

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
MARCH 19, 2019**

Paul S. Leon
Mayor

Ruben Valencia
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Debra Dorst-Porada
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 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

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Dr. Juan Williams Sr., Ontario Christian Center

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 February 19, 2019, and the special meeting of the City Council and Housing Authority of February 8, 2019, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills January 27, 2019 through February 9, 2019 and **Payroll** January 27, 2019 through February 9, 2019, when audited by the Finance Committee.

3. RESOLUTIONS APPROVING TIME EXTENSIONS FOR TENTATIVE TRACT MAP NOS. 17449 (FILE NO. PMTT10-002) AND 17450 (FILE NO. PMTT10-001) WITHIN THE COUNTRYSIDE SPECIFIC PLAN

That the City Council adopt resolutions approving a five-year time extension for:

- (A) Tentative Tract Map 17449 (File No. PMTT10-002) to subdivide 18.72 acres of land into 97 numbered lots and 15 lettered lots within the Z-Lot (Neighborhood 5) land use designation of the Countryside Side Specific Plan, located south of Chino Avenue, north of the SCE utility corridor and east of the Cucamonga Creek Channel (APN Nos. 0218-131-12 and 0218-131-22); and
- (B) Tentative Tract Map 17450 (File No. PMTT10-001) to subdivide 16.82 acres of land into 138 numbered lots and 16 lettered lots within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific plan, located south of Chino Avenue, east of the Cucamonga Creek Channel, and northwest of the Lower Deer Creek Channel (APN Nos. 0218-131-11, 0218-131-12, 0218-131-22, 0218-131-40, and 0218-131-43).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE-YEAR TIME EXTENSION FOR FILE NO. PMTT10-001 (TT 17450), A REQUEST TO SUBDIVIDE 16.82 ACRES OF LAND INTO 138 NUMBERED LOTS AND 16 LETTERED LOTS WITHIN THE CLUSTER COURT (NEIGHBORHOOD 6) LAND USE DESIGNATION OF THE COUNTRYSIDE SPECIFIC PLAN, LOCATED SOUTH OF CHINO AVENUE, EAST OF THE CUCAMONGA CREEK FLOOD CHANNEL, AND NORTHWEST OF THE LOWER DEER CREEK CHANNEL, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 0218-131-11, 0218-131-12, 0218-131-22, 0218-131-40, AND 0218-131-43.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE-YEAR TIME EXTENSION FOR FILE NO. PMTT10-002 (TT 17449), A REQUEST TO SUBDIVIDE 18.72 ACRES OF LAND INTO 97 NUMBERED LOTS AND 15 LETTERED LOTS WITHIN THE Z-LOT (NEIGHBORHOOD 5) LAND USE DESIGNATION OF THE COUNTRYSIDE SPECIFIC PLAN, LOCATED SOUTH OF CHINO AVENUE, NORTH OF THE SCE UTILITY CORRIDOR, AND EAST OF THE CUCAMONGA CREEK FLOOD CHANNEL, AND MAKING FINDINGS IN SUPPORT THEREOF APNS: 0218-131-12 AND 0218-131-22.

4. 2018 HOUSING ELEMENT ANNUAL PROGRESS REPORT

That the City Council approve the attached resolution authorizing staff to transmit the 2018 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Office of Planning and Research.

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.

5. A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 48 (TEVELDE SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 48 (Tevelde Services), 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 calling a special election for City of Ontario Community Facilities District No. 48 (Tevelde Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of a 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. 48 (Tevelde 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. 48 (TEVELDE 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. 48 (TEVELDE 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. 48 (TEVELDE SERVICES).

6. A PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-003) TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS FOR THE DEVELOPMENT OF 2.6 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE, WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT (APNS: 1048-472-16, 1048-472-17, 1048-472-19, 1048-472-20, AND 1048-472-21)

That the City Council introduce and waive further reading of an ordinance approving a Planned Unit Development, File No. PUD17-003, establishing development standards and guidelines to facilitate the development of a commercial center located at the northwest corner of Holt Boulevard and Grove Avenue.

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. PUD17-003, A PLANNED UNIT DEVELOPMENT TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES FOR THE DEVELOPMENT OF 2.6 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE; WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-472-16, 1048-472-17, 1048-472-19, 1048-472-20, AND 1048-472-21.

7. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA19-001) CLARIFYING CURRENT PROVISIONS ADDRESSING THE PROCESSING OF WIRELESS TELECOMMUNICATIONS FACILITIES, AND ADDING PROVISIONS GOVERNING SMALL CELL WIRELESS FACILITIES AND THE ALTERATION AND/OR EXPANSION OF EXISTING WIRELESS TELECOMMUNICATIONS FACILITIES, CONSISTENT WITH FCC ORDERS

That the City Council introduce and waive further reading of an ordinance approving File No. PDCA19-001, a Development Code Amendment clarifying current provisions addressing the processing of wireless telecommunications facilities, and adding provisions governing small cell wireless facilities and the alteration and/or expansion of existing wireless telecommunications facilities.

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. PDCA19-001, A DEVELOPMENT CODE AMENDMENT REVISING SECTION 5.03.420.A.1 FOR THE PURPOSE OF CLARIFYING CURRENT PROVISIONS ADDRESSING THE PROCESSING OF WIRELESS TELECOMMUNICATIONS FACILITIES, AND CONSISTENT WITH FCC ORDERS, ADD PROVISIONS GOVERNING SMALL CELL WIRELESS FACILITIES AND THE ALTERATION AND/OR EXPANSION OF EXISTING WIRELESS TELECOMMUNICATIONS FACILITIES, AND MAKING FINDINGS IN SUPPORT THEREOF.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

8. A RESOLUTION AUTHORIZING THE ISSUANCE OF MULTIFAMILY HOUSING BONDS AND RELATED BOND DOCUMENTS FOR THE ACQUISITION AND CONSTRUCTION OF VISTA VERDE APARTMENTS (A/K/A VIRGINIA/HOLT MULTIFAMILY AFFORDABLE HOUSING PROJECT), LOCATED ON LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, RESIDENTALLY DEVELOPED PROPERTIES ON THE EAST, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST; AND A RESOLUTION APPROVING THE TRANSFORMATIVE CLIMATE COMMUNITIES LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND VIRGINIA-HOLT HOUSING, LP

That the City Council take the following actions:

- (A) Adopt a resolution authorizing the issuance of multifamily housing revenue bonds in an amount not to exceed \$23,000,000 for the purpose of financing the acquisition and construction of Vista Verde Apartments (the “Development”), approving and authorizing the execution and delivery of any and all documents (on file with the Records Management Department) necessary to issue the bonds and implement the resolution, and ratifying and approving any action heretofore taken in connection with the bonds; and
- (B) Adopt a resolution approving the Transformative Climate Communities Loan Agreement (the “TCC Loan Agreement”) between the City of Ontario (the “City”) and Virginia-Holt Housing, LP (on file with the Records Management Department) approving a loan in the amount of \$14,729,325 (the “TCC Loan”).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF MULTIFAMILY HOUSING REVENUE BONDS RELATED TO THE FINANCING OF VISTA VERDE APARTMENTS, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS, AND APPROVING ACTIONS IN CONNECTION THEREWITH.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFORMATIVE CLIMATE COMMUNITIES LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND VIRGINIA-HOLT HOUSING, LP, PROVIDING PERMANENT FINANCING FOR THE VISTA VERDE APARTMENTS PROJECT (AKA THE VIRGINIA/HOLT MULTIFAMILY AFFORDABLE HOUSING PROJECT).

9. A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES)

That the City Council consider a resolution authorizing the issuance of special tax bonds for Community Facilities District No. 38 (Park & Turner NE Facilities).
The resolution:

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Park & Turner NE project;
- (B) Approves the forms of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the “Underwriter”) in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizes the execution of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement by the City Manager, or his designee.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES) SPECIAL TAX BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

CITY OF ONTARIO

Agenda Report
March 19, 2019

**SECTION:
CONSENT CALENDAR**

SUBJECT: RESOLUTIONS APPROVING TIME EXTENSIONS FOR TENTATIVE TRACT MAP NOS. 17449 (FILE NO. PMTT10-002) AND 17450 (FILE NO. PMTT10-001) WITHIN THE COUNTRYSIDE SPECIFIC PLAN

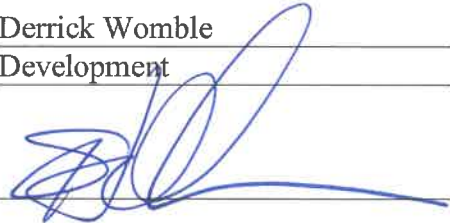
RECOMMENDATION: That the City Council adopt resolutions approving a five-year time extension for:

- (A) Tentative Tract Map 17449 (File No. PMTT10-002) to subdivide 18.72 acres of land into 97 numbered lots and 15 lettered lots within the Z-Lot (Neighborhood 5) land use designation of the Countryside Side Specific Plan, located south of Chino Avenue, north of the SCE utility corridor and east of the Cucamonga Creek Channel (APN Nos. 0218-131-12 and 0218-131-22); and
- (B) Tentative Tract Map 17450 (File No. PMTT10-001) to subdivide 16.82 acres of land into 138 numbered lots and 16 lettered lots within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific plan, located south of Chino Avenue, east of the Cucamonga Creek Channel, and northwest of the Lower Deer Creek Channel (APN Nos. 0218-131-11, 0218-131-12, 0218-131-22, 0218-131-40, and 0218-131-43).

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: Granting of the time extension for Tentative Tract Map Nos. 17449 and 17450 does not have an immediate impact on the City's existing budget. Upon recordation of the Final Tract Map, financing options are available through the formation of a Community Facilities District (CFD) to provide funding for City facilities and services. This will address the City Council's long-standing direction that development of Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the financial resources of the existing City funds.

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director, Development Agency

Prepared by: <u>Derrick Womble</u>	Submitted to Council/O.H.A. <u>03/19/2019</u>
Department: <u>Development</u>	Approved: _____
City Manager Approval: 	Continued to: _____
	Denied: _____

3

BACKGROUND: On April 18, 2006, the City Council originally approved the Countryside Specific Plan (“Specific Plan”). The Specific Plan comprehensively plans for residential and recreational land uses within the Specific Plan area and establishes the zoning, defines the development regulations, requirements, and design guidelines governing development of the Specific Plan area. On February 22, 2011, the Planning Commission approved Tentative Tract Map Nos. 17449 and 17450 (“Maps”) respectively, to allow for the construction of the backbone infrastructure (streets and utilities) and parks, in conjunction with the development of 235 residential units within the Specific Plan area.

In conjunction with the Map approvals, Forestar Countryside, LLC (“Applicant”) entered into a Development Agreement (“Agreement”), approved by the City Council on April 5, 2011. The Agreement with the City included, but was not limited to, provisions for development impact fees, affordable housing, public services funding, school financing, and Map approval time period. Under the Agreement, the maps were approved initially for a five-year period, expiring on April 5, 2016, with the option of a five-year extension, to be approved by the City Council. However, per Assembly Bill 116, which automatically extended the Maps for an additional two years, revising the expiration date to April 5, 2018. The Applicant submitted their request to exercise the five-year extension on March 21, 2018, prior to the deadline to submit such extension requests, and is now seeking to exercise the five-year extension.

In reviewing the time extension requests, staff finds that the Specific Plan development standards remain unchanged from the April 2006 project approval. While a new land use plan was adopted with The Ontario Plan (“TOP”) by the City in January 2010, the land use designations for the sites remain the same (Low Density Residential). The conditions of approval require installation of all infrastructure improvements (sewer, water, etc.) necessary to serve the site. The Applicant is a member of NMC Builders, LLC and is involved in the design of the backbone infrastructure necessary to serve the site. The work being done by NMC Builders, LLC would provide the infrastructure to serve the site, consistent with the conditions of approval. Staff finds that the maps are in compliance with TOP, current development standards (Countryside Specific Plan), and conditions of approval.

In considering the application at their meeting on February 26, 2019, the Planning Commission found that the maps are in compliance with current development standards and conditions of approval. As a result, the Planning Commission adopted Resolution Nos. PC19-005 & PC19-006, recommending approval of a five-year time extension by 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 number of dwelling units (819) and density (5-9 DU/AC) specified in the Available Land Inventory.

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 environmental impacts of this project were previously reviewed in conjunction with Countryside Specific Plan (PSP04-001) for which an EIR (SCH# 2004071001), was adopted by the City Council on April 18, 2006. This Application introduces no new significant

environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit "A"

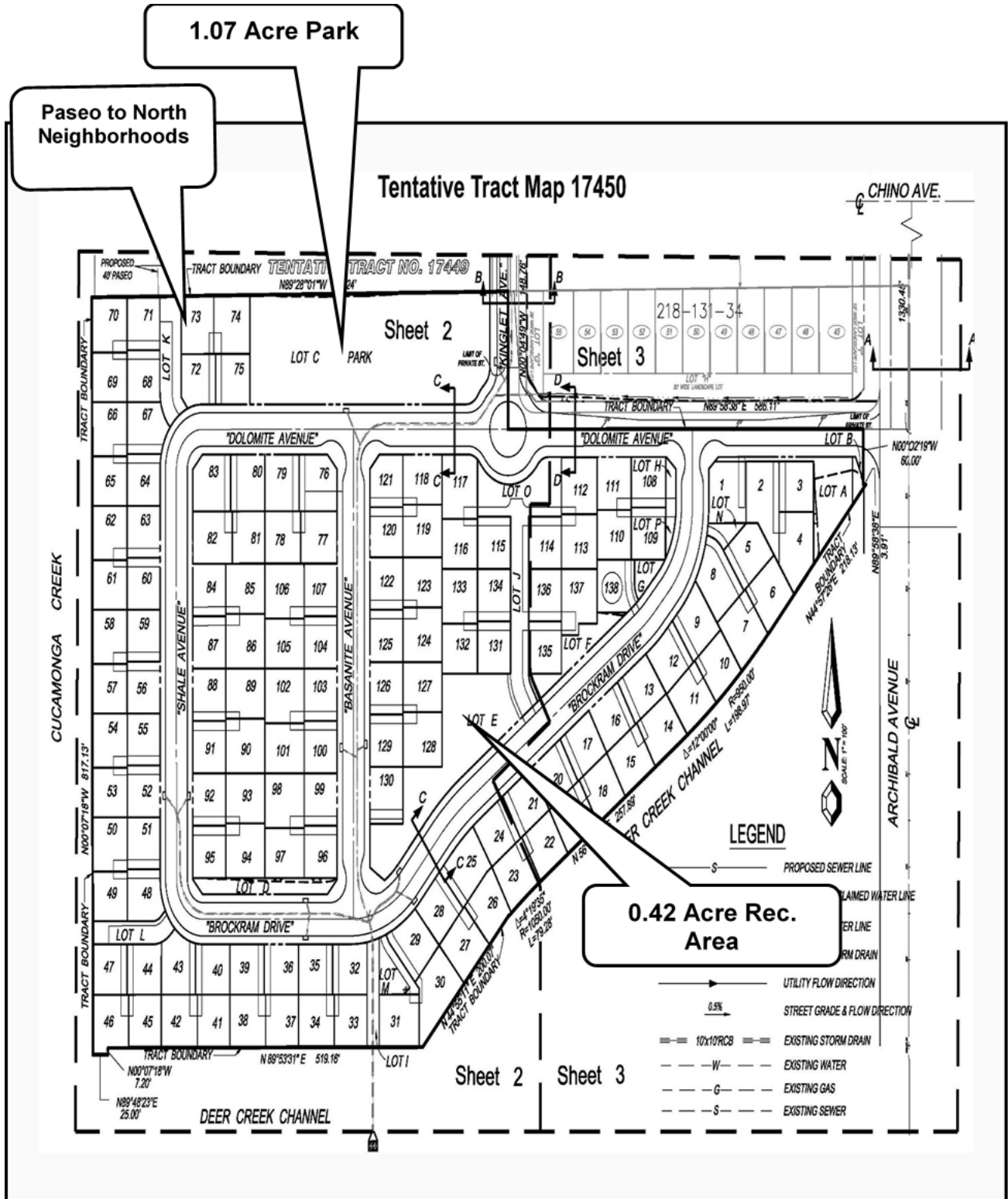
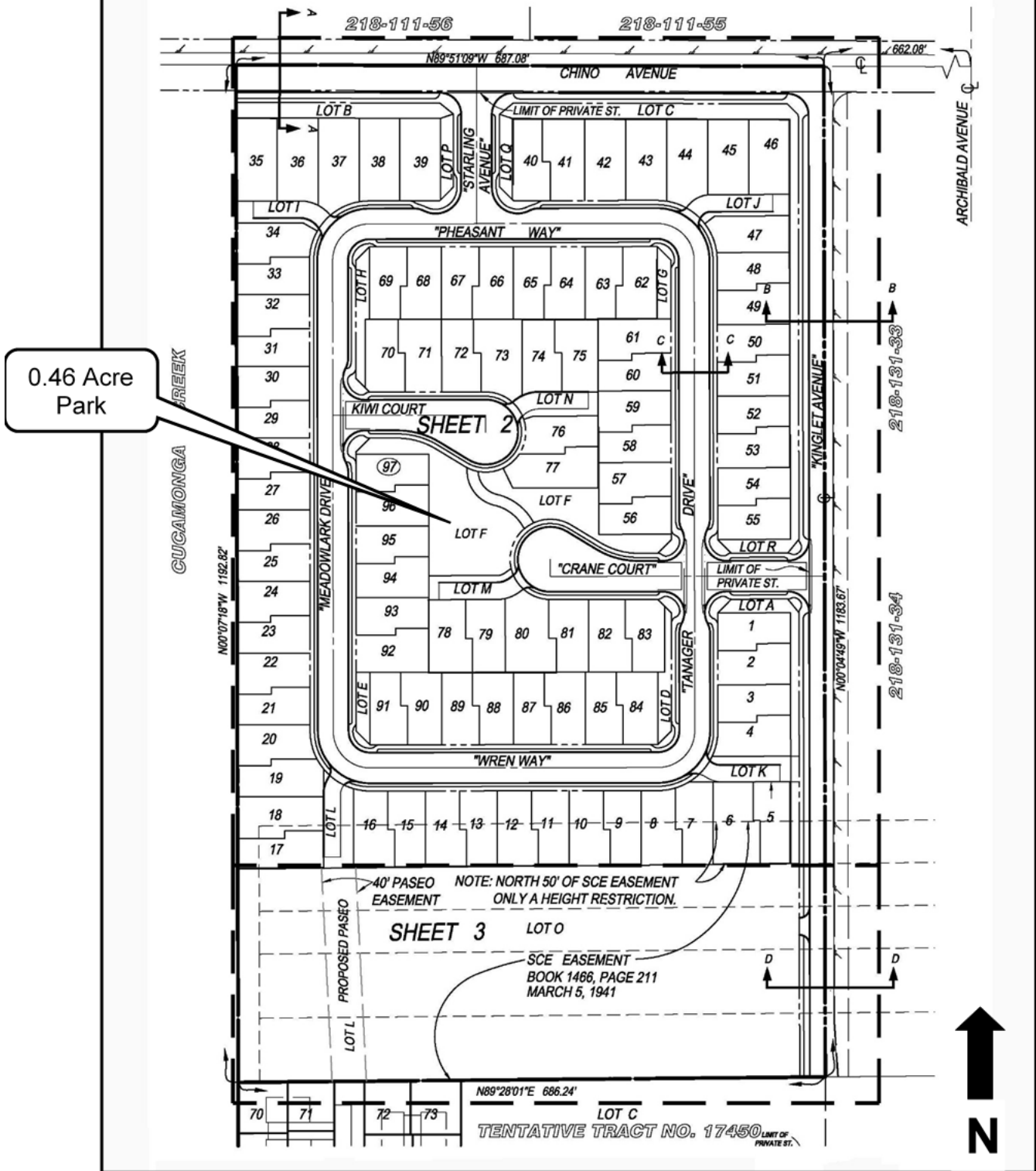


Exhibit "B"

Tentative Tract Map 17449





PLANNING COMMISSION STAFF REPORT

February 26, 2019

FILE NOS.: PMTT10-001 and PMTT10-002

SUBJECT: Time Extensions of the expiration date for: 1) Tentative Tract Map 17449 proposing to subdivide 18.72 acres of land into 97 lots and 15 lettered lots within the Z-lot (Neighborhood 5) land use designation of the Countryside Specific Plan, located south of Chino Avenue, north of the SCE utility corridor, and east of the Cucamonga Creek Channel; and 2) Tentative Tract Map 17450 proposing to subdivide 16.82 acres of land into 138 lots and 16 lettered lots within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific Plan, located south of Chino Avenue, east of the Cucamonga Creek Channel and northwest of the Lower Deer Creek Channel. (APNs: 0218-131-11, 12, 22, 40, and 43) **Submitted by Forestar Countryside, LLC. City Council action is required.**

PROPERTY OWNER: Forestar Countryside, LLC.

RECOMMENDED ACTION: That the Planning Commission recommend approval of a five-year time extension for File Nos. PMTT10-001 (TT 17450) and PMTT10-002 (TT 17449) to the City Council, pursuant to the facts and reasons contained in the staff report and attached resolutions.

PROJECT SETTING: The project site is comprised of 178 acres of land located north of Schafer Avenue, south of Chino Avenue, east of the Cucamonga Creek Channel, west of Archibald Avenue, within the Countryside Specific Plan area depicted in Figure 1. The project site is vacant and previously used for dairy and agriculture uses. The site is surrounded by a dairy and agriculture uses to the north, a church and single-family residences to the east. To the south and west, the site abuts an SCE easement, the Cucamonga Basin and the Deer Creek Channel.

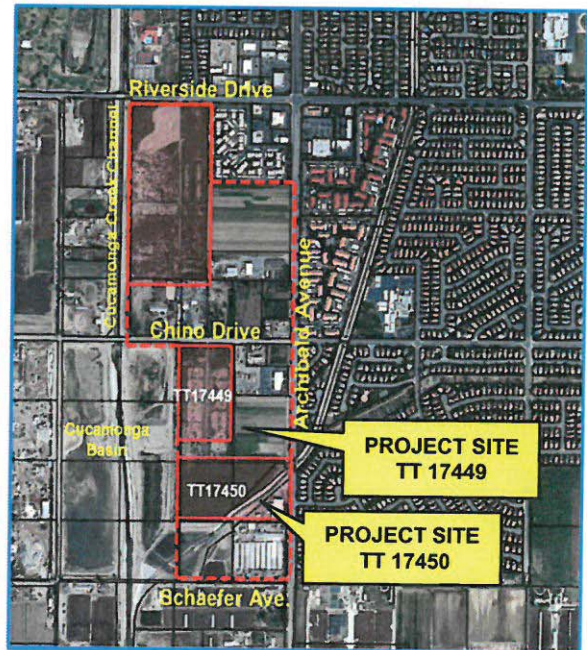


Figure 1: Project Location

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	
Submittal Date:	03/21/2018

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	02/26/2019	Approved	Recommend
CC	03/19/2019		Final

PROJECT ANALYSIS:

[1] Background — On April 18, 2006, the City Council approved the Countryside Specific Plan. The Specific Plan provides for residential and recreational land uses and zoning, and defines the development regulations, requirements, and design guidelines governing development of the Specific Plan area. On February 22, 2011, the Planning Commission approved Tentative Tract Maps 17449 and 17450, to allow for the construction of the backbone infrastructure (streets and utilities) and parks, in conjunction with the development of 235 residential units.

PMTT10-001 – Tentative Tract Map 17450 (Exhibit “A”) proposed to subdivide 16.82 acres of land into 138 lots and 16 lettered lots within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific Plan with a minimum lot size of 2,862 square feet. The Tract Map will accommodate single-family detached homes, in a cluster court configuration, at a density of 8.2 dwelling units per acre, which is consistent with the Specific Plan (9.51 dwelling units per net acres maximum). The residential lots range in size from 2,943 square feet to 4,055 square feet, with an average lot size of 3,331 square feet.

PMTT10-002 – Tentative Tract Map 17449 (Exhibit “B”) proposes to subdivide 18.72 acres of land into 97 lots and 15 lettered lots within the Z-Lot (Neighborhood 5) land use designation of the Countryside Specific Plan with a minimum parcel size of 3,400 square feet. The Tract Map will accommodate Z-lot single-family detached homes at a density of 7.1 dwelling units per acre, which is consistent with the Specific Plan (7.68 dwelling units per net acres maximum). The Tract Map proposes lots that range in size from 3,400 square feet to 5,041 square feet, with an average lots size of 3,804 square feet.

Development Agreement – In conjunction with the tentative map approvals, the applicant entered into a Development Agreement, approved by the City Council on April 5, 2011. The Development Agreement with the City included, but was not limited to, provisions for development impact fees, affordable housing, public services funding, school financing, and tentative map approval time period. Under the Development Agreement, the tentative maps were approved initially for a five-year period, expiring on April 5, 2016, with the option of a five-year extension, to be approved by the City Council. However, per Assembly Bill 116, which automatically extended tract maps for an additional two years, revising the expiration date to April 5, 2018. The applicant submitted their request to extend on March 21, 2018, prior to the deadline to submit such extension requests, and is now seeking the exercise of the five-year extension.

Compliance – In reviewing the time extension requests, staff finds that the Countryside Specific Plan development standards remain unchanged from the February 2011 project approval. The conditions of approval require installation of all infrastructure improvements (sewer, water, etc.) necessary to serve the site. The applicant is a member of NMC Builders and is involved in the design of the backbone infrastructure necessary to serve

the site. The work being done by NMC Builders would provide the infrastructure to serve the site, consistent with the conditions of approval. Staff finds that the tentative maps are in compliance with TOP, current development standards (Countryside Specific Plan), and conditions of approval.

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). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- 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)
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

[2] Vision.

Distinctive Development:

- Commercial and Residential Development
 - Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

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.
 - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).
- Goal LU2: Compatibility between a wide range of uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

- Goal H2: 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.
 - H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.
 - H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.
 - CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

- 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.

- CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

- CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

- 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.

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.

- CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

- 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.

➤ CD2-2 Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.

➤ 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.

➤ CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

➤ 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.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

➤ 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 spaces.

➤ CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

▪ 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 investments.

➤ 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 consistently maintained.

➤ CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

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 number of dwelling units (819) and density (5-9 DU/AC) specified in the Available Land Inventory.

