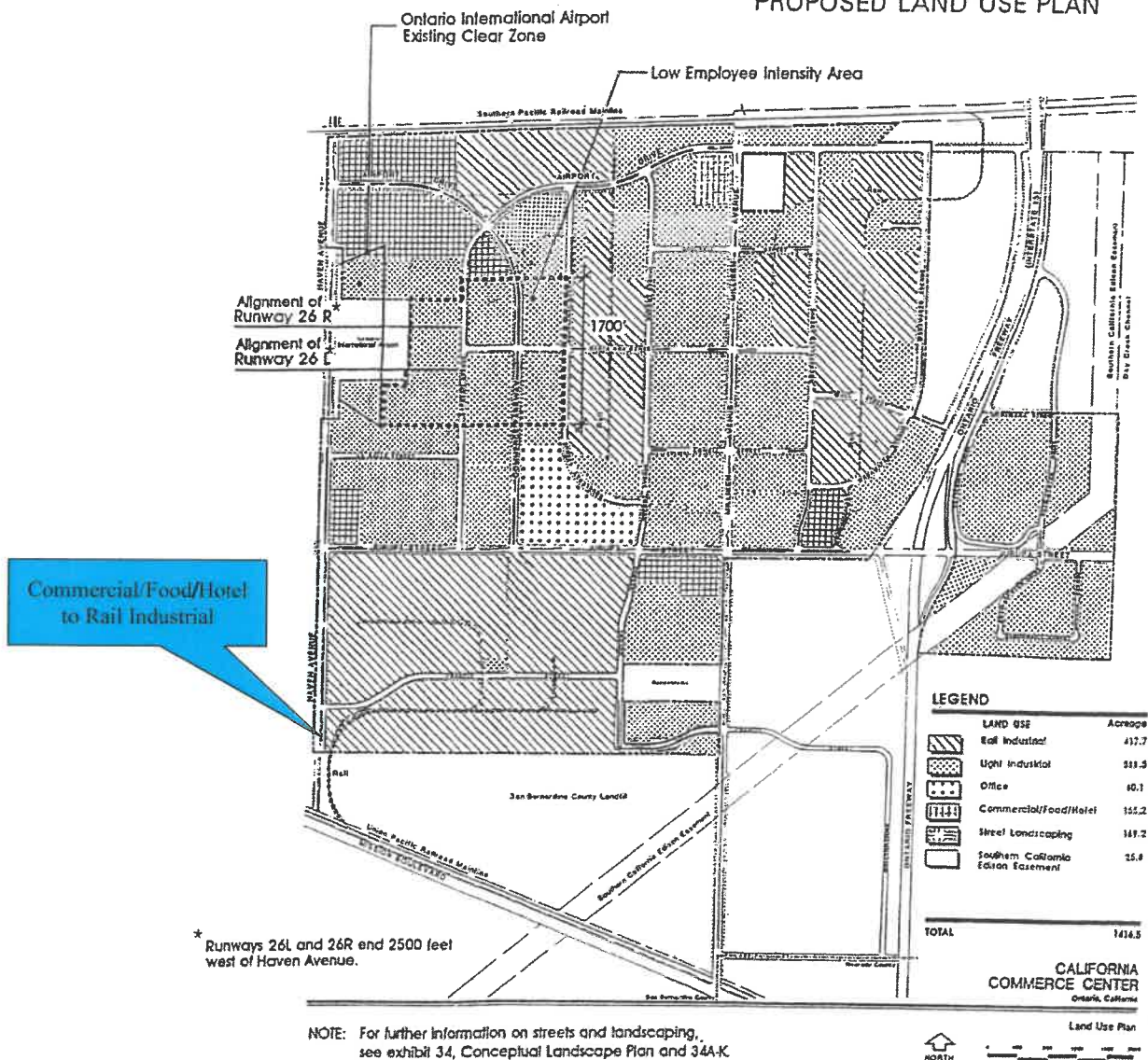
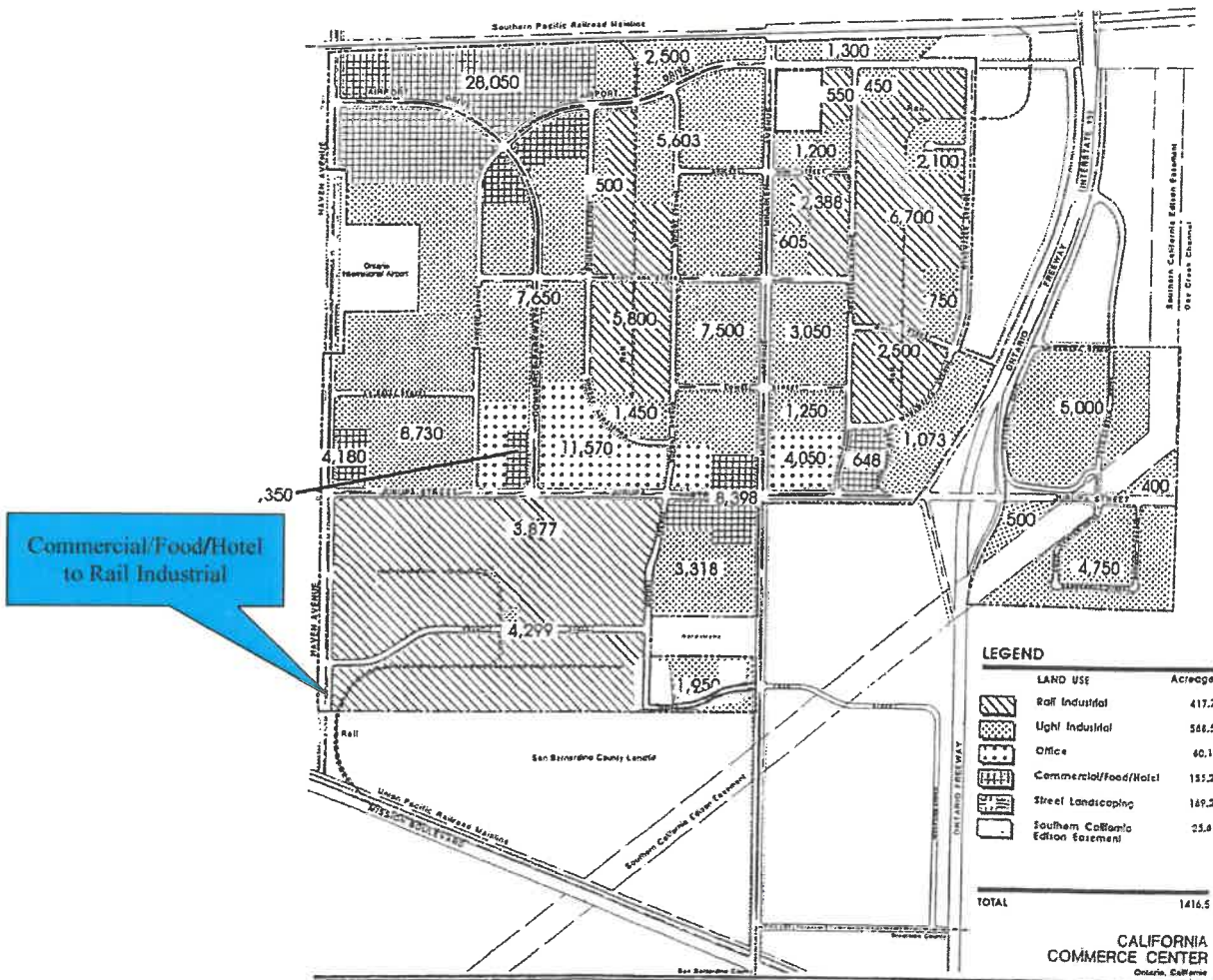


Exhibit C (cont.) PSPA18-002 California Commerce Center Specific Plan Proposed Changes

EXHIBIT 20

DAILY TRIP GENERATION
 (By Project Site Sub Area)



SOURCE: Updated January, 1991, based on trip generation factors provided by Donald Frischer and Associates.

NOTE: For further information on streets and landscaping, see Exhibit 34, Conceptual Landscape Plan and 34A-k.

For current land use, see exhibit 17.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA18-001, A REQUEST TO: 1) MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION SHOWN ON THE LAND USE PLAN MAP (EXHIBIT LU-1) FOR ONE 2.05 ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FRANCIS STREET FROM OFFICE COMMERCIAL TO INDUSTRIAL; AND 2) MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE; AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0211-281-56 (LAND USE ELEMENT CYCLE 2 FOR THE 2018 CALENDAR YEAR).

WHEREAS, SRG Archibald, LLC ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA18-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies a 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street; and

WHEREAS, the properties to the north, south, and east of the Project site are within the Rail Industrial land use designation of the California Commerce Center Specific Plan and are within the General Plan land use designation of Industrial and are developed with industrial uses. The property to the west is within the Business Park land use designation of the ACCO Business Center Specific Plan and is within the General Plan land use designation of Office Commercial, and is developed with an office building; and

WHEREAS, the proposed changes to Figure LU-01 Official Land Use Plan consists of a change to land use designation of the property from Office Commercial to Industrial as shown in Exhibit A (attached); and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for Ontario with the adopted land use designations. The proposed change 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 Figure LU-01 Official Land Use Plan; and

WHEREAS, a related Specific Plan Amendment (File No. PSPA18-002) is being processed concurrently with this application to change the California Commerce Center Specific Plan land use designation from Commercial/Food/Hotel to Rail Industrial for the project site; 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, 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 development 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, 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 April 24, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum to The Ontario Plan (TOP) Environmental Impact Report, the initial study, and the Project; and

WHEREAS, the Planning Commission unanimously adopted Resolution No. PC18-051 recommending City Council approval of the Project as presented; and

WHEREAS, on June 9, 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, as the first action on the Project, on June 19, 2018, the City Council approved a resolution adopting an Addendum to a previous Environmental Impact Report 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, 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 (SCH# 2008101140) certified by 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) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the decision making body; 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, 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 site is not a property 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:

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 and Specific Plan Amendment coordinates with the existing industrial uses of the properties to the north, south and east of the subject site and the future development of the project site will be analyzed for quality that is comparable with the surrounding area, which will not increase adverse impacts on the office development to the west.

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.

