

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
JUNE 18, 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

Scott E. Huber
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

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

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

CALL TO ORDER (OPEN SESSION)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Dr. Brian Kennedy, Mt. Zion Baptist Church

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of May 7, 2019, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills April 26, 2019 through May 30, 2019 and **Payroll** April 28, 2019 through May 25, 2019, when audited by the Finance Committee.

3. AWARD OF CONSTRUCTION CONTRACT FOR THE DEMOLITION OF 905 EAST HOLT BOULEVARD/AMERICAN INTEGRATED SERVICES, INC.

That the City Council award a contract for Bid No. 1129 to American Integrated Services, Inc., of Wilmington, California, for demolition and tree removal services at 905 East Holt Boulevard in the amount of \$112,997 plus a 15% contingency of \$16,950, for a total of \$129,947; authorize the City Manager to execute said contract; and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

4. A RESOLUTION OF INTENTION TO ESTABLISH THE DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT

That the City Council consider and adopt a Resolution of Intention to establish the Downtown Ontario Community Benefit District and to levy and collect assessments within such District pursuant to California Streets and Highways Code 36600; and direct the City Clerk to mail ballots to all affected property owners within the proposed district boundaries.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, STATING ITS INTENTION TO ESTABLISH THE DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO THE ESTABLISHMENT OF PROPERTY BUSINESS IMPROVEMENT DISTRICTS – SECTION 36600 OF THE CALIFORNIA STREETS AND HIGHWAY CODE - AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

5. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (THIRD AMENDMENT – FILE NO. PDA05-002) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO REMOVE APPROXIMATELY 2.43 ACRES OF LAND FROM THE DEVELOPMENT AGREEMENT AND CHANGE THE LEGAL DESCRIPTION IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 9 (MULTI-FAMILY ATTACHED) LAND USE DESIGNATION OF THE PARKSIDE SPECIFIC PLAN (APNs: 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-06, 0218-221-08, 0218-221-09, AND 0218-221-10)

That the City Council consider and adopt an ordinance approving the Third Amendment (File No. PDA05-002 on file with the Records Management Department) to the Development Agreement between the City of Ontario and SC Ontario Development Company, LLC, to remove approximately 2.43 acres of land from the Development Agreement and change the legal description in conjunction with the lot line adjustment (File No. LLA18-010).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA05-002, A DEVELOPMENT AGREEMENT AMENDMENT (THIRD AMENDMENT – FILE NO. PDA05-002) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO REMOVE 2.43 ACRES OF LAND FROM THE DEVELOPMENT AGREEMENT AND CHANGE THE LEGAL DESCRIPTION IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 9 (MULTI-FAMILY ATTACHED) LAND USE DESIGNATION OF THE PARKSIDE SPECIFIC PLAN (APNS: 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-06, 0218-221-08, 0218-221-09, AND 0218-221-10).

6. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT – FILE NO. PDA17-003) BETWEEN THE CITY OF ONTARIO AND ONTARIO LAND VENTURES, LLC, FOR THE ACQUISITION OF 2.43 ACRES OF LAND AND CHANGE THE LEGAL DESCRIPTION FOR TENTATIVE PARCEL MAP NO. 19738 (FILE NO. PMTT17-011) IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 1 (BUSINESS PARK) LAND USE DESIGNATION OF THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13, 0218-271-18, 0218-221-09)

That the City Council consider and adopt an ordinance approving the First Amendment (File No. PDA17-003 on file with the Records Management Department) to the Development Agreement between the City of Ontario and Ontario Land Ventures, LLC, for the acquisition of 2.43 acres of land and change to the legal description for Tentative Parcel Map No. 19738 (PMTT17-011) in conjunction with the lot line adjustment (File No. LLA18-010).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA17-003, A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT) BETWEEN THE CITY OF ONTARIO AND ONTARIO LAND VENTURES, LLC, FOR THE ACQUISITION OF 2.43 ACRES OF LAND AND CHANGE THE LEGAL DESCRIPTION FOR TENTATIVE PARCEL MAP NO. 19738 (FILE NO. PMTT17-011) IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 1 (BUSINESS PARK) LAND USE DESIGNATION OF THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: (0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13, 0218-271-18, 0218-221-09).

7. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA18-005) BETWEEN THE CITY OF ONTARIO AND HAVEN ONTARIO NMC 1, LLC, AND HAVEN ONTARIO NMC 2, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP NO. 20134 (FILE NO. PMTT17-013), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF HAVEN AND SCHAEFER AVENUES WITHIN PLANNING AREAS 5A, 5B, 5C, 5D, AND 5E (RESIDENTIAL – SMALL LOT SFD/SCE EASEMENT) LAND USE DESIGNATIONS OF THE RICH-HAVEN SPECIFIC PLAN (APN: 0218-161-01)

That the City Council consider and adopt an ordinance approving a Development Agreement (File No. PDA18-005 on file with the Records Management Department) between the City of Ontario and Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, to establish the terms and conditions for the development of Tentative Tract Map No. 20134 (File No. PMTT17-013).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA18-005, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND HAVEN ONTARIO NMC 1, LLC AND HAVEN ONTARIO NMC 2, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP NO. 20134 (FILE NO. PMTT17-013), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF HAVEN AND SCHAEFER AVENUES WITHIN PLANNING AREA 5A, 5B, 5C, 5D, AND 5E (RESIDENTIAL -SMALL LOT SFD/SCE EASEMENT) LAND USE DESIGNATIONS OF THE RICH-HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-161-01.

8. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18930 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND ARCHIBALD AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18930 located at the northwest corner of Merrill Avenue and Archibald Avenue within the Subarea 29 Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18930 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND ARCHIBALD AVENUE.

9. AWARD OF BID FOR THE PURCHASE OF ALL-AMERICAN FIRE HOSE FROM L.N. CURTIS & SONS, INC.

That the City Council award Bid No. 1133 and authorize the purchase of All-American fire hose from L.N. Curtis & Sons, Inc., of La Mirada, California, in the amount of \$100,940.

10. APPROVAL OF THE HOMELESS SERVICES CONTINUUM OF CARE PROGRAM 2019 UPDATE, AWARD OF THE REHABILITATION CONTRACT FOR ASSISI HOUSE TRANSITIONAL HOUSING FACILITY, AND APPROVAL OF THE HOME SUBRECIPIENT AGREEMENT BETWEEN MERCY HOUSE LIVING CENTERS AND THE CITY OF ONTARIO FOR THE IMPLEMENTATION OF A TENANT-BASED RENTAL ASSISTANCE (“HOME TBRA”) PROGRAM

That the City Council:

- (A) Approve the Homeless Services Continuum of Care Program 2019 Update (“2019 CoC Update”) in the amount of \$72,640 (on file in the Records Management Department);

- (B) Waive minor informalities, and award the rehabilitation contract (“Rehabilitation Contract”) between the City of Ontario and Corner Keystone Construction Corporation of Walnut, California, for the rehabilitation of Assisi House Transitional Housing Facility, in the amount of \$143,855;
- (C) Approve the HOME Subrecipient Agreement (“TBRA Agreement”) between Mercy House Living Centers, of Santa Ana, California, and the City of Ontario for the implementation of a tenant-based rental assistance program, in the amount of \$602,244 (on file in the Records Management Department); and
- (D) Authorize the City Manager to execute any and all documents necessary to implement these above recommendations.

11. EXTENSION OF THE MAINTENANCE SERVICE AGREEMENT FOR THE COMPRESSED NATURAL GAS FUELING STATION/CLEAN ENERGY

That the City Council authorize the City Manager to extend the existing Maintenance Service Agreement (on file in the Records Management Department) for one additional year with Clean Energy of Newport Beach, California, in the amount of \$117,746, including a 20% contingency, for scheduled maintenance and repairs of the City’s compressed natural gas fueling station. The total authorized contract amount will be \$706,476.

12. AWARD OF CONSTRUCTION CONTRACT FOR ON-CALL STREETLIGHT POLE REPLACEMENT SERVICES AT VARIOUS CITY LOCATIONS/SIEMENS MOBILITY, INC.