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 environmental impacts of this project were previously reviewed in conjunction with Countryside Specific Plan (PSP04-001) for which an EIR (SCH# 2004071001), was adopted by the City Council on April 18, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit "A"

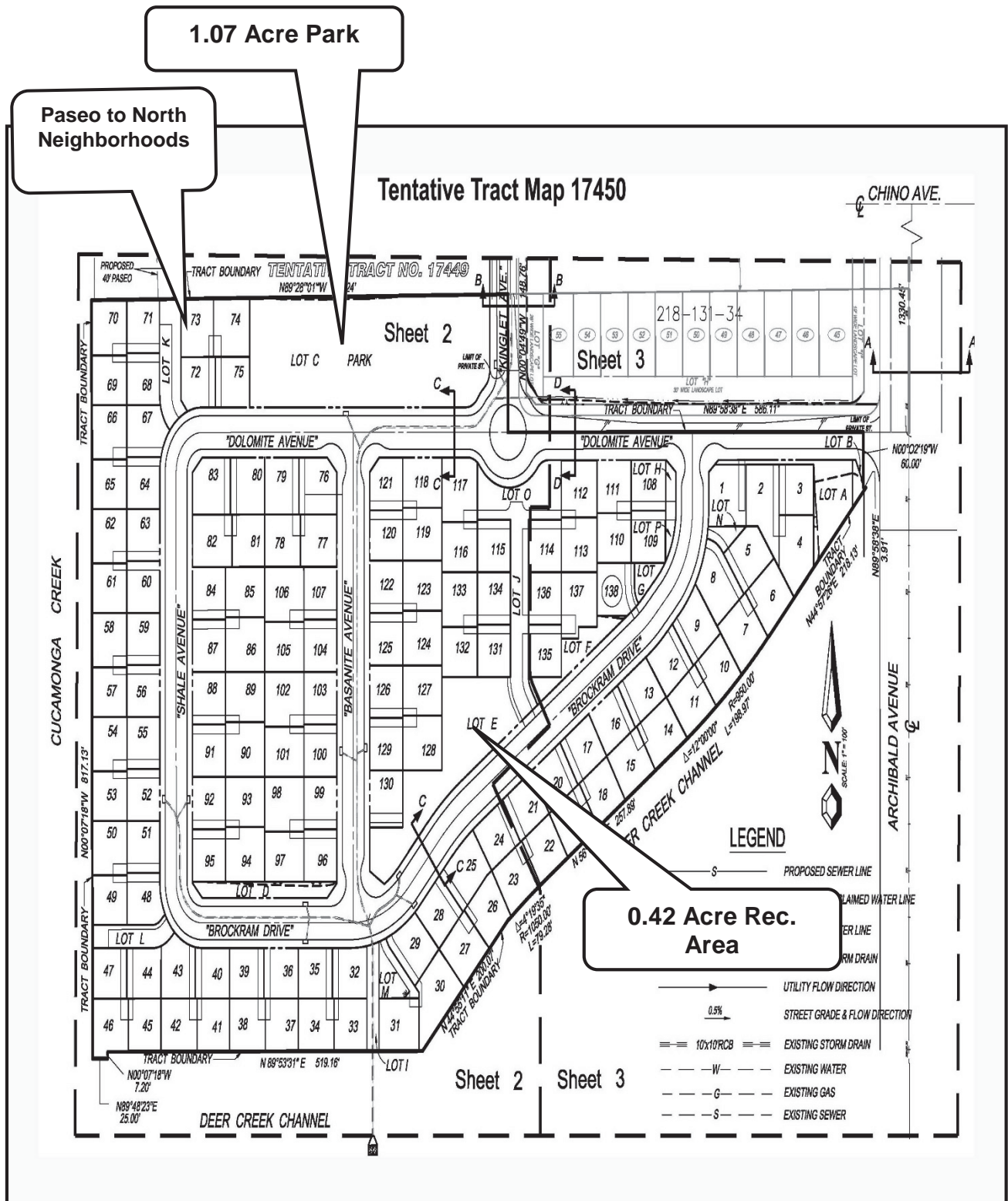
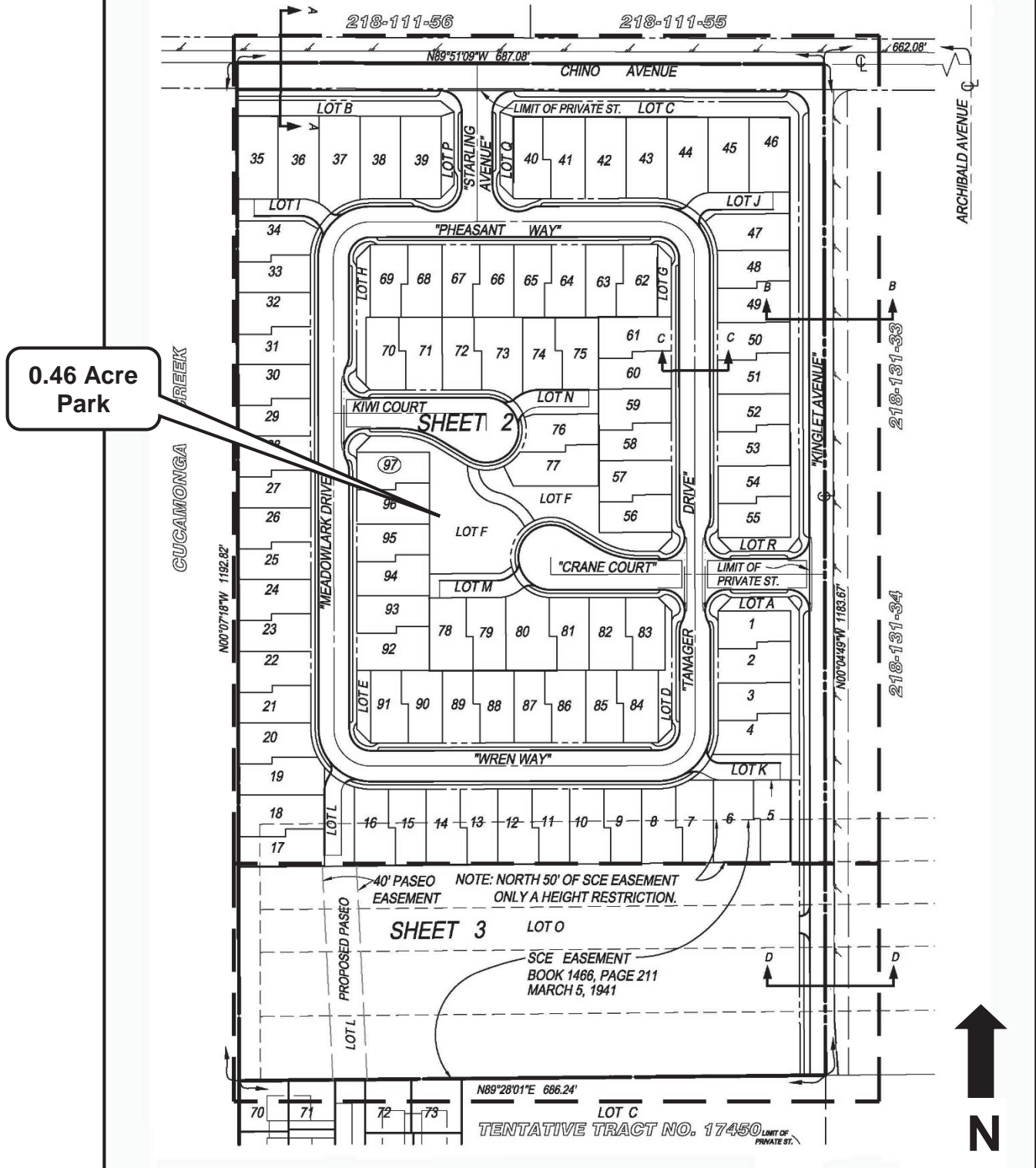


Exhibit "B"

Tentative Tract Map 17449



RESOLUTION NO. PC19-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT10-001 (TT 17450), A REQUEST TO SUBDIVIDE 16.82 ACRES OF LAND INTO 138 LOTS AND 16 LETTERED LOTS WITHIN THE CLUSTER COURT (NEIGHBORHOOD 6) LAND USE DESIGNATION OF THE COUNTRYSIDE SPECIFIC PLAN, LOCATED SOUTH OF CHINO AVENUE, EAST OF THE CUCAMONGA CREEK CHANNEL, AND NORTHWEST OF THE LOWER DEER CREEK CHANNEL, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-131-11, 0218-131-12, 0218-131-22, 0218-131-40 AND 0218-131-43.

WHEREAS, FORESTAR COUNTYSIDE, LLC, ("Applicant") has filed an Application for the approval of a five-year time extension of the expiration date for the approval of a Tentative Tract Map, File No. PMTT10-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 16.82 acres of land generally located south of Chino Avenue, east of the Cucamonga Creek Channel and northwest of the Lower Deer Creek Channel within the Cluster Court (Neighborhood 6) of the Countryside Specific Plan, and is vacant land; and

WHEREAS, the Project site is within the Countryside Specific Plan, and surrounded by a dairy and agriculture uses to the north, single family residences to the east, to the south and west the site abuts the Cucamonga Basin and Deer Creek Channel; and

WHEREAS, on February 22, 2011, the Planning Commission approved Tentative Tract Map (TT 17450) for the subdivision of the property into 138 lots and 16 lettered lots; and

WHEREAS, on April 5, 2011, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Applicant is now requesting a five-year time extension of the expiration date for the Tentative Tract Map approval pursuant to the Development Agreement Section 3.10 (Time Extensions), to facilitate the development to construct 138 units. The time extension will allow for the completion and City approval of Covenants, Conditions and Restrictions (CC&Rs) required to be recorded with the Final Tract Map; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act - Public Resources Code Section 21000 et seq. – (hereinafter referred to as

"CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001), for which an Environmental Impact Report (SCH# 2004071001) was certified by the City Council on April 18, 2006, and this Application introduces no new significant environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and act 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 (hereinafter referred to as "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 February 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the requested Time Extension, 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 Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previous Countryside Specific Plan (PSP04-001) for which an EIR (SCH# 2004071001) Certified EIR and supporting

documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with the Countryside Specific Plan Environmental Impact Report, certified by the City of Ontario City Council on April 18, 2006, in conjunction with File No. PSP04-001.

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

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

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

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

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (141) and density (9.5 DU/AC) specified within the Countryside Specific Plan. Per the Available Land Inventory, the Countryside Specific Plan is required to provide 819 dwelling units with a density range of 5-9 DU/AC.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 recommending body for the Project, the Planning Commission 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 Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed Tentative Tract Map 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, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract Map is located within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific Plan. The proposed subdivision 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 the project will contribute to providing “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” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract Map 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, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract Map is located within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific Plan. The proposed design or improvement of the subdivision 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 the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of

housing types;

- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
 - Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
 - Landscaped parkways, with sidewalks separated from the curb.”
- (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the Countryside Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at [a density of 8.2 DUs/AC]. The project site meets the minimum lot area and dimensions of the Countryside Specific Plan, and is physically suitable for this proposed density / intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in 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 Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the general improvements existing or proposed on the project site, are not likely to cause serious public health problems. The project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*** The proposed subdivision has provided for all necessary public easements and dedications for access

through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

SECTION 8: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of February 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Vice Chairman

ATTEST:



Cathy Wahlstorm
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendesen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19-005 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 26, 2019, by the following roll call vote, to wit:

AYES: DeDiemar, Downs, Gage, Gregorek, Reyes, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None



Gwen Berendesen
Secretary Pro Tempore

RESOLUTION NO. PC19-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT10-002 (TT 17449), A REQUEST TO SUBDIVIDE 18.72 ACRES OF LAND INTO 97 LOTS AND 15 LETTERED LOTS WITHIN THE Z-LOT (NEIGHBORHOOD 5) LAND USE DESIGNATION OF THE COUNTRYSIDE SPECIFIC PLAN, LOCATED SOUTH OF CHINO AVENUE, NORTH OF THE SCE UTILITY CORRIDOR, AND EAST OF THE CUCAMONGA CREEK CHANNEL, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-131-12 AND 0218-131-22.

WHEREAS, FORESTAR COUNTYSIDE, LLC, ("Applicant") has filed an Application for the approval of a five-year time extension of the expiration date for the approval of a Tentative Tract Map, File No. PMTT10-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 18.72 acres of land generally located south of Chino Avenue, north of the SCE utility corridor and east of the Cucamonga Creek Channel, and is vacant land; and

WHEREAS, the Project site is within the Countryside Specific Plan, and surrounded by a single-family residences, dairy, and agriculture uses to the north, to the south, the site abuts an SCE easement, and a church is located to the east; and

WHEREAS, on February 22, 2011, the Planning Commission approved Tentative Tract Map (TT 17449) for the subdivision of the property into 97 lots and 15 lettered lots; and

WHEREAS, on April 5, 2011, the City Council approved a Development Agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Applicant is now requesting a five-year time extension of the expiration date for the Tentative Tract Map approval pursuant to the Development Agreement Section 3.10 (Time Extensions), to facilitate the development to construct 97 units. The time extension will allow for the completion and City approval of Covenants, Conditions and Restrictions (CC&Rs) required to be recorded with the Final Tract Map; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan (File No. PSP04-001), for which an Environmental Impact Report (SCH# 2004071001) was certified by the City Council on April 18, 2006, and this Application introduces no new significant environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and act 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 (hereinafter referred to as "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 February 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the requested Time Extension, 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 Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previous Countryside Specific Plan (PSP04-001) for which an EIR (SCH# 2004071001) Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with the Countryside Specific Plan Environmental Impact Report, certified by the City of Ontario City Council on April 18, 2006, in conjunction with File No. PSP04-001.

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

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

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

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

SECTION 2: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (98) and density (7.7 DU/AC) specified within the Countryside Specific Plan. Per the Available Land Inventory, the Countryside Specific Plan is required to provide 819 dwelling units with a density range of 5-9 DU/AC.

SECTION 3: Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 recommending body for the Project, the Planning Commission 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 Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed Tentative Tract Map 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, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract Map is located within the Z-lot (Neighborhood 5) land use designation of the Countryside Specific Plan. The proposed subdivision 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 the project will contribute to providing “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” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract Map 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, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract Map is located within the Z-lot (Neighborhood 5) land use designation of the Countryside Specific Plan. The proposed design or improvement of the subdivision 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 the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;

- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
 - Landscaped parkways, with sidewalks separated from the curb.”
- (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the Countryside Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at [a density of 7.1 DUs/AC]. The project site meets the minimum lot area and dimensions of the Countryside Specific Plan, and is physically suitable for this proposed density / intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in 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 Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the general improvements existing or proposed on the project site, are not likely to cause serious public health problems. The project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*** The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area

plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

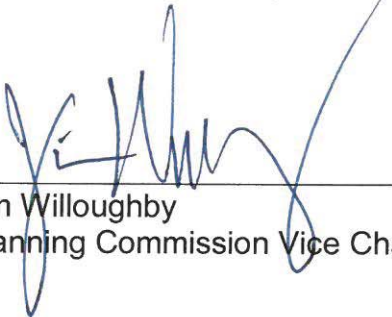
SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval.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

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

SECTION 8: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of February 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Vice Chairman

ATTEST:



Cathy Wahlstorm
Planning Director
Secretary of Planning Commission

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

I, Gwen Berendesen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19-006 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 26, 2019, by the following roll call vote, to wit:

AYES: DeDiemar, Downs, Gage, Gregorek, Reyes, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None



Gwen Berendesen
Secretary Pro Tempore

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE-YEAR TIME EXTENSION FOR FILE NO. PMTT10-001 (TT 17450), A REQUEST TO SUBDIVIDE 16.82 ACRES OF LAND INTO 138 NUMBERED LOTS AND 16 LETTERED LOTS WITHIN THE CLUSTER COURT (NEIGHBORHOOD 6) LAND USE DESIGNATION OF THE COUNTRYSIDE SPECIFIC PLAN, LOCATED SOUTH OF CHINO AVENUE, EAST OF THE CUCAMONGA CREEK FLOOD CHANNEL, AND NORTHWEST OF THE LOWER DEER CREEK CHANNEL, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 0218-131-11, 0218-131-12, 0218-131-22, 0218-131-40, AND 0218-131-43.

WHEREAS, Forestar Countryside, LLC ("Applicant") has filed an Application for the approval of a five (5) year time extension for a Tentative Tract Map No. 17450 (File No. PMTT10-001), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 16.82 acres of land generally located within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific Plan, located south of Chino Avenue, east of the Cucamonga Creek Flood Channel, and northwest of the Lower Deer Creek Channel and is presently vacant; and

WHEREAS, the property is surrounded by a dairy and agriculture uses to the north, a church and single-family residences to the east. To the south and west, the site abuts an SCE easement, the Cucamonga Basin and the Deer Creek Channel; and

WHEREAS, On February 22, 2011, the Planning Commission approved the application for the subdivision of the property into 138 numbered lots; and

WHEREAS, On April 5, 2011, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative tract map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan, for which an Environmental Impact Report (SCH #2004071001) was certified by the City Council on April 18, 2006, and this Application introduces no new significant environmental impacts; and

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

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act 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, 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 February 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC19-005 recommending the City Council approve the Application; and

WHEREAS, on March 19, 2019, 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 previous Countryside Specific Plan (File No. PSP04-001) and supporting documentation. Based upon the facts and information contained in the previous Certified EIR (SCH#2004011001) and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan Environmental Impact Report (File No. PSP04-001), certified by the City of Ontario City Council on April 18, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, 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 number of dwelling units (141) and density (9.51 DU/AC) specified within the Countryside Specific Plan. Per the Available Land Inventory, the Countryside Specific Plan is required to provide 819 dwelling units with a density range of 5-9 DU/AC.

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

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

(1) ***The proposed Tentative Tract Map 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, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract Map is located within the Cluster Court (Neighborhood 6) land use designation of the

Countryside Specific Plan. The proposed subdivision 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 the project will contribute to providing “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” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract Map 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, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract Map is located within the Cluster Court (Neighborhood 6) land use designation of the Countryside Specific Plan. The proposed design or improvement of the subdivision 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 the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.” (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the Countryside Specific Plan and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at a density of 8.2 DUs/acre. The project site meets the minimum lot area and dimensions of the Countryside Specific Plan and is physically suitable for this proposed density / intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in 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 Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the general improvements existing or proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*** The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES a five (5) year time extension for the Application.

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 Secretary shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of March 2019.

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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 19, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE-YEAR TIME EXTENSION FOR FILE NO. PMTT10-002 (TT 17449), A REQUEST TO SUBDIVIDE 18.72 ACRES OF LAND INTO 97 NUMBERED LOTS AND 15 LETTERED LOTS WITHIN THE Z-LOT (NEIGHBORHOOD 5) LAND USE DESIGNATION OF THE COUNTRYSIDE SPECIFIC PLAN, LOCATED SOUTH OF CHINO AVENUE, NORTH OF THE SCE UTILITY CORRIDOR, AND EAST OF THE CUCAMONGA CREEK FLOOD CHANNEL, AND MAKING FINDINGS IN SUPPORT THEREOF APNS: 0218-131-12 AND 0218-131-22.

WHEREAS, Forestar Countryside, LLC ("Applicant") has filed an Application for the approval of a five (5) year time extension for a Tentative Tract Map No. 17449 (File No. PMTT10-002), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 18.72 acres of land generally located within the Z-Lot (Neighborhood 5) land use designation of the Countryside Specific Plan, located south of Chino Avenue, north of the SCE Utility Corridor, and east of the Cucamonga Creek Flood Channel and is presently vacant; and

WHEREAS, the property is surrounded by a single-family residence, dairy and agriculture uses to the north, to the south, the site abuts an SCE easement, and a church is located to the east; and

WHEREAS, On February 22, 2011, the Planning Commission approved the application for the subdivision of the property into 97 numbered lots; and

WHEREAS, On April 5, 2011, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative tract map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan, for which an Environmental Impact Report (SCH #2004071001) was certified by the City Council on April 18, 2006, and this Application introduces no new significant environmental impacts; and

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

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act 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, 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 February 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC19-006 recommending the City Council approve the Application; and

WHEREAS, on March 19, 2019, 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 previous Countryside Specific Plan (File No.PSP04-001) and supporting documentation. Based upon the facts and information contained in the previous Certified EIR (SCH#2004011001) and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with the Countryside Specific Plan Environmental Impact Report (File No. PSP04-001), certified by the City of Ontario City Council on April 18, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, 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 number of dwelling units (98) and density (7.68 DU/AC) specified within the Countryside Specific Plan. Per the Available Land Inventory, the Countryside Specific Plan is required to provide 819 dwelling units with a density range of 5-9 DU/AC.

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

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

(1) ***The proposed Tentative Tract Map 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, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract Map is located within the Z-Lot (Neighborhood 5) land use designation of the Countryside

Specific Plan. The proposed subdivision 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 the project will contribute to providing “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” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*).

(2) ***The design or improvement of the proposed Tentative Tract Map 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, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract Map is located within the Z-Lot (Neighborhood 5) land use designation of the Countryside Specific Plan. The proposed design or improvement of the subdivision 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 the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.” (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the Countryside Specific Plan and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at a density of 7.1 DUs/acre. The project site meets the minimum lot area and dimensions of the Countryside Specific Plan and is physically suitable for this proposed density / intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in 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 Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the general improvements existing or proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*** The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plans or planned unit developments; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES a five (5) year time extension for the Application.

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 Secretary shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of March 2019.

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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 19, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 19, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: 2018 HOUSING ELEMENT ANNUAL PROGRESS REPORT

RECOMMENDATION: That the City Council approve the attached resolution authorizing staff to transmit the 2018 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Office of Planning and Research.

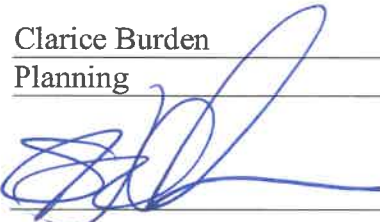
COUNCIL GOALS: Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Government Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

BACKGROUND: The 2014-2021 Housing Element was adopted by City Council on October 15, 2013 and certified by the State of California. In accordance with California Government Code Section 65400, a report analyzing the City's progress towards compliance with the adopted Housing Element must be submitted to the California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR) on an annual basis. Cities and counties with compliant housing elements and up-to-date Annual Housing Element Progress Report submissions gain access to SB 2 Building Homes and Jobs Act funds. The attached report for calendar year 2018 is the fifth progress report in the 2014 to 2021 Housing Element cycle.

Per the requirements of SB 35 (Weiner) and AB 879 (Grayson), effective January 1, 2018, the State of California reporting requirements for the Housing Element Annual Progress Report have significantly increased. Previously, reporting on issued building permits and the status of housing programs identified in The Ontario Plan was required. For the current 2018 calendar year, reporting on housing applications, entitlements, building permits issued, certificates of occupancy issued, and projects submitted under the new streamlining provisions is required, including assessor's parcel number (APN), address, and local jurisdiction identification number, as well as reporting on the status of all housing programs.

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director, Development Agency

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

Submitted to Council/O.H.A. 03/19/2019
Approved: _____
Continued to: _____
Denied: _____

4

The City's 2014-2021 Housing Element identified four major categories of housing goals and includes thirty-one implementing programs to accomplish these goals. The four major categories include: 1) Neighborhoods and Housing, 2) Housing Supply and Diversity, 3) Government Constraints, and 4) Housing Assistance. The report identifies progress in these implementing programs and progress toward the City's Regional Housing Needs Assessment (RHNA) obligation. This report covers Year 5 of an 8-year cycle (63% of the cycle). Cumulatively, between 2014 and 2018, the City developed 44% of the identified RHNA unit obligation. The report is available and on file with the Records Management Department.

Staff recommends that the City Council authorize and direct staff to submit the report to HCD and OPR in compliance with State law.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE 2018 HOUSING ELEMENT ANNUAL PROGRESS REPORT (FILE NO. PADV19-002) AND AUTHORIZING STAFF TO SUBMIT THE REPORT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE OFFICE OF PLANNING AND RESEARCH.

WHEREAS, the City of Ontario adopted the 2014-2021 Housing Element of the General Plan pursuant to Section 65352 of the Government Code in October of 2013; and

WHEREAS, the California Department of Housing and Community Development certified that the adopted 2014-2021 Housing Element was in full compliance with state housing law in November 2013; and

WHEREAS, the City is required to submit an annual report on the progress of the Housing Element per Government Code Section 65400(b)(1); and

WHEREAS, the proposed 2018 Housing Element Annual Progress Report has been prepared in accordance with Government Code Section 65400(b)(1); and

WHEREAS, the proposed 2018 Housing Element Annual Progress Report is the fifth progress report for the 2014-2021 Housing Element Cycle; and

WHEREAS, the proposed 2018 Housing Element Annual Progress Report is categorically exempt from California Environmental Quality Act (CEQA), as amended (Section 15306, Information Collections); and

WHEREAS, on March 19, 2019, the City Council of the City of Ontario conducted a hearing to review the proposed 2018 Housing Element Progress Report and accept public comments on the Report, and concluded said hearing on that date.

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 administrative record has 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 environmental review pursuant to Section 15306. (Class 6—Information Collection) of the CEQA Guidelines; and
- (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 judgement of the City Council.

SECTION 2. ***City Council Action.*** Based upon the findings and conclusions set forth in Section 1 above and upon the substantial evidence presented to the City Council including the 2018 Housing Element Annual Progress Report and public comments during the above-referenced hearing, the City Council hereby APPROVES the herein described Report attached hereto as “Attachment A,” and incorporated herein by this reference; and Planning staff is hereby authorized to submit the Report to the California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR).

SECTION 3. ***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 4. ***Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

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 March 2019.

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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 19, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

2018 Housing Element Annual Progress Report

(Document follows this page)

Please Start Here

General Information	
Jurisdiction Name	Ontario
Reporting Calendar Year	2018
Contact Information	
First Name	Cathy
Last Name	Wahlstrom
Title	Planning Director
Email	cwahlstrom@ontarioca.gov
Phone	(909) 395-2036
Mailing Address	
Street Address	<u>303 E. B St.</u>
City	Ontario
Zipcode	91764

Submittal Instructions

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. **Online Annual Progress Reporting System (Preferred)** - This enters your information directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. **Email** - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

v 2_6_19

Project Identifier			mes - Building Permits			Affordability by Household Incomes - Certificates of Occupancy													
1			8			9			10							11		12	13
Current APN	Street Address	Project Name*	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Date Issued	# of Units issued Certificates of Occupancy or other forms of readiness	How many of the units were Extremely Low Income?*		
Data Entry Below				72	1241		1313							135	798		933		
104857211																			
104857213																			
104717203																			
104717219																			
21828115																			
21828116																			
21820115																			
21820144																			
21821103																			
21801405																			
21811154																			
21811155																			
21801403																			
21801404																			
21801402																			
21820118																			
21820118																			
21804215	5075 S OXFORD LN, ONTARIO, CA 91762													1	05/18/2018		1		
21805212	3109 E DISCOVERY ST, ONTARIO, CA 91762													1	01/26/2018		1		
21805212	3101 E DISCOVERY ST, ONTARIO, CA 91762													1	01/26/2018		1		
21839214	3932 S ALEXANDER AV, ONTARIO, CA 91761													1	07/31/2018		1		
21839214	3942 S ALEXANDER AV, ONTARIO, CA 91761													1	07/31/2018		1		
21839214	3952 S ALEXANDER AV, ONTARIO, CA 91761													1	11/16/2018		1		
10855110	1672 E HARVARD PL 5, ONTARIO, CA 91764													1	01/11/2018		1		
10855150	1672 E HARVARD PL 1, ONTARIO, CA 91764													2	01/11/2018		2		
10855110	1672 E HARVARD PL 2, ONTARIO, CA 91764													2	01/11/2018		2		
10855110	1672 E HARVARD PL 4, ONTARIO, CA 91764													2	01/11/2018		2		
10855110	1672 E HARVARD PL 3, ONTARIO, CA 91764													1	01/11/2018		1		
104936813	910 S BON VIEW AV, ONTARIO, CA 91761												1		12/20/2018		1		
101422140	1261 W LOCUST ST, ONTARIO, CA 91762													1	05/10/2018		1		
105106101	245 W VIA PRESIDIO, ONTARIO, CA 91762			6		01/25/2018	6							6	08/01/2018		6		
21837234	3018 E HOPKINS ST, ONTARIO, CA 91761													1	06/25/2018		1		
21842314	3142 E CHIP SMITH WY, ONTARIO, CA 91762													1	07/24/2018		1		
21845215	3272 E LA AVENIDA DR, ONTARIO, CA 91761													1	11/30/2018		1		
21845214	3264 E LA AVENIDA DR, ONTARIO, CA 91761													1	11/30/2018		1		
21845213	3260 E LA AVENIDA DR, ONTARIO, CA 91761													1	11/30/2018		1		
21844508	3842 S OAKVILLE AV, ONTARIO, CA 91761													1	11/20/2018		1		

Project Identifier		mes - Building Permits				Affordability by Household Incomes - Certificates of Occupancy													
1		8				9				10						11		12	13
Current APN	Street Address	Project Name*	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits <u>Date Issued</u>	# of Units Issued Building Permits	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) <u>Date Issued</u>	# of Units Issued Certificates of Occupancy or other forms of readiness	How many of the units were Extremely Low Income?*		
21844507	3840 S OAKVILLE AV. ONTARIO, CA 91761													1	11/20/2018	1	1		
21844508	3844 S OAKVILLE AV. ONTARIO, CA 91761													1	11/20/2018	1	1		
21838231	3703 S HYCHE AV. ONTARIO, CA 91761												1	07/24/2018	1	1			
21852205	2471 E SALEM ST. ONTARIO, CA 91761													1	09/13/2018	1	1		
21852204	2477 E SALEM ST. ONTARIO, CA 91761													1	09/13/2018	1	1		
21852203	2483 E SALEM ST. ONTARIO, CA 91761													1	09/13/2018	1	1		
21852202	2489 E SALEM ST. ONTARIO, CA 91761													1	09/13/2018	1	1		
11031156	2625 E DATE PALM PASEO, ONTARIO, CA 91764													24	08/27/2018	24	24		
11031157	2589 E DATE PALM PASEO, ONTARIO, CA 91764													24	08/28/2018	24	24		
21893122	3973 E TULANE WY. ONTARIO, CA 91761													1	11/27/2018	1	1		
21893121	3955 E TULANE WY. ONTARIO, CA 91761													1	10/30/2018	1	1		
21893123	3979 E TULANE WY. ONTARIO, CA 91761													1	12/10/2018	1	1		
104944129	1132 S GREENWOOD AV. ONTARIO, CA 91761				1	08/07/2018	1												
21844201	3485 E PINE RIDGE LP. ONTARIO, CA 91761													1	04/25/2018	1	1		
21844206	3471 E PINE RIDGE LP. ONTARIO, CA 91761													1	04/25/2018	1	1		
21844202	3483 E PINE RIDGE LP. ONTARIO, CA 91761												1	04/25/2018	1	1			
21844205	3473 E PINE RIDGE LP. ONTARIO, CA 91761												1	04/25/2018	1	1			
21844203	3481 E PINE RIDGE LP. ONTARIO, CA 91761												1	04/30/2018	1	1			
21844204	3475 E PINE RIDGE LP. ONTARIO, CA 91761												1	04/30/2018	1	1			
21843471	3220 E MIDSUMMER PRIVADO, ONTARIO, CA 91762				3	08/23/2018	3												
21841204	4131 S CARDINALE PRIVADO, ONTARIO, CA 91762													6	10/18/2018	6	6		
21837249	3853 S GROWER AV. ONTARIO, CA 91761													1	08/21/2018	1	1		
104735204	213 E LA DENEY DR. UNIT# B, ONTARIO, CA 91764				1	03/29/2018	1												
21841204	4171 S CARDINALE PRIVADO, ONTARIO, CA 91761													14	04/03/2018	14	14		
21855429	4923 S ROSEMARY WY. ONTARIO, CA 91762													1	03/05/2018	1	1		
21855431	4903 S ROSEMARY WY. ONTARIO, CA 91762													1	03/05/2018	1	1		
21855434	4924 S ROSEMARY WY. ONTARIO, CA 91762													1	03/05/2018	1	1		

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Ontario
Reporting Year	2018 (Jan. 1 - Dec. 31)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs. Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	2592											2592
	Non-Deed Restricted												
Low	Deed Restricted	1745											1745
	Non-Deed Restricted												
Moderate	Deed Restricted	1977										1434	543
	Non-Deed Restricted		364	138	340	520	72						
Above Moderate		4547	163	420	287	1136	1241					3247	1300
Total RHNA		10861											
Total Units 44			527	558	627	1656	1313					4681	6180