The proposed General Plan and Specific Plan Amendments are consistent with the adopted Airport Land Use Compatibility Plan for Ontario 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 Noise Impact area and the proposed industrial land use designation is compatible with the Noise Impact area.

b. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the proposed land use is compatible with the land uses in the area.

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 second 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, 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 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A:

**File No. PGPA18-001
General Plan Amendments to Land Use Plan Map (Exhibit LU-1)**

(Proposed General Plan Amendments follow this page)

**Exhibit A
PGPA18-001
Proposed General Plan Amendment**



TOP Legend:

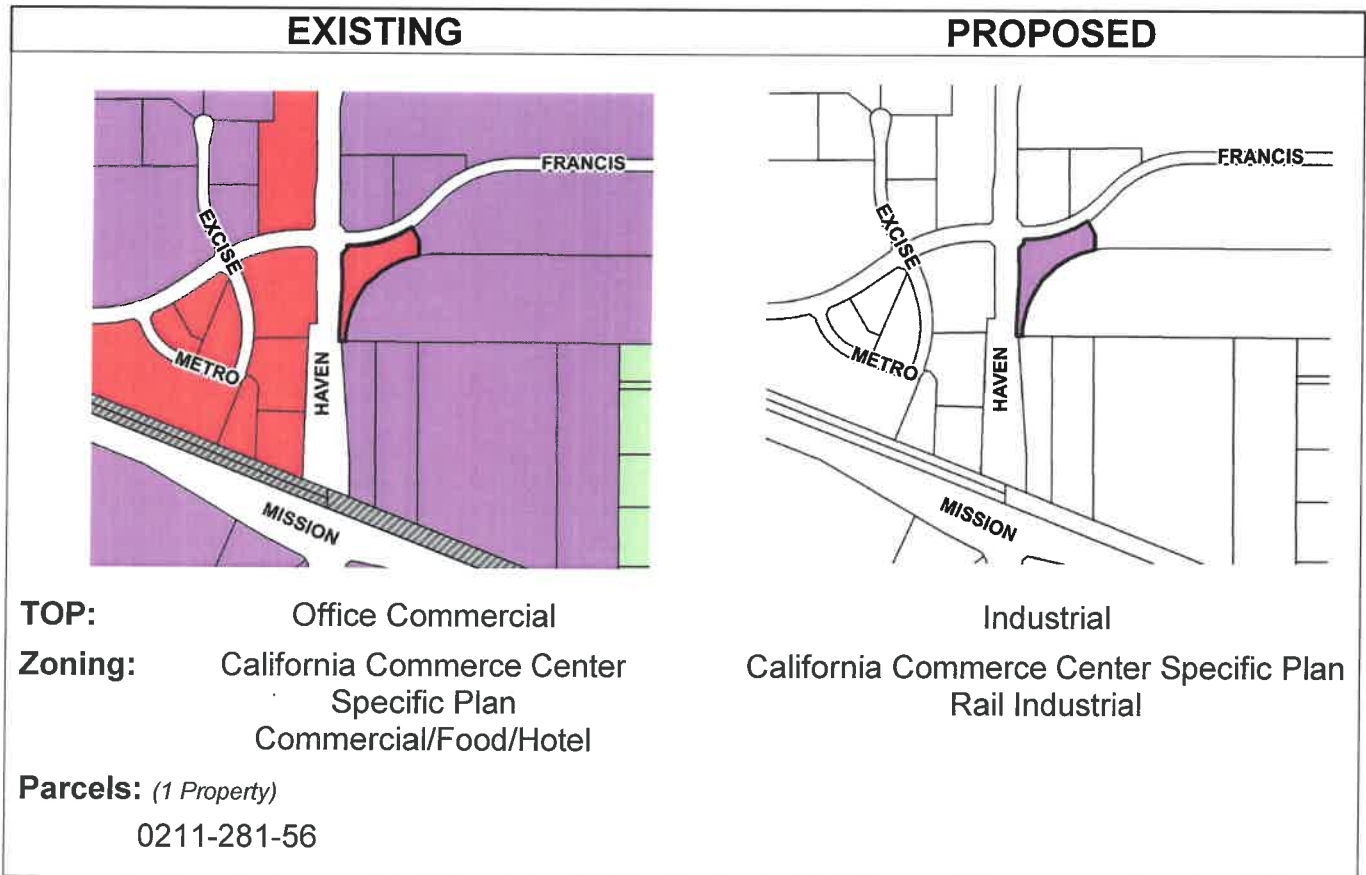


EXHIBIT B:

File No. PGPA18-001

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	529	2.0 du/ac	1,059	4,232		
Low Density ⁶	7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584	122,244		
Low-Medium ⁶ Density	999	8.5 du/ac	8,492	33,941		
Medium Density	1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200	133,791		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,864		84,750	315,679		
Mixed Use						
• Downtown	113	<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 	2,365	4,729	1,569,554	2,808
• 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 at 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 	465	929	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	1,668		15,129	30,257	34,922,836	72,383
Retail/Service						
Neighborhood ⁶ Commercial	281	0.30 FAR			3,671,585	8,884

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
General Commercial	533	0.30 FAR			6,964,199	6,470
Office/Commercial	516 514	0.75 FAR			16,872,748 16,805,775	37,418 37,269
Hospitality	141	1.00 FAR			6,157,642	7,060
Subtotal	1,472 1,470				33,666,174 33,599,200	59,831 59,682
Employment						
Business Park	1,554	0.40 FAR			27,081,583	47,514
Industrial	6,321 6,323	0.55 FAR			151,427,425 151,476,539	133,047 133,090
Subtotal	7,875 7,877				178,509,009 178,558,122	180,561 180,604
Other						
Open Space-Non-Recreation	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	4,871	Not applicable				
Subtotal	9,906					
Total	31,784		99,878	345,936	247,098,018 247,080,159	312,775 312,669

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.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA18-002, AN AMENDMENT TO THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION ON 2.05 ACRES OF LAND FROM COMMERCIAL/ FOOD/HOTEL TO RAIL INDUSTRIAL, LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FRANCIS STREET, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0211-281-56.

WHEREAS, SRG Archibald, LLC ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA18-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies one 2.05 acre undeveloped parcel located at the southeast corner of Haven Avenue and Francis Street; and

WHEREAS, the properties to the north, south, and of the Project site are within the Rail Industrial land use designation of the California Commerce Center Specific Plan and are within the General Plan land use designation of Industrial and are developed with industrial uses. The property to the west is within the Business Park land use designation of the ACCO Business Center Specific Plan and is within the General Plan land use designation of Office Commercial, and is developed with Office Buildings; and

WHEREAS, the Specific Plan Amendment proposes to change the California Commerce Center Specific Plan land use designation from Commercial/Food/Hotel to Rail Industrial for the subject parcel; and

WHEREAS, a related General Plan Amendment (File No. PGPA18-001) is being processed concurrently with this application to change the General Plan land use designation from Office Commercial to Industrial for the parcel; 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 development 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, 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 April 24, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum to The Ontario Plan (TOP) Environmental Impact Report, the initial study, and the Project, and concluded said hearing on that date; and

WHEREAS, the Planning Commission unanimously adopted Resolution No. PC18-052 recommending City Council approval of the Project as presented; and

WHEREAS, on June 19, 2018, the City Council of the City of Ontario conducted a hearing on the project and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on June 19, 2018, the City Council adopted an Addendum to a previous Environmental Impact Report 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, 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 (SCH# 2008101140) certified by 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) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the approving body; 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 site is not a property 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, 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 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 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:

(1) The proposed Specific Plan amendment, 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:

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 and Specific Plan Amendment coordinates with the existing industrial uses of the properties to the north, south and east of the subject site and the future development of the project site will be analyzed for quality that is comparable with the surrounding area, which will not increase adverse impacts on the office development to the west.

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.

The proposed General Plan and Specific Plan Amendments are consistent with the adopted Airport Land Use Compatibility Plan for Ontario 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 Noise Impact area and the proposed industrial land use designation is compatible with the Noise Impact area.

(2) The proposed Specific Plan amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the proposed land use is compatible with the land uses in the area.

(3) The proposed Specific Plan amendment will not adversely affect the harmonious relationship with adjacent properties and land uses because the surrounding properties to the north south and east have the same land use designation and the allowed use of the property will be similar to other properties in the area.

(4) The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the requested land use change to Rail Industrial and to the anticipated future development with industrial uses.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, City Council hereby APPROVES the herein described 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. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of June 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 June 19, 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 June 19, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A:

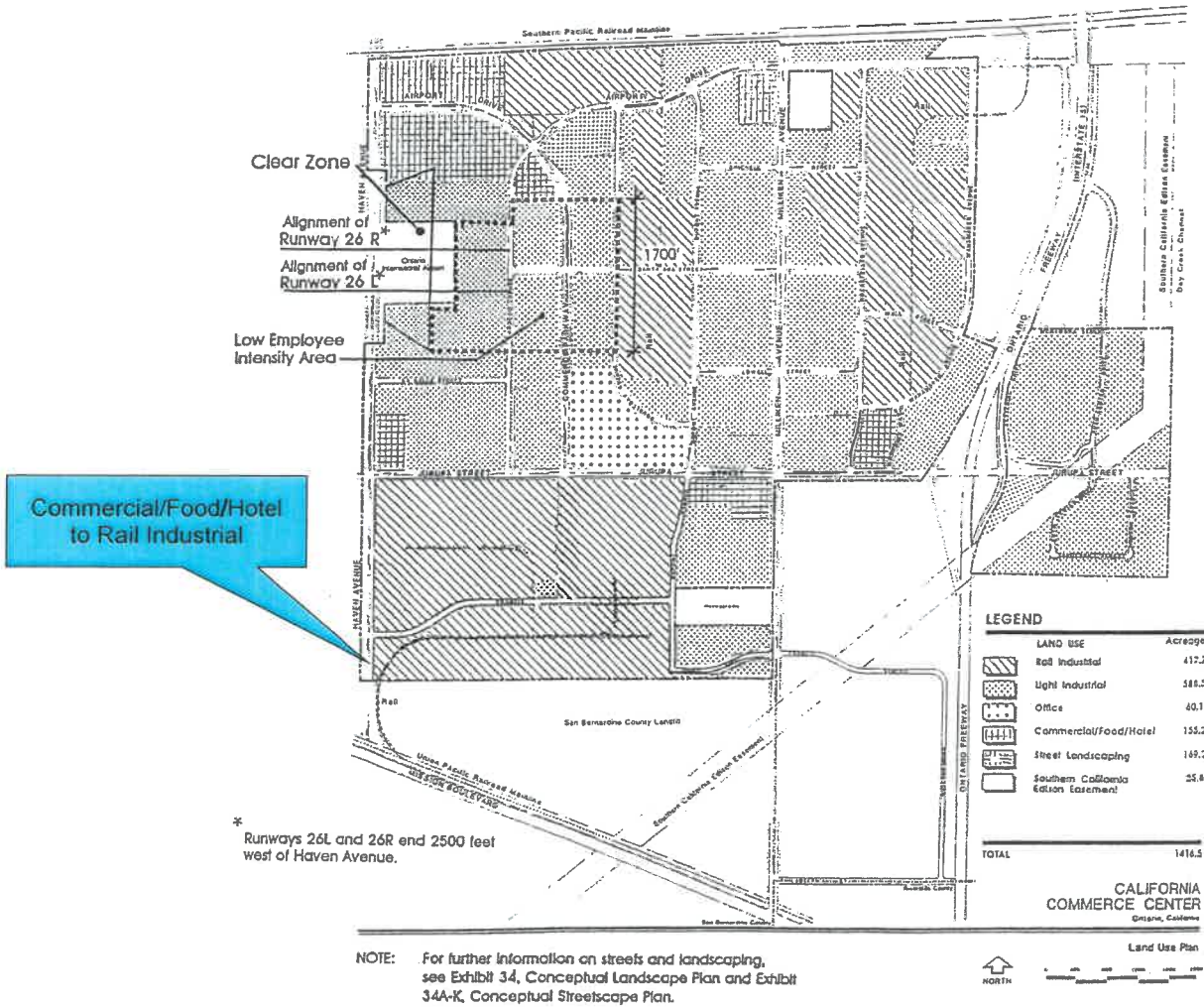
**File No. PSPA18-001
Proposed Specific Plan Amendment to
California Commerce Center Specific Plan**

(Proposed Specific Plan Amendment to follows this page)