That the City Council authorize the City Manager to execute a three-year Construction Contract (on file in the Records Management Department) with Siemens Mobility, Inc., of Riverside, California; authorize the City Manager to add future service areas; and authorize the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

13. A MAINTENANCE SERVICE AGREEMENT FOR CUSTODIAL MAINTENANCE SERVICES AT VARIOUS CITY LOCATIONS/RNA FACILITIES MANAGEMENT

That the City Council authorize the City Manager to execute a three-year Maintenance Service Agreement (on file in the Records Management Department) with RNA Facilities Management of Riverside, California, for an annual cost of up to \$336,008; authorize the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

14. BUILDING ASSESSMENT & MASTER PLAN FOR THE ONTARIO MUSEUM OF HISTORY & ART

That the City Council approve a Building Assessment & Master Plan for the Ontario Museum of History & Art (on file with the Records Management Department).

15. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA19-002, REVISING PORTIONS OF THE ONTARIO DEVELOPMENT CODE CHAPTER 4 (PERMITS, ACTIONS AND DECISIONS) AS IT PERTAINS TO ADMINISTRATIVE USE PERMITS, AND CHAPTER 5 (ZONING AND LAND USE) AS IT PERTAINS TO THE ESTABLISHMENT OF ALCOHOLIC BEVERAGE MANUFACTURING AND SALES, AND LIVE ENTERTAINMENT LAND USES

That the City Council consider and adopt the ordinance approving File No. PDCA19-002, a Development Code Amendment revising portions of Ontario Development Code Chapter 4 (Permits, Actions and Decisions) as it pertains to Administrative Use Permits, and Chapter 5 (Zoning and Land Use) as it pertains to the establishment of alcoholic beverage manufacturing and sales, and live entertainment land uses.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA19-002, A DEVELOPMENT CODE AMENDMENT REVISING PORTIONS OF THE ONTARIO DEVELOPMENT CODE CHAPTER 4 (PERMITS, ACTIONS AND DECISIONS) AS IT PERTAINS TO ADMINISTRATIVE USE PERMITS, AND CHAPTER 5 (ZONING AND LAND USE) AS IT PERTAINS TO THE ESTABLISHMENT OF ALCOHOLIC BEVERAGE MANUFACTURING AND SALES, AND LIVE ENTERTAINMENT LAND USES, AND MAKING FINDINGS IN SUPPORT THEREOF.

16. PROFESSIONAL SERVICES AGREEMENT WITH BABCOCK LABORATORIES, INC. FOR ANALYTICAL LABORATORY SERVICES

That the City Council approve and authorize the City Manager to execute a Professional Services Agreement (on file in the Records Management Department) with Babcock Laboratories, Inc., of Riverside, California, for analytical laboratory services for water in the amount of \$200,000 for Fiscal Year 2019/20 with the option to extend the agreement for up to three successive one year periods.

17. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20

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

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments; and
- (B) A resolution giving preliminary approval of the Engineer's Report; and
- (C) A resolution for District Nos. 1, 2 and 3, and a resolution for District No. 4, declaring the City's intention to levy the special assessments for Fiscal Year 2019-20 and setting the date of July 16, 2019 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019-20 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019-20 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

18. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICT NOS. 1 AND 2 FOR FISCAL YEAR 2019-20

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

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments;
- (B) A resolution giving preliminary approval of the Engineer's Reports; and
- (C) A resolution for each district declaring the City's intention to levy the special assessments for Fiscal Year 2019-20 and setting the date of July 16, 2019 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019-20 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019-20 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

19. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

20. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 10 (Ontario Airport Towers) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2019-20.

21. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 (California Commerce Center - Phase IV) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

22. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

23. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 20 (Wal-Mart) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2019-20.

24. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 21 of the City of Ontario (Parkside) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

25. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 23 (Park Place Services) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

26. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES – PHASE I), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

27. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

28. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

29. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 27 (New Haven Services) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

30. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

31. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES - AREA B) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 30 (New Haven Facilities - Area B) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

32. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

33. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER - SERVICES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 32 (Archibald/Schaefer - Services) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

34. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

35. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

36. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

37. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

38. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 39 (New Haven Facilities – Area C) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

39. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

40. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

41. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 44 (Esperanza Services) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

42. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 45 (Northpark and Countryside) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

43. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

44. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES) FOR FISCAL YEAR 2019-20

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services) for Fiscal Year 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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.

45. A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE TENTATIVE TRACT MAP NO. 20144 (FILE NO. PMTT18-008) TO SUBDIVIDE ONE-ACRE OF LAND INTO 5 NUMBERED LOTS AND 2 LETTERED LOTS, FOR PROPERTY LOCATED AT 2004 SOUTH PALMETTO AVENUE, WITHIN THE LDR-5 (LOW DENSITY RESIDENTIAL - 2.1 TO 5.0 DUS/ACRE) ZONING DISTRICT. (APN: 1014-532-04)

That the City Council hold a public hearing to consider and uphold the Planning Commission's approval of File No. PMTT18-008, a Tentative Tract Map (TT 20144) to subdivide one acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district.

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, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE FILE NO. PMTT18-008, A TENTATIVE TRACT MAP (TT 20144) TO SUBDIVIDE ONE ACRE OF LAND INTO FIVE NUMBERED LOTS AND TWO LETTERED LOTS FOR PROPERTY LOCATED AT 2004 SOUTH PALMETTO AVENUE, WITHIN THE LDR-5 (LOW DENSITY RESIDENTIAL - 2.1 TO 5.0 DU/ACRE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF- APN: 1014-532-04.

46. A PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT SUBSIDY REPORT AND RETENTION AGREEMENT BETWEEN THE CITY OF ONTARIO AND MONTCLAIR AUTOMOTIVE SERVICES, INC., PURSUANT TO GOVERNMENT CODE SECTION 53083; AND CONSIDERATION OF A RESOLUTION ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT, APPROVING THE OPERATING COVENANT AGREEMENT AND MAKING RELATED FINDINGS

That the City Council take the following actions:

- (A) Hold the public hearing;
- (B) Adopt a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding a Retention Agreement (on file with the Records Management Department) by and between the City of Ontario and Montclair Automotive Services, Inc., hereinafter referred to as “Infiniti”;
- (C) Adopt a resolution approving the Retention Agreement with a fifteen-year term, authorizing the City Manager to execute the Retention Agreement, and making related findings; and
- (D) Direct City staff to file a Notice of Exemption based upon the City Council’s finding that the impacts for this existing facility is not a project and subject to environmental review and that there is no possibility that the activity in question may have a significant effect on the environment.

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, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING A RETENTION AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND MONTCLAIR AUTOMOTIVE SERVICES, INC.

47. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA19-001, REVISING PORTIONS OF ONTARIO DEVELOPMENT CODE CHAPTERS 2 (ADMINISTRATION AND PROCEDURES), 4 (PERMITS ACTIONS AND DECISIONS), 5 (ZONING AND LAND USE), AND 9 (DEFINITIONS AND GLOSSARY), AS THEY APPLY TO WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND FACILITIES QUALIFYING AS ELIGIBLE FACILITIES REQUESTS

That the City Council consider, introduce and waive further reading of an ordinance approving File No. PDCA19-001, a Development Code Amendment revising portions of Ontario Development Code Chapters 2 (Administration and Procedures), 4 (Permits Actions and Decisions), 5 (Zoning and Land Use), and 9 (Definitions and Glossary), as they apply to Wireless Telecommunications Facilities in the public right-of-way and facilities qualifying as Eligible Facilities Requests.