Note: units serving extremely low-income households are included in the very low-income permitted units totals
Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Ontario	
Reporting Year	2018	(Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
1. Code Enforcement	Continue Code Enforcement using a progressive approach of voluntary compliance, citations, and court action, if needed. Continue to apply for funding.	Ongoing, inspect properties annually	Community Improvement conducted 5,201 inspections and 1,925 cases were closed in 2018. As part of the Rental Inspection Program 6,948 housing units were inspected and violations were abated in 5,960 units.
2. Quiet Home	Completed	Completed	<p>Since the program began in 1994, 1,599 units have been insulated and 256 properties were acquired. The Program has sold 30 parcels for future airport compatible development.</p> <p>Program was terminated in September 2015 due to updated NEM eligibility noise contour which eliminated funding for the program.</p>
3. Historic Preservation	Continue to Implement Program	Ongoing	<p>City staff continues to implement the historic preservation program, including: 19 properties on the Ontario Register were reviewed for historic significance, 7 were removed and 12 received Tier Determinations, 1 Mills Act Contract (preservation agreement) was approved, Annual Mills Act Contract Monitoring of 15 contracts were completed, and Design Reviews for 237 projects were completed. Completion of community outreach activities including: Historic Preservation Month Photo Contest, development of an ESRI Storymap geographically displaying photographs and information for local historical points of interest, participation in the Ontario Showcase/Heritage Celebration and the Ontario Festival of the Arts.</p>

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
4. Housing Rehabilitation Loan & Grants	Continue to Implement Program, as funding is available.	Ongoing	<p>The City of Ontario implemented the following programs during 2018: CIT Homeowner Occupied Rehabilitation Loan Program and CIT Emergency Grant Program.</p> <p>During 2018, zero (0) homes were rehabilitated through the CIT Homeowner Occupied Rehabilitation Loan Program and zero (0) homeowner was assisted through the CIT Emergency Grant Program.</p> <p>The City's largest housing rehabilitation program, the CARES Program continues to remain on hold. Funding for this program had been provided through the Ontario Redevelopment Agency's Low and Moderate-Income Housing Fund (LMIFH). To date, no replacement funding has been identified and secured.</p>
5. Cares	Continue program implementation, as funding is available.	Ongoing	As stated earlier, this program was funded with LMIHF. At this time, the program is on hold and no activity took place during 2018.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
6. Neighborhood Plans	Designate focus neighborhoods, outreach plan and process, and initiate survey efforts. Evaluate the potential of creating neighborhood improvement plans.	Ongoing	<p>The Planning Department continues to conduct Neighborhood Planning through various outreach efforts. The primary Neighborhood Planning programs implemented during 2018 include the HEAL Zone, Zoning Consistency, Transformative Climate Communities Program and Active Transportation. Through the HEAL Zone and Transformative Climate Communities programs, feedback from community leaders helped inform decision makers on policy and capital improvements. The Zoning Consistency program creates consistency with The Ontario Plan (General Plan) with a major goal of protecting residential areas. In 2018, 552 properties were rezoned to either be consistent with existing residential uses or be more compatible with adjacent residential development by limiting uses. Surveys were conducted on pedestrian safety and bicycle routes. This information helped to support an Active Transportation Program grant application submitted in 2018 that will provide more than 3 miles of missing sidewalks, 200 ADA ramps, new street lights, enhanced crossings and parkway shade trees. A Safe Routes to School grant improvements (ATP Cycle 1 and 2) around Bon View, Euclid, Corona, Vineyard and El Camino Elementary Schools were completed that improves pedestrian access to these schools and other local destinations. Design and ROW acquisition began for ATP Cycle 3 that will make pedestrian improvements around Sultana Elementary and De Anza Middle Schools. In addition, more than 150 ADA ramps were installed to improve accessibility to the future BRT stations on Holt Blvd. Work began on a Systemic Safety Analysis Report Program (SAARP) analysis to examine how to incorporate improved pedestrian, biking and transit opportunities and overall safety along the Euclid Avenue corridor and an Active Transportation Master Plan that will determine where pedestrian and bike improvements are needed. A GoHuman demonstration event was held in downtown to gain public input on pedestrian and bicycle improvements being considered in downtown. Construction of most of the G Street Crosstown Bike Route was completed in 2018 but the final segment will be completed in 2019. A grant was submitted to prepare concept plans for a Multimodal Transportation Center.</p>
7. Neighborhood Stabilization	Designate focus neighborhoods, outreach plan and process, and initiate survey efforts. Evaluate the potential of creating neighborhood improvement plans.	Ongoing	No activity occurred during 2018. City staff will implement programs as funds become available.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
8. Community Oriented Policing	Continue implementation of COPs Program; coordinate marketing efforts with the new Quadrennial Inspection Program.	Ongoing	<p>The Community Oriented Policing (COPS) Division takes a pro-active approach by partnering with building and property owners to prevent, deter and solve crimes. Additionally during inspections, onsite improvements are identified under the concept of Crime Prevention Through Environmental design (CPTED). In 2018, 80 apartment buildings and 8 businesses were enrolled in the Crime-Free Housing and Trespassing program. 280 individuals were served with trespassing forms.</p>
9. Downtown Plan	Downtown planning to facilitate new mixed-use and residential development; continue to acquire property and assemble sites to facilitate new housing.	Ongoing	<p>The objective of the downtown planning effort is to facilitate new mixed-use and residential development and continue to acquire property and assemble sites to facilitate new housing. To facilitate new development and establish new businesses within the downtown the HEART (Historic Euclid Avenue Revitalization Team) Initiative was established in 2015. HEART leverages resources, services and activities to enhance the downtown experience. Through improved transit and placemaking efforts that integrate arts and culture, the HEART Initiative is creating an environment that attracts new housing, improves existing housing and encourages a mix of uses and activities. A strategic plan is underway to diversify land uses and improve mobility and connectivity downtown, which is scheduled for approval in 2019. Construction of a 100% affordable (low and very-low income) 101-unit TOD project is expected to commence in 2019 (Virginia/Holt); a 153-unit mixed use development is expected to be entitled in 2019 (C1 Block); In addition, construction of 100% affordable (low and very-low income) 75-unit project (Vine/Holt), with an expected completion date of Summer 2020. A Bond Measure was approved in 2018 for Chaffey College that will provide educational and job opportunities in downtown; and finally the Downtown Plan area is included in a \$35 million Transformative Climate Communities Grant awarded to the City to increase prosperity, improve transportation and housing within a disadvantaged community. The TCC program includes affordable housing, active transportation improvements, mobility hub, urban greening, carbon farm, solar photovoltaic, and transit improvements. This grant is a collaborative effort with public and community-based organizations developing and implementing project in support of reducing greenhouse gas emissions and enhancing overall quality of life</p>

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
10. Mountain & Euclid Corridors	Re-designate corridors for medium- and high-density residential uses and develop a lot consolidation ordinance to facilitate the assemblage of lots into larger parcels.	Completed	All sites on the Housing Element Available Land Inventory along these corridors have been rezoned to medium density residential, high density residential, or mixed use designations consistent with The Ontario Plan (which includes the General Plan).
11. Holt Blvd.	Re-designate as High Density and Mixed Use and develop a lot consolidation ordinance to assemble parcels.	Completed	All sites on the Housing Element Available Land Inventory along the Holt Boulevard corridor have been rezoned to accommodate higher densities.
12. New Model Colony	Continue to review, approve, and implement plans to develop the New Model Colony.	Ongoing	City staff continues to review and process applications for development in the New Model Colony. Permits were issued for 1,063 units within the NMC in 2018.
13. Downtown Core Catalyst Project	Continue to implement the programs identified in the Downtown Core Catalyst Project as funding is available.	Completed	The Catalyst program was completed on June 30, 2017. There was no activity on this program during 2018.
14. Design Review	Continue to implement design review process.	Ongoing	City staff continues to implement design review.
15. Green Building	Promote green building practices in the private sector and explore point-of-sale energy retrofits for residences. Renewable energy incentive and energy efficiency programs. Develop a citywide 20-year energy plan. Support pilot development project as a net-zero-energy community and formulate solar site orientation guideline.	Ongoing	The City continues to trend towards the Climate Action Plan target of 30% greenhouse gas reduction below Year 2020 business as usual by Year 2020 with the installation of 1.8 MW solar array systems within City facilities generating 2,814,000 kWh of clean energy offsetting 1,978 Metric Tons of CO ₂ e. The City is one of three cities in the State of California to be awarded the first round of the GGRF Transformative Climate Communities Grant encompassing a variety of programs from developing 101-units of affordable housing, single family solar installations, and increasing transit/bicycle options to developing a 2-acre carbon farm. This multi-year grant program is anticipated to reduce approximately 19,737 MTCO ₂ e, providing healthy air and pathways for low-income residences to thrive.
16. Land Monitoring Program to Meet the RHNA	Ensure there is sufficient supply of multi-family zoned land to meet the housing needs identified in the Regional Housing Needs Allocation.	Ongoing	City staff monitors entitlement applications to ensure that the Available Land Inventory is maintained and verifies that development of identified sites complies with the minimum density indicated in the Available Land Inventory or identifies alternate sites to meet the City's RHNA needs. Safeguards have been incorporated into the City's Discretionary Permit Application which includes an affidavit regarding compliance with the Available Land Inventory.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
17. Incentives	Offer financial and regulatory incentives for residential projects that meet City housing and affordable housing goals.	Ongoing	The City continues to offer financial incentives for affordable housing projects where feasible and as funding is available. Housing incentives have also been included in the comprehensive Development Code update which was adopted in 2016 which continues to be implemented in 2018.
18. Land Acquisition	Continue to approve financial incentives for residential projects that meet City housing and affordable housing goals	Ongoing	City staff will implement programs as funds become available.
19. Planned Unit Development	Continue to utilize the PUD to create tailored development standards to facilitate new housing.	Ongoing	The PUD continues to be a viable tool to implement new multi-family housing.
20. Mixed Use and High Density Residential Zone and Standards	Develop new mixed-use and high-density residential development zone and standards to implement the General Plan. Allow residential uses by right in both zones.	Ongoing	New General Plan land use designations were adopted in 2010. The 2016 comprehensive update to the Development Code implements the new General Plan land use designations and allows residential uses by right within the High Density Residential and Mixed Use zones. The City continues its efforts in processing Zone Changes to bring alignment with the adopted General Plan. In 2018 no additional parcels outside the Euclid Avenue, Mountain Avenue, and Holt Boulevard corridors were rezoned to High Density Residential or Mixed Use zones.
21. Public Housing	Continue to assist up to 600 households under the public housing program and seek additional vouchers as available.	Ongoing	Public housing programs in Ontario are administered through the Housing Authority of the County of San Bernardino (HACSB). During 2018, the HACSB managed approximately 527 Housing Choice Vouchers within Ontario.
22. Homeownership	Implement down payment assistance programs Citywide and for the Town Square project.	Ongoing	The CalHome Mortgage Assistance program ended on April 5, 2017. City staff continue tracking the use of loan funds paid off in a reuse account for use on eligible projects.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
23. Preservation of At Risk Housing	Monitor the status of at-risk projects and, if they are at imminent risk of conversion, provide technical assistance and/or financial assistance to preserve the properties as deemed feasible.	Ongoing	There are a total of 1,751 assisted, multi-family rental units in the City, of which no units were “at-risk” of conversion to market rate during calendar year 2018. To address the preservation of public housing for very low- and low-income persons, the City of Ontario maintains contact with owners of at-risk units as the use restriction expiration date approaches to communicate with the owner the importance of the units to the supply of affordable housing in Ontario, as well as its desire to preserve the units as affordable. The City will make every effort in using local incentives that can be offered to property owners to preserve any at risk units. During 2018, City staff worked with the National Foundation for Affordable Housing to assist with the acquisition and rehabilitation of the Ontario Townhouses project, a project-based Section 8 voucher property, including an extension of the PBV contract for an additional 20 years. The project is expected to be complete during calendar year 2019.
24. Jack Galvin Accord	Continue to implement the Jack Galvin Accord and monitor the effectiveness of the accord.	Ongoing	City staff administered the Accord that covers 1,697 mobile home units located in 10 mobile home parks throughout Ontario. City staff distributed the annual rent adjustments allowed as part of the Accord and designed to limit rental increases within the participating mobile home parks.
25. Fair Housing	Continue to contract with fair housing providers	Ongoing	The City of Ontario has worked in conjunction with the Inland Fair Housing and Mediation Board to affirmatively further fair housing opportunities in this community. The Inland Fair Housing and Mediation Board “actively supports and promotes freedom of residence through education, advocacy and litigation to the end that all persons have the opportunity to secure the housing they desire and can afford, without regard to their race, color, religion, gender, sexual orientation, national origin, familial status, marital status, disability, ancestry, age, source of income or other characteristics protected by law.”

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
26. Homeless Continuum of Care	Continue to fund Mercy House to implement the Continuum of Care program for homeless residents and other programs as funding is available.	Ongoing	<p>During calendar year 2018, the following achievements were made within the Ontario Homeless Continuum of Care: * Mercy House Ontario Access Center – provided basic needs and services to 809 new (unduplicated) clients;</p> <p>* Assisi House and Aftercare Services Program – provided transitional housing and aftercare services to 38 new (unduplicated) clients;</p> <p>* HOME TBRA – provided tenant based rental assistance to twenty-three (23) households to secure permanent housing;</p> <p>* Project Gateway – assisted 12 chronically homeless individuals with disabilities and their families secure permanent housing with wrap around services through HUD’s Shelter Plus Care Program; and</p> <p>* Permanent housing units – continued to operate 76 permanent housing units in cooperation with the Ontario Housing Authority, Mercy House, and Mercy House CHDO. These units assist in providing priority occupancy to participants in the CoC Project Gateway.</p>
27. Senior Housing	Continue to provide a full range of housing support services.	Ongoing	During calendar year 2018, the City continued to monitor 762 units of affordable senior housing.
28. Housing for People with Disabilities	Continue to assist with the development of housing for persons with disabilities, including those with developmental disabilities and update the definition of family to comply with State law.	Ongoing	The City enforces state and federal accessibility laws to facilitate the improvement of housing for disabled people and encourages reasonable accessibility accommodations. In addition, the comprehensive Development Code update, which went into effect in 2016, incorporates reasonable accommodation provisions and redefined "family" to comply with State law.
29. Family Housing	Continue program implementation.	Ongoing	The City continued to monitor 989 units of affordable family housing during calendar year 2018.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
30. Extremely Low Income Households	Work with non-profits and/or for-profit developers to build housing for ELI households through supporting grants and funding applications. Offer fee reductions and land write downs for new affordable housing for low-income, very low-income, and ELI households.	Annually	<p>During calendar year 2018, the following services were provided to Extremely Low-Income households:</p> <ul style="list-style-type: none"> * Assisted housing units – 12 housing units restricted to extremely low-income occupancy; * Project Gateway – Ten (10) units occupied by extremely low-income households; * HOME Tenant Based Rental Assistance (TBRA) – Fourteen (14) households assisted; * CoC Permanent Housing (excluding Project Gateway and HOME TBRA) –Six (6) households assisted; * Assisi House and Aftercare Services program – 38 persons (unduplicated); * Mercy House Center Ontario – 808 persons (unduplicated); * Foothill Family Shelter – 7 persons (unduplicated) – this program only operated between January and June 2018; * Services for Battered Women and Children – 74 persons (unduplicated); * SOVA Food Security Center – 2,503 persons (unduplicated); * Fair Housing services – 106 households (unduplicated); * Landlord-Tenant Mediation services – 718 households (unduplicated); * Senior Services – 166 persons (unduplicated); and * Child Care Subsidies – 6 persons (unduplicated).
31. Special Needs Housing	Collaborate with affordable housing developers and secure funding, if feasible, to assist with the development of special needs housing projects.	Annually	<p>In conjunction with the Ontario Housing Authority, the Housing Authority of the County of San Bernardino, County of San Bernardino Department of Behavioral Health, and Mercy House Living Centers, 12 Shelter Plus Care project based vouchers were available within Ontario for chronically homeless with disabilities and their families.</p> <p>During 2018, the City in conjunction with Mercy House Living Centers, implemented the HOME Tenant Based Rental Assistance to provide rental assistance with security deposits and utility deposits to chronically homeless and homeless households. During calendar year 2018, 23 homeless households were assisted with permanent housing.</p>

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
General Comments:			

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Ontario	
Reporting Period	2018	(Jan. 1 - Dec. 31)

Note: + Optional field
Cells in grey contain auto-calculation formulas

Table F

Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)(2)

This table is optional. Jurisdictions may list (for informational purposes only) units that do not count toward RHNA, but were substantially rehabilitated, acquired or preserved. To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields. Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code section 65583.1(c)(2).

Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1 ⁺
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Total Units by Income									

Jurisdiction	Ontario	
Reporting Year	2018	(Jan. 1 - Dec. 31)

Entitled Units Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		1028
Total Units 44		1028

Note: units serving extremely low-income households are included in the very low-income permitted units totals

Submitted Application Summary	
Total Housing Applications Submitted:	11
Number of Proposed Units in All Applications Received:	1,333
Total Housing Units Approved:	502
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

CITY OF ONTARIO

Agenda Report
March 19, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 48 (TEVELDE SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

RECOMMENDATION: That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 48 (Tevelde Services), 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 calling a special election for City of Ontario Community Facilities District No. 48 (Tevelde Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of a 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. 48 (Tevelde 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: The use of Mello-Roos financing in the Tevelde project is projected to generate approximately \$728,000 per year, at build out, to fund City services. As proposed, the maximum annual tax rate on each of the project's 432 single-family detached units is \$1,687. The use of Mello-Roos financing is critical in achieving the City Council's goal to "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch." The use of Mello-Roos financing for the

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 03/19/2019
Approved: _____
Continued to: _____
Denied: _____

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Tevelde development will not generate funds for facilities, and bonds will not be issued as part of this formation. The CFD 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, LLC.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local governments, 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 February 5, 2019, the City Council approved Resolution No. 2019-005, a Resolution of Intention, to establish City of Ontario Community Facilities District No. 48 (Tevelde Services) and to authorize the levy of special taxes within the district. The Tevelde project addresses the development of approximately 87 gross acres located north of Merrill Avenue, south of Eucalyptus Avenue, east of the Cucamonga Creek Channel, and west of Archibald Avenue. At build-out, the development is projected to include 432 single-family detached units.

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. 48 (Tevelde 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 has 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 March 19, 2019. 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. Additionally, the City gave notice of the time and place of the meeting to each registered voter and to each landowner within the district's boundaries at least fifteen days before the hearing, and the district boundary map was recorded on February 12, 2019. The election will be held immediately after the close of the public hearing in order for the City Council to be presented with the results of the election during the meeting. The City Council may then adopt a resolution declaring the results of the election after receiving a statement from the City Clerk as to the canvass of ballots.

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. 48 (TEVELDE 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 February 5, 2019, 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. 48 (Tevelde 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. 48 (Tevelde 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 February 19, 2019, 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. 48 (Tevelde Services)."

SECTION 4. 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 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 88 at Page 16 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2019-0045793).

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 \$36,000,000.

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 February 19, 2019, 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 of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of March 2019.

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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 19, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2019.

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

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT No. 48
(TEVELDE 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. 48 (Tevelde Services) ("CFD No. 48") and collected each Fiscal Year commencing in Fiscal Year 2019-20, 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. 48, 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. 48: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 48 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. 48 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. 48; and amounts estimated or advanced by the City or CFD No. 48 for any other administrative purposes of CFD No. 48, 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. 48**” means City of Ontario Community Facilities District No. 48 (Tevelde 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. 48.

“**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, 2019, 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. 48 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. 48 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 or utility 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, 2019, 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. 48, 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. 48 to be levied within the boundaries of CFD No. 48.

“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 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. 48, 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. 48 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 2019-20, all Taxable Property within CFD No. 48 shall be classified as Residential Property (Single Family 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 2019-20
Residential Property:	
Single Family Dwelling Unit	\$1,687 per Unit
Multiple Family Dwelling Unit	\$1,462 per Unit
Gated Apartment Community Dwelling Unit	\$1,226 per Unit
Non-Residential Property	\$0.31 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2020, 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 2019-20, 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. 48 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. 48.

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. 48 (TEVELDE 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. 48 (Tevelde 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. 48 (Tevelde 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 February 19, 2019, 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 March 19, 2019 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 March 19, 2019.

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 February 19, 2019, 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 March 19, 2019, 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 March 19, 2019.

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 March 19, 2019. 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 March 19, 2019; 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 March 19, 2019, 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 March 2019.

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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 19, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO
MARCH 19, 2019

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 (+ or X) 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. 48
(TEVELDE SERVICES)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 48 (Tevelde 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 \$36,000,000, 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. 48 (Tevelde 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 March 19, 2019?

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 March 19, 2019, 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. 48 (Tevelde Services)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 48 (Tevelde 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 March 19, 2019; 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 March 2019.

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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 19, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 48
(TEVELDE SERVICES)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on March 19, 2019, I canvassed the returns of the special election held on March 19, 2019, for the City of Ontario Community Facilities District No. 48 (Tevelde 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. 48 (Tevelde Services) Special Election, March 19, 2019	87	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 48 (Tevelde 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 \$36,000,000, 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. 48 (Tevelde 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 March 19, 2019?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 19th day of March, 2019.

By: _____
Sheila Mautz, City Clerk

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. 48 (TEVELDE SERVICES).

WHEREAS, on February 5, 2019, 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. 48 (Tevelde Services) and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 48 (Tevelde Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on March 19, 2019, 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. 48 (Tevelde 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. 48 (Tevelde 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 March 19, 2019, 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 2019-20 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 _____ 2019.

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 _____, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 19, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-003) TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS FOR THE DEVELOPMENT OF 2.6 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE, WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT (APNS: 1048-472-16, 1048-472-17, 1048-472-19, 1048-472-20, AND 1048-472-21)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a Planned Unit Development, File No. PUD17-003, establishing development standards and guidelines to facilitate the development of a commercial center located at the northwest corner of Holt Boulevard and Grove Avenue.

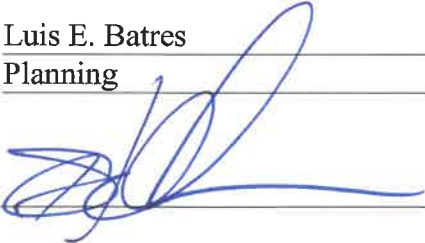
COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

BACKGROUND: The project site is comprised of six contiguous parcels of land totaling 2.6 acres at the northwest corner of Grove Avenue and Holt Boulevard. The site is bordered by residential uses to the north and vacant land to the west, south and east.

The Ontario Plan Policy Plan (General Plan) designates the 2.6 acre project site as MU-2 (East Holt Mixed-Use). The MU-2 area provides for a vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. New residential uses are envisioned within mixed-use areas along the Holt Boulevard corridor. These new housing opportunities will also provide increased demand for retail at strategic locations (e.g., major intersections). The densities and intensities of the mixed-use district designations provided within The Ontario Plan (TOP) reflect overall ranges for

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director, Development Agency

Prepared by: Luis E. Batres
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 03/19/2019
Approved: _____
Continued to: _____
Denied: _____

each district, however, individual projects may vary depending upon approved master plans, such as an area plan, specific plan, or planned unit development.

The Policy Plan specifies that the MU-2 (East Holt Mixed-Use) zoning district 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, Elba Inc., of San Dimas, California, has submitted the “Holt Boulevard and Grove Avenue Planned Unit Development” (included as Attachment “A” to the attached ordinance) which is consistent with the vision and the goals and policies of the Policy Plan.

The proposed PUD establishes development standards, regulations and design guidelines to facilitate the development of a commercial center, with a maximum Floor Area Ratio of 1.0 for development. In conjunction with the PUD submittal, the applicant has submitted a Development Plan (File No. PDEV17-034) and Conditional Use Permit (File No. PCUP17-026) consisting of a 4,662 square foot commercial self-serve car wash (Phase 1), and two multi-tenant retail buildings totaling 9,500 square feet (Phase 2).

On February 26, 2019, 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 approved (6-0) Resolution No. PC19-008, recommending that the City Council approve the PUD document and adopted Resolution Nos. PC19-009 and PC19-010 approving the development plan and conditional use permit contingent on City Council approval of the PUD.

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.

ENVIROMENTAL 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, which consists of projects characterized as infill development that meets each of the following conditions:

- 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.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare, or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- The project site can be adequately served by all required utilities and public services.



PLANNING COMMISSION STAFF REPORT

February 26, 2019

FILE NOS.: PUD17-003, PDEV17-034 & PCUP17-026


SUBJECT: A request for approval of certain entitlements to facilitate the development of 2.6 acres of land located at the northwest corner of Holt Boulevard and Grove Avenue, within the MU-2 (East Holt Mixed Use) zoning district including: [1] A Planned Unit Development (File No. PUD17-003) to establish development standards, design guidelines and infrastructure requirements; [2] A Development Plan (File No. PDEV17-034) to construct a phased commercial development composed of a 4,662 square foot commercial car wash (Phase 1) and two multi-tenant retail buildings totaling 9,500 square feet (Phase 2); and [3] A Conditional Use Permit (File No. PCUP17-026) to establish a car wash (APNs: 1048-472-16, 1048-472-17, 1048-472-18, 1048-472-19, 1048-472-20, and 1048-472-21); **submitted by Elba Inc., City Council action required for PUD only.**

PROPERTY OWNER: Elba Inc.

RECOMMENDED ACTION: That the Planning Commission: [1] recommend the City Council approve File No. PUD17-003, pursuant to the facts and reasons contained in the staff report and attached resolution; and [2] approve File Nos. PDEV17-034 and PCUP17-026 pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached department reports.

PROJECT SETTING: As depicted in Figure 1: Project Location, the project site is comprised of 2.6 acres of land located at the northwest corner of Holt Boulevard and Grove Avenue, within the MU-2 (East Holt Mixed Use) zoning district. The project site encompasses six parcels that will be consolidated into one irregularly shaped parcel.



Case Planner:	Luis E. Batres
Planning Director Approval:	
Submittal Date:	7-26-17

Hearing Body	Date	Decision	Action
DAB	12-17-18	Approved	Recommend
PC	2-26-19	Approved	Recommend (PUD) Final (PDEV & CUP)
CC	3-19-19		Final (PUD)

The site is bordered by residential uses to the north, and vacant land to the west, south and east.

PROJECT ANALYSIS:

[1] Background — The Applicant, Elba, Inc., is requesting approval of certain entitlements to facilitate the development of the project site, including:

- A Planned Unit Development (File No. PUD17-003) to establish development standards, design guidelines and infrastructure requirements;
- A Development Plan (File No. PDEV17-034) to construct a phased commercial development composed of a 4,662 square foot commercial car wash (Phase 1) and two multi-tenant retail buildings totaling 9,500 square feet (Phase 2) in area; and
- A Conditional Use Permit (File No. PCUP17-026) to establish a car wash.

On December 17, 2018, the Development Advisory Board (“DAB”) unanimously voted to recommend that the Planning Commission approve the subject Development Plan and Condition Use Permits applications. The DAB’s purview does not extend to the proposed Planned Unit Development.

[2] Planned Unit Development — The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenues. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transitions to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

The Policy Plan specifies that the East Holt Mixed Use 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 “Holt Boulevard and Grove Avenue Planned Unit Development” (included as Attachment “A” to the attached resolution), which is consistent with this vision and the goals and policies of the Policy Plan.

The purpose of the PUD is to secure a fuller realization of the Policy Plan than would result from the strict application of present zoning district regulations and to:

- Promote high standards in urban design;

- Encourage the development of exceptionally high quality, mixed-use, while establishing regulations and standards for uses with unique regulatory and design needs; and
- Ensure harmonious relationships with surrounding land uses.

A PUD is comparable to a Specific Plan in that it sets development regulations that are unique to a specific area; however, it is also unlike a Specific Plan in that a PUD is typically intended to apply to a single development project or several interrelated development projects that function together as a single, comprehensive project.

[a] Land Use and Development Regulations — Consistent with the requirements of the MU-2 (East Holt Mixed-Use) zoning district, the “Holt Boulevard and Grove Avenue Planned Unit Development” permits retail and restaurant land uses and conditionally permits car wash land uses. The maximum building height allowed is 35 feet. Required building setbacks are 15 feet (average) from Holt Boulevard and Grove Avenue, and 10 feet from the interior property lines.

[b] Landscaping and Drainage — A conceptual landscape plan is required to be submitted with the Development Plan for construction of the project site. The plan will be required to specify all landscape and hardscape elements for the development plan site and indicate how the improvements will coordinate with the other sites within the PUD. Water conservation will be provided through low water using plant materials, hydro zones, water efficient irrigation and weather based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees shall be used to reduce heat gain on buildings, paving and parking areas. The plan shall identify all existing trees on site and preserve them where possible. The landscape design shall meet the requirements of the Landscape Development Standards and shall create well-functioning spaces within a sustainable design. Trees along street frontages shall comply with the variety, size, and spacing as directed by the City of Ontario Master Street Tree Plan. A minimum of fifteen (15%) percent of the site shall have landscaping, not including right-of-way or paved areas.

[c] Off-Street Parking and Circulation\Access — Parking, circulation, transit and infrastructure improvements will be provided as follows:

- Parking: Off-street parking is required to be provided on-site, at the rates required by the City of Ontario Development Code. No on-street parking will be allowed on Holt Boulevard or Grove Avenue, in front of the project site.
- Circulation\Access: Vehicular access for the project site is provided at two points, including one 30-foot wide driveway on Grove Avenue, located mid-point along the street frontage, and one 30-foot wide driveway on Holt Boulevard, located at the southwest corner of the site. Pedestrian connections will be provided to each building

from the public street within the PUD site. Additionally, a pedestrian pathway to the Holt/Grove corner is required in order to promote use of a corner patio area.

- Mass Transit: The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

- Street Improvements: The City of Ontario, as part of its intersection widening plan, and the developers of the PUD site, will be responsible to improve Holt Boulevard and Grove Avenue to their ultimate widths.