**Exhibit A
PSPA18-002
California Commerce Center Specific Plan Amendment**

EXHIBIT 17

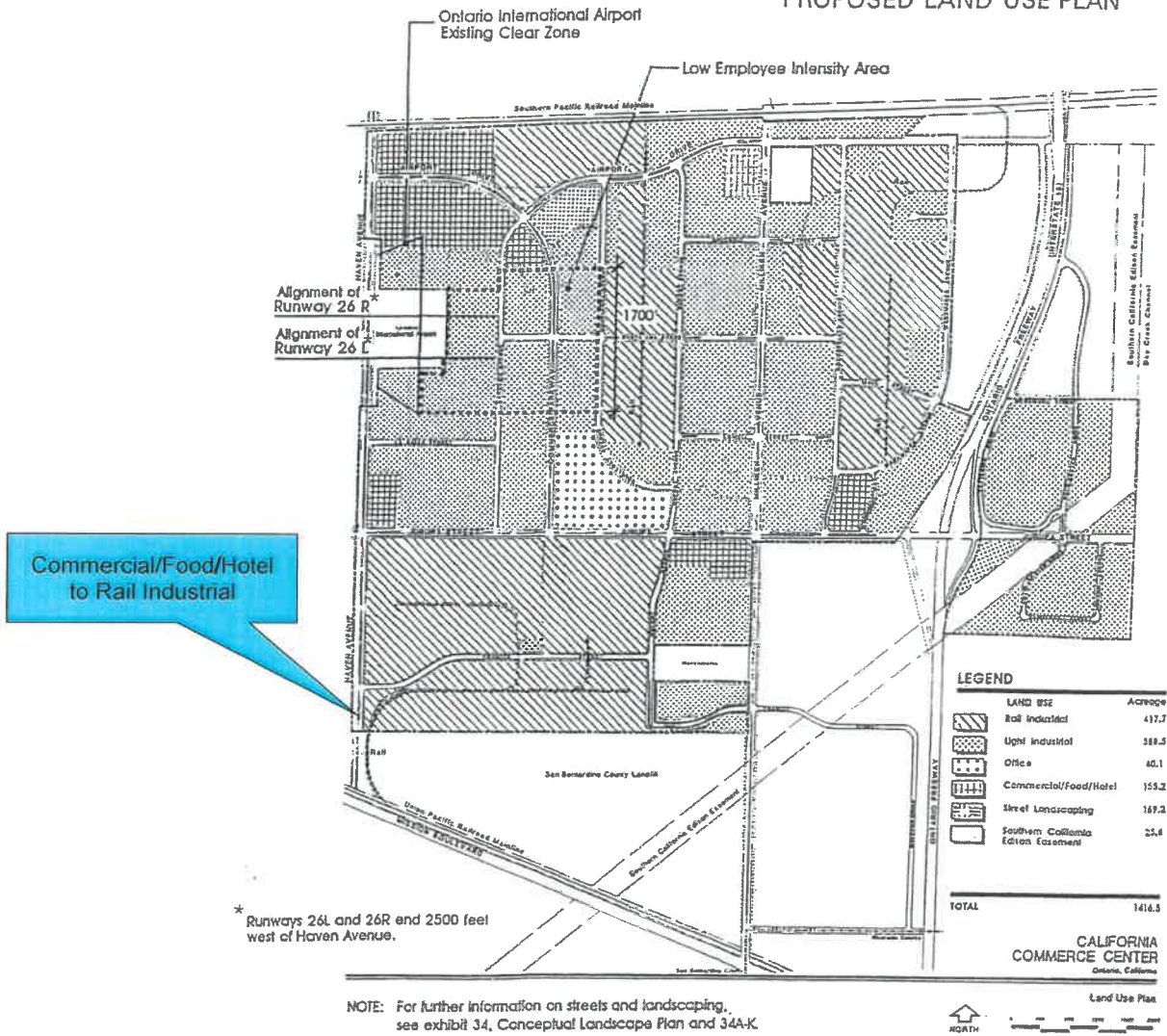
LAND USE PLAN



**Exhibit A (cont.)
PSPA18-002
California Commerce Center Specific Plan Amendment**

EXHIBIT 17A

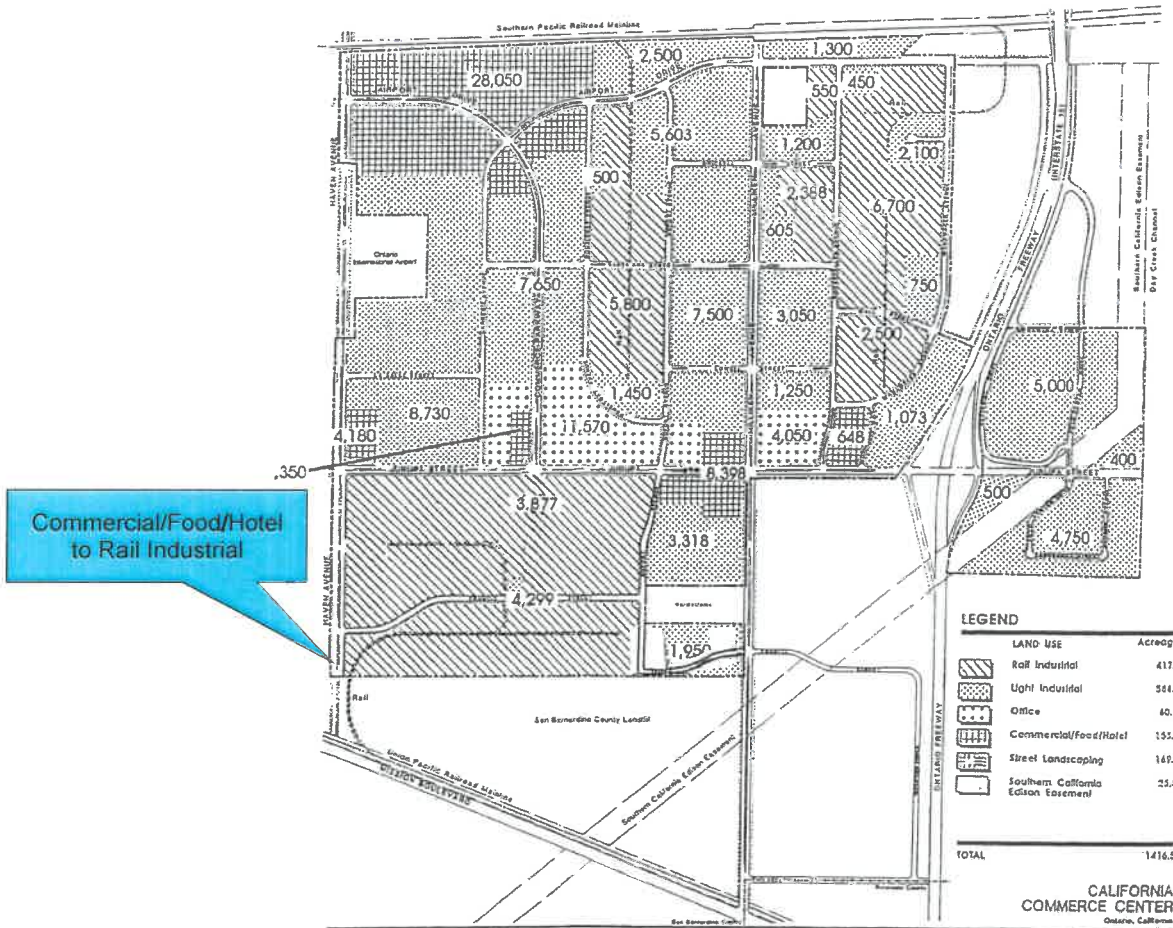
**AIRPORT RELATED ALTERNATIVE
PROPOSED LAND USE PLAN**



**Exhibit A (cont.)
PSPA18-002
California Commerce Center Specific Plan Amendment**

EXHIBIT 20

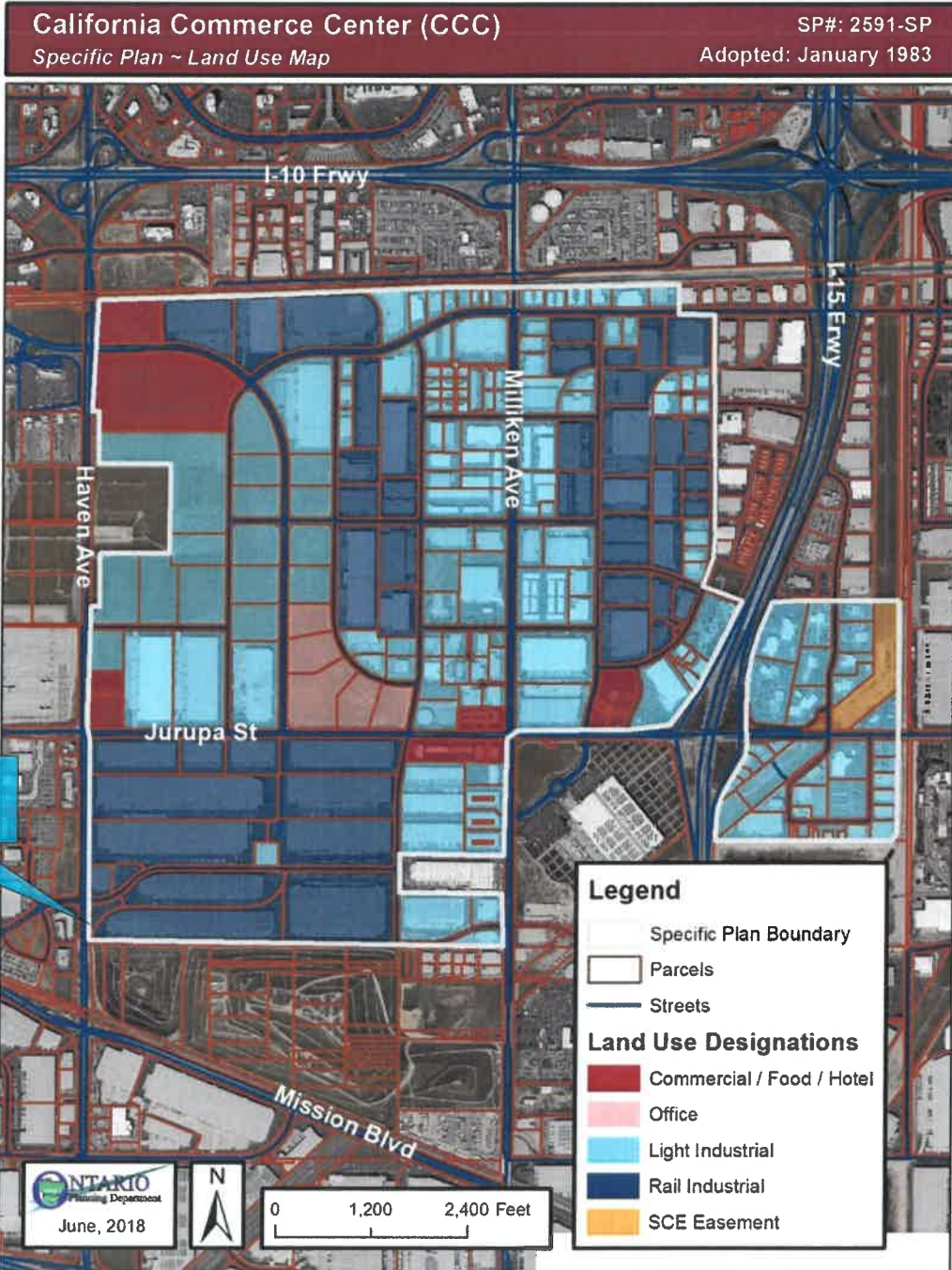
**DAILY TRIP GENERATION
(By Project Site Sub Area)**



SOURCE: Updated January, 1991, based on trip generation factors provided by Donald Fischer and Associates.

NOTE: For further information on streets and landscaping, see Exhibit 34, Conceptual Landscape Plan and 34A-K. For current land use, see exhibit 17.

**Exhibit A (cont.)
PSPA18-002
California Commerce Center Specific Plan Amendment**



CITY OF ONTARIO

Agenda Report
June 19, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT (APNS: 1048-572-13 AND 1048-572-11)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a Planned Unit Development, File No. PUD17-004, establishing development standards and guidelines to facilitate the development of a medium density residential apartment project.

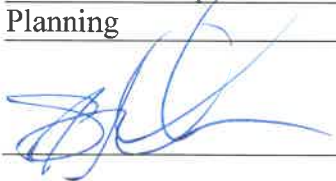
COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

BACKGROUND: The project site is comprised of 0.29 acres of land located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district. The property surrounding the Project site is characterized by residential land uses to the north and east, commercial uses to the west, and First Christian Church to the south.

The Ontario Plan ("TOP") envisioned revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core, enhancing the historic character of the district, and concentrating the most intense/dense development along Euclid Avenue and Holt Boulevard. The Downtown Mixed Use area is intended to create an intensive mixture of retail, office, and residential uses in a pedestrian-friendly atmosphere. The Ontario Plan specifies a residential density

STAFF MEMBER PRESENTING: Scott Murphy, Development Director

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

Submitted to Council/O.H.A. 06/19/2018
Approved: _____
Continued to: _____
Denied: _____

38

range of 25 to 75 units per acre and a maximum floor area ratio of 2.0 for commercial office and retail developments within the Downtown Mixed Use District.

The Ontario Plan Downtown Mixed Use District (MU-1) requires the establishment of a Planned Unit Development (PUD) for new development. In compliance with this requirement, the Applicant has submitted the Bungalows on Vine PUD (included as Attachment "A" to the attached Ordinance), which is consistent with the vision and the goals and policies of the Policy Plan.

The PUD establishes standards and guidelines to facilitate the development of apartment units (8 units in total). A Development Plan (File No. PDEV17-011) was submitted for concurrent processing with the PUD, which is designed with medium density, two-story buildings focused along the B Street and Vine Avenue frontage. Consistent with the requirements of the MU-1 (Downtown Mixed Use) zoning district, the Bungalows on Vine PUD allows for the development of the project site at a density of 25 to 30 dwelling units per acre, with a maximum building height of up to 35 feet or 2 stories. The project is proposed at a density of 27.59 dwelling units per acre, with an overall building height of 22.67 feet (2 stories), meeting the minimum requirements of the PUD and the Policy Plan.

On May 22, 2018, the Planning Commission conducted a public hearing to consider the above-described PUD and concluded the hearing on that date. After considering all public testimony on the application, the Planning Commission voted (6-0) to approve a resolution recommending that the City Council approve the PUD document.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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.

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, meeting each of the following conditions: [1] the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations; [2] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] the project site has no value as habitat for endangered, rare, or threatened species; [4] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-004, A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, AND DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1048-572-13 AND 1048-572-11.

WHEREAS, AB HOLDINGS, LLC ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD17-004, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.29 acres of land located 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district, and is presently vacant; and

WHEREAS, the property to the north of the project site is within the MU-1 (Downtown Mixed Use) zoning district, and is developed with a multiple-family residential land use. The property to the east is within the MU-1 zoning district, and is developed with a single-family residential land use. The property to the south is within the MU-1 zoning district, and is developed with a place of worship. The property to the west is within the MU-1 zoning district, and is developed with a place of worship; and

WHEREAS, the project site is comprised of 0.29 acres of land located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district. The MU-1 (Downtown Mixed Use) zoning district was established to create an intensive mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The property surrounding the Project site is characterized by residential land uses to the north and east, commercial uses to the west, and First Christian Church to the south; and

WHEREAS, The Ontario Plan ("TOP") envisioned revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core, ensuring the historic character of the district is enhanced, and concentrating the most intense/dense development along Euclid Avenue and Holt Boulevard. Furthermore, The Ontario Plan specifies a residential density range of 25 to 75 units per acre and a maximum floor area ratio of 2.0 for commercial office and retail developments within the Downtown Mixed Use District; and

WHEREAS, the project site is located within the Ontario Plan Downtown Mixed Use District (MU-1) which requires the establishment of a Planned Unit Development (PUD) prior to development. The Policy Plan specifies that the Downtown Area is to be

implemented through the approval of an Area Plan or Planned Unit Development (PUD) prior to the development of properties within the Area. In compliance with this requirement, the Applicant has submitted the Bungalows on Vine PUD (included as Attachment "A"), which is consistent with this vision and the goals and policies of the Policy Plan; and

WHEREAS, the PUD establishes standards and guidelines to facilitate the development of apartment units (8 units in total). A Development Plan (File No. PDEV17-011) was submitted for concurrent processing with the PUD, which is designed with medium density, two-story buildings focused along the B Street and Vine Avenue frontage. Consistent with the requirements of the MU-1 (Downtown Mixed Use) zoning district, the Bungalows on Vine PUD allows for the development of the project site at a density of 25 to 30 dwelling units per acre, with a maximum building height of up to 35 feet or 2 stories. The project is proposed at a density of 27.59 dwelling units per acre, with an overall building height of 22.67 feet (2 stories), meeting the minimum requirements of the PUD and the Policy Plan; and

WHEREAS, on May 22, 2018, the Planning Commission conducted a public hearing to consider the above-described PUD and concluded the hearing on that date. After considering all public testimony on the application, the Planning Commission voted (6-0) to approve a resolution recommending that the City Council approve the PUD document; 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 Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; 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 ("ONT"), 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 May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the initial study, Addendum, and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC18-056 recommending the City Council approve the Application; and

WHEREAS, on June 19, 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 administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, meeting each of the following conditions: [1] the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations; [2] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] the project site has no value as habitat for endangered, rare, or threatened species; [4] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services.

(3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(4) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2. *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 3. 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 and 2, above, the City Council hereby concludes as follows:

(1) ***The proposed PUD, or amendment thereto, 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.*** The proposed project is located within the Mixed Use land use district of the Policy Plan Land Use Map, and the MU-1 (Downtown Mixed Use) zoning district. The development standards and conditions under which the proposed project will be constructed and maintained, 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.

(2) ***The proposed PUD, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The Planning Commission has required certain safeguards, and has required certain changes, which have been established to ensure that: [i] the purposes of the Planned Unit Development are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan.