Architecture\Design Guidelines — The architecture design and details, outlined within the PUD, focus on the following elements;

- Building Design
- Roof Form
- Building Entry Design
- Building Arcades and Awnings
- Architectural Styles
- Building Wall/Material Treatments
- Building Base and Top Treatments
- Building Colors

The PUD requires the architectural theme of the project area to be contemporary or modern styles that generally respond to the region's climate including such features as outdoor circulation, outdoor courtyards or plazas, recessed window frames, awnings, arcades, loggias, and trellises. Additionally, buildings are to be oriented toward Holt Boulevard or Grove Avenue, and incorporate entry elements, interesting architecture, enhanced materials, and pedestrian scale, to provide connection between the development and the public street. Building clustering is recommended to help define parking lot areas and encourage walking between buildings.

Due to the size and scale of the PUD area, all sides of the buildings will be visible from the public street. As such appropriate massing becomes more important to maintain the human-scale of the development and create a visually pleasing environment. Bay windows, stepped buildings, height changes and setback variations between stores help to break up large buildings as well as indicate entries and store locations to customers. Tower elements or monumental features are encouraged at focal points, such as corners, plazas, major entrances, or where walkways meet streets. Glazing to be used throughout the building to articulate the open space structure of the building. Overall the building architecture concept is to encompass contemporary open space architecture.

Varying setbacks along the front façade of buildings will create small outdoor public spaces for pedestrians to gather and sit.

[2] Development Plan — In conjunction with the Planned Unit Development, the Applicant is requesting Development Plan approval to construct a phased commercial center. Staff has worked with the applicant to design a project that meets the goals and requirements of the MU-2 zoning district and the Holt Boulevard and Grove Avenue Planned Unit Development design guidelines. The project characteristics are described below.

[a] Site Design/Building Layout — The proposed site layout is shown in Figure 2: Site Plan, below. Phase 1 of the project consists of the construction of a 4,662 square foot commercial car wash, completion of all required site improvements, and completion of all off-site improvements for the project. Parking has been carefully distributed throughout the site to provide customer convenience, while at the same time ensuring opportunities for landscaping. The Development Plan provides building setbacks of 15

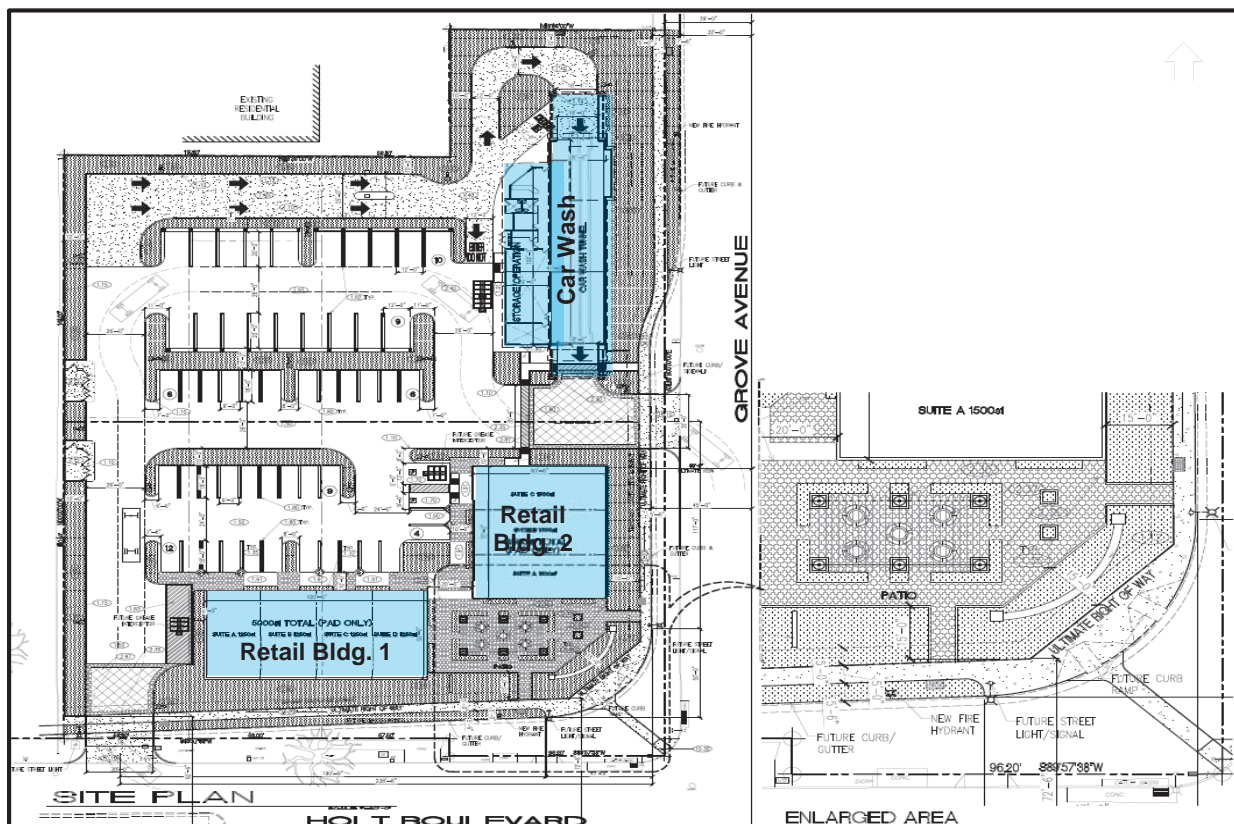


Figure 2: Site Plan

feet (average) along the Holt Boulevard and Grove Avenue street frontages, 62-feet along the west property line, and 35-feet along the north property line. The car wash structure has been designed with a north to south orientation, with the front facing south (Holt

Boulevard) and the rear facing north. The drive-through access for the car wash has been oriented toward the northwest portion of the site.

The parking lot, landscaping, and plaza area located between the two retail buildings pads will be required to be completed with Phase 1. A condition of approval has been imposed on the project that will require hydroseeding of the two remaining building pads to provide interim landscaping until a Development Plan is submitted and approved for their construction.

A 6-foot high decorative split face block wall will be constructed along the interior property lines (west and north portions of the site). The walls will serve to buffer the adjacent residential project currently under construction, from the proposed commercial development. The Applicant will have to coordinate construction of the wall with the adjacent residential development.

Phase 2 of the project consists of the development of two retail buildings totaling 9,500 square feet. Retail Building 1, located toward the southwest portion of the site, is approximately 5,000 square feet in area and will accommodate up to four retail suites. Retail Building 2, located toward the southeast portion of the site, is approximately 4,500 square feet in area and will accommodate up to three retail suites.

[b] Site Access/Circulation — Vehicular access for the project site is provided by one 30-foot wide driveway on Grove Avenue, located mid-point along the street frontage, and one 30-foot wide driveway on Holt Boulevard, located at the southwest corner of the site. Upon entering the site, patrons may enter the car wash tunnel from the north, and exit the tunnel to the south side of the car wash.

[c] Parking — The project has been parked in accordance with the requirements of the Ontario Development Code. Total required parking for the project is 48 spaces, including ten spaces required for the car wash and 38 spaces required for the retail buildings. The project provides a total of 58 parking spaces, exceeding the minimum parking requirement. Therefore, no shortage of parking is anticipated.

[d] Architecture — The project is proposing a development that exemplifies the type of high quality architecture promoted by the Holt Boulevard and Grove Avenue Planned Unit Development. Staff has worked with the applicant to design a project that will complement the immediate neighborhood through its scale, style, form, materials, and color palette (see Figure 3: Car Wash Elevations).

The modern architecture style proposed is in keeping with the City's high standards for new commercial development. Proposed architectural features include the following:

- Focal tower elements facing the north (rear of building) and south (front of building),
- Articulation in building roof lines,
- Variation in colors (silver, gray, ocean blue),
- Extensive use of glazing along all four elevations, but in particular along the east and west elevations facing Grove Avenue and Holt Boulevard,
- Aluminum storefront framing to accentuate the primary towers,
- Aluminum composite metal panels by Alucobond,
- Incorporation of ½” reveal patterns within the Alucobond panels,
- Decorative lighting at key locations,
- Incorporation of corrugated metal panels; and
- Incorporation of a standing seam metal roof



Figure 3: Car Wash Elevations

When constructed, the two retail buildings, as part of Phase 2, will be required to compliment the design and materials of the car wash.

[e] Landscaping — The MU-2 zone and Holt Boulevard and Grove Avenue Planned Unit Development require the project to provide a 15 percent landscape

[f] Signage — A sign program will be required to be approved for the project prior to any signs being installed.

[g] Utilities — Public utilities (water and sewer) are available to serve the project. Additionally, the Applicant has submitted a Preliminary Water Quality Management Plan (PWQMP), which establishes the project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces, and maximizes low impact development (LID) best management practices (BMPs), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes a vegetated swale designed to accept runoff from building roofs, parking lots and project roadways, which lead to an underground stormwater infiltration system. Any overflow drainage will be conveyed to the public street via a parkway drain.

[3] Conditional Use Permit: In conjunction with the previously described PUD and Development Plan applications, the applicant is requesting approval of a Conditional Use Permit to establish and operate a 4,662-square foot car wash on the subject property. The intent of Conditional Use Permit review is to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the public health, safety, or welfare, or to uses, properties and/or improvements in the vicinity. Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses in the surrounding area.

The proposed car wash will utilize higher end technologies than those traditionally used by automated car washes. All water used by the car wash will be filtered and recycled, and all grease, oils, and solids are collected onsite and hauled to an offsite environmental waste collection center. To minimize impacts on adjacent land uses, the floor plan has been carefully designed with all mechanical equipment located inside of the building in an effort to isolate significant noise-generating elements from adjacent land uses (see Figure 5: Floor Plan, below). In addition, the 6-foot tall decorative masonry block wall required along each interior property line will serve to further abate any potential nuisance noise generated by the proposed use.

The equipment and vacuum rooms, which house systems for the car wash tunnel, as-well-as the motor system for the vacuums, are located along the southwest portion of the building. The exit area of the tunnel, which is the largest producer of noise, will be oriented south, toward Holt Boulevard.

To support the proposed car wash, the first row of parking along the north portion of the site will have self-serve vacuums, where customers will be able to vacuum their vehicles. To further minimize any potential noise impacts generated by car wash activities, the project has been conditioned to require the placement of "silencers" on the

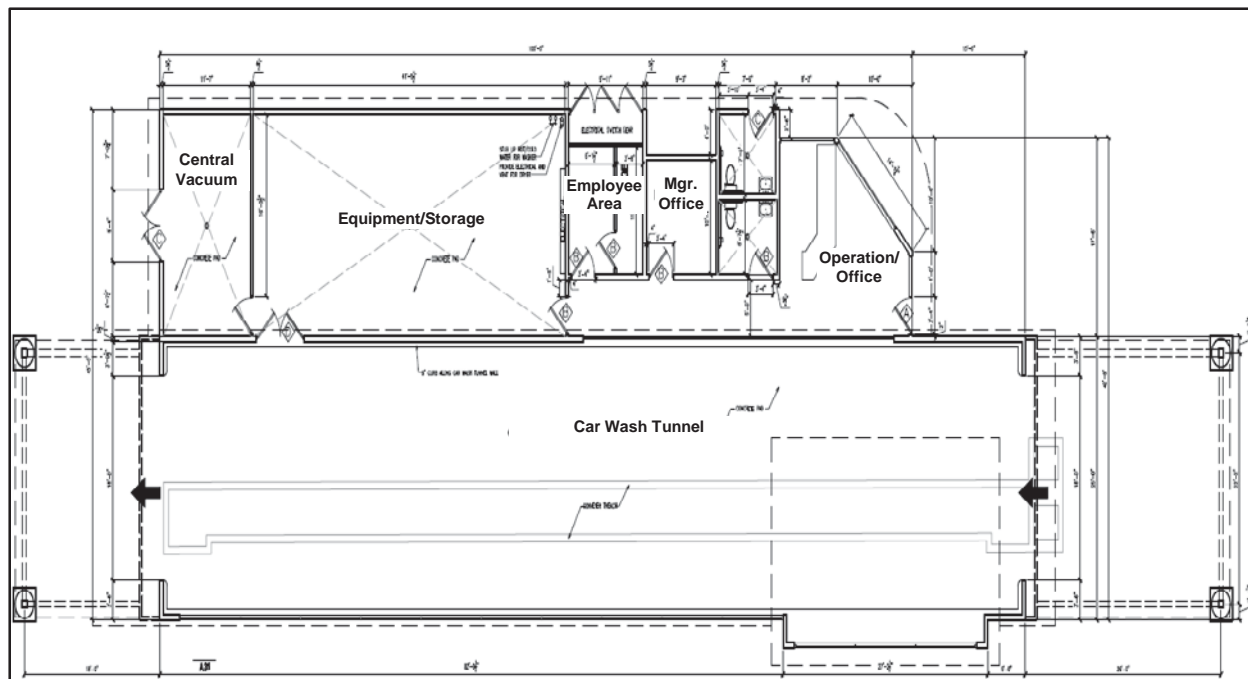


Figure 5: Floor Plan

self-serve vacuums. Additionally, the car wash has been conditioned to operate within 65 dB CNEL and the applicant has been required to prepare and submit a noise study to the Planning Department prior to the issuance of a building permit for the car wash, which demonstrates that noise levels generated by the carwash will not exceed 65 dB CNEL, measured at the project's property lines.

The car wash will operate daily from 7 a.m. to 7 p.m. in the winter and 7 a.m. to 9 p.m. during the summer. The car wash will employ 3 to 4 people, including a greeter who welcomes customers; a loader who guides customers into the tunnel and checks cars for pre-existing damage; and a manager.

The PUD for the project site, through land use regulations, has ensured that those uses allowed on the project site are compatible with the surrounding area, and does not permit land uses that may have the potential to impose adverse impacts on the surrounding area. Staff believes that existing uses and future uses within the immediate area will not be exposed to any impacts beyond those that would normally be associated with any other commercial land use permitted on the project site.

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). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City 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

[2] Vision.

Distinctive Development:

- Commercial and Residential Development
 - Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU2: Compatibility between a wide range of uses.
 - 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.
 - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.

- CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

- CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

- 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.

- CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

- CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

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.

- 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.

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.

➤ 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.

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

➤ CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

➤ 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.

➤ CD2-2 Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.

➤ 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.

➤ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

➤ CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

➤ 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.

➤ 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 users to various aspects of the development and complement the character of the structures.

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

▪ Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ 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.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

➤ CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

▪ 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 investments.

➤ 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 consistently maintained.

➤ CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

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, which consists of projects characterized as infill development that meets 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.* The proposed Project is located within the East Holt Mixed Use land use district of the Policy Plan Land Use Map, and the MU-2 (East Holt 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 Policy Plan (General Plan) component of the Ontario Plan.

[2] *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.* The project site is on 2.6 acres of land located within the incorporated boundaries of the City of Ontario. Furthermore, the

site is situated within a fully urbanized area that is characterized by a mix of residential and commercial development.

[3] *The project site has no value as habitat for endangered, rare, or threatened species.* The site has been previously developed with residential and commercial developments, and in its currently state, is a vacant. In addition, the project site is not listed on TOP Policy Plan Area of Potential Occurrence of Sensitive Species Map (Section 5.4 Biological Resources: Figure 5.4.4)

[4] *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.* Conditions of approval have been imposed on the project, which will mitigate any significant effects relating to traffic, noise, air quality, or water quality.

[5] *The project site can be adequately served by all required utilities and public services.* The site located within an area that is currently served by all required utilities and public services, including, but not limited to sewer, water, gas, electric, and municipal solid waste services.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant Property	Mixed Use	MU-2 (East Holt Mixed Use)	N/A
<i>North</i>	Single-Family Residential	Mixed Use	MU-2 (East Holt Mixed Use)	N/A
<i>South</i>	Vacant	Business Park	IP (Industrial Park)	N/A
<i>East</i>	Vacant	Mixed Use	MU-2 (East Holt Mixed Use)	N/A
<i>West</i>	Vacant	Mixed Use	MU-2 (East Holt Mixed Use) & Virginia & Holt Planned Unit Development	N/A

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	2.6 acres	2.6 acres	Y
<i>Lot/Parcel Size:</i>	2.6 acres	2.6 acres	Y
<i>Building Area:</i>	Phase 1- 4,662 sq. ft. Phase 2- 9,500 sq. ft.	N/A	Y
<i>Building Height:</i>	34-feet	35-feet	Y

Off-Street Parking:

<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Car Wash</i>	4,663 SF	1 per employee (minimum 10 spaces)	10	10
<i>Retail</i>	9,500 SF	4 per 1000 SF	38	48
<i>Restaurant</i>	Unknown	10 per 1,000 SF Note: Restaurant space will be limited to onsite available parking.		
<i>TOTAL</i>			48	58

RESOLUTION NO. PC19-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVE FILE NO. PUD17-003, A PLANNED UNIT DEVELOPMENT (HOLT BLVD. & GROVE AVENUE PLANNED UNIT DEVELOPMENT) TO ESTABLISH DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE REQUIREMENTS FOR PROPERTY LOCATED ALONG THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE, ON 2.6 ACRES OF LAND, WITHIN THE EAST HOLT MIXED-USE (MU-2) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-472-16, 1048-472-17, 1048-472-18, 1048-472-19, 1048-472-20, 1048-472-21.

WHEREAS, ELBA INC. ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD17-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.6 acres of land generally located along the northwest corner of Holt Boulevard and Grove Avenue, within the MU-2 (East Holt Mixed Use) zoning district, and is presently vacant land; and

WHEREAS, the property to the north of the Project site is located within the MU-2 (East Holt Mixed-Use) zoning district, and is developed with single family homes. The property to the east is within the MU-2 (East Holt Mixed Use) zoning district, and is currently vacant. The property to the south is within the IP (Industrial Park) zoning district, and is currently vacant. The property to the west is within the MU-2 (East Holt Mixed Use) zone and the Virginia & Holt Planned Unit Development, and is currently vacant; and

WHEREAS, the project site is located within the Mixed-Use land use designation of the The Ontario Plan ("TOP") Policy Plan (General Plan). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenues. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development; and

WHEREAS, the Policy Plan specifies that the East Holt Mixed Use 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 "Holt Boulevard and Grove Avenue Planned Unit Development" (included as Attachment "A"), which is consistent with this vision and the goals and policies of the Policy Plan; and

WHEREAS, the purpose of the PUD is to secure a fuller realization of the Policy Plan than would result from the strict application of present zoning district regulations and to:

- Promote high standards in urban design;
- Encourage the development of exceptionally high quality, mixed-use, medium to high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs;
- Ensure harmonious relationships with surrounding land uses; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an initial study has been prepared to determine possible environmental impacts; 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 Planning Commission the responsibility and authority to review and make 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 (hereinafter referred to as "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 February 26, 2019, the Planning Commission 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 Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the project, the Planning Commission 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 Planning Commission, the Planning Commission 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 environmental review pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines. Class 32 consists of projects characterized as infill development, meeting the following conditions:

(a) 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. The proposed Project is located within the East Holt Mixed Use land use district of the Policy Plan Land Use Map, and the MU-2 (East Holt 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 Policy Plan (General Plan) component of the Ontario Plan.

(b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses. The project site is on 2.6 acres of land located within the incorporated boundaries of the City of Ontario. Furthermore, the site is situated within a fully urbanized area that is characterized by a mix of residential and commercial development.

(c) The project site has no value as habitat for endangered, rare, or threatened species. The site has been previously developed with a mix of residential and commercial development, and in its currently state, is a vacant weed lot with no value to endangered, rare or threatened species.

(d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. Conditions of approval have been imposed on the project, which will mitigate any significant effects relating to traffic, noise, air quality, or water quality.

(e) The Project site can be adequately served by all required utilities and public services. The site located within an area that is currently served by all required utilities and public services, including, but not limited to sewer, water, gas, electric, and municipal solid waste 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 Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as 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.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 recommending authority for the Project, the Planning Commission 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 DAB, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission 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-2 (East Holt 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 property, 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, the preparation of a noise study, intensified landscape elements, and decorative hardscape elements.

(4) ***In the case of an application affecting specific property, 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 proposed Development Plan and Conditional Use Permit, including necessary building setbacks, site access points, off-street parking, site circulation, requirements for a conditional use permit and architectural character.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

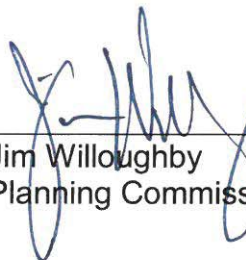
SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval.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

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

SECTION 8: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of February, 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Vice Chairman

ATTEST:



Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19-008 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 26, 2019, by the following roll call vote, to wit:

AYES: DeDiemar, Downs, Gage, Gregorek, Reyes, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PUD17-003

(Departmental conditions of approval to follow this page)

Holt Boulevard & Grove Avenue

Planned Unit Development

File No. PUD17-003

February 2019



Prepared By:

Elba, Inc.

2243 Calle Margarita

San Dimas, CA 91773

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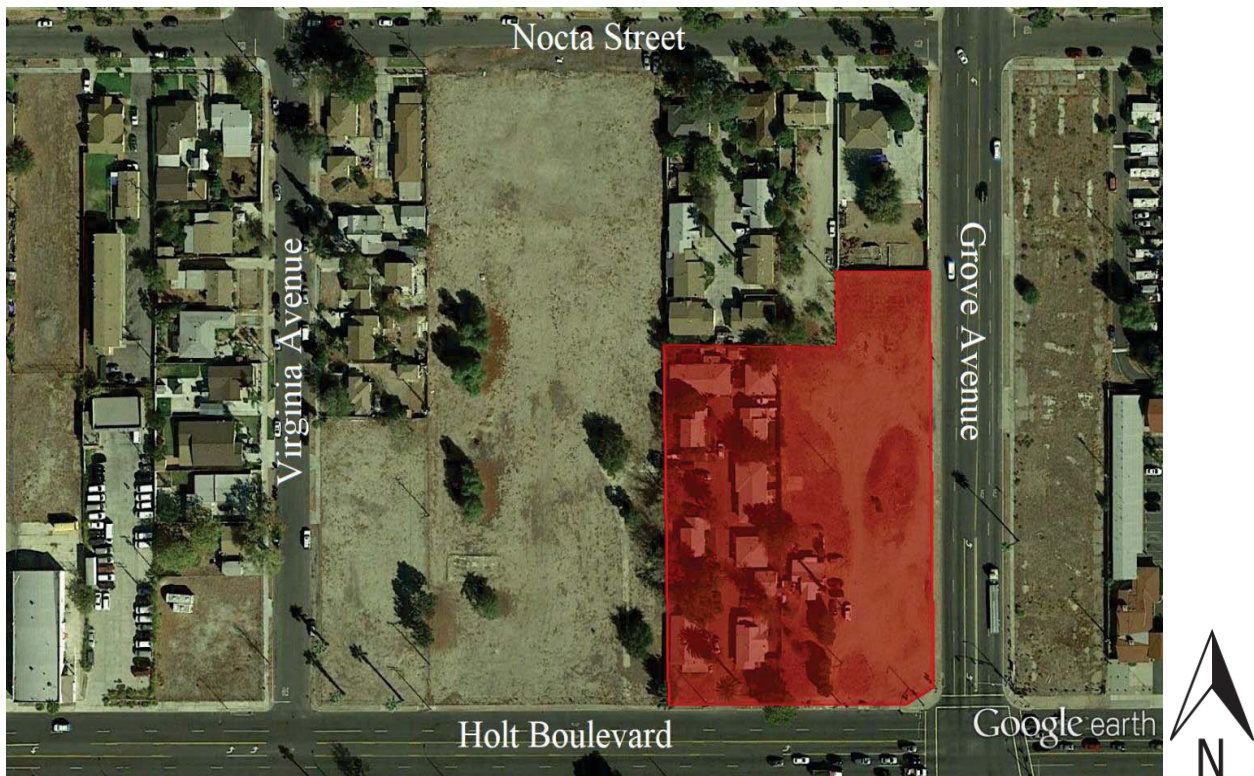
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1. INTRODUCTION

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 6 parcels located on the northwest corner of Holt Boulevard and Grove Avenue (see Exhibit 1-1, PUD Location Map), as a two phased commercial development that faces Holt Boulevard and Grove Avenue. The Holt Boulevard and Grove Avenue 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 will rely on this PUD to determine whether precise plans for development ("Development Plans") will adequately meet the City's land use and design objectives.

Exhibit 1-1: PUD Location Map



2. PUD OBJECTIVES

2.1 THE ONTARIO PLAN (TOP) CONSISTENCY

The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenues. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

The Holt Boulevard and Grove Avenue PUD is consistent with the principles, goals and policies contained within the components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Policy Plan (General Plan), and (3) City Council Priorities. The policies furthered by this PUD are as follows:

1. Vision

On February 13, 2007, the Ontario City Council adopted The Ontario Vision. The central theme that motivates the Vision is – *“A sustained, community-wide prosperity which continuously adds value and yields benefits.”* Everything the City does and every action the City takes is done with the simple yet comprehensive theme in mind, from the design quality of the built environment, to the intent of designing socio-economic programs, to the way in which its leaders govern as a community. In discussing a Vision that would endure for the lifetime of The Ontario Plan (30 years or more), the City Council recognized that there are four components that serve as the basic building blocks that set the foundation for a unified and prosperous community. These foundational blocks must be expressed and widely accepted throughout the Plan’s lifetime. They are:

1. A **Dynamic Balance** that enables our community to confront the continued dynamic growth of the region and technological change with confidence and a sense of opportunity.
2. A **Prosperous Economy** that sustains the perception and reality of prosperity across our entire community that positively impacts all the people of Ontario and is broadly – though not uniformly – shared.
3. **Distinctive Development** that integrates our varied and diverse focal points, districts, villages, and neighborhoods to provide a feeling of coherence without sacrificing uniqueness.

4. **Recognized Leadership** in local governance that stimulates excellence and serves to unify the people of Ontario in support of best practices in conducting public endeavors.

Holt Boulevard and Grove Avenue PUD will implement the Ontario Vision in several ways that will further the City's desire to be a sustainable and prosperous community.

DISTINCTIVE DEVELOPMENT

Commercial and Residential Development

- The PUD will support new multifamily developments and existing residential neighborhoods by providing the increased demand for retail in a more concentrated, strategic location (e.g., at major intersections) as intended for the East Holt Mixed Use Area.
- The PUD will seek to ensure a mix of retail and commercial uses that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users.

Design Quality

- The PUD will require a well-designed project(s) that conveys visual interest and character through:
 - Appropriate scale and massing
 - Architectural style and design that are complementary and appropriate for its setting.
 - The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
 - Appropriate Site Planning to ensure building orientation visibility from the street, adequate number of driveways, sidewalks, building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

Public Safety

- The PUD will ensure that proper exterior lighting standards be located and designed to minimize direct glare beyond parking lots and future residential development to the west and existing residential development to the north. In addition, per the Ontario Police Department, to ensure that all lighting standards comply with the one-foot candle illumination to provide a level of security and public safety within the retail center.

2. Policy Plan

LAND USE ELEMENT

LU1 Balance

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.

The PUD, through the development of retail and commercial uses, will help provide jobs to support the existing and new development within the surrounding area.

Polices

- *LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector.

- *LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.*

The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix of retail and commercial uses and business that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users.

LU2 Compatibility

Goal LU2: Compatibility between a wide range of uses.

The PUD, through land use regulations for permitted uses, have ensured that those permitted uses allowed within the PUD are compatible with the surrounding area and not allow those uses that may have potential to create adverse impacts to the surrounding area.

Polices:

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

The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

- *LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.*

The PUD, through the site planning, requires the that future building developed on the site shall be placed along the frontages of Grove Avenue and Holt Boulevard to keep a buffer between the future residential development to the west and exiting residential to the north.

- *LU2-4 Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed. Those uses with operations that may have potential to create nuisances, will require discretionary approval through the Conditional Use Permit process.

- *LU2-5 Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.*

The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential areas. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

LU3 Flexibility

Goal LU3 Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects

may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines.

Policies:

- *LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.*

To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that convey visual interest.

- *LU3-3 Land Use Flexibility. We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity.*

The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses that will provide a variety of goods and services to the surrounding community and the future Buss Rapid Transit (BRT) users. The PUD will also encourage a plaza area on the corner of Holt Boulevard and Grove Avenue to provide for outdoor eating opportunities and pedestrian gathering areas for residents and future BRT users.

COMMUNITY ECONOMICS ELEMENT

CE1 Complete Community

Goal CE1: A complete community that provides for all incomes and stages of life.

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area and contribute to the City's tax sales base.

Policies:

- *CE1-7 Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to areas currently lacking close access to a retail center.

CE2 Place-Making

Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

The PUD will seek to ensure a mix a retail and commercial uses that will provide a variety of goods and services to the surrounding community and the future Buss Rapid Transit (BRT) users. The PUD area will be distinctive through the requirement of well-designed projects that covey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

MOBILITY ELEMENT

M3 Public Transit

Goal M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

Policies:

- *M3-4 Bus Rapid Transit (BRT) Corridors. We work with regional transit agencies to implement BRT service to target destinations and along corridors, as shown in the Transit Plan.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

COMMUNITY DESIGN

CD1 Image & Identity

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.

- To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that convey visual interest.

Policies:

- *CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.*

The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Growth Area. The PUD area will be distinctive through the requirement of well-designed projects that convey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks,

parking lot orientation, adequate refuse storage areas and well-designed street frontages.

- *CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-way dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard. In addition, the PUD will require adequate landscaping, hardscape, signage and lighting to enhance the prominent corner of Holt Boulevard and Grove Avenue,

CD2 Design Quality

Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

Polices:

- *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.

The PUD area will be distinctive through the requirement of a well-designed projects that covey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

- *CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to areas currently lacking close access to a retail center. The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses business that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users. A plaza area will be incorporate.

- *CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector. In addition, the future development entitlements will require site improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

- *CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.*

The PUD development standards will ensure landscape design and materials will be used to enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- *CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.*

The PUD development standards will ensure water conservation be provided through low water using plant materials, hydro zones, water efficient irrigation and weather based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees will be used to reduce heat gain on buildings, paving and parking areas.

City Council Priorities

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- 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)
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

2.2 CENTER CITY REDEVELOPMENT PLAN OBJECTIVES

The Center City Project Area encompasses the historic Euclid Avenue District, as well as East Holt Boulevard. Ontario's City Hall and surrounding Civic Center, Senior Center, Main library, the Museum of History and Art, Ontario Town Square, and the Law School of the University of La Verne are all within the Center City Project Area. Development is designed to create an immediate and positive identity transforming the area into a comfortable place to stroll and be seen.

The current goals of the Center City Project include:

- Encourage development of a high intensity, multi-use central business district and surrounding neighborhoods that maximize the economic productivity of the commercial areas and maximize the housing opportunities of the residential areas.
- Apply innovative mixed use urban design that maintains a flexible approach to allow for changing opportunities over a long-term, phased revitalization effort.
- 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.
- Cluster activity centers within walking distance of each other, supported by a pedestrian network that provides an enjoyable pedestrian flow.

2.3 PUD DISTRICT PURPOSE AND OBJECTIVES

The purpose of the Holt Boulevard and Grove Avenue Planned Unit Development (PUD) is to secure a fuller realization of the Policy Plan (General Plan) than that which would result from the application of present zone district regulations; to promote high standards in urban design; to encourage the development of exceptionally high quality, commercial uses, while establishing regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other land uses. The intent of the PUD District is to:

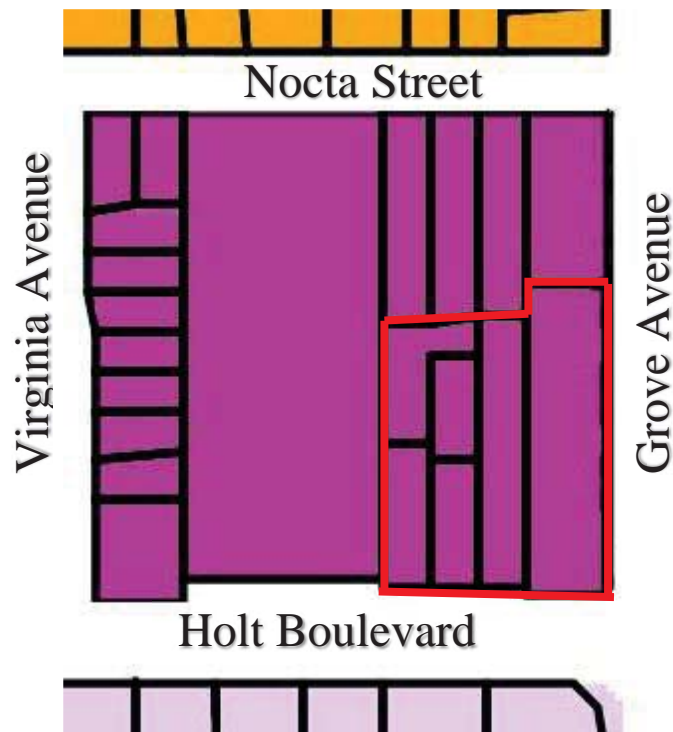
- Promote development projects that are consistent with the land use/downtown revitalization objectives of the Center City Redevelopment Project area.
- Promote community commercial uses to meet the needs of the projects surrounding residential uses.
- Promote the development of plaza areas within the commercial center to providing for social interaction.
- Orient commercial buildings to the street, wherever possible to create an accessible urban edge and sense of arrival.
- Incorporate landscaping to enhance the environment.

3. LAND USE PLAN

3.1 Land Use Designation

The Holt Boulevard and Grove Avenue PUD includes 6 parcels that are designated Mixed Use (MU-2) within the Ontario Plan and on the City's Zoning Map. The Ontario Plan describes the East Holt Boulevard Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The historic character is enhanced. The most intensive uses are envisioned along Euclid Avenue and Holt Boulevard. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

Exhibit 3-1: Land Use District Map



Project Area: Mixed Use 2 (MU-2)

Adjacent Uses: Business Park (0.6 FAR) Medium Density (11.1 – 25 du / ac)

3.2 PERMITTED USES

Exhibit 4-1: Permitted Use Table	
Land Use	MU-2 Commercial
EDUCATIONAL	
Vocational/Trade Schools	C
Private Schools	
MEDICAL	
Animal Hospital/Veterinarian	P
Ambulance Service (Office Only – No Storage of Vehicles)	P
Medical Office	P
MEDICAL OFFICE/FAMILY CLINIC	
Pharmacies and Drug Stores w/o Drive-thru Facilities	P
Industrial Clinic	P
PUBLIC FACILITIES	
Police / Fire Station	P

Exhibit 4-1: Permitted Use Table	
Land Use	MU-2 Commercial
Police Storefront / Substation	P
RELIGIOUS	
Religious Assembly	C
NON-PROFIT/SERVICE ORGANIZATIONS 501 (C) (3) (PER DEVELOPMENT CODE SECTION 9-101305 N)	
Campaign Offices	P
Charitable, Philanthropic, Service and Other Non-Profit Organization Offices	P
Charitable Distribution Services (i.e. Food Banks, etc.)	C
ALCOHOL	
Alcoholic Beverage Sales for Off-Premise Consumption	C
Liquor Store	NP
AUTOMOBILE RELATED SERVICES	
Automotive Parts and Accessories Stores (Retail Sales Only)	P
Automotive Services (i.e. Tune-Up, Emission Tests, Batteries, etc. No use of impact wrenches or other equipment that could create noise impacts.)	NP
Minor Repair (i.e. Brakes, tires, radiators, electrical, etc)	NP
Gas Stations (per Section 9-1.1305 G)	NP
Tire Stores	NP
Car Wash – Full	C
TELECOMMUNICATIONS FACILITIES	
Wireless Telecommunications Facility (Refer to the Development Code)	
DAY CARE FACILITIES	
Commercial Daycare	C
EATING DRINKING PLACES AND FOOD SERVICES	
Restaurants (Sit Down / Full Service)	P
Banquet Facilities in conjunction with a restaurant	P
Bar/Cocktail Lounge	NP
Fast Food	P
Fast Food with Drive-through (per Development Code, Section 9-10305D)	C
ENTERTAINMENT AND RECREATION	
Live Entertainment (in conjunction with restaurant use only)	C
Simulated Shooting Games (Indoor)	C
Health Club / Gymnasium – less than 10,000 square feet	P
Health Club Gymnasium – over 10,000 square feet	C
OFFICES	
Administrative, Professional, and Other Offices	P
RETAIL	
Antique Stores	P
Art Galleries and Art Supply Store	P
Beauty Supply Store	P
Book Stores	P
Hardware Store	
Camera and Photographic Supply Store	P
Cigar and other Tobacco Products Store	NP
Clothing and Accessory Stores	P
Computer and Home Electronic Stores	P
Florist	P
Furniture Stores	P

Exhibit 4-1: Permitted Use Table	
Land Use	MU-2 Commercial
General Merchandise Stores	P
Department Store	P
Discount Variety Store	P
Guns and Ammunition Stores	NP
Hobby, Toy and Game Store	P
Home Appliance Store	P
Jewelry Store	P
Luggage and Leather Goods	P
Music and Video Stores	P
Office Supply, Stationery & Gift Stores	P
Pawnshop / Pawnbroker	NP
Pet and Pet Supply Store	P
Shoe Store	P
FOOD AND BEVERAGE STORES	
Bakery	P
Delicatessen	P
Convenience Market	P
Grocery Store	P
Specialty Food Stores	P
SERVICES	
Advertising Agency	P
Data Processing Services	P
Exterminating Service	P
Equipment Sales and Rentals	P
Photography Studio	P
Photocopying and Duplicating Services	P
FINANCIAL SERVICES	
Banks, Credit Unions and other Depository Institutions	P
Banks, Credit Unions and other Depository Institutions with Drive-thru (See Development Ordinance Section 9-101305 D)	C
Check Cashing	NP
Check / Payday Advance	NP
Money Transmitting	NP
Other Financial Services	NP
PERSONAL SERVICES	
Barber Shop and Beauty / Nail Salon	P
Dry Cleaners	P
Laundry - Commercial	C
Pet Grooming	P
Tailor	P
Travel Agency	P
REPAIR SERVICES	
Computer, Home Electronics, and Small Home Appliances (when ancillary to another use)	P
Electrical Equipment	P
Jewelry and Watches / Clocks	P
Locksmith / Key Shop	P
RESIDENTIAL	

Exhibit 4-1: Permitted Use Table	
Land Use	MU-2 Commercial
Multiple Family Dwellings	NP
Second Dwelling Units	NP
Senior Housing Developments	NP
Single-Family Dwellings	NP
Single Room Occupancy Facilities	NP
Supportive Housing	NP
Work/Live Units	NP

“P” (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district.

“C” (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code.

“NP” (Not Permitted) shall mean the land use, activity, or facility within the specified zoning district is not permitted by right of being in the proper zoning district.

All other uses not listed as Permitted or Conditional are prohibited unless a finding can be made by the Planning Director that the use is similar to, and no more objectionable than, a permitted or conditional use.

4. DEVELOPMENT REGULATIONS

4.1 INTENSITY

Commercial retail uses within the mixed-use district are allowed a Floor Area Ratio (FAR) of up to 1.0. Floor Area Ratio is calculated by dividing the building square footage by the net lot area (after right-of-way dedications).

4.2 BUILDING HEIGHT

The buildings within the Commercial district area shall be a maximum of 35 feet in in order to be in scale to the existing surrounding residential.

4.3 SETBACKS

All setbacks shall be measured from the ultimate property lines after all dedications to develop streets to the ultimate right-of-way width. Placement of buildings, structures, fences, walls, utility facilities, yards, etc. will be based on the street rights-of-way and property line dimensions.

Exhibit 5-1: Building(s) Setback Table		
MU-2 Commercial District Development Standards		
Requirements	MU-2 Commercial District	Additional Requirements
Building Development Standards		
1. Minimum Street Setback (Holt Boulevard/ Grove Avenue)	15 Feet	Building may encroach into the setback provide that a setback average 15 feet is maintained.
2. Interior Property Setbacks	10 feet	Setback areas shall be landscaped
Site Development Standards		
1. Minimum Landscape Coverage	15%	
2. Minimum Parking Space or Drive Aisle Setbacks to Street Property Line	15 feet	Setback areas shall be landscaped.
3. Minimum Parking Space or Drive Aisle Setbacks to Interior Property Lines	10 Feet	Setback areas shall be landscaped.
4. Minimum Parking Space or Drive Aisle to buildings, walls or fences	5 Feet	Setback areas shall be landscaped.

4.4 ACCESS

Holt Boulevard Access -Limited to right-in and right-out turning movements. Any drive access on Holt Boulevard must be located a minimum of two hundred (200) feet from intersecting streets.

Grove Avenue Access - Limited to right-in and right-out turning movements. A minimum of one hundred fifteen (115) feet separation is maintained from intersecting streets.

Distance from the intersecting streets shall be measured from the end of the curb return to the centerline of the driveway.

4.5 LANDSCAPING

A conceptual landscape plan shall be submitted with each Development Plan within the Holt Boulevard and Grove Avenue PUD area. The plan shall specify all landscape and hardscape elements for the development plan site and indicate how the improvements will coordinate with the other sites within the PUD. The landscape plans shall show the location of all ground mounted utility structures such as transformers, back flow prevention devices, trash enclosures, and HVAC equipment and indicate the methods for screening these items. All utility structures and equipment shall be screened from view of the public streets and adjacent development.

Water conservation shall be provided through low water using plant materials, hydro zones, water efficient irrigation and weather based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees shall be used to reduce heat gain on buildings, paving and parking areas. The plan shall identify all existing trees on site and preserve

them where possible. The landscape design shall meet the requirements of the Landscape Development Standards and shall create well-functioning spaces within a sustainable design.

Trees along street frontages shall comply with the variety, size, and spacing as directed by the City of Ontario Master Street Tree Plan. A minimum of fifteen (15%) percent of the site shall have landscaping, not including right-of-way or paved areas.

Street front and side landscape setbacks within the Commercial district shall be maintained at a minimum average of fifteen (15) feet along Holt Boulevard, and Grove Avenue.

4.6 EQUIPMENT SCREENING

All roof mounted and ground mounted equipment shall be fully screened from view of the public street and adjacent developments. The location of items shall be designed to allow screening with landscape materials, walls, architectural features, parapet walls, etc. Screening shall be designed to be integrated into the design of the project.

4.7 FENCES AND WALLS

Fences and walls within the project area shall be made of decorative materials which are compatible with the overall architectural character of the development within the PUD area. All fences and walls shall be in scale with the development to fulfill such needs as screening and security.

Fences, walls and hedges within the project area shall comply with Engineering Corner Sight Distance Standards and other applicable standards. All decorative walls, monuments and/or other similar features shall not encroach into the public street right-of-way.

Within the Mixed-Use 2 districts, walls shall be limited to a maximum of four (4) feet in height within any front yard area. Interior or rear walls shall be a maximum of six (6) feet in height.

Walls shall be coordinated with the architecture of the building with such features as finish material, reveal lines, trim, etc.

5. CIRCULATION AND PARKING

5.1 VEHICLE CIRCULATION

The City of Ontario, as part of its intersection widening plan, and the developers of the PUD site shall be responsible to improve Holt Boulevard and Grove Avenue to their ultimate widths. These streets will provide vehicular access to the site.

5.2 PEDESTRIAN CONNECTIONS

Pedestrian connections shall be provided to each building from the public street within the PUD site. The Mixed-Use Commercial land use district shall also provide pedestrian pathways to

connect all of the commercial developments as well as pedestrian pathways from the corner promoting public use of the corner patio.

5.3 MASS TRANSIT

A bus stop with a bus shelter will be located along the Holt Boulevard frontage. The design of the bus shelter shall be determined at the time of development which shall be subject to approval of the Planning and Engineering Departments.

5.4 STREET DEDICATIONS AND EASEMENTS

The developers shall dedicate right-of-way along all street frontages as necessary to increase the right-of-way to ultimate width, including corner cutbacks per City Standard Drawing No. 1301. Additionally, developers shall adhere to the Proposed Holt Blvd and Grove Ave Widening Improvements R/W Requirements as a part of the West Valley Connector Project. The ultimate widths surrounding the PUD are as follows:

Holt Boulevard – up to 72.56' half width

Grove Avenue – up to 51.31' half width

5.5 PUBLIC RIGHT-OF-WAY IMPROVEMENTS

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. The City may do some or all of the improvements as part of its Proposed Holt Blvd and Grove Ave Widening Improvements

5.6 INFRASTRUCTURE

There are existing water lines along Holt Boulevard which shall serve the PUD site. Wastewater flows for the PUD site will be designed to use existing sewer lines in Holt Boulevard.

On-site stormwater drainage facilities shall be provided to capture and infiltrate a 2-yr, 24-hour storm event, consistent with the San Bernardino County Stormwater Program's Water Quality Management Plan (WQMP) requirements for new development projects. Stormwater capture and infiltration facilities may include the utilization of vegetated swales, depressed landscaped basins, pervious concrete pavement or underground stormwater retention/infiltration vaults. All building roof and paved area runoff shall be directed into depressed landscaped swales, trenches or basins, within the development, in order to comply with the requirement to capture and infiltrate the 2-yr, 24-hour storm event runoff.

All utility lines (electric, communications, TV, etc.) along Holt Boulevard and Grove Avenue will remain underground. Existing overhead utility lines on-site shall be under-grounded at or before the time of development by the developer or property owner.

Street lighting shall be installed along the public right-of-way of Holt Boulevard and Grove Avenue in accordance with City of Ontario Standards. The type of street lighting will be determined at the time of development.

5.7 PARKING

Parking shall be provided on-site at the rates required by the City of Ontario Development Code. No street parking will be allowed on Holt Boulevard or Grove Avenue.

6. DESIGN GUIDELINES

6.1 BUILDING ORIENTATION AND STREETSCAPES

Building Orientation

Buildings should be oriented towards Holt Boulevard or Grove Avenue with entry elements, interesting architecture, enhanced materials, and pedestrian scale to provide connection between the development and the street. Windows and entries should face the street avoiding blank walls dominating public views. Stores with entries not visible from the street may be oriented towards pedestrian open space. The building entries may be located on the side of the building so long as strong pedestrian connection is maintained through wide walkways, enhanced pavers, plazas, appropriately scaled lighting and/or other similar features. Rear entrances, if needed, should be secondary in nature.

Building clustering's are recommended to help define parking lot areas and encourage walking between stores. Building entries and storefronts should be positioned close to one another to reduce walking distances between them.

Street side Setbacks and Buildings

The sides of buildings along street edges shall be landscaped within the setback to soften the building's appearance as well as designed with windows or design elements.

Street Frontage and Parking Lots

Parking lots should generally be placed away from streets. Street frontages shall be broken up with buildings, landscaping, plazas, and other pedestrian features. Continuous parking lots along the street frontage should be avoided. Any parking along street edges shall be setback with a landscaped buffer to minimize the dominant feeling of the automobile along the street. Continuous parking stalls may be interrupted by landscaped islands no more than 10 stalls apart. Parking lots

are encouraged to be interconnected rather than separated for each building. Separated parking lots encourage customers to drive from store to store.

Service and Storage Areas

Loading areas and storage areas are to be located behind or to the side of buildings siting onto secondary access and not primary streets. These features must be screened with walls and landscaping as much as possible from public view of streets, residences, and pedestrian walkways. Loading areas and storage areas should not conflict with pedestrian walkways.

Refuse Containers, Utility and Mechanical Equipment

Refuse containers and equipment shall be easily accessed by service vehicles. They shall be screened from view of the streets, parking lots, and connecting walkways through roof forms, walls and/or landscaping. Screening details should incorporate elements that are compatible to the architecture style of the building. Proper landscaping, including trellises, may also help to screen these elements. Equipment and enclosures shall not be located near pedestrian walkways. Roof-mounted equipment shall be screened by the roof/parapet.

Sidewalks

Sidewalks shall be located along natural pedestrian travel paths. Sidewalks should be a minimum of 5' wide along pedestrian pathways.

6.2 ARCHITECTURAL CHARACTER\DETAILS

Building Design

Due to the size and scale of the PUD project area, virtually all sides of the buildings will be visible from the public street, common access drives, common parking areas or adjacent parcels with commercial uses. As such appropriate massing becomes more important to maintain the human-scale of the development and create a visually pleasing environment. Bay windows, stepped buildings, height changes and setback variations between stores help to break up large buildings as well as indicate entries and store locations to customers. Tower elements or monumental features are encouraged at focal points, such as corners, plazas, major entrances, or where walkways meet streets. Glazing to be used throughout the building to articulate the open space structure of the building. Overall the building architecture concept is to encompass contemporary open space architecture.

Varying setbacks along the front façade of buildings will create small outdoor public spaces for pedestrians to gather and sit.

Roof Forms

Hipped and gable roofs are encouraged. Roof pitches shall be compatible to the architectural style of the building. Flat roofs should vary in height and be accompanied by cornice, trim or other accent features.

Entry Design

Building entries shall be prominent and easily identified. Various elements can be used to enhance the entry features including massing variation, materials and color change, change in roof form, and awnings.

Arcades and Awnings

Outdoor arcades along store fronts are encouraged over pedestrian walkways. Arcades may be used to connect separate buildings providing a more pleasing experience for pedestrians. Trellises or awnings may also be used to create a covered walkway to protect pedestrians from the sun and rain.

Architectural Styles

A consistent architectural style should be used throughout the commercial development to create a sense of continuity between the buildings. Related elements, such as trellises, planters, light-standards, windows, doors, etc. shall also adopt detailing that is compatible to the selected architectural style.

Architectural styles shall derive from Southern California contemporary or modern styles that generally respond to the region's climate including such features as outdoor circulation, outdoor courtyards or plazas, recessed window frames, awnings, arcades, loggias, and trellises.

Building Wall Treatment

No wall should have a blank, uninterrupted length exceeding 20 feet without including one of the following:

- Change in texture
- Change in material
- Change in plane
- Lattice
- A tree or equivalent element

Façades that are visible from adjacent streets or walkways should display even greater visual interest by using architectural elements that break up the massing of the buildings, such as windows, arcades, awnings, porticos, and other architectural features.

Base and Top Treatments

Base and top treatments help to balance the “weight” of the building visually. Bases should appear to “ground” the building, while tops create a defined edge to the roofline. Possible treatment techniques are as follows:

Base

- Thicker walls

- Natural materials
- Enriched landscaping with a mature height of at least 18”
- Precast materials
- Other decorative, durable materials as approved by the City

Special materials, such as ceramic tile, granite and marble are encouraged at major entries.

Tops

- Cornice treatments
- Roof overhangs with brackets
- Stepped parapets
- Textured materials

Colored “stripes” are not acceptable as the only treatment.

Exterior Materials

Recommended materials include stucco, exterior plaster, brick, wood siding, tile, precast concrete or stone. Exterior materials that appear pre-fabricated are not recommended. Selected materials and detailing should have an enduring appearance. Foam products should be avoided at the pedestrian level.

Roof Materials

Roofing materials that are generally acceptable include metal standing seam, concrete tile, ceramic tile and slate or slate-like materials. Asphalt or wood shingles are prohibited.

Colors

Color selection shall be consistent with the selected architecture style.

6.3 SIGNS

Signs shall comply with the requirements of the City of Ontario Development Code and shall be coordinated through a comprehensive sign program. A sign program shall be approved by the City prior to any signs being installed.

6.5 SERVICE FACILITIES

Service facilities such as trash enclosures, loading zones and yard areas shall be designed, located and oriented to have a minimal visual impact on the development within the PUD area.

Trash enclosures shall be designed to coordinate with the architecture, colors and materials of the style of the development and shall be located to provide adequate access for trash pickup without encroaching on access drives or landscaped areas. Trash enclosures shall be designed and constructed with a solid roof cover which shall also be designed to match the architecture of the development.

Loading areas should be screened by location, orientation, and, if necessary, walls to reduce the visual impact of these areas.

7. HISTORIC PRESERVATION

7.1 HISTORIC BACKGROUND

The one block area that comprises the PUD established by this document is not located within the City's Historic Downtown District. However, the property was part of Pikes Peak Ocean-to-Ocean Highway (Holt Boulevard frontage). Long before freeways and highways existed in Ontario, travelers relied on Native American trails and stage coach routes. Some of these routes evolved into highways such as the famous Lincoln Highway and the National Old Trails Road (US Route 40). One of the nation's first transcontinental highways, which commenced construction in 1912, is the Pikes Peak Ocean-to-Ocean Highway. The highway spanned the continent from Los Angeles to New York and passed through Holt Boulevard in Ontario. This occurred at a time when paved roads were rare and traveling by car for more than 10 miles was an adventure. Road boosters and automobile enthusiasts arranged local chapters within cities and towns to participate in the promotion of this new highway and laid the foundation for auto-orientated development.

By 1920, Holt Boulevard was a 4-lane highway and the main transportation route linking Los Angeles to Palm Springs. As tourism increased, grand hotels, restaurants, and other roadside businesses developed along Holt Boulevard such as Ford's Lunch, Jiffy Lunch, Hot Dog Show, Casa Blanca Hotel, Dietz Garage and famous tourist attraction, Hotpoint. Movie stars and Beverly Hills socialites ate, shopped, and slept in Ontario's historic downtown making this place a "must stop" destination.

7.2 EXISTING HISTORIC STRUCTURES

The project site does not contain any historic resources and is not in a Designated, Proposed, or Potential District. Additionally, Holt Boulevard and Grove Avenue PUD is not adjacent to any historic districts.

ADMINISTRATION

1. ITEMS NOT ADDRESSED IN PUD

Any terms, requirements, or regulations not addressed within the PUD document shall be governed by the City of Ontario Development Code, the regulations of the Mixed-Use zones and City Standards.

2. DEVELOPMENT APPLICATIONS

Development Plans for the development of each individual parcel within the PUD area, along with fees and other required items, shall be submitted for review and approval per the requirements contained in Article 8 of the City of Ontario Development Code and the General Application.

3. ADMINISTRATIVE EXCEPTIONS

Deviation from the development standards set forth in this document may be granted up to a maximum of ten (10%) percent by the Zoning Administrator. Any deviation that is greater than (10%) percent shall require Variance approval.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-003, A PLANNED UNIT DEVELOPMENT TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES FOR THE DEVELOPMENT OF 2.6 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE; WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-472-16, 1048-472-17, 1048-472-19, 1048-472-20, and 1048-472-21.

WHEREAS, Elba Inc. ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD17-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.6 acres of land generally located at the northwest corner of Holt Boulevard and Grove Avenue, within the MU-2 (East Holt Mixed-Use) zoning district, and is presently unimproved; and

WHEREAS, the property to the north of the Project site is within the MU-2 (East Holt Mixed-Use) zoning district and is developed with single family homes. The property to the east is within the MU-2 (East Holt Mixed-Use) zoning district and is currently vacant. The property to the south is within the IP (Industrial Park) zoning district and is currently vacant. The property to the west is within the MU-2 (East Holt Mixed-Use) zone and the Virginia & Holt Planned Unit Development and is currently vacant; and

WHEREAS, the project site is located within the Mixed-Use land use designation of The Ontario Plan ("TOP") Policy Plan (General Plan). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Grove and Holt Avenues. The East Holt Mixed Use commercial and residential corridor is also envisioned as an area that transitions to new residential uses. It is intended to provide new housing opportunities that will provide increased demand for retail in more concentrated, strategic locations (e.g., major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development. However, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development; and

WHEREAS, the Policy Plan specifies that the East Holt Mixed-Use 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 "Holt Boulevard and Grove Avenue Planned Unit Development" (included as Attachment "A"), which is consistent with the vision and the goals and policies of the Policy Plan; and

WHEREAS, the proposed PUD establishes development standards, regulations and design guidelines to facilitate the development of a commercial center, with a maximum Floor Area Ratio of 1.0; and

WHEREAS, the purpose of the PUD is to secure a fuller realization of the Policy Plan than would result from the strict application of present zoning district regulations and:

- Promote high standards in urban design;
- Encourage the development of exceptionally high quality, mixed-use; medium to high intensity projects; while establishing regulations and standards for uses with unique regulatory and design needs;
- Ensure harmonious relationships with surrounding land uses; 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; and

WHEREAS, on February 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, adopting its Resolution No. PC19-008 recommending the City Council approve the Application; and

WHEREAS, on March 19, 2019, 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 environmental review pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of:

(a) 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;

(b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(c) The project site has no value as habitat for endangered, rare, or threatened species;

(d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(e) The Project site can be adequately served by all required utilities and public services; and

(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 Section 1 through 3, 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-2 (East Holt 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 City Council 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, the preparation of a noise study, intensified landscape elements, and decorative hardscape elements.

(4) ***In the case of an application affecting specific properties, 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 proposed Development Plan and Conditional Use Permit, including necessary building setbacks, site access points, off-street parking and site circulation, requirements for a conditional use permit 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 Planned Unit Development Plan (File No. PUD17-003), 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 _____ 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held March 19, 2019 and adopted at the regular meeting held _____, 2019 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. PUD17-003;
Holt Boulevard and Grove Avenue Planned Unit Development**

(Document follows this page)

Holt Boulevard & Grove Avenue

Planned Unit Development

File No. PUD17-003

February 2019



Prepared By:

Elba, Inc.

2243 Calle Margarita

San Dimas, CA 91773

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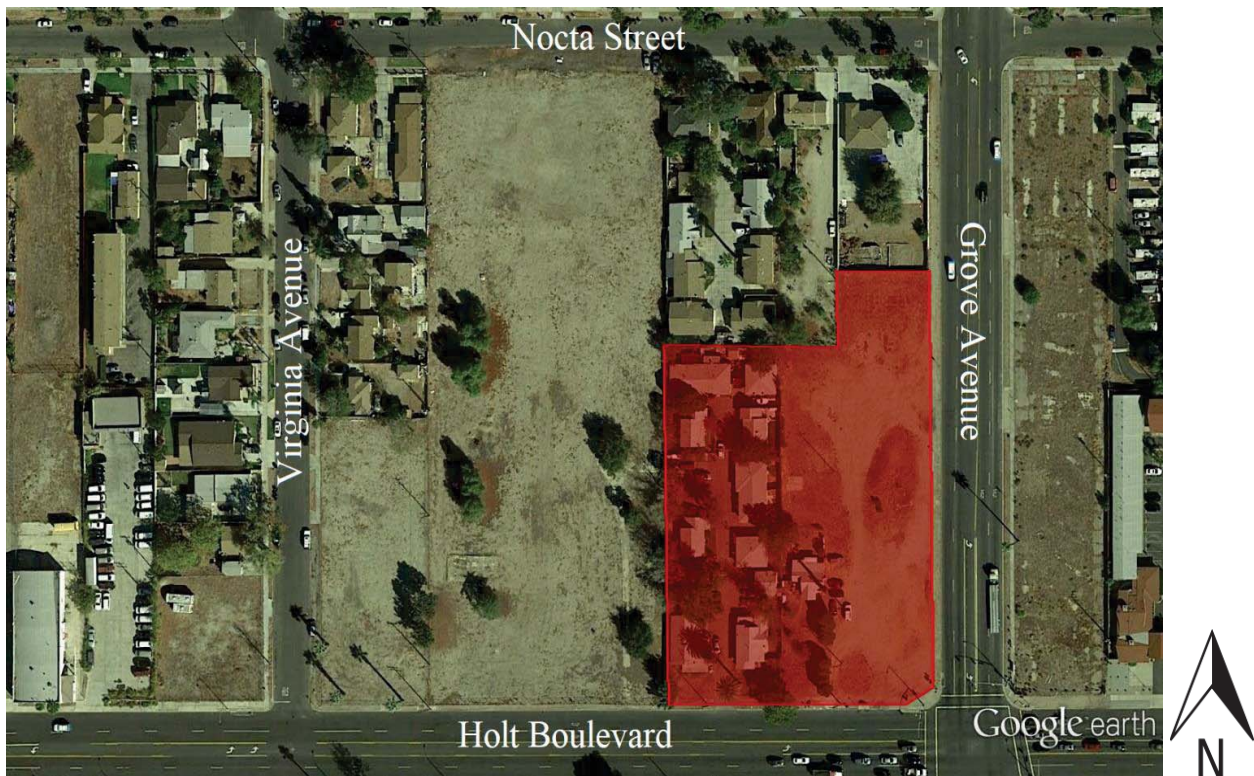
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1. INTRODUCTION

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 6 parcels located on the northwest corner of Holt Boulevard and Grove Avenue (see Exhibit 1-1, PUD Location Map), as a two phased commercial development that faces Holt Boulevard and Grove Avenue. The Holt Boulevard and Grove Avenue 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 will rely on this PUD to determine whether precise plans for development ("Development Plans") will adequately meet the City's land use and design objectives.