(3) ***In the case of an application affecting specific properties, the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** A thorough review and analysis of the proposed project and its potential to adversely impact properties surrounding the subject site was completed by City staff. As a result of this review, certain design considerations were incorporated into the project to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of certain architectural design elements on building exteriors, intensified landscape elements, and decorative hardscape elements.

(4) ***In the case of an application affecting specific property(ies), 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.*** In preparing the proposed PUD, a thorough review and analysis of the proposed project and the project site's physical suitability for the proposed project was completed, including analysis of the project size, shape, intensity of development, building height, building setbacks, site access, site landscaping and drainage, fences and walls, vehicle circulation, pedestrian connections, availability of mass transit, necessary street dedication and easements, public right-of-way improvements, availability of utilities and other infrastructure needs, off-street parking and circulation, building orientation and streetscapes, architectural character, building materials and color, and site signage.

(5) ***The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan.*** The proposed PUD addresses aspects of the project that are specifically related to the Development Plan proposed in conjunction with the PUD application, including necessary building setbacks, site access points, off-street parking and site circulation, and architectural character.

SECTION 4. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Bungalows on Vine Planned Unit Development, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 5. 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 6. 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 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 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 8. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 9. **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 _____ 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)

ATTACHMENT A:

**File No. PUD17-004;
Bungalows on Vine Planned Unit Development**

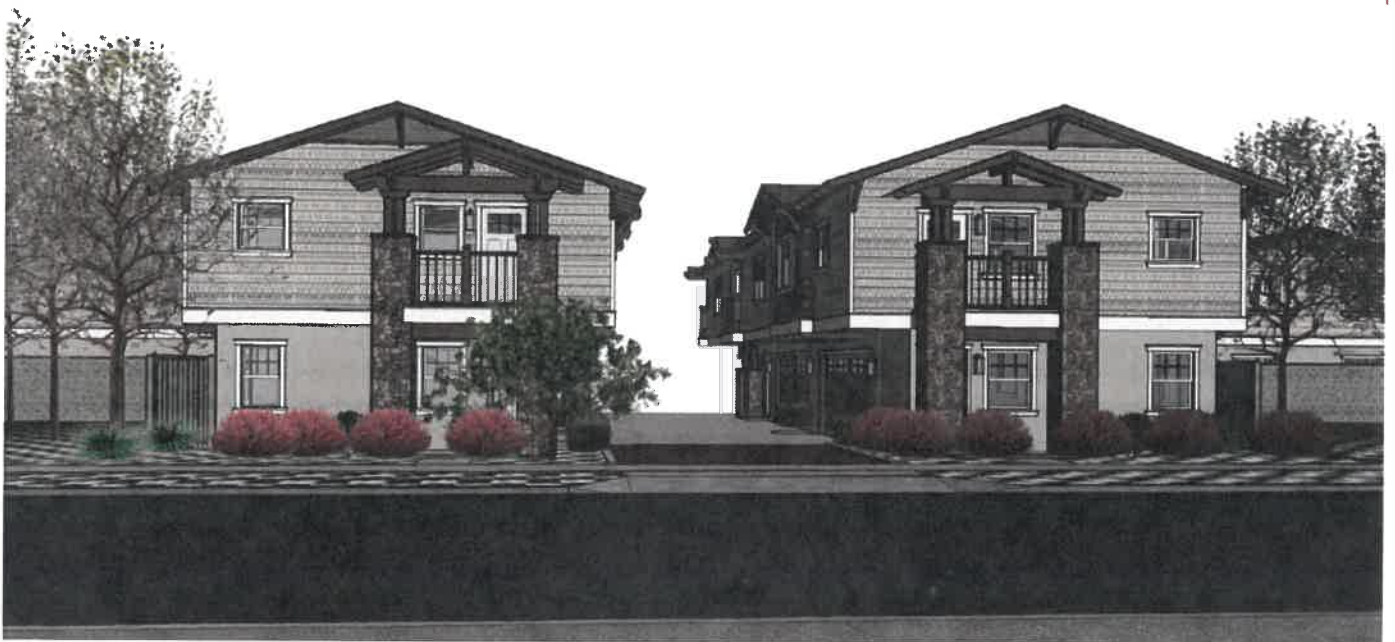
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BUNGALOWS ON VINE

Planned Unit Development

Ontario, California



[APPROVAL DATE]
FILE NO. PUD17-004

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1. INTRODUCTION

This document is intended to function as a set of planning and design principles, development regulations and performance standards to guide and govern the development of an infill area of two adjacent vacant lots within a developed area. The development is two adjacent properties, The South facing lot facing “B” Street and the other, site facing west is fronting on Vine Avenue. To the rear of the “B” Street lot, access is available through the existing alley known as West Vesta Street (see Figure 1.1 Project Location Map).

The project site is located within the Ontario Plan Downtown Mixed Use District (MU-1) which requires the establishment of a Planned Unit Development (PUD) prior to development. The Planned Unit Development (PUD) is set forth in the Ontario Development code section 4.01.030 (Planned Unit Development (PUD) and Amendments). Upon approval, this PUD will establish the land use and development standards for this particular project site. The Bungalows on Vine Planned Unit Development (PUD) will replace the existing zone district designations and zoning standards that apply to the affected properties. Unless otherwise defined herein, definitions and interpretations contained in the Development code shall apply.

City staff and private developers shall rely on this PUD to determine whether precise plans for development will be adequate and will meet the City’s land use and design objectives.

Figure 1-1: Project Location Map

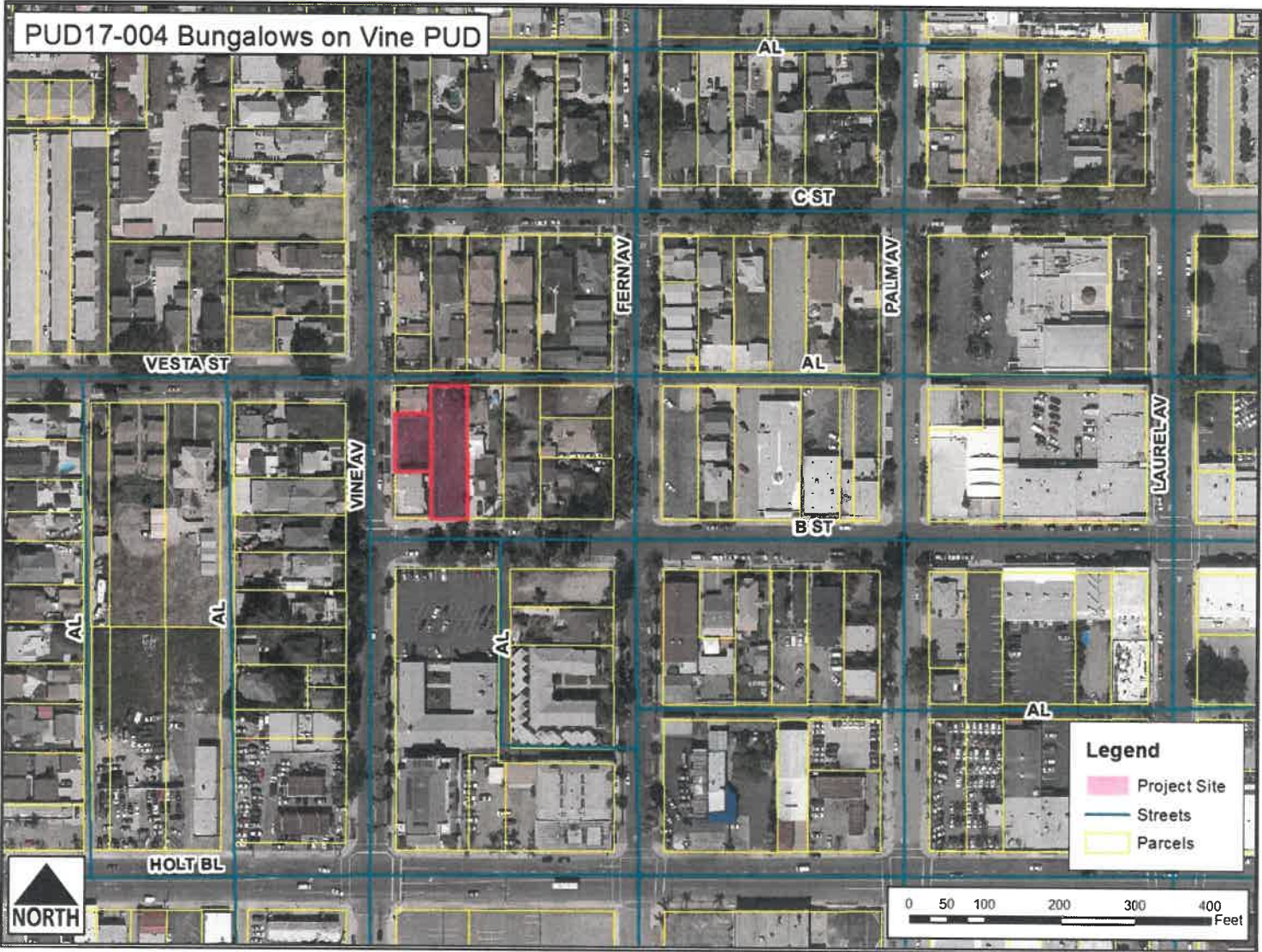
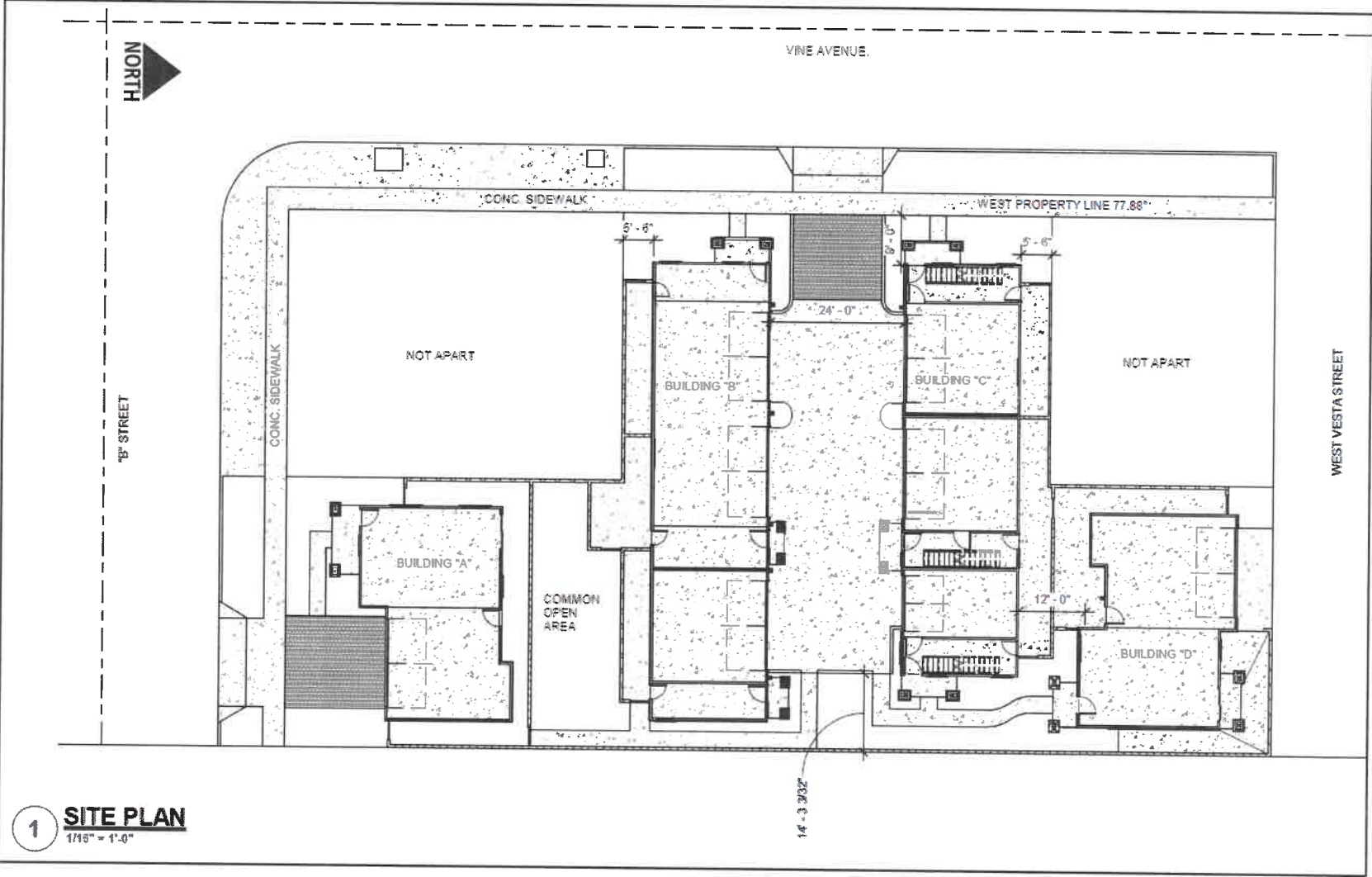