Exhibit 1-1: PUD Location Map



2. PUD OBJECTIVES

2.1 THE ONTARIO PLAN (TOP) CONSISTENCY

The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenues. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

The Holt Boulevard and Grove Avenue PUD is consistent with the principles, goals and policies contained within the components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Policy Plan (General Plan), and (3) City Council Priorities. The policies furthered by this PUD are as follows:

1. Vision

On February 13, 2007, the Ontario City Council adopted The Ontario Vision. The central theme that motivates the Vision is – *“A sustained, community-wide prosperity which continuously adds value and yields benefits.”* Everything the City does and every action the City takes is done with the simple yet comprehensive theme in mind, from the design quality of the built environment, to the intent of designing socio-economic programs, to the way in which its leaders govern as a community. In discussing a Vision that would endure for the lifetime of The Ontario Plan (30 years or more), the City Council recognized that there are four components that serve as the basic building blocks that set the foundation for a unified and prosperous community. These foundational blocks must be expressed and widely accepted throughout the Plan’s lifetime. They are:

1. A **Dynamic Balance** that enables our community to confront the continued dynamic growth of the region and technological change with confidence and a sense of opportunity.
2. A **Prosperous Economy** that sustains the perception and reality of prosperity across our entire community that positively impacts all the people of Ontario and is broadly – though not uniformly – shared.
3. **Distinctive Development** that integrates our varied and diverse focal points, districts, villages, and neighborhoods to provide a feeling of coherence without sacrificing uniqueness.

4. **Recognized Leadership** in local governance that stimulates excellence and serves to unify the people of Ontario in support of best practices in conducting public endeavors.

Holt Boulevard and Grove Avenue PUD will implement the Ontario Vision in several ways that will further the City's desire to be a sustainable and prosperous community.

DISTINCTIVE DEVELOPMENT

Commercial and Residential Development

- The PUD will support new multifamily developments and existing residential neighborhoods by providing the increased demand for retail in a more concentrated, strategic location (e.g., at major intersections) as intended for the East Holt Mixed Use Area.
- The PUD will seek to ensure a mix of retail and commercial uses that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users.

Design Quality

- The PUD will require a well-designed project(s) that conveys visual interest and character through:
 - Appropriate scale and massing
 - Architectural style and design that are complementary and appropriate for its setting.
 - The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
 - Appropriate Site Planning to ensure building orientation visibility from the street, adequate number of driveways, sidewalks, building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

Public Safety

- The PUD will ensure that proper exterior lighting standards be located and designed to minimize direct glare beyond parking lots and future residential development to the west and existing residential development to the north. In addition, per the Ontario Police Department, to ensure that all lighting standards comply with the one-foot candle illumination to provide a level of security and public safety within the retail center.

2. Policy Plan

LAND USE ELEMENT

LU1 Balance

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.

The PUD, through the development of retail and commercial uses, will help provide jobs to support the existing and new development within the surrounding area.

Polices

- *LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector.

- *LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.*

The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix of retail and commercial uses and business that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users.

LU2 Compatibility

Goal LU2: Compatibility between a wide range of uses.

The PUD, through land use regulations for permitted uses, have ensured that those permitted uses allowed within the PUD are compatible with the surrounding area and not allow those uses that may have potential to create adverse impacts to the surrounding area.

Polices:

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

The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

- *LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.*

The PUD, through the site planning, requires the that future building developed on the site shall be placed along the frontages of Grove Avenue and Holt Boulevard to keep a buffer between the future residential development to the west and exiting residential to the north.

- *LU2-4 Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed. Those uses with operations that may have potential to create nuisances, will require discretionary approval through the Conditional Use Permit process.

- *LU2-5 Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.*

The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential areas. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

LU3 Flexibility

Goal LU3 Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects

may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines.

Policies:

- *LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.*

To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that convey visual interest.

- *LU3-3 Land Use Flexibility. We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity.*

The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses that will provide a variety of goods and services to the surrounding community and the future Buss Rapid Transit (BRT) users. The PUD will also encourage a plaza area on the corner of Holt Boulevard and Grove Avenue to provide for outdoor eating opportunities and pedestrian gathering areas for residents and future BRT users.

COMMUNITY ECONOMICS ELEMENT

CE1 Complete Community

Goal CE1: A complete community that provides for all incomes and stages of life.

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area and contribute to the City's tax sales base.

Policies:

- *CE1-7 Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to areas currently lacking close access to a retail center.

CE2 Place-Making

Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

The PUD will seek to ensure a mix a retail and commercial uses that will provide a variety of goods and services to the surrounding community and the future Buss Rapid Transit (BRT) users. The PUD area will be distinctive through the requirement of well-designed projects that covey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

MOBILITY ELEMENT

M3 Public Transit

Goal M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

Policies:

- *M3-4 Bus Rapid Transit (BRT) Corridors. We work with regional transit agencies to implement BRT service to target destinations and along corridors, as shown in the Transit Plan.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

COMMUNITY DESIGN

CD1 Image & Identity

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.

- To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that convey visual interest.

Policies:

- *CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.*

The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Growth Area. The PUD area will be distinctive through the requirement of well-designed projects that convey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks,

parking lot orientation, adequate refuse storage areas and well-designed street frontages.

- *CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-way dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard. In addition, the PUD will require adequate landscaping, hardscape, signage and lighting to enhance the prominent corner of Holt Boulevard and Grove Avenue,

CD2 Design Quality

Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

Polices:

- *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.

The PUD area will be distinctive through the requirement of a well-designed projects that covey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

- *CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to areas currently lacking close access to a retail center. The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses business that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users. A plaza area will be incorporate.

- *CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector. In addition, the future development entitlements will require site improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

- *CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.*

The PUD development standards will ensure landscape design and materials will be used to enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- *CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.*

The PUD development standards will ensure water conservation be provided through low water using plant materials, hydro zones, water efficient irrigation and weather based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees will be used to reduce heat gain on buildings, paving and parking areas.

City Council Priorities

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- 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)
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

2.2 CENTER CITY REDEVELOPMENT PLAN OBJECTIVES

The Center City Project Area encompasses the historic Euclid Avenue District, as well as East Holt Boulevard. Ontario's City Hall and surrounding Civic Center, Senior Center, Main library, the Museum of History and Art, Ontario Town Square, and the Law School of the University of La Verne are all within the Center City Project Area. Development is designed to create an immediate and positive identity transforming the area into a comfortable place to stroll and be seen.

The current goals of the Center City Project include:

- Encourage development of a high intensity, multi-use central business district and surrounding neighborhoods that maximize the economic productivity of the commercial areas and maximize the housing opportunities of the residential areas.
- Apply innovative mixed use urban design that maintains a flexible approach to allow for changing opportunities over a long-term, phased revitalization effort.
- 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.
- Cluster activity centers within walking distance of each other, supported by a pedestrian network that provides an enjoyable pedestrian flow.

2.3 PUD DISTRICT PURPOSE AND OBJECTIVES

The purpose of the Holt Boulevard and Grove Avenue Planned Unit Development (PUD) is to secure a fuller realization of the Policy Plan (General Plan) than that which would result from the application of present zone district regulations; to promote high standards in urban design; to encourage the development of exceptionally high quality, commercial uses, while establishing regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other land uses. The intent of the PUD District is to:

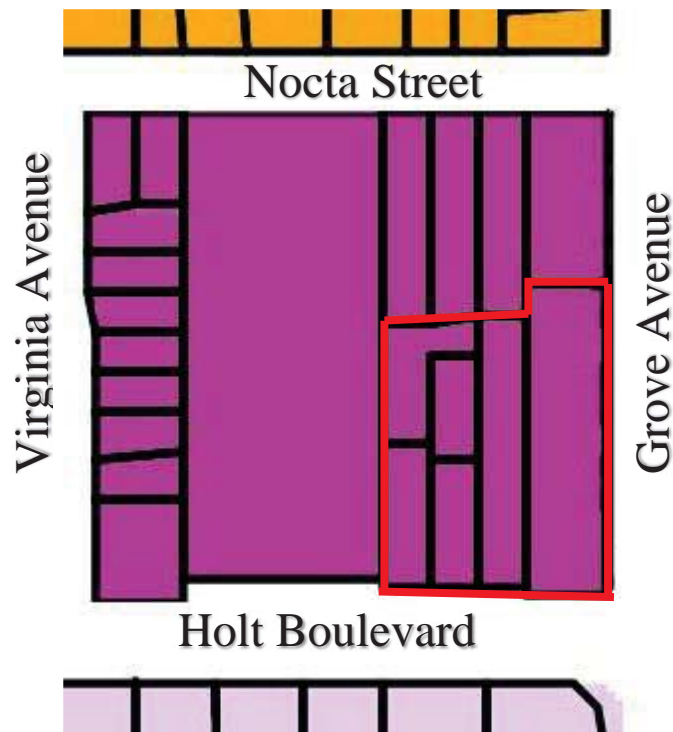
- Promote development projects that are consistent with the land use/downtown revitalization objectives of the Center City Redevelopment Project area.
- Promote community commercial uses to meet the needs of the projects surrounding residential uses.
- Promote the development of plaza areas within the commercial center to providing for social interaction.
- Orient commercial buildings to the street, wherever possible to create an accessible urban edge and sense of arrival.
- Incorporate landscaping to enhance the environment.

3. LAND USE PLAN

3.1 Land Use Designation

The Holt Boulevard and Grove Avenue PUD includes 6 parcels that are designated Mixed Use (MU-2) within the Ontario Plan and on the City's Zoning Map. The Ontario Plan describes the East Holt Boulevard Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The historic character is enhanced. The most intensive uses are envisioned along Euclid Avenue and Holt Boulevard. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

Exhibit 3-1: Land Use District Map



Project Area: Mixed Use 2 (MU-2)

Adjacent Uses: Business Park (0.6 FAR) Medium Density (11.1 – 25 du / ac)

3.2 PERMITTED USES

Exhibit 4-1: Permitted Use Table	
Land Use	MU-2 Commercial
EDUCATIONAL	
Vocational/Trade Schools	C
Private Schools	
MEDICAL	
Animal Hospital/Veterinarian	P
Ambulance Service (Office Only – No Storage of Vehicles)	P
Medical Office	P
MEDICAL OFFICE/FAMILY CLINIC	
Pharmacies and Drug Stores w/o Drive-thru Facilities	P
Industrial Clinic	P
PUBLIC FACILITIES	
Police / Fire Station	P

Exhibit 4-1: Permitted Use Table	
Land Use	MU-2 Commercial
Police Storefront / Substation	P
RELIGIOUS	
Religious Assembly	C
NON-PROFIT/SERVICE ORGANIZATIONS 501 (C) (3) (PER DEVELOPMENT CODE SECTION 9-101305 N)	
Campaign Offices	P
Charitable, Philanthropic, Service and Other Non-Profit Organization Offices	P
Charitable Distribution Services (i.e. Food Banks, etc.)	C
ALCOHOL	
Alcoholic Beverage Sales for Off-Premise Consumption	C
Liquor Store	NP
AUTOMOBILE RELATED SERVICES	
Automotive Parts and Accessories Stores (Retail Sales Only)	P
Automotive Services (i.e. Tune-Up, Emission Tests, Batteries, etc. No use of impact wrenches or other equipment that could create noise impacts.)	NP
Minor Repair (i.e. Brakes, tires, radiators, electrical, etc)	NP
Gas Stations (per Section 9-1.1305 G)	NP
Tire Stores	NP
Car Wash – Full	C
TELECOMMUNICATIONS FACILITIES	
Wireless Telecommunications Facility (Refer to the Development Code)	
DAY CARE FACILITIES	
Commercial Daycare	C
EATING DRINKING PLACES AND FOOD SERVICES	
Restaurants (Sit Down / Full Service)	P
Banquet Facilities in conjunction with a restaurant	P
Bar/Cocktail Lounge	NP
Fast Food	P
Fast Food with Drive-through (per Development Code, Section 9-10305D)	C
ENTERTAINMENT AND RECREATION	
Live Entertainment (in conjunction with restaurant use only)	C
Simulated Shooting Games (Indoor)	C
Health Club / Gymnasium – less than 10,000 square feet	P
Health Club Gymnasium – over 10,000 square feet	C
OFFICES	
Administrative, Professional, and Other Offices	P
RETAIL	
Antique Stores	P
Art Galleries and Art Supply Store	P
Beauty Supply Store	P
Book Stores	P
Hardware Store	
Camera and Photographic Supply Store	P
Cigar and other Tobacco Products Store	NP
Clothing and Accessory Stores	P
Computer and Home Electronic Stores	P
Florist	P
Furniture Stores	P

Exhibit 4-1: Permitted Use Table	
Land Use	MU-2 Commercial
General Merchandise Stores	P
Department Store	P
Discount Variety Store	P
Guns and Ammunition Stores	NP
Hobby, Toy and Game Store	P
Home Appliance Store	P
Jewelry Store	P
Luggage and Leather Goods	P
Music and Video Stores	P
Office Supply, Stationery & Gift Stores	P
Pawnshop / Pawnbroker	NP
Pet and Pet Supply Store	P
Shoe Store	P
FOOD AND BEVERAGE STORES	
Bakery	P
Delicatessen	P
Convenience Market	P
Grocery Store	P
Specialty Food Stores	P
SERVICES	
Advertising Agency	P
Data Processing Services	P
Exterminating Service	P
Equipment Sales and Rentals	P
Photography Studio	P
Photocopying and Duplicating Services	P
FINANCIAL SERVICES	
Banks, Credit Unions and other Depository Institutions	P
Banks, Credit Unions and other Depository Institutions with Drive-thru (See Development Ordinance Section 9-101305 D)	C
Check Cashing	NP
Check / Payday Advance	NP
Money Transmitting	NP
Other Financial Services	NP
PERSONAL SERVICES	
Barber Shop and Beauty / Nail Salon	P
Dry Cleaners	P
Laundry - Commercial	C
Pet Grooming	P
Tailor	P
Travel Agency	P
REPAIR SERVICES	
Computer, Home Electronics, and Small Home Appliances (when ancillary to another use)	P
Electrical Equipment	P
Jewelry and Watches / Clocks	P
Locksmith / Key Shop	P
RESIDENTIAL	

Exhibit 4-1: Permitted Use Table	
Land Use	MU-2 Commercial
Multiple Family Dwellings	NP
Second Dwelling Units	NP
Senior Housing Developments	NP
Single-Family Dwellings	NP
Single Room Occupancy Facilities	NP
Supportive Housing	NP
Work/Live Units	NP

“P” (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district.

“C” (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code.

“NP” (Not Permitted) shall mean the land use, activity, or facility within the specified zoning district is not permitted by right of being in the proper zoning district.

All other uses not listed as Permitted or Conditional are prohibited unless a finding can be made by the Planning Director that the use is similar to, and no more objectionable than, a permitted or conditional use.

4. DEVELOPMENT REGULATIONS

4.1 INTENSITY

Commercial retail uses within the mixed-use district are allowed a Floor Area Ratio (FAR) of up to 1.0. Floor Area Ratio is calculated by dividing the building square footage by the net lot area (after right-of-way dedications).

4.2 BUILDING HEIGHT

The buildings within the Commercial district area shall be a maximum of 35 feet in in order to be in scale to the existing surrounding residential.

4.3 SETBACKS

All setbacks shall be measured from the ultimate property lines after all dedications to develop streets to the ultimate right-of-way width. Placement of buildings, structures, fences, walls, utility facilities, yards, etc. will be based on the street rights-of-way and property line dimensions.

Exhibit 5-1: Building(s) Setback Table		
MU-2 Commercial District Development Standards		
Requirements	MU-2 Commercial District	Additional Requirements
Building Development Standards		
1. Minimum Street Setback (Holt Boulevard/ Grove Avenue)	15 Feet	Building may encroach into the setback provide that a setback average 15 feet is maintained.
2. Interior Property Setbacks	10 feet	Setback areas shall be landscaped
Site Development Standards		
1. Minimum Landscape Coverage	15%	
2. Minimum Parking Space or Drive Aisle Setbacks to Street Property Line	15 feet	Setback areas shall be landscaped.
3. Minimum Parking Space or Drive Aisle Setbacks to Interior Property Lines	10 Feet	Setback areas shall be landscaped.
4. Minimum Parking Space or Drive Aisle to buildings, walls or fences	5 Feet	Setback areas shall be landscaped.

4.4 ACCESS

Holt Boulevard Access -Limited to right-in and right-out turning movements. Any drive access on Holt Boulevard must be located a minimum of two hundred (200) feet from intersecting streets.

Grove Avenue Access - Limited to right-in and right-out turning movements. A minimum of one hundred fifteen (115) feet separation is maintained from intersecting streets.

Distance from the intersecting streets shall be measured from the end of the curb return to the centerline of the driveway.

4.5 LANDSCAPING

A conceptual landscape plan shall be submitted with each Development Plan within the Holt Boulevard and Grove Avenue PUD area. The plan shall specify all landscape and hardscape elements for the development plan site and indicate how the improvements will coordinate with the other sites within the PUD. The landscape plans shall show the location of all ground mounted utility structures such as transformers, back flow prevention devices, trash enclosures, and HVAC equipment and indicate the methods for screening these items. All utility structures and equipment shall be screened from view of the public streets and adjacent development.

Water conservation shall be provided through low water using plant materials, hydro zones, water efficient irrigation and weather based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees shall be used to reduce heat gain on buildings, paving and parking areas. The plan shall identify all existing trees on site and preserve

them where possible. The landscape design shall meet the requirements of the Landscape Development Standards and shall create well-functioning spaces within a sustainable design.

Trees along street frontages shall comply with the variety, size, and spacing as directed by the City of Ontario Master Street Tree Plan. A minimum of fifteen (15%) percent of the site shall have landscaping, not including right-of-way or paved areas.

Street front and side landscape setbacks within the Commercial district shall be maintained at a minimum average of fifteen (15) feet along Holt Boulevard, and Grove Avenue.

4.6 EQUIPMENT SCREENING

All roof mounted and ground mounted equipment shall be fully screened from view of the public street and adjacent developments. The location of items shall be designed to allow screening with landscape materials, walls, architectural features, parapet walls, etc. Screening shall be designed to be integrated into the design of the project.

4.7 FENCES AND WALLS

Fences and walls within the project area shall be made of decorative materials which are compatible with the overall architectural character of the development within the PUD area. All fences and walls shall be in scale with the development to fulfill such needs as screening and security.

Fences, walls and hedges within the project area shall comply with Engineering Corner Sight Distance Standards and other applicable standards. All decorative walls, monuments and/or other similar features shall not encroach into the public street right-of-way.

Within the Mixed-Use 2 districts, walls shall be limited to a maximum of four (4) feet in height within any front yard area. Interior or rear walls shall be a maximum of six (6) feet in height.

Walls shall be coordinated with the architecture of the building with such features as finish material, reveal lines, trim, etc.

5. CIRCULATION AND PARKING

5.1 VEHICLE CIRCULATION

The City of Ontario, as part of its intersection widening plan, and the developers of the PUD site shall be responsible to improve Holt Boulevard and Grove Avenue to their ultimate widths. These streets will provide vehicular access to the site.

5.2 PEDESTRIAN CONNECTIONS

Pedestrian connections shall be provided to each building from the public street within the PUD site. The Mixed-Use Commercial land use district shall also provide pedestrian pathways to

connect all of the commercial developments as well as pedestrian pathways from the corner promoting public use of the corner patio.

5.3 MASS TRANSIT

A bus stop with a bus shelter will be located along the Holt Boulevard frontage. The design of the bus shelter shall be determined at the time of development which shall be subject to approval of the Planning and Engineering Departments.

5.4 STREET DEDICATIONS AND EASEMENTS

The developers shall dedicate right-of-way along all street frontages as necessary to increase the right-of-way to ultimate width, including corner cutbacks per City Standard Drawing No. 1301. Additionally, developers shall adhere to the Proposed Holt Blvd and Grove Ave Widening Improvements R/W Requirements as a part of the West Valley Connector Project. The ultimate widths surrounding the PUD are as follows:

Holt Boulevard – up to 72.56’ half width

Grove Avenue – up to 51.31’ half width

5.5 PUBLIC RIGHT-OF-WAY IMPROVEMENTS

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. The City may do some or all of the improvements as part of its Proposed Holt Blvd and Grove Ave Widening Improvements

5.6 INFRASTRUCTURE

There are existing water lines along Holt Boulevard which shall serve the PUD site. Wastewater flows for the PUD site will be designed to use existing sewer lines in Holt Boulevard.

On-site stormwater drainage facilities shall be provided to capture and infiltrate a 2-yr, 24-hour storm event, consistent with the San Bernardino County Stormwater Program's Water Quality Management Plan (WQMP) requirements for new development projects. Stormwater capture and infiltration facilities may include the utilization of vegetated swales, depressed landscaped basins, pervious concrete pavement or underground stormwater retention/infiltration vaults. All building roof and paved area runoff shall be directed into depressed landscaped swales, trenches or basins, within the development, in order to comply with the requirement to capture and infiltrate the 2-yr, 24-hour storm event runoff.

All utility lines (electric, communications, TV, etc.) along Holt Boulevard and Grove Avenue will remain underground. Existing overhead utility lines on-site shall be under-grounded at or before the time of development by the developer or property owner.

Street lighting shall be installed along the public right-of-way of Holt Boulevard and Grove Avenue in accordance with City of Ontario Standards. The type of street lighting will be determined at the time of development.

5.7 PARKING

Parking shall be provided on-site at the rates required by the City of Ontario Development Code. No street parking will be allowed on Holt Boulevard or Grove Avenue.

6. DESIGN GUIDELINES

6.1 BUILDING ORIENTATION AND STREETSCAPES

Building Orientation

Buildings should be oriented towards Holt Boulevard or Grove Avenue with entry elements, interesting architecture, enhanced materials, and pedestrian scale to provide connection between the development and the street. Windows and entries should face the street avoiding blank walls dominating public views. Stores with entries not visible from the street may be oriented towards pedestrian open space. The building entries may be located on the side of the building so long as strong pedestrian connection is maintained through wide walkways, enhanced pavers, plazas, appropriately scaled lighting and/or other similar features. Rear entrances, if needed, should be secondary in nature.

Building clustering's are recommended to help define parking lot areas and encourage walking between stores. Building entries and storefronts should be positioned close to one another to reduce walking distances between them.

Street side Setbacks and Buildings

The sides of buildings along street edges shall be landscaped within the setback to soften the building's appearance as well as designed with windows or design elements.

Street Frontage and Parking Lots

Parking lots should generally be placed away from streets. Street frontages shall be broken up with buildings, landscaping, plazas, and other pedestrian features. Continuous parking lots along the street frontage should be avoided. Any parking along street edges shall be setback with a landscaped buffer to minimize the dominant feeling of the automobile along the street. Continuous parking stalls may be interrupted by landscaped islands no more than 10 stalls apart. Parking lots

are encouraged to be interconnected rather than separated for each building. Separated parking lots encourage customers to drive from store to store.

Service and Storage Areas

Loading areas and storage areas are to be located behind or to the side of buildings siting onto secondary access and not primary streets. These features must be screened with walls and landscaping as much as possible from public view of streets, residences, and pedestrian walkways. Loading areas and storage areas should not conflict with pedestrian walkways.

Refuse Containers, Utility and Mechanical Equipment

Refuse containers and equipment shall be easily accessed by service vehicles. They shall be screened from view of the streets, parking lots, and connecting walkways through roof forms, walls and/or landscaping. Screening details should incorporate elements that are compatible to the architecture style of the building. Proper landscaping, including trellises, may also help to screen these elements. Equipment and enclosures shall not be located near pedestrian walkways. Roof-mounted equipment shall be screened by the roof/parapet.

Sidewalks

Sidewalks shall be located along natural pedestrian travel paths. Sidewalks should be a minimum of 5' wide along pedestrian pathways.

6.2 ARCHITECTURAL CHARACTER\DETAILS

Building Design

Due to the size and scale of the PUD project area, virtually all sides of the buildings will be visible from the public street, common access drives, common parking areas or adjacent parcels with commercial uses. As such appropriate massing becomes more important to maintain the human-scale of the development and create a visually pleasing environment. Bay windows, stepped buildings, height changes and setback variations between stores help to break up large buildings as well as indicate entries and store locations to customers. Tower elements or monumental features are encouraged at focal points, such as corners, plazas, major entrances, or where walkways meet streets. Glazing to be used throughout the building to articulate the open space structure of the building. Overall the building architecture concept is to encompass contemporary open space architecture.

Varying setbacks along the front façade of buildings will create small outdoor public spaces for pedestrians to gather and sit.

Roof Forms

Hipped and gable roofs are encouraged. Roof pitches shall be compatible to the architectural style of the building. Flat roofs should vary in height and be accompanied by cornice, trim or other accent features.

Entry Design

Building entries shall be prominent and easily identified. Various elements can be used to enhance the entry features including massing variation, materials and color change, change in roof form, and awnings.

Arcades and Awnings

Outdoor arcades along store fronts are encouraged over pedestrian walkways. Arcades may be used to connect separate buildings providing a more pleasing experience for pedestrians. Trellises or awnings may also be used to create a covered walkway to protect pedestrians from the sun and rain.

Architectural Styles

A consistent architectural style should be used throughout the commercial development to create a sense of continuity between the buildings. Related elements, such as trellises, planters, light-standards, windows, doors, etc. shall also adopt detailing that is compatible to the selected architectural style.

Architectural styles shall derive from Southern California contemporary or modern styles that generally respond to the region's climate including such features as outdoor circulation, outdoor courtyards or plazas, recessed window frames, awnings, arcades, loggias, and trellises.

Building Wall Treatment

No wall should have a blank, uninterrupted length exceeding 20 feet without including one of the following:

- Change in texture
- Change in material
- Change in plane
- Lattice
- A tree or equivalent element

Façades that are visible from adjacent streets or walkways should display even greater visual interest by using architectural elements that break up the massing of the buildings, such as windows, arcades, awnings, porticos, and other architectural features.

Base and Top Treatments

Base and top treatments help to balance the “weight” of the building visually. Bases should appear to “ground” the building, while tops create a defined edge to the roofline. Possible treatment techniques are as follows:

Base

- Thicker walls

- Natural materials
- Enriched landscaping with a mature height of at least 18”
- Precast materials
- Other decorative, durable materials as approved by the City

Special materials, such as ceramic tile, granite and marble are encouraged at major entries.

Tops

- Cornice treatments
- Roof overhangs with brackets
- Stepped parapets
- Textured materials

Colored “stripes” are not acceptable as the only treatment.

Exterior Materials

Recommended materials include stucco, exterior plaster, brick, wood siding, tile, precast concrete or stone. Exterior materials that appear pre-fabricated are not recommended. Selected materials and detailing should have an enduring appearance. Foam products should be avoided at the pedestrian level.

Roof Materials

Roofing materials that are generally acceptable include metal standing seam, concrete tile, ceramic tile and slate or slate-like materials. Asphalt or wood shingles are prohibited.

Colors

Color selection shall be consistent with the selected architecture style.

6.3 SIGNS

Signs shall comply with the requirements of the City of Ontario Development Code and shall be coordinated through a comprehensive sign program. A sign program shall be approved by the City prior to any signs being installed.

6.5 SERVICE FACILITIES

Service facilities such as trash enclosures, loading zones and yard areas shall be designed, located and oriented to have a minimal visual impact on the development within the PUD area.

Trash enclosures shall be designed to coordinate with the architecture, colors and materials of the style of the development and shall be located to provide adequate access for trash pickup without encroaching on access drives or landscaped areas. Trash enclosures shall be designed and constructed with a solid roof cover which shall also be designed to match the architecture of the development.

Loading areas should be screened by location, orientation, and, if necessary, walls to reduce the visual impact of these areas.

7. HISTORIC PRESERVATION

7.1 HISTORIC BACKGROUND

The one block area that comprises the PUD established by this document is not located within the City's Historic Downtown District. However, the property was part of Pikes Peak Ocean-to-Ocean Highway (Holt Boulevard frontage). Long before freeways and highways existed in Ontario, travelers relied on Native American trails and stage coach routes. Some of these routes evolved into highways such as the famous Lincoln Highway and the National Old Trails Road (US Route 40). One of the nation's first transcontinental highways, which commenced construction in 1912, is the Pikes Peak Ocean-to-Ocean Highway. The highway spanned the continent from Los Angeles to New York and passed through Holt Boulevard in Ontario. This occurred at a time when paved roads were rare and traveling by car for more than 10 miles was an adventure. Road boosters and automobile enthusiasts arranged local chapters within cities and towns to participate in the promotion of this new highway and laid the foundation for auto-orientated development.

By 1920, Holt Boulevard was a 4-lane highway and the main transportation route linking Los Angeles to Palm Springs. As tourism increased, grand hotels, restaurants, and other roadside businesses developed along Holt Boulevard such as Ford's Lunch, Jiffy Lunch, Hot Dog Show, Casa Blanca Hotel, Dietz Garage and famous tourist attraction, Hotpoint. Movie stars and Beverly Hills socialites ate, shopped, and slept in Ontario's historic downtown making this place a "must stop" destination.

7.2 EXISTING HISTORIC STRUCTURES

The project site does not contain any historic resources and is not in a Designated, Proposed, or Potential District. Additionally, Holt Boulevard and Grove Avenue PUD is not adjacent to any historic districts.

ADMINISTRATION

1. ITEMS NOT ADDRESSED IN PUD

Any terms, requirements, or regulations not addressed within the PUD document shall be governed by the City of Ontario Development Code, the regulations of the Mixed-Use zones and City Standards.

2. DEVELOPMENT APPLICATIONS

Development Plans for the development of each individual parcel within the PUD area, along with fees and other required items, shall be submitted for review and approval per the requirements contained in Article 8 of the City of Ontario Development Code and the General Application.

3. ADMINISTRATIVE EXCEPTIONS

Deviation from the development standards set forth in this document may be granted up to a maximum of ten (10%) percent by the Zoning Administrator. Any deviation that is greater than (10%) percent shall require Variance approval.

CITY OF ONTARIO

Agenda Report
March 19, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA19-001) CLARIFYING CURRENT PROVISIONS ADDRESSING THE PROCESSING OF WIRELESS TELECOMMUNICATIONS FACILITIES, AND ADDING PROVISIONS GOVERNING SMALL CELL WIRELESS FACILITIES AND THE ALTERATION AND/OR EXPANSION OF EXISTING WIRELESS TELECOMMUNICATIONS FACILITIES, CONSISTENT WITH FCC ORDERS

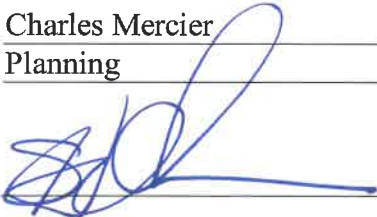
RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving File No. PDCA19-001, a Development Code Amendment clarifying current provisions addressing the processing of wireless telecommunications facilities, and adding provisions governing small cell wireless facilities and the alteration and/or expansion of existing wireless telecommunications facilities.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The City will receive fees for the placement of small cell wireless facilities within public rights-of-way and on City-owned properties. The amount of fees collected is based upon the number of small cell wireless facilities authorized to use the public rights-of-way; the number of licenses issued to provide small cell services; and the number of authorizations granted to locate on existing City-owned structures within rights-of-way, such as light poles and signal poles. Fee amounts are established by a Small Cell Wireless Telecommunications Facilities Agreement by and between the City and the small cell provider.

BACKGROUND: In September 2018, the FCC released its Declaratory Ruling and Third Report and Order directed at the deployment of a nation-wide 5G wireless broadband network utilizing Small

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director, Development Agency

Prepared by: Charles Mercier
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 03/19/2019
Approved: _____
Continued to: _____
Denied: _____

7

Wireless Facilities or Small Cell Sites. This Order requires the City to initiate a Development Code Amendment to revise the current land use regulations governing Wireless Telecommunications Facilities, contained in Development Code Section 5.03.420.

Additionally, in 2014, the FCC adopted wireless infrastructure orders pertaining to the processing of alterations, expansions and collocations to existing macrocell facilities, such as towers and base stations. Staff has been processing wireless applications consistent with the 2014 FCC orders and is taking this opportunity to bring the City's Wireless Telecommunications Facilities provisions into full consistency with the orders.

The FCC's orders addressing Small Wireless Facilities extend to the City's terms for granting access and use of its rights-of-way, including areas on, below, or above public streets, sidewalks, and other similar property. It also addresses terms for use of, or attachment to, City-owned property installed within its rights-of-way, such as light poles, traffic lights, and utility poles.

The FCC's ruling focuses primarily on fees that may be charged for authorization to deploy small cells. However, it also:

- Establishes new shot clocks (the timeframes in which the City must act on wireless facilities applications) for action on small wireless facilities;
- Establishes a new remedy for missed shot clocks;
- Codifies shot clocks previously established by the FCC's 2014 wireless infrastructure order, addressing collocations on existing wireless facilities and other types of modification to existing wireless facilities that meet certain size limitations; and
- Provides guidance on aesthetic requirements, requiring that they must be [1] reasonable, in that they are technically feasible and directed to avoid or remedy the intangible public harm of unsightly or out-of-character deployments; [2] no more burdensome than those applied to other types of infrastructure deployments; and [3] objective and published in advance.

FCC orders pertaining to the shot clocks (included as Exhibit A of the attached Planning Commission Staff Report) and small wireless facilities deployment became effective on January 14, 2019. However, additional time was granted to allow localities time to establish and publish aesthetic standards, requiring that publication be completed by April 2019 (180 days following publication of the FCC orders in the Federal Register).

The Planning Department has proposed revisions to the Development Code provisions pertaining to wireless telecommunications facilities, which are consistent with both 2014 and 2018 FCC Orders. The proposed changes are outlined in Exhibit B of the attached Planning Commission Staff Report.

On February 26, 2019, the Planning Commission conducted a public hearing to consider the proposed Development Code Amendment, and voted unanimously (6-0) to issue a Resolution No. PC19-011 recommending the City Council approve the project.



PLANNING COMMISSION STAFF REPORT

February 26, 2019

FILE NO.: PDCA19-001

SUBJECT: A Development Code Amendment revising Section 5.03.420.A.1 for the purpose of clarifying current provisions addressing the processing of wireless telecommunications facilities, and consistent with FCC orders, adding provisions governing small cell wireless facilities and the alteration and/or expansion of existing wireless telecommunications facilities. **City initiated. City Council action is required.**

PROPERTY OWNER: N/A

RECOMMENDED ACTION: That the Planning Commission recommend that the City Council approve File No. PDCA19-001, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The proposed Development Code Amendment is of Citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south (see Figure 1). The City of Ontario is substantially built-out with residential, commercial, industrial, agricultural, airport, institutional/public, and recreational land uses. According to the California Department of Finance, the City of Ontario's 2018 estimated population is 177,589 persons, and it is ranked the 26th largest city in the State in terms of population.

PROJECT ANALYSIS: The recent adoption of FCC orders concerning the processing of certain wireless telecommunications facilities has required that the City initiate a Development Code Amendment that will revise current land use regulations pertaining to wireless telecommunications facilities (Section 5.03.420.A.1). The proposed revision will add provisions addressing the processing of small wireless facilities, which are necessary to the



Figure 1—LOCATION MAP

Case Planner:	Charles Mercier
Planning Director Approval:	
Submittal Date:	N/A

Hearing Body	Date	Decision	Action
PC	2/26/2019	Approved	Recommend
CC	3/19/2019		Introduction
	4/2/2019		Final

earlier FCC orders, which address the alteration and/or expansion of existing macrocell facilities, such as towers and base stations.

In September 2018, the Federal Communications Commission (“FCC”) adopted rules regarding the deployment of 5G Small Wireless Facilities (“small cells”) within public rights-of-way. The FCC’s rulemaking extends to the City’s terms for access and use of its rights-of-way, including areas on, below, or above public roadways, highways, streets, sidewalks, and other similar property. It also addresses terms for use of, or attachment to, City-owned property installed within its rights-of-way, such as light poles, traffic lights, utility poles, and other similar property suitable for hosting small cells.

The FCC’s declaratory ruling focuses primarily on fees the City may charge for authorization to deploy small cells. However, it also establishes new shot clocks for action on small cell facilities, establishes a new remedy for missed shot clocks, and codifies shot clocks previously established by the FCC’s 2014 Wireless Infrastructure Order, which are applicable to collocations on existing wireless facilities and other types of modification to existing wireless facilities that meet certain size limitations (Eligible Facilities Requests). Shot clock requirements applicable to small cells and non-small wireless facilities is attached as Exhibit A (Guidance on FCC Shot Clock Rules and Remedies for Wireless Facility Applications) of this staff report.

Moreover, the FCC declaratory ruling provides guidance on aesthetic requirements, concluding that they are not preempted if they are (1) reasonable, in that they are technically feasible and reasonably directed to avoid or remedy the intangible public harm of unsightly or out-of-character deployments; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance. Over the past year, staff has worked with small cell providers to ensure that the recommended aesthetic standards for small wireless facilities would be reasonable, not overly burdensome, and unbiased.

The Planning Department has proposed revisions to the Development Code provisions pertaining to wireless telecommunications facilities, which are consistent with the FCC’s declaratory ruling. The proposed changes are outlined in Exhibit B (Development Code Amendment) of this staff report.

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). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Goals.

- Invest in the Growth and Evolution of the City’s Economy

- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[3] Policy Plan (General Plan)

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.
 - 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.
 - LU1-2 Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.
- Goal LU2: Compatibility between a wide range of uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.

➤ CE1-5 Business Attraction. We proactively attract new and expanding businesses to Ontario in order to increase the City's share of growing sectors of the regional and global economy.

▪ Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

➤ CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

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.

➤ 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.

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

▪ Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD3-4 Ground Floor Usage of Commercial Buildings. We create lively pedestrian streetscapes by requiring the location of uses, such as shopping, galleries, restaurants, etc., on ground floors adjacent to sidewalks.

▪ 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 investments.

➤ 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 consistently maintained.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project affects properties 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 proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

EXHIBIT A:
GUIDANCE ON FCC SHOT CLOCK RULES
AND REMEDIES FOR WIRELESS FACILITY APPLICATIONS

<i>FCC SHOT CLOCKS</i>		
<i>FCC Category</i>	<i>Applicable Shot Clock</i>	
Eligible Facilities Requests (EFR) —Must involve modification to existing wireless facility (tower or base station) and meet size and other requirements to qualify as EFR	60 days	
Small Cells (Small Wireless Facility (SWF)) —Must be personal wireless services facility that meets size and other requirements to qualify as SWF.	Placement on existing structure (need not be existing wireless facility)	60 days
	New	90 days
Collocations —Must involve placement of personal wireless services facility (that does not qualify as EFR or SWF) on existing structure which need not have wireless facility already on it	90 days	
Other —Personal wireless services facility that does not fall in any other category	150 days	

**SHOT CLOCK CALCULATION RULES
 FOR EFRS, COLLOCATIONS AND “OTHER”**

- ***The applicable federal shot clock will start to run upon receipt of the application.***
 Upon receipt of an application, after categorizing the type of request, the next step should be to check the application for completeness.
- There are only ***two ways to toll or stop the running of a shot clock:*** (1) to provide a ***timely Notice of Incompleteness (NOI)***; or (2) ***“toll” the shot clock by mutual agreement*** with the applicant. Tolling agreements may be reached at any time during the process, and should be in writing and signed by both parties.
- ***NOI Process:***
 - ***A NOI must be issued within the first 30 days after the submission of an application to toll the shot clock.*** NOIs must be written and specify the missing information and the code provision, ordinance, application instruction, or other publicly-stated procedure requiring that information. For EFRs, the City may only request information reasonably related to determining whether the application constitutes an EFR.

- ***Timely issuance of an NOI stops the shot clock until the applicant submits supplemental information***, at which point it begins to run again, unless and until the City issues another timely NOI.
- ***The City has 10 days from receipt of supplemental information to issue another NOI***. Only the first NOI for an application may specify new missing information. Any subsequent NOIs must be based on missing information required by the first NOI. As above, the shot clock stops when the City timely submits a NOI to the applicant. The shot clock begins again when the applicant submits supplemental information.
- ***This cycle can continue until the shot clock runs out, at which point the City must make a decision or face a “deemed granted” determination.***
- If the City fails to issue an NOI within 30 days of the application’s filing (or within 10 days of the filing of supplemental information), it may still issue an NOI, but the shot clock is not tolled during the time it takes the applicant to respond.
- If an application is submitted as an EFR, but the City later determines that it does not qualify as such, the shot clock is restarted as of the date the City notifies the applicant that the application is not an EFR, as if a new application for the proper type of facility were filed that day (i.e. same NOI timeline/process).

SPECIAL SHOT CLOCK CALCULATION RULES FOR SMALL CELLS

- For Small Cells (Small Wireless Facilities), the City has **10 days** from the submission of the application issue the NOI if the application is determined to be incomplete.
- ***If the NOI is issued within 10 days, the shot clock then resets*** once the applicant submits the supplemental information requested by the City, effectively giving the City an additional 60 days or 90 days (depending on the application type), to act on the application.
- For subsequent determinations of incompleteness, the tolling rules that apply to non-Small Cells would apply—that is, the shot clock would toll if the City provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

DEEMED GRANTED & OTHER SPECIAL REMEDIES

- **For EFRs**, if the City fails to take action on the application within the shot clock period, the request is deemed granted effective at the time the applicant notifies the City in writing that the shot clock has expired and the application has been deemed granted.
- **For collocations and “other” applications**, Cal. Gov. Code section 65964.1 (effective January 1, 2016) created a deemed approved remedy. To invoke this remedy after a shot clock has expired, the applicant must have (i) provided all public notices regarding the application that the applicant is required to provide under applicable laws consistent with the public notice requirements for the application, and (ii) provided notice to the City that the reasonable time period has lapsed and that the application is deemed approved pursuant to state law. ***The City then has 30 days to go to court if it wishes to seek judicial review of the operation of this section on the application.*** Note: this remedy is not available to a collocation or siting application for a personal wireless services facility where the project is proposed for placement on fire department facilities.
- **For small cells, there is no deemed granted remedy.** However, an “enhanced remedy” exists under new FCC rules. That is, a failure to act on a small cell application (including all necessary authorizations) within the applicable shot clock is presumptively an effective prohibition of the provision of personal wireless services, entitling the applicant to expedited judicial review.

EXHIBIT B:
DEVELOPMENT CODE AMENDMENT

Development Code Section 5.03.420.A.1 will be amended to read as shown below. Text that is proposed to be deleted is identified by ~~red-strikeout~~ text. Text that is proposed to be added is identified by blue underlined text.

1. Tier 1 Review. The following applications for wireless telecommunications facilities shall be reviewed and acted upon utilizing the Building Department's plan check review process:

a. A wireless telecommunications facility integrated into a building/structure design.

b. A roof-mounted ~~design~~ wireless telecommunications facility that is less than 10 FT in height, which is architecturally screened from view and is located within a nonresidential zoning district.

c. The establishment of small cell wireless telecommunications facilities within the public right-of-way, which conform to the following conditions:

(1) Small cell wireless telecommunications facilities should be attached to existing City light standards; however, if new or replacement light standards are necessary, concrete or steel poles shall be used, which match poles in the surrounding area and are consistent with current City standards. The use of new or existing wood poles shall not be permitted.

(2) Small cell wireless telecommunications facilities shall be limited to single-carrier facilities.

(3) All transmission equipment, excluding antennas and remote radio units, shall be placed underground, to the extent possible, in a manner consistent with City regulations. To the extent that the project proponent determines that all transmission equipment cannot be placed underground, the project proponent shall provide written supporting justification to the City, which excludes the cost of equipment undergrounding, for review and approval by the Planning Director and City Engineer.

(4) Small cell wireless telecommunications facilities shall be erected to a height no greater than the height of surrounding light standards, not to exceed a total of 40 FT, including antennas, lightning rods, or other extensions.

(5) Supporting equipment, such as cabling and conduits, shall be concealed within the pole so as not to be visible to the public. All other equipment such as antennas, enclosures, brackets, equipment boxes, etc., shall be painted to match pole.

(6) A Small Cell Wireless Telecommunications Facilities Agreement by and between the City and the project proponent shall be prepared, and reviewed and approved by the City Council, prior to encroachment permit issuance by the City for the installation of small cell telecommunications facilities.

d. The modification of existing wireless telecommunications facilities, or collocation of additional facilities with an existing wireless telecommunications facility, in any zoning district, that does not exceed the below-listed thresholds, the calculation for which shall be cumulative over time, following the initial approval of the telecommunications facility:

(1) The height of the existing antenna array is increased by no more than 10 percent or 20 feet, whichever is greater; however, no such increase in height shall be permitted to exceed the maximum height limit prescribed in this Section (refer to Subparagraphs E.6.a and E.6.b of this Section);

(2) The existing facility is increased by more than 4 new equipment cabinets;

(3) The modification will not result in an additional horizontal protrusion of more than 20 feet, or more than the width of the tower structure prior to any modification, measured at the level of the new appurtenance, whichever is greater; and

(4) The modification will not require excavation outside existing leased or owned property and current easements.

RESOLUTION NO. PC19-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDCA19-001, A DEVELOPMENT CODE AMENDMENT REVISING SECTION 5.03.420.A.1 FOR THE PURPOSE OF CLARIFYING CURRENT PROVISIONS ADDRESSING THE PROCESSING OF WIRELESS TELECOMMUNICATIONS FACILITIES, AND CONSISTENT WITH FCC ORDERS, ADD PROVISIONS GOVERNING SMALL CELL WIRELESS FACILITIES AND THE ALTERATION AND/OR EXPANSION OF EXISTING WIRELESS TELECOMMUNICATIONS FACILITIES, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated a Development Code Amendment, File No. PDCA19-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, in September 2018, the Federal Communications Commission ("FCC") adopted rules regarding the deployment of 5G Small Wireless Facilities ("small cells") within public rights-of-way. The FCC's rulemaking would extend to the City's terms for access and use of its rights-of-way, including areas on, below, or above public roadways, highways, streets, sidewalks, and other similar property. It also addresses terms for use of, or attachment to, City-owned property installed within its rights-of-way, such as light poles, traffic lights, utility poles, and other similar property suitable for hosting small cells; and

WHEREAS, the FCC's declaratory ruling focuses primarily on fees the City may charge for authorization to deploy small cells. However, it also establishes new shot clocks for action on small cells, establishes a new remedy for missed shot clocks, and codifies shot clocks previously established by the FCC's 2014 Wireless Infrastructure Order, which are applicable to collocations on existing wireless facilities and other types of modification to existing wireless facilities that meet certain size limitations (Eligible Facilities Requests); and

WHEREAS, the FCC declaratory ruling provides guidance on aesthetic requirements, concluding that they are not preempted if they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance. Aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible; and

WHEREAS, revisions have been proposed to the Development Code provisions pertaining to wireless telecommunications facilities that are consistent with the FCC's declaratory ruling; and

WHEREAS, the proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make recommendation to the City Council 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, 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 February 26, 2019, the Planning Commission 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 Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending authority for the Project, the Planning Commission 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 Planning Commission, the Planning Commission finds as follows:

(1) The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense (general rule) exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment; and

(2) The proposed Development Code Amendment will not have a significant effect on the environment, and is not, therefore, subject to CEQA.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 recommending authority for the Project, the Planning Commission 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 Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) The proposed Development Code 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. The proposed land use standards under which small wireless facilities and additions/expansion to existing macrocell wireless facilities

will be required to be constructed and maintained have been reviewed for consistency with applicable TOP components, and have been established so as to be 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 Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City, as the proposed Development Code Amendment will amend current land use provisions addressing wireless telecommunications facilities, bringing City standards into consistency with recently adopted FCC orders by adding provisions governing the installation of small cell wireless facilities within public rights-of-way, as-well-as adding provisions that govern the processing of alterations and/or expansions to existing macrocell wireless telecommunications facilities.

SECTION 5: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THAT THE CITY COUNCIL APPROVE the herein described Application, as shown in "Attachment A" of this Resolution, and incorporated herein by this reference.

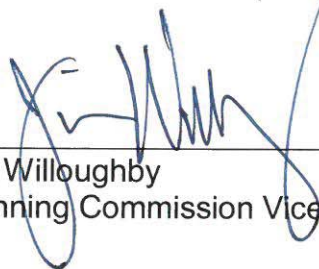
SECTION 6: *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval.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

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

SECTION 8: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of February 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Vice Chairman

ATTEST:



Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19-011 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 26, 2019, by the following roll call vote, to wit:

- AYES: DeDiemar, Downs, Gage, Gregorek, Reyes, Willoughby
- NOES: None
- ABSENT: None
- ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

Development Code Section 5.03.420.A.1 is hereby recommended to be amended to read as follows:

“1. Tier 1 Review. The following applications for wireless telecommunications facilities shall be reviewed and acted upon utilizing the Building Department’s plan check review process:

a. A wireless telecommunications facility integrated into a building/structure design;

b. A roof-mounted wireless telecommunications facility that is less than 10 FT in height, which is architecturally screened from view and is located within a nonresidential zoning district;

c. The establishment of small cell wireless telecommunications facilities within the public right-of-way, which conform to the following conditions:

(1) Small cell wireless telecommunications facilities should be attached to existing City light standards; however, if new or replacement light standards are necessary, concrete or steel poles shall be used, which match poles in the surrounding area and are consistent with current City standards. The use of new or existing wood poles shall not be permitted.

(2) Small cell wireless telecommunications facilities shall be limited to single-carrier facilities.

(3) All transmission equipment, excluding antennas and remote radio units, shall be placed underground, to the extent possible, in a manner consistent with City regulations. To the extent that the project proponent determines that all transmission equipment cannot be placed underground, the project proponent shall provide written supporting justification to the City, which excludes the cost of equipment undergrounding, for review and approval by the Planning Director and City Engineer.

(4) Small cell wireless telecommunications facilities shall be erected to a height no greater than the height of surrounding light standards, not to exceed a total of 40 FT, including antennas, lightning rods, or other extensions.

(5) Supporting equipment, such as cabling and conduits, shall be concealed within the pole so as not to be visible to the public. All other equipment such as antennas, enclosures, brackets, equipment boxes, etc., shall be painted to match pole.

(6) A Small Cell Wireless Telecommunications Facilities Agreement by and between the City and the project proponent shall be prepared, and reviewed and approved by the City Council, prior to encroachment permit issuance by the City for the installation of small cell telecommunications facilities.

d. The modification of existing wireless telecommunications facilities, or collocation of additional facilities with an existing wireless telecommunications facility, in any zoning district, that does not exceed the below-listed thresholds, the calculation for which shall be cumulative over time, following the initial approval of the telecommunications facility:

(1) The height of the existing antenna array is increased by no more than 10 percent or 20 feet, whichever is greater; however, no such increase in height shall be permitted to exceed the maximum height limit prescribed in this Section (refer to Subparagraphs E.6.a and E.6.b of this Section);

(2) The existing facility is increased by more than 4 new equipment cabinets;

(3) The modification will not result in an additional horizontal protrusion of more than 20 feet, or more than the width of the tower structure prior to any modification, measured at the level of the new appurtenance, whichever is greater; and

(4) The modification will not require excavation outside existing leased or owned property and current easements.”

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA19-001, A DEVELOPMENT CODE AMENDMENT REVISING SECTION 5.03.420.A.1 FOR THE PURPOSE OF CLARIFYING CURRENT PROVISIONS ADDRESSING THE PROCESSING OF WIRELESS TELECOMMUNICATIONS FACILITIES, AND CONSISTENT WITH FCC ORDERS, ADD PROVISIONS GOVERNING SMALL CELL WIRELESS FACILITIES AND THE ALTERATION AND/OR EXPANSION OF EXISTING WIRELESS TELECOMMUNICATIONS FACILITIES, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated a Development Code Amendment, File No. PDCA19-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, in September 2018, the Federal Communications Commission ("FCC") adopted rules regarding the deployment of 5G Small Wireless Facilities ("small cells") within public rights-of-way. The FCC's rulemaking would extend to the City's terms for access and use of its rights-of-way, including areas on, below, or above public roadways, highways, streets, sidewalks, and other similar property. It also addresses terms for use of, or attachment to, City-owned property installed within its rights-of-way, such as light poles, traffic lights, utility poles, and other similar property suitable for hosting small cells; and

WHEREAS, the FCC's declaratory ruling focuses primarily on fees the City may charge for authorization to deploy small cells. However, it also establishes new shot clocks for action on small cells, establishes a new remedy for missed shot clocks, and codifies shot clocks previously established by the FCC's 2014 Wireless Infrastructure Order, which are applicable to collocations on existing wireless facilities and other types of modification to existing wireless facilities that meet certain size limitations (Eligible Facilities Requests); and

WHEREAS, the FCC's declaratory ruling provides guidance on aesthetic requirements, concluding that they are not preempted if they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance. Aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible; and

WHEREAS, revisions have been proposed to the Development Code provisions pertaining to wireless telecommunications facilities that are consistent with the FCC's declaratory ruling; and

WHEREAS, the proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense (general rule) exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; 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, 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, 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 February 26, 2019, 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 its Resolution No. PC19-011, recommending the City Council approve the Application; 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 approving authority 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 proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense (general rule) exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment; and

(2) The proposed Development Code Amendment will not have a significant effect on the environment, and is not, therefore, subject to CEQA.

SECTION 2. *Development Code Amendment.* Development Code Section 5.03.420.A.1 is hereby amended to read as follows:

1. **Tier 1 Review.** The following applications for wireless telecommunications facilities shall be reviewed and acted upon utilizing the Building Department's plan check review process:

a. A wireless telecommunications facility integrated into a building/structure design;

b. A roof-mounted wireless telecommunications facility that is less than 10 FT in height, which is architecturally screened from view and is located within a nonresidential zoning district;

c. The establishment of small cell wireless telecommunications facilities within the public right-of-way, which conform to the following conditions:

(1) Small cell wireless telecommunications facilities should be attached to existing City light standards; however, if new or replacement light standards are necessary, concrete or steel poles shall be used, which match poles in the surrounding area and are consistent with current City standards.

(2) The use of new or existing wood poles shall not be permitted.

(3) Small cell wireless telecommunications facilities shall be limited to single-carrier facilities.

(4) All transmission equipment, excluding antennas and remote radio units, shall be placed underground, to the extent possible, in a manner consistent with City regulations. To the extent that the project proponent determines that all transmission equipment cannot be placed underground, the project proponent shall provide written supporting justification to the City, which excludes the cost of equipment undergrounding, for review and approval by the Planning Director and City Engineer.

(5) Small cell wireless telecommunications facilities shall be erected to a height no greater than 40 FT, including appurtenant whip antennas, lightning rods, or other similar extensions.

(6) Supporting equipment, such as cabling and conduits, shall be concealed within the pole so as not to be visible to the public. All other equipment such as antennas, enclosures, brackets, equipment boxes, etc., shall be painted to match pole.

(7) A Small Cell Wireless Telecommunications Facilities Agreement by and between the City and the project proponent shall be prepared, and reviewed and approved by the City Council, prior to encroachment permit issuance by the City for the installation of small cell telecommunications facilities.

d. The modification of existing wireless telecommunications facilities or the collocation of additional facilities with an existing wireless telecommunications facility shall be permitted in any zoning district that does not exceed the below-listed thresholds, the calculation for which shall be cumulative over time, following the initial approval of the telecommunications facility:

(1) The height of the existing antenna array is increased by no more than 10 percent or 20 feet, whichever is greater; however, no such increase in height shall be permitted to exceed the maximum height limit prescribed in this Section (refer to Subparagraphs E.6.a and E.6.b of this Section);

(2) The existing facility is not increased by more than 4 new equipment cabinets;

(3) The modification will not result in an additional horizontal protrusion of more than 20 feet, or more than the width of the tower structure prior to any modification, measured at the level of the new appurtenance, whichever is greater; and

(4) The modification will not require excavation outside existing leased or owned property and current easements.

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

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

(1) The proposed Development Code 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. The proposed land use standards under which small wireless facilities and additions/expansion to existing macrocell wireless facilities will be required to be constructed and maintained have been reviewed for consistency with applicable TOP components, and have been established so as to be 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 Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City, as the proposed Development Code Amendment will amend current land use provisions addressing wireless telecommunications facilities, bringing City standards into consistency with recently adopted FCC orders by adding provisions governing the installation of small cell wireless facilities within public rights-of-way, as-well-as adding provisions that govern the processing of alterations and/or expansions to existing macrocell wireless telecommunications facilities.

SECTION 5. ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Development Code Amendment.

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

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

SECTION 8. ***Severability.*** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

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

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2019.

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 _____, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 19, 2019

SECTION:
ADMINISTRATIVE REPORTS
DISCUSSION/ACTION

SUBJECT: A RESOLUTION AUTHORIZING THE ISSUANCE OF MULTIFAMILY HOUSING BONDS AND RELATED BOND DOCUMENTS FOR THE ACQUISITION AND CONSTRUCTION OF VISTA VERDE APARTMENTS (A/K/A VIRGINIA/HOLT MULTIFAMILY AFFORDABLE HOUSING PROJECT), LOCATED ON LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, RESIDENTIALLY DEVELOPED PROPERTIES ON THE EAST, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST; AND A RESOLUTION APPROVING THE TRANSFORMATIVE CLIMATE COMMUNITIES LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND VIRGINIA-HOLT HOUSING, LP

RECOMMENDATION: That the City Council take the following actions:

- (A) Adopt a resolution authorizing the issuance of multifamily housing revenue bonds in an amount not to exceed \$23,000,000 for the purpose of financing the acquisition and construction of Vista Verde Apartments (the "Development"), approving and authorizing the execution and delivery of any and all documents (on file with the Records Management Department) necessary to issue the bonds and implement the resolution, and ratifying and approving any action heretofore taken in connection with the bonds; and
- (B) Adopt a resolution approving the Transformative Climate Communities Loan Agreement (the "TCC Loan Agreement") between the City of Ontario (the "City") and Virginia-Holt Housing, LP (on file with the Records Management Department) approving a loan in the amount of \$14,729,325 (the "TCC Loan").