Figure 1-2: Site Plan



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2. OBJECTIVES

The Ontario Plan, which includes the City's General Plan, designates the project area as part of the Downtown Mixed Use District (see Figure 2-1: Downtown Land Use District Map). The Downtown Mixed Use District designation requires approval of a Planned Unit Development (PUD) to develop the property. Additionally, the designation specifies a residential density range of 25-75 units per acre and a maximum floor area ratio (FAR) of 2.0 for office and retail uses.

The Ontario Plan goals and policies furthered by this Planned Unit Development are as follows:

2.1. Land Use Element Goals and Policies

- i. LU1 – Balance. A community that has a spectrum of housing types and price ranges that match the jobs in the city and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - a. LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
- ii. LU2 – Compatibility. Compatibility between a wide range of uses.
 - a. LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.
 - The PUD takes into consideration the existing uses on the surrounding properties and provides privacy buffers with decorative masonry walls, landscaping and setbacks.
- iii. LU3 – Flexibility. Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
 - a. LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.

2.2. Housing Use Element Goals and Policies

- i. H1 – Neighborhoods and Housing. Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.
 - a. H1-4 Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot

configurations, and other reminders of Ontario's past that are considered to be local historical or cultural resources.

- The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.
- ii. H2 – Housing Supply and Diversity. Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
- a. H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.
 - b. H2-6 Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.

2.3. Community Design Element Goals and Policies

- i. CD1 – Image and Identity. A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
- a. CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.
 - b. CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.

- ii. CD2 – Design Quality. A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
 - a. CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:
 - building volume, massing, and height to provide appropriate scale and proportion;
 - a true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
 - Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

2.4. Center City Redevelopment Plan Objectives

The Center City Redevelopment Plan was established to provide the framework and the process to guide the development of projects within the study area of the Redevelopment plan. The following list of objectives have been identified from the Redevelopment plan as pertaining to the Planned Unit Development (PUD).

- i. Create a healthy and exciting urban environment, with the ability to work, live, shop and play within a small area, combine daytime and nighttime use, and conserve energy and resources through mixed use development
- ii. Create a healthy and exciting urban environment, with the ability to work, live, shop and play within a small area, combine daytime and nighttime use, and conserve energy and resources through mixed use development.
- iii. Provide improvements necessary for the elimination of blight and provide for the orderly development of commercial, industrial and residential areas within the redevelopment area.
- iv. Maximize the housing opportunities for the residential areas.
- v. Encourage and facilitate medium and high density development, including, but not limited to, condominiums, townhomes, apartments and similar compatible uses.

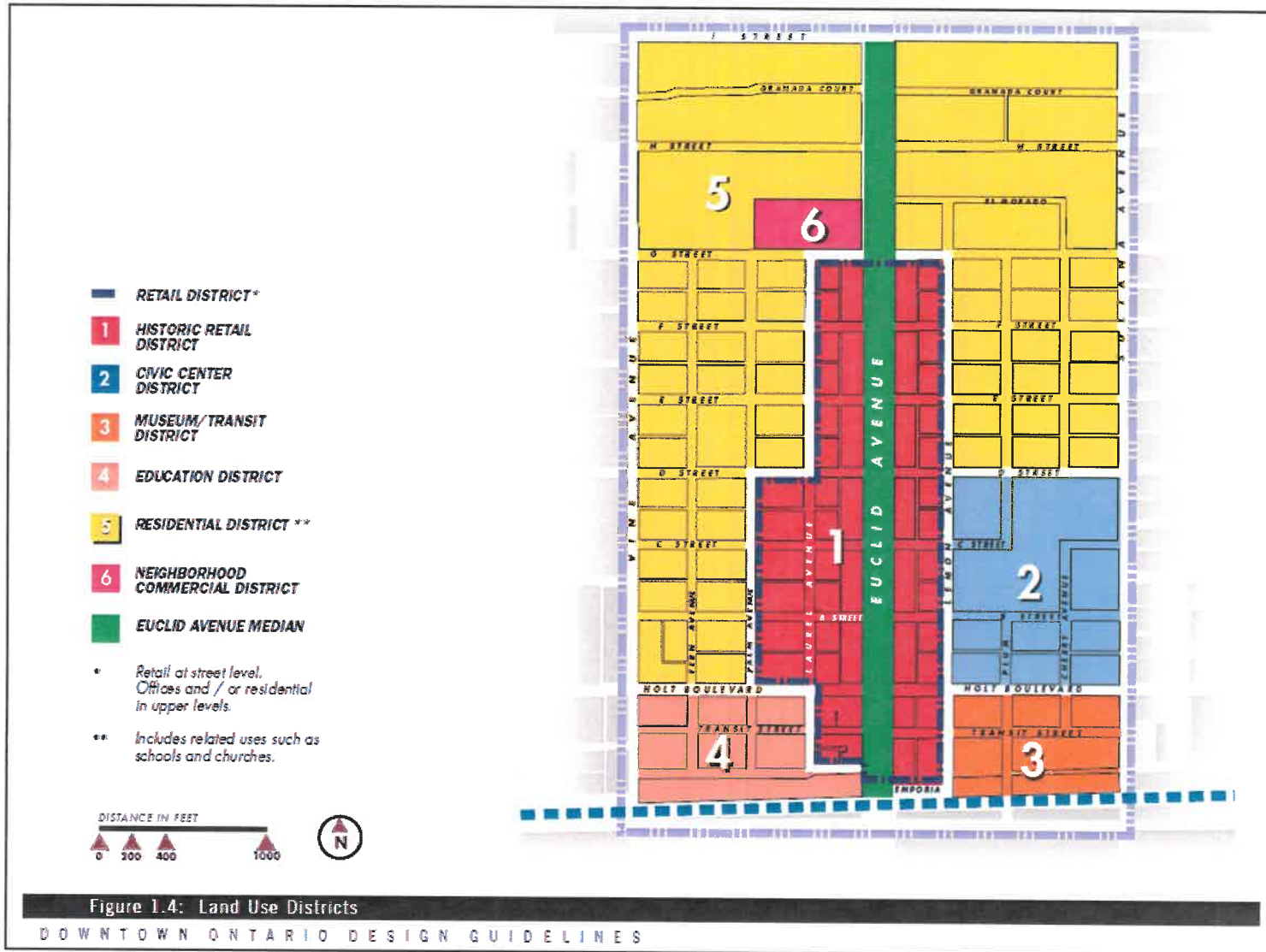
- vi. Create an attractive and pleasant environment in the project area through the use of proper design, open space and other amenities to enhance the aesthetic quality.

2.5. Bungalows on Vine Street Objectives

This Planned Unit Development provides guidelines for development of the project area. The following objectives are intended to provide a general framework for establishing development standards to ensure proper development of the project area.

- i. Develop high quality, rental housing
- ii. Establish appropriate relationships among new residential neighborhoods as well as with adjacent land use
- iii. Provide new housing designed for families with children
- iv. Provide area of private and passive open space with each unit to include private balconies and porches with private yard areas.

Figure 2-1: Downtown Land Use District Map



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3. LAND USE PLAN

3.1. Land Use Plan /Allowable Uses

The Project site is located within the Downtown Mixed Use Area Policy Plan (General Plan) land use district, and the MU-1 (Downtown Mixed-Use) zoning district, which implements the Downtown Mixed Use area. The MU-1 zoning district was established to accommodate and intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 dwelling units per acre. Development projects within the MU-1 zoning district are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area.