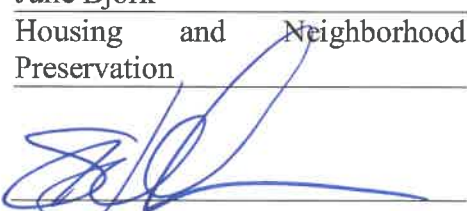
COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies

Focus Resources in Ontario's Commercial and Residential Neighborhoods

STAFF MEMBER PRESENTING: Julie Bjork, Executive Director, Housing and Neighborhood Preservation

Prepared by: Julie Bjork
Department: Housing and Neighborhood Preservation

City Manager Approval:



Submitted to Council/O.H.A. 03/19/2019

Approved:

Continued to:

Denied:

8

FISCAL IMPACT: All costs and expenses related to the bond financing will be paid by Virginia-Holt Housing, LP (the “Borrower”). The Borrower is a California limited partnership created by National Community Renaissance of California (“National CORE”) for the acquisition and construction of the Vista Verde Apartments. The City will have no liability for payment of the bonds as the bonds are payable solely from the revenues from the Development. Additionally, the City will receive an annual issuer fee in the amount of 0.125% of the initial principal note amount (estimated annually at \$26,205 based upon a bond issuance amount of \$21,000,000).

As required by Government Code Section 5852.1, the required public disclosures relating to the estimates of the interest costs for the bonds, costs of issuance, amount of bond proceeds at closing, and total debt service on the bonds are attached as Exhibit A.

As part of the Transformative Climate Communities (“TCC”) Grant Agreement between the City of Ontario and the State of California, Office of Planning and Research/Strategic Growth Council (the “State”), the State will provide \$14,729,325 to the City, as a reimbursable grant for eligible TCC Affordable Housing and Sustainable Communities activities. These TCC funds will be paid to the City on a reimbursement basis for direct costs incurred. The State disburses these funds based upon progress payments during the construction period. The City will not fund the TCC Loan until 75% of the funds have been received from the State and the City has received and approved the remaining final 25% invoice package from the Developer. The TCC Loan will fund when the property converts from construction financing to permanent financing and all of the units have been constructed. The TCC Loan is a loan with a 3% simple interest rate that will be paid back to the City over a 55-year period. All revenue generated through the TCC Loan will be restricted for other TCC-eligible activities to the greatest extent feasible. Estimated annual TCC loan repayment is \$61,863.

BACKGROUND: On November 7, 2017, the City Council and the Ontario Housing Authority (the “OHA”) Board approved a Disposition and Development Agreement between the OHA and National CORE for the acquisition and construction of the 101-unit Development and an OHA gap loan of \$4,420,000. The \$37 million Development was to be financed with a variety of funding sources including, but not limited to, the following sources: TCC, 4% tax credits, bonds, and an OHA loan.

In January 2018, the City was awarded one of only three grants statewide for the pilot TCC program, in the amount of \$35 million, which included \$14,729,325 for the Development.

The City conducted a public hearing in July 2018 to consider the issuance of multifamily housing revenue bonds for the purpose of financing the acquisition and construction of the Development, in an amount not to exceed \$27,000,000. The City is authorized pursuant to State of California Health and Safety Code to issue revenue bonds, notes or other evidences of indebtedness and loan the proceeds to qualified borrowers for the purpose of financing the acquisition, construction, and development of multifamily housing projects for persons and families of low and very low income residing within Ontario. Subsequently, National CORE lowered the bond amount from \$27,000,000 to \$23,000,000 as part of National CORE’s joint application to secure private activity bonds and 4% tax credits to the California Debt Limit Allocation Committee (CDLAC) and California Tax Credit Allocation Committee (TCAC).

On October 17, 2018, CDLAC and TCAC approved the joint application for issuance of private activity bonds, in an amount not to exceed \$23 million dollars, and a 4% annual federal tax credit of \$1,415,076. CDLAC’s approval is subject to the City’s approval of the final documents that are being presented at this meeting for approval.

As part of the approval of this action, the following form documents are attached for the City Council's approval:

- A proposed form of Trust Indenture to be entered into by the City and U.S. Bank National Association, as trustee (the "Trustee");
- A proposed form of Construction Loan Agreement (the "Loan Agreement") to be entered into by the City, Compass Mortgage Corporation (the "Lender"), and the Borrower;
- A proposed form of Regulatory Agreement and Declaration of Restrictive Covenants (the "Regulatory Agreement") to be entered into by the City, the Trustee and the Borrower with respect to the Development;
- A proposed form of Operating Reserve and Security Agreement, to be entered into by the Borrower and the City;
- A proposed form of Replacement Reserve and Security Agreement, to be entered into by the Borrower and the City;
- A proposed form of Subordination Agreement, to be entered into by the City, in its capacities of senior lender and subordinate lender, and the Borrower;
- A proposed form of Subordination Agreement, to be entered into by the City, in its capacity as senior lender, the OHA, as subordinate lender, and the Borrower;
- A proposed form of Assignment and Subordination of Management Agreement, to be entered into by the Borrower, the City and National CORE, as property manager;
- A proposed form of Assignment and Subordination of Development Agreement, to be entered into by the Borrower, the City, and National CORE, as developer; and
- A proposed form of Assignment of Deed of Trust and Other Loan Documents to be entered into by the City to and for the benefit of the Trustee.

Under the Regulatory Agreement, 21 units at the Development will be set aside for extremely low-income tenants (30% of AMI), 37 units will be set aside for very low-income (50% of AMI), 42 units will be set aside for low-income (60% of AMI), one unit is reserved for an on-site property manager for 55 years.

The TCC Loan Agreement includes, as attachments, forms for the TCC Subordinate Loan Promissory Note, the TCC Subordinate Loan Deed of Trust securing the TCC Loan Promissory Note; and the TCC Regulatory Agreement securing the affordability of the units for 55 years. These documents are collectively referred to as the "TCC Loan Documents" and must be executed as a condition of closing the TCC Loan.

Upon approval of these recommended actions, City/Authority staff will work to finalize and execute all documents, close escrow on or about March 31, 2019. Construction is estimated to be completed by the fall/winter of 2020.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF MULTIFAMILY HOUSING REVENUE BONDS RELATED TO THE FINANCING OF VISTA VERDE APARTMENTS, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS, AND APPROVING ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Ontario (the "City") is authorized pursuant to Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act"), to issue revenue bonds and loan the proceeds thereof to qualified borrowers for the purpose of financing the acquisition, construction/rehabilitation and development of multifamily housing projects for persons and families of low and very low income residing within the jurisdiction of the City.

WHEREAS, the City hereby finds and declares that it is necessary, essential and a public purpose for the City to engage in a program (the "Program") of issuing revenue bonds of the City to finance the acquisition, construction, rehabilitation and development of multifamily rental housing, and has determined to borrow money for such purpose by the issuance of revenue bonds as authorized by the Act.

WHEREAS, the City hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Act.

WHEREAS, Virginia-Holt Housing, LP, a California limited partnership (the "Borrower"), has requested that the City issue and sell the Bonds (hereinafter defined) for the purpose of making a loan to the Borrower to finance the acquisition, construction and equipping of a 101-unit multifamily rental housing facility to be located in the City on land bordered by Holt Boulevard to the south, Virginia Avenue to the west, Nocta Street to the north and residentially developed properties to the east, to be known as Vista Verde Apartments (the "Project").

WHEREAS, there has been presented to the City the following:

(1) A proposed form of Trust Indenture (the "Indenture") to be entered into by the City and U.S. Bank National Association, as trustee (the "Trustee");

(2) A proposed form of Construction Loan Agreement (the "Loan Agreement") to be entered into by the City, Compass Mortgage Corporation (the "Lender") and the Borrower;

(3) A proposed form of Regulatory Agreement and Declaration of Restrictive Covenants (the "Regulatory Agreement") to be entered into by the City, the Trustee and the Borrower with respect to the Project;

(4) A proposed form of Operating Reserve and Security Agreement, to be entered into by the Borrower and the City,

(5) A proposed form of Replacement Reserve and Security Agreement, to be entered into by the Borrower and the City,

(6) A proposed form of Subordination Agreement, to be entered into by the City, in its capacities of senior lender and subordinate lender, and the Borrower,

(6) A proposed form of Subordination Agreement, to be entered into by the City, as senior lender and Ontario Housing Authority, as subordinate lender, and the Borrower,

(7) A proposed form of Assignment and Subordination of Management Agreement, to be entered into by the Borrower, the City and National Community Renaissance of California, as property manager,

(8) A proposed form of Assignment and Subordination of Development Agreement, to be entered into by the Borrower, the City and National Community Renaissance of California, as developer, and

(9) A proposed form of Assignment of Deed of Trust and Other Loan Documents to be entered into by the City to and for the benefit of the Trustee.

WHEREAS, on July 17, 2018, this City Council held a public hearing on the proposed issuance of the Bonds, as required under the Internal Revenue Code of 1986, following published notice of such hearing, and thereafter this City Council, as the "applicable elected representative" of the City, approved by resolution the issuance of the Bonds.

WHEREAS, the California Debt Limit Allocation Committee ("CDLAC") adopted a resolution on October 17, 2018 authorizing the City to use \$23,000,000 of the State of California's allocation for private activity bonds (the "Allocation") to the City for the benefit of the Project.

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds and the implementation of the Program as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act, and the City now desires to authorize the issuance of the Bonds, as provided herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

Section 1. The City finds and determines that the foregoing recitals are true and correct.

Section 2. Pursuant to the Act and the Indenture, the issuance of City of Ontario Multifamily Housing Revenue Bonds (Vista Verde Apartments) Series 2019A (the "Bonds"), in a combined aggregate principal amount not to exceed \$23,000,000, is hereby authorized; provided, however, in no event shall the amount of Bonds issued exceed the actual amount of the Allocation awarded by CDLAC. Any of the Mayor, the City Manager, the Administrative Services/Finance Director and the Housing and Municipal Services Director of the City (each, an "Authorized Signatory"), each acting alone, is hereby authorized and directed to execute the Bonds for and in behalf of the City by manual or facsimile signature, in the form set forth in the Indenture, with such changes, deletions and insertions as may be approved by such Authorized Signatory and bond counsel to the City (the "Bond Counsel"), such approvals being conclusively evidenced by the execution and delivery thereof, provided that the final maturity date of the Bonds shall not be more than 40 years from the date of issuance thereof. The Bonds, when executed, shall be delivered to or upon the order of the Lender.

Section 3. The Indenture, in the form presented to this City Council, is hereby approved. The Authorized Signatories, each acting alone, are hereby authorized for and in behalf of the City to execute and deliver the Indenture with such changes, additions or deletions as may be approved by such Authorized Signatory and Bond Counsel, such approvals to be conclusively evidenced by the execution and delivery thereof.

Section 4. The Loan Agreement, in the form presented to this City Council, is hereby approved. The Authorized Signatories, each acting alone, are hereby authorized for and in behalf of the City to execute and deliver the Loan Agreement with such changes, additions or deletions as may be approved by such Authorized Signatory and Bond Counsel, such approvals to be conclusively evidenced by the execution and delivery thereof.

Section 5. The Regulatory Agreement, in the form presented to this City Council, is hereby approved. The Authorized Signatories, each acting alone, are hereby authorized for and in behalf of the City to execute and deliver a Regulatory Agreement with such changes, additions or deletions as may be approved by such Authorized Signatory and Bond Counsel, such approvals to be conclusively evidenced by the execution and delivery thereof.

Section 6. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the Program and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the Authorized Signatories, the City Clerk and Bond Counsel, are hereby authorized and

directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds in accordance with this Resolution and resolutions heretofore adopted by the City and in order to carry out the Program, including but not limited to those certificates, agreements and other documents described in the documents herein approved and any certificates, agreements or documents as may be necessary to further the purpose hereof or provide additional security for the Bonds, but which shall not create any obligation or liability of the City other than with respect to the revenues and assets derived from the proceeds of the Bonds or otherwise under the documents listed above.

Section 7. Each Authorized Signatory, acting alone, is hereby authorized to execute and deliver any future amendments to the documents authorized to be executed and delivered pursuant to this Resolution ("Authorized Documents"), without further action of the City, for the purposes of (i) adding to the covenants and agreements of the Borrower; (ii) assigning or pledging additional security for any of the Bonds; (iii) permitting the qualification of the Indenture under the Trust Indenture Act of 1939 or any similar federal statutes hereafter in effect; (iv) providing for any additional procedures, covenants or agreements necessary to maintain the tax-exempt status of interest on the Bonds; or (v) modifying the provisions relating to the maturity, the amortization, the redemption, the interest rate or the method of determining the interest rate of the Bonds, and the corresponding provisions of the Indenture or other agreements relating to the Bonds; provided such amendments (1) are made pursuant to a written request of the Borrower (and, in the case of an amendment described in clause (v), above, a written request of the owners of 100% of the principal amount of Bonds then outstanding), (2) are made pursuant to the terms of such documents, (3) are consistent with such documents, (4) do not require the consent of the holders of the Bonds which consent has not already been obtained, (5) in the case of an amendment described in clause (v), above, will not result in a reissuance of the Bonds for federal income tax purposes, as evidenced by a letter from qualified bond counsel to the City, and (6) do not provide for any additional duties or costs with respect to the City for which the Borrower does not agree in advance to reimburse or indemnify the City therefor.

Section 8. 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 March, 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFORMATIVE CLIMATE COMMUNITIES LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND VIRGINIA-HOLT HOUSING, LP, PROVIDING PERMANENT FINANCING FOR THE VISTA VERDE APARTMENTS PROJECT (AKA THE VIRGINIA/HOLT MULTIFAMILY AFFORDABLE HOUSING PROJECT).

WHEREAS, as part of the Transformative Climate Communities (“TCC”) Grant Agreement between the City of Ontario (“City”) and the State of California, Office of Planning and Research/Strategic Growth Council (the “State”), the State will provide \$14,729,325 to the City, as a reimbursable grant for eligible TCC Affordable Housing and Sustainable Communities (“AHSC”) activities, and specifically for making of the loan as described in this Resolution;

WHEREAS, Virginia-Holt Housing, LP (the “Borrower”) is a California limited partnership, created by National Community Renaissance of California (“National CORE”) for the acquisition and development of the Vista Verde Apartments (AKA the Virginia/Holt Multifamily Affordable Housing Project), a 101-unit affordable housing development to be constructed by Borrower (the “Project”); and

WHEREAS, the City has prepared a TCC Loan Agreement (“TCC Loan Agreement”) for the purpose of setting forth the terms and conditions pursuant to which the City will make a loan of \$14,729,325 (the “TCC Loan”) to Borrower, subject to Borrower meeting all applicable TCC and AHSC program requirements, and other requirements, all as set forth in the TCC Loan Agreement, a copy of which is on file with the City’s Records Management Department; and

WHEREAS, the TCC Loan is a loan with a 3% simple interest rate that will be paid back to the City over a 55-year period; and

WHEREAS, the TCC Loan Agreement includes, as attached exhibits, forms of the TCC Subordinate Loan Promissory Note (“TCC Loan Note”); the TCC Subordinate Loan Deed of Trust, securing the TCC Loan Note (“TCC Loan Deed of Trust”); and a TCC Regulatory Agreement, ensuring the affordability of the project for 55 years (“TCC Regulatory Agreement”) (collectively, the “TCC Loan Documents”); and

WHEREAS, pursuant to the TCC Loan Agreement, the TCC Loan shall not be funded by the City until construction of the Project is complete, all of the TCC Loan Documents have been executed, the senior loan for the Project is in a position to close, and all other conditions to close as set forth in the TCC Loan Agreement have been met; and

WHEREAS, the Agenda Report accompanying this Resolution includes additional details regarding the affordability requirements for the Project and the terms of the TCC Loan Agreement, and is incorporated into this Resolution by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. The City Council authorizes the making of the TCC Loan in accordance with the terms and conditions of the TCC Loan Agreement.

Section 3. The City Council approves the TCC Loan Agreement in the form on file with the City's Records Management Department, subject to changes approved by the City Manager and legal counsel.

Section 4. The City Council approves the TCC Loan Documents, each in the form attached to the TCC Loan Agreement, and on file with the City's Records Management Department, subject to changes approved by the City Manager and legal counsel.

Section 5. The City Manager is hereby authorized and directed to take any actions and execute any and all necessary documents including, but not limited to, the TCC Loan Agreement and TCC Loan Documents, subject to legal counsel review, to implement the TCC Loan Agreement.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 7. The City Clerk shall certify to the adoption of this Resolution.

Section 8. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 19th day of March, 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

CERTIFICATION

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, do hereby certify that the foregoing Resolution No. ____ was duly introduced and adopted at a regular meeting of the City Council of the City of Ontario, California, held March 5, 2019, by the following roll call vote of the City Council, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Ontario, California this ____ day of _____, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

PUBLIC DISCLOSURES RELATING TO CONDUIT REVENUE OBLIGATIONS

Pursuant to California Government Code Section 5852.1, the borrower (the "Borrower") identified below has provided the following required information to the City of Ontario (the "City") prior to the City Council Meeting (the "Meeting") at which Meeting the City Council will consider the authorization of conduit revenue obligations (the "Bonds") as identified below.

1. Name of Borrower: Virginia-Holt Housing, LP, a California limited partnership.
2. City Council Meeting Date: March 19, 2019.
3. Name of Bond Issue / Conduit Revenue Obligations: City of Ontario Multifamily Housing Revenue Bonds (Vista Verde Apartments) Series 2019A.
4. Private Placement Lender or Bond Purchaser, Underwriter or Financial Advisor (mark one) engaged by the Borrower from which the Borrower obtained the following required good faith estimates relating to the Bonds:
 - (A) The true interest cost of the Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the new issue of Bonds (to the nearest ten-thousandth of one percent): 5.25%.
 - (B) The finance charge of the Bonds, which means the sum of all fees and charges paid to third parties: \$284,025.
 - (C) The amount of proceeds received by the public body for sale of the Bonds less the finance charge of the Bonds described in subparagraph (B) and any reserves or capitalized interest paid or funded with proceeds of the Bonds: \$20,842,500. (All costs of issuance for the Bonds will be paid from tax credit equity).
 - (D) The total payment amount, which means the sum total of all payments the Borrower will make to pay debt service on the Bonds plus the finance charge of the Bonds described in subparagraph (B) not paid with the proceeds of the Bonds (which total payment amount shall be calculated to the final maturity of the Bonds): \$25,089,528. This assumes a par amount of \$21,000,000, a permanent loan amount of \$3,287,000 at April 1, 2021 conversion, and final maturity of April, 1, 2038.

This document has been made available to the public at the Meeting of the City Council.

Dated: February 22, 2019

CITY OF ONTARIO

Agenda Report
March 19, 2019

SECTION:
ADMINISTRATIVE REPORTS
DISCUSSION/ACTION

SUBJECT: A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES)

RECOMMENDATION: That the City Council consider a resolution authorizing the issuance of special tax bonds for Community Facilities District No. 38 (Park & Turner NE Facilities). The resolution:

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Park & Turner NE project;
- (B) Approves the forms of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizes the execution of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement by the City Manager, or his designee.

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 for public facilities in the residential development of the Park & Turner NE project is estimated to generate approximately \$11 million, based

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 03/19/2019
Approved: _____
Continued to: _____
Denied: _____

9.

on current market interest rates, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. The resolution authorizing the issuance of special tax bonds for Community Facilities District No. 38 (“District”) limits the principal amount of the bonds to \$12 million. The City expects the bonds to be sold no later than April of 2019. 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 provides local governments, 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. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting a resolution declaring the City’s intention to establish a community facilities district and levy special taxes, and a resolution to issue bonds.

On April 4, 2017, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of the 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 forming the District, and Resolution No. 2017-035 deeming it necessary to incur bonded indebtedness. Upon a successful property owner election, the City Council adopted Ordinance No. 3073 on June 6, 2017, authorizing the levy of special taxes within the District to finance public improvements related to the Park & Turner NE project. The Park & Turner NE project addresses the residential development of approximately 48 gross acres located generally east of Archibald Avenue, west of Haven Avenue, south of Ontario Ranch Road and north of Eucalyptus Avenue. At build out, the development is projected to include 330 detached units.

The proposed resolution references several bond documents and other matters related to the proposed issuance of bonds for the District. These documents are listed below and are on file with the Records Management Department.

- Indenture of Trust
- Bond Purchase Agreement
- Continuing Disclosure Agreement
- Preliminary Official Statement

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES) SPECIAL TAX BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has formed the City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) (the "Community Facilities District") under the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the Community Facilities District is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain public facilities (the "Facilities") and to issue bonds payable from the Special Taxes; and

WHEREAS, in order to provide funds to finance certain of the Facilities, the Community Facilities District proposes to issue its City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) Special Tax Bonds, Series 2019 (the "Series 2019 Bonds"), in the aggregate principal amount of not to exceed \$12,000,000; and

WHEREAS, in order to provide for the authentication and delivery of the Series 2019 Bonds, to establish and declare the terms and conditions upon which the Series 2019 Bonds are to be issued and secured and to secure the payment of the principal thereof, premium, if any, and interest thereon, the Community Facilities District proposes to enter into an Indenture with Zions Bancorporation, National Association, as trustee (the "Trustee") (such Indenture, 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 "Indenture"); and

WHEREAS, Stifel, Nicolaus & Company, Incorporated (the "Underwriter"), has presented the Community Facilities District with a proposal, in the form of a Bond Purchase Agreement, to purchase the Series 2019 Bonds from the Community Facilities District (such Bond Purchase 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 "Purchase Agreement"); and

WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 (“Rule 15c2-12”) requires that, in order to be able to purchase or sell the Series 2019 Bonds, the underwriter thereof must have reasonably determined that the Community Facilities District has, or one or more appropriate obligated persons have, undertaken in a written agreement or contract for the benefit of the holders of the Series 2019 Bonds to provide disclosure of certain financial information and certain listed events on an ongoing basis; and

WHEREAS, in order to cause such requirement to be satisfied, the Community Facilities District desires to enter into a Continuing Disclosure Agreement with the Trustee (such Continuing Disclosure 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 “Continuing Disclosure Agreement”); and

WHEREAS, a form of the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2019 Bonds has been prepared (such Preliminary Official Statement, 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 “Preliminary Official Statement”); and

WHEREAS, there have been prepared and submitted to this meeting forms of:

- (a) the Indenture;
- (b) the Purchase Agreement;
- (c) the Continuing Disclosure Agreement; and
- (d) the Preliminary Official Statement; and

WHEREAS, Harris Realty Appraisal has prepared and provided to the Community Facilities District an appraisal report, dated January 24, 2019 (the “Appraisal”), providing an opinion of value of the property in the Community Facilities District, which has been submitted to this meeting; and

WHEREAS, Section 5852.1 of the California Government Code requires that the City Council obtain from an underwriter, financial advisor or private lender and disclose, in a meeting open to the public, prior to authorization of the issuance of the Series 2019 Bonds, good faith estimates of (a) the true interest cost of the Series 2019 Bonds, (b) the sum of all fees and charges paid to third parties with respect to the Series 2019 Bonds, (c) the amount of proceeds of the Series 2019 Bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Series 2019 Bonds, and (d) the sum total of all debt service payments on the Series 2019 Bonds calculated to the final maturity of the Series 2019 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2019 Bonds; and

WHEREAS, in compliance with Section 5852.1 of the California Government Code, the City Council has obtained from CSG Advisors Incorporated, as the Community Facilities District's municipal advisor, in consultation with the Underwriter, the required good faith estimates and such estimates are disclosed and set forth in Exhibit A attached hereto; and

WHEREAS, the Community Facilities District desires to proceed to issue and sell the Series 2019 Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Series 2019 Bonds; and

WHEREAS, the City Council is the legislative body of the Community Facilities District; and

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. Subject to the provisions of Section 3 hereof, the issuance of the Series 2019 Bonds, in an aggregate principal amount of not to exceed \$12,000,000, on the terms and conditions set forth in, and subject to the limitations specified in, the Indenture, be and the same is hereby authorized and approved. The Series 2019 Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Indenture, as the same shall be completed as provided in this Resolution.

SECTION 3. The Indenture, 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, the Assistant City Manager of the City, the Executive Director of Finance of the City, the Management Services 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 Community Facilities District, to execute and deliver the Indenture 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 Indenture by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not authorize an aggregate principal amount of Series 2019 Bonds in excess of \$12,000,000, shall not result in a final maturity date of the Series 2019 Bonds later than September 1, 2050, and shall not result in a true interest cost for the Series 2019 Bonds in excess of 6.50%.

SECTION 4. The Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Purchase Agreement in the form presented 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 Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in an aggregate underwriter's discount (not including any original issue discount) from the principal amount of the Series 2019 Bonds in excess of 1.50% of the aggregate principal amount of the Series 2019 Bonds. The City Council hereby finds and determines that the sale of the Series 2019 Bonds at negotiated sale as contemplated by the Purchase Agreement will result in a lower overall cost.

SECTION 5. The Continuing Disclosure Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Continuing Disclosure Agreement in the form presented 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 Continuing Disclosure Agreement by such Authorized Officer.

SECTION 6. The Preliminary Official Statement, in substantially the form presented to this meeting and made a part hereof as though set forth in full herein, with such changes, insertions and omissions therein as may be approved by an Authorized Officer, be and the same is hereby approved, and the use of the Preliminary Official Statement in connection with the offering and sale of the Series 2019 Bonds is hereby authorized and approved. The Authorized Officers are each hereby authorized to certify on behalf of the Community Facilities District that the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

SECTION 7. The preparation and delivery of a final Official Statement (the "Official Statement"), and its use in connection with the offering and sale of the Series 2019 Bonds, be and the same is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement, with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute the final Official Statement and any amendment or supplement thereto.

SECTION 8. Based upon the property values within the Community Facilities District reported in the Appraisal and the value-to-lien information set forth in the Preliminary Official Statement, the City Council, for purposes of Section 53345.8 of the Act, hereby finds and determines that the value of the real property that would be subject to the Special Tax to pay debt service on the Series 2019 Bonds will be at least three times the principal amount of the Series 2019 Bonds to be sold and the principal amount of all other bonds outstanding that are secured by a special tax levied pursuant to the Act on property within the Community Facilities District or a special assessment levied on property within the Community Facilities District.

SECTION 9. 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 10. 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 March 2019.

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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 19, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

GOOD FAITH ESTIMATES

The good faith estimates set forth herein are provided with respect to the Series 2019 Bonds in accordance with Section 5852.1 of the California Government Code. Such good faith estimates have been provided to the Community Facilities District by CSG Advisors Incorporated, the Community Facilities District's municipal advisor (the "Municipal Advisor"), in consultation with Stifel, Nicolaus & Company, Incorporated, the Underwriter.

Principal Amount. The Municipal Advisor has informed the Community Facilities District that, based on the Community Facilities District's financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Series 2019 Bonds to be sold is \$10,585,000 (the "Estimated Principal Amount"), which excludes approximately \$485,000 of net premium estimated to be generated based on current market conditions. Net premium is generated when, on a net aggregate basis for a single issuance of bonds, the price paid for such bonds is higher than the face value of such bonds.

True Interest Cost of the Series 2019 Bonds. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2019 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Series 2019 Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Series 2019 Bonds, is 4.22%.

Finance Charge of the Series 2019 Bonds. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2019 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Series 2019 Bonds, which means the sum of all fees and charges paid to third parties (or costs associated with the Series 2019 Bonds), is \$356,000.

Amount of Proceeds to be Received. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2019 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the Community Facilities District for sale of the Series 2019 Bonds, less the finance charge of the Series 2019 Bonds, as estimated above, and any reserves or capitalized interest paid or funded with proceeds of the Series 2019 Bonds, is \$10,026,000.

Total Payment Amount. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2019 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the Community Facilities District will make to pay debt service on the Series 2019 Bonds, plus the finance charge for the Series 2019 Bonds, as described above, not paid with the proceeds of the Series 2019 Bonds, calculated to the final maturity of the Series 2019 Bonds, is \$19,611,000, which excludes any reserves or capitalized interest funded or paid with proceeds of the Series 2019 Bonds (which may offset such total payment amount).

The foregoing estimates constitute good faith estimates only and are based on market conditions prevailing at the time of preparation of such estimates. The actual principal amount of the Series 2019 Bonds issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the sale of the Series 2019 Bonds being different than the date assumed for purposes of such estimates, (b) the actual principal amount of Series 2019 Bonds sold being different from the Estimated Principal Amount, (c) the actual amortization of the Series 2019 Bonds being different than the amortization assumed for purposes of such estimates, (d) the actual market interest rates at the time of sale of the Series 2019 Bonds being different than those estimated for purposes of such estimates, (e) other market conditions, or (f) alterations in the Community Facilities District's financing plan, or a combination of such factors. The actual date of sale of the Series 2019 Bonds and the actual principal amount of Series 2019 Bonds sold will be determined by the Community Facilities District based on the timing of the need for proceeds of the Series 2019 Bonds and other factors. The actual interest rates borne by the Series 2019 Bonds will depend on market interest rates at the time of sale thereof. The actual amortization of the Series 2019 Bonds will also depend, in part, on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the Community Facilities District.