Consistent with the intent of the Downtown Mixed Use Area and the MU-1 zoning district, the project site is designated Multiple Family Residential (MFR) land use designation. Exhibit 3.1 (Land Use Plan) depicts the Planned Unit Development boundary and land use designation.

Figure 3-1: Land Use District Map [Exhibit LU—1 Land Use Plan of TOP]



3.2. Residential Use

The project site will be developed with a mixture of both attached and detached housing units. Two buildings consisting of three attached units and two separate buildings consisting of single detached units. All units will be two story with two car parking garages below and the living areas on upper / second level. Interior first floor garage access with interior laundry rooms and staircase access to living areas above.

3.3. Permitted Uses List

The Permitted Land uses within the Bungalows on Vine Planned Unit Development (PUD) are as follows:

- i. Multiple family residential dwellings
- ii. Motor vehicle parking ancillary to multiple family housing developments
- iii. Temporary uses as permitted within the residential districts of the City of Ontario Development Code subject to an Administrative Permit.
- iv. Other land use compatible with multiple family residential development projects, as determined by the Zoning Administrator.

Uses may be prohibited through rental contracts and agreements as provided by the owner and project management, unless prohibited by Federal, State or local laws.

4. DEVELOPMENT REGULATIONS

4.1. Residential Density

Residential density shall be allow 25 to 30 dwelling units per acre.

4.2. Project Density

This particular combined infill project site consist of 0.29 acres. This zone density will require a minimum of 7 dwellings and a maximum of 8 dwellings. An 8 unit multiple family development has been proposed.

4.3. Building Height

No structure shall exceed 35 feet in height, except that the maximum height may be exceeded by roof mounted equipment, architectural projections, chimneys, elevator towers, parapet walls and any other roof top structures by up to 10% of the allowed building height. No rooftop equipment shall be visible from anywhere on the project site, public streets or adjacent properties, and shall be fully screened with appropriate architectural parapet walls or appropriate roof treatments. Roof mounted equipment shall not exceed the height of the structures and appurtenances used to screen the equipment.

- i. No roof mounted equipment proposed. All HVAC units shall be placed within the attic space of the proposed roof structure, and condenser units shall be ground-mounted and properly screened.

4.4. Building Setbacks

Table 4-1: Minimum Building Setbacks

Minimum Street Setbacks:	Distance
▪ Vine Avenue	9 FT
▪ B Street	9 FT
▪ Vesta Street (Alley)	5 FT
Interior Side Setback	5 FT
Rear Setback	5 FT
Porches, Patio Covers, and Similar Architectural Projections**	5 FT
Minimum Building Separation	6 FT

**No projection may encroach into any necessary easements

All setbacks shall be measured from the ultimate property lines. Placement of buildings, structures, fences, walls, utility facilities, yards etc. will be based on the streets rights of way and the property line dimensions. Allowable encroachments in yards include (maximum 6'-0" high) property line fences and gates, landscaping, paving, and public utilities.

4.5. Access

Along Vine Avenue one driveway access is allowed, providing primary access to the site. One access driveway will be allowed to serve the single family unit facing "B" Street. One access driveway will be allowed to serve the single family unit facing Vesta Street (alley).

4.6. Open Space

Open space shall be provided for the passive and the active recreation opportunities within the project site. Two types of open space are required, private and common open space. These open space areas are for the use of the on-site residents and their guests. Required street setback areas are not counted towards the common open space requirements.

4.7. Private Open Space

Private open space shall be provided for each residential unit in order to provide private outdoor areas which can be enjoyed for the exclusive use by the occupant of the residential unit and their guests. Types of areas considered private open space include balconies, decks and patios and enclosed yard areas.

Private open space shall be provided for all residential units, and shall have direct access from each residential unit. Residential units shall have a minimum size of private open space pursuant to Section 6.01.010.E (Open Space Requirements for Single-Family Small Lot Subdivisions, and Multiple-Family and Mixed-Use Development Projects) of the Ontario Development Code. The space may be provided in multiple areas (e.g. balconies, covered porches, a yard and a patio, etc.) As long as the total area of the spaces meets the minimum private open space requirement for the unit. The minimum dimension for private open space shall be no less than 6 feet in any direction.

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4.8. Common Open Space

Common Open Space shall be provided to allow for both passive and active types of recreation, along with the site landscape amenities. These areas are for use by project residents and their guests. The amount of required common open space is based on the number of dwelling units developed.

Areas not considered in common open space include (1) parking areas; (2) walkways along or between buildings; (3) parking area landscaping; (4) street setback areas; and (5) other areas not intended for active or passive recreation.

4.9. Landscaping

i. Site Landscaping

A conceptual landscape plan shall be submitted with each Development Plan within the Bungalows on Vine PUD area. The plan shall specify all landscape and hardscape elements for the development plan site. Detailed Landscape and Irrigation plans shall be required prior to the issuance of building permits. The detailed plans shall show location of ground mounted utility boxes and equipment, along with the methods of screening for these items from the public right of way and adjacent residences where possible (see Figure 4-1: Conceptual Landscape Planting Legend).

The Landscape and irrigation plan shall be designed with water conservation in mind, utilizing “California friendly” species and drought tolerant planting materials. The landscaping and irrigation shall comply with AB 1881, and all other laws and regulations related to planting materials.

ii. Compliance with State and Federal Laws

- a. Provide landscaping and an irrigation system, which promotes the conservation of water as required by the Water Conservation in Landscaping Act of 2006 (AB 1881), commencing with the California Government Code Section 65591.

4.10. Screening

i. General Requirements

- a. All roof and ground mounted mechanical equipment shall be screened pursuant to the requirements of the Ontario Development Code.

- b. Screening shall include plant and building materials compatible with the project design so it is well integrated and hidden within the project area.
- c. Building and plant materials used for screening shall be compatible with the architectural style and planting palette used on the project area.
- d. All ground level screening shall comply with the requirements of the Ontario Development Code Section 6.02.030 (Protection of Intersection Visibility).

ii. Fences, Walls, and Hedges

Fences, walls and hedges shall comply with Section 6.02.030 (Protection of Intersection visibility) of the Ontario Development Code, Engineering Department corner sight distance standards, and all other applicable city standards. Fences and wall shall be made of decorative materials that are compatible with, or enhance the overall architectural character of the project. All fences, walls and hedges shall be in scale with the development, and shall be used for screening, site enhancement, and creating a safer living environment for residents and their guests. All decorative walls, monuments, and/or other similar features, shall not encroach in to the public street right of way.

Figure 4-1: Conceptual Landscape Planting Legend

PROPOSED PLANTING LEGEND							
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUAN.	SPACING	WUCOLS#	NOTES
TREES							
	CERCIS OCCIDENTALIS	WESTERN REDBUD CALIFORNIA NATIVE	36" BOX 48" BOX	2 1	PER PLAN	0.4	TREE FORM DECIDUOUS
	LAGERSTRœMIA L. 'MUSKOGEE'	MUSKOGEE ORANGE MYRTLE	24" BOX (51" TALL) 48" BOX	2 2	PER PLAN	0.4	TREE FORM DECIDUOUS
	OLEA EUROPAEA 'NILESONI'	FRUITLESS OLIVE	48" BOX 60" BOX	2 1	PER PLAN	0.4	TREE FORM EVERGREEN
	LOPHOSTEMON CONFERTUS	BRISBANE BOX	36" BOX	2	PER PLAN	0.4	TREE FORM EVERGREEN
	PODOCARPUS GRACILIOR	FERN PINE	15 GAL	1	PER PLAN	0.4	LOW BRANCHED EVERGREEN
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM STREET TREE	17" BTH	1	PER PLAN	0.2	BTH= BROWN TRUNK HIDE-IT
SHRUBS							
	LANTANA 'CHAPEL HILL'	CHAPEL HILL YELLOW LANTANA	1 GAL	18	PER PLAN	0.2	PROVIDE NURSERY TAGS
	LANTANA 'TEENY GENE'	TEENY GENE LANTANA	1 GAL	18	PER PLAN	0.2	PROVIDE NURSERY TAGS
	LEUCOPRYLLUS C. 'THUNDER CLOUD'	THUNDER CLOUD MOIST SILVERLEAF	5 GAL	10	4'	0.2	PROVIDE NURSERY TAGS
	LOMANDRA LONGIFOLIA 'BREEZE'	BREEZE DWARF MAT RUSH	1 GAL	15	1.5'	0.3	PROVIDE NURSERY TAGS
	MANDRA D. 'MOYERS RED'	MOYERS RED HEAVENLY BAMBOO	5 GAL	16	1'	0.4	PROVIDE NURSERY TAGS
	PENNISETUM S. 'EATON CANYON'	DWARF FOUNTAIN GRASS	5 GAL	56	PER PLAN	0.3	PROVIDE NURSERY TAGS
	PODOCARPUS MACROPHYLLUS 'WAHKI'	SHRUBBY YEW PINE	5 GAL	77	1.5'	0.2	PROVIDE NURSERY TAGS
VINES							
	PARTHENOCEISSUS TRICUSPIDATA	BOSTON IVY	1 GAL	24	PER PLAN	0.2	PROVIDE NURSERY TAGS
GROUND COVERS							
	JUNIPERUS F. 'GREEN MOUND'	GREEN MOUND JUNIPER	1 GAL	10	1'	0.4	PROVIDE NURSERY TAGS
	ROSMARINUS O. 'HUNTINGTON CARPET'	HUNTINGTON CARPET ROSEMARY	1 GAL	32	1/-4'	0.2	PROVIDE NURSERY TAGS
	SOB	DWARF TALL FESCUE	1MMH	370 S.F.		0.7	AVAILABLE FROM AG SOB
	ORGANIC MULCH	SHRETTED BARK MULCH INSTALLED IN ALL SHRUB AREAS	3" DEEP	3,895 S.F.			AVAIL. THRU EARTHWORKS OR EQUIV.

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5. PARKING AND CIRCULATION

5.1. Site Accessibility

The site shall be designed to promote safety for residents by only allowing limited vehicular and pedestrian access into and across the site. This can be achieved through building orientation and placement, to minimize the use of gates and fencing. Amenities shall be properly gated limiting access to residents and their guests.

5.2. Vehicle Circulation

The project site shall be designed to reduce the number of dead end aisles in the parking access to the individual garages, and shall provide all guest parking outside of development (on or off site) to ensure accessibility. Location of drive aisles and entries shall be approved by the City Engineer. Vehicular circulation shall be designed in a way that promotes pedestrian safety and proper access to the parking garage areas.

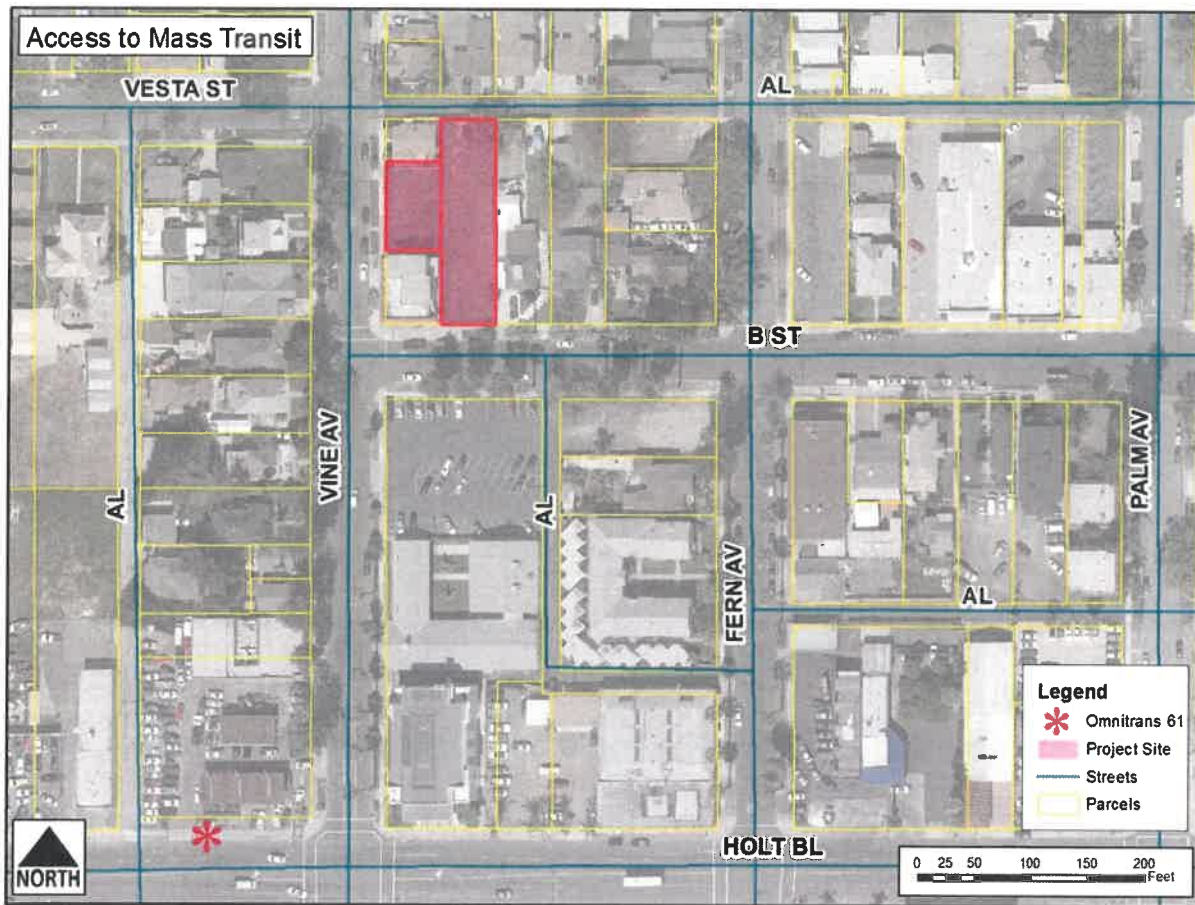
5.3. Pedestrian Circulation

Site design must provide for safe pedestrian circulation across the project site by separating the pedestrian areas from the vehicular access. This includes, but is not limited to, accessibility from the parking motor court to garages area to unit entries, site amenities, and perimeter sidewalk areas. Fencing and gates may be used to limit public access to resident-only areas.

5.4. Access to Mass Transit

Proposed Development Project within the PUD area should encourage the use of the existing bus stops by providing pedestrian connections to westbound line [Omnitrans 61] with a bus stop located on the northwest corner of Holt Boulevard and Vine Avenue (see Figure 5-1: Access to Mass Transit).

Figure 5-1: Access to Mass Transit



5.5. Public Right-of-Way Improvements

- i. The public right-of-way shall be improved with each proposed development. The public right-of-way improvements required are to include, but are not limited to the following: street pavement, curb & gutter, parkway landscaping, parkway irrigation, public sidewalk, traffic signing and striping, street lights, bus stop, bus shelter and amenities. The extent of the required improvements shall be determined for each development plan. At a minimum the improvements shall incorporate all items along the street frontages of the properties to be developed with proper transitioning if the entire block frontage is not being installed with a particular development. Improvements along the street frontage for the entire block may be required at the time of development plan review.

5.6. Infrastructure

Water service for this PUD site will be provided by utilizing the existing water lines under Vine Avenue and B Street. Waste / sanitary sewer connections from the PUD project site will also connect in two locations to existing Sewer lines located in Vine Avenue and B Street. Regarding the on- site storm water drainage, the site development area is less than the min. area required for WQMP requirements. Storm water runoff will be directed to the nearest catch basin, storm drain located in Vine Avenue.

5.7. Parking Requirements

i. On-Site Parking Requirements

The number of parking spaces provided is based on the number of bedrooms contained within each of the dwelling units proposed, and is subject to the following requirements.

- a. All required resident parking spaces shall be provided on-site, except fractional spaces may be provided off-site;
- b. At least one covered parking space (s) shall be used for the parking of the occupant (s) operable automobile (s) only
- c. Each dwelling unit is intended for occupancy by one family only, regardless of bedroom size (s) provided in a particular unit. Parking for dwellings shall be provided on-site, pursuant to the requirements of Table 5-1: Minimum Parking Requirements below, except that guest parking may be provided on-street, pursuant to Section 5.7.ii (On-Street Parking) of this Planned Unit Development (PUD).

Table 5-1: Minimum Parking Requirements

Use	Parking Spaces Required
Multi-Family Dwellings:	
<ul style="list-style-type: none"> • One-Bedroom Unit 	1.75 parking spaces per unit (at least one space shall be in a garage or carport)
<ul style="list-style-type: none"> • Two or more Bedroom Unit 	2.0 parking spaces per unit (at least one space shall be in a garage or carport)
Guest Parking	1 Space per 5 dwellings

ii. On-street Parking Requirements

On-street parking may be utilized to satisfy guest parking requirements, subject to the following conditions:

- a. On-street parking may be used to satisfy guest parking requirements only, and shall not be used for required resident parking.
- b. On-street parking shall only be counted along the public streets surrounding the project site, on the side of the street adjoining the project, excluding the alley to the north of the site (West Vesta Street).
- c. On-street parallel parking spaces shall be calculated by the length of unobstructed curb adjacent to the project site.

iii. Parking Standards

All parking space size and location requirements shall conform to the standards set forth in Section 6.03.045 (Off-Street Parking Standards) of the Ontario Development Code.

6. DESIGN GUIDELINES

6.1. Building Orientation and Streetscapes

Building orientation shall be designed to minimize noise impacts, aide in providing site safety, create proper accessibility to unit entries and parking garage areas. Maximize views from each of the residential units. Design should be done in a way to maximize each unit's ability to provide private and open space while prioritizing privacy for all tenants.

6.2. Architectural Character

The PUD Architectural style and design is a modern interpretation of the "Craftsman Bungalow" style. The design will provide lower roof pitch (4:12), open rafter tails, rough sawn posts and beams, gabled roofs with gable end slat style vents. Field areas shall be a combination of horizontal siding and stucco plaster walls. Areas with street frontages will have covered porches with river rock stone veneered columns and open post and beam accents.

6.3. Architectural Details

The four buildings designed for this PUD, site are consistent in design, detail with a Craftsman style throughout the project. All buildings are designed to match and complement each other. Architectural details should complement and enhance openings, and accentuate overall design of the buildings. Detailing can be achieved through the use of different colors and materials to create interesting exterior elevations.

6.4. Materials and Color

Materials and color scheme shall be compatible with, and complementary to the overall style of the development project. All buildings on the site will utilize a combination of light and dark colors to break up the building planes. Light colored doors, trim, window casings, and sills will define openings and entries. All colors shall be complementary to the architectural style and utilize primarily earth tones. Materials specified will be a combination of stucco plaster, horizontal shiplap siding, stone veneer for columns, rough sawn exposed wood beams, posts and rafter tails. A dimensional architectural style shake style roof shingle shall be used for the roof covering.

6.5. On-Site Lighting

- i. Decorative light fixtures attached to the buildings shall be compatible with the architectural style of the buildings, shall be provided for this development.
- ii. All other on-site lighting shall meet development standard of the Ontario Development Code.

6.6. Signage

Signs within the project area shall comply with the Division 8.01 (Sign Regulations) of the Ontario Development code.

6.7. Off Site Improvements

All off-site improvements shall be installed in accordance with the City standards, and to the satisfaction of the City Engineering department.

7. ADMINISTRATION

7.1. Items Not Addressed in PUD

Any terms, requirements, or regulations not addressed within this PLANNED UNIT DEVELOPMENT document shall be governed by the City of Ontario Development Code, the regulations of the General Mixed Use zones and City Standards.

7.2. Development Applications

Development Plan approval, pursuant to the requirements of Ontario Development Code Section 4.02.025 (Development Plans), shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building. A Development Plan application shall be submitted to the Planning Department on a City application form pursuant to the requirements of Ontario Development Code Division 2.02 (Application Filing and Processing), commencing with Subsection B (Discretionary Permits and Actions) of Section 2.02.015 (Application Processing Procedures).

7.3. Administrative Exceptions

Deviation from the development standards set forth in this document may be granted up to a maximum of 10 percent by the Zoning Administrator. Any deviation that is greater than 10 percent shall require variance approval.