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 PORTIONS OF ONTARIO DEVELOPMENT CODE CHAPTERS 2 (ADMINISTRATION AND PROCEDURES), 4 (PERMITS ACTIONS AND DECISIONS), 5 (ZONING AND LAND USE), AND 9 (DEFINITIONS AND GLOSSARY), AS THEY APPLY TO WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND FACILITIES QUALIFYING AS ELIGIBLE FACILITIES REQUESTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

48. A PUBLIC HEARING TO CONSIDER FILE NO. PCUP18-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 124-ROOM FULL SERVICE HOTEL TOTALING 83,500 SQUARE FEET ON 2.25 ACRES OF LAND LOCATED AT 535 NORTH TURNER AVENUE, WITHIN PLANNING AREA 1 OF THE GUAISTI PLAZA SPECIFIC PLAN

That the City Council hold a public hearing to consider and adopt the attached resolution approving File No. PCUP18-028.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP18-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 124-ROOM FULL SERVICE HOTEL TOTTALLING 83,500 SQUARE FEET ON 2.25 ACRES OF LAND, IN CONJUNCTION WITH FILE NO. PDEV18-027 FOR A DEVELOPMENT PLAN TO CONSTRUCT THE HOTEL, LOCATED AT 535 NORTH TURNER AVENUE, WITHIN PLANNING AREA 1 OF THE GUAISTI PLAZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-192-24.

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
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR THE DEMOLITION OF 905 EAST HOLT BOULEVARD

RECOMMENDATION: That the City Council award a contract for Bid No. 1129 to American Integrated Services, Inc., of Wilmington, California, for demolition and tree removal services at 905 East Holt Boulevard in the amount of \$112,997 plus a 15% contingency of \$16,950, for a total of \$129,947; authorize the City Manager to execute said contract; and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

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

FISCAL IMPACT: Appropriations for this project are included in Fiscal Year 2018-19 Building Safety Fund in the amount of \$129,947 for the demolition of structures and foundations, capping off all utilities, removal of all trees, stumps and roots, and grading at 905 East Holt Boulevard. The recommended contract authorization is \$112,997 plus a 15% contingency (\$16,950) for a total amount of \$129,947.

BACKGROUND: The Ontario Housing Authority acquired the property at 905 East Holt Boulevard in 2004. In 2006, Mercy Housing Living Centers began using the office building as a temporary intake center for the Ontario Continuum of Care and occupied the site until the Ontario Access Center on Bon View Avenue opened in 2013. Demolition and site grading of this property will alleviate the public nuisance of the buildings being broken into and will prepare the property for eventual sale.

STAFF MEMBER PRESENTING: Julie Bjork, Executive Director Housing and Neighborhood Preservation

Prepared by: Erin Bonett
Department: Community Improvement
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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A Notice Inviting Bids was advertised on May 14, 2019 for the demolition and tree removal. Four bids were received for the demolition and tree removal, and a summary of the bid results is shown below:

Vendor	Location	Bid Amount
Vizion's West, Inc.	Menifee, CA	\$74,927*
American Integrated Services, Inc.	Wilmington, CA	\$112,997
Danny Ryan Precision Contracting	Anaheim, CA	\$124,000
Sandalwood Enterprises Inc.	Orange, CA	\$141,000

American Integrated Services, Inc. submitted the lowest responsive bid.

*Vizion's West, Inc. submitted a correction to their quote amount after bid closure and requested to withdraw their bid.

The demolition and tree removal project will commence in July 2019 and will be completed by the end of August 2019.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION OF INTENTION TO ESTABLISH THE DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT

RECOMMENDATION: That the City Council consider and adopt a Resolution of Intention to establish the Downtown Ontario Community Benefit District and to levy and collect assessments within such District pursuant to California Streets and Highways Code 36600; and direct the City Clerk to mail ballots to all affected property owners within the proposed district boundaries.

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: The use of Special Benefit District financing is estimated to generate approximately \$461,405 for Fiscal Year 2019-20 to fund improvements and services in the Downtown area. There is no immediate fiscal impact to the City associated with the subject recommendation and action. As a property owner in the District, the future assessments on City of Ontario owned properties within the district boundaries is estimated at \$150,000 for FY 2019-20. Assessments in future years may increase by no more than 5% annually for the life of the District. If approved and the District is established, the associated revenue and appropriations will be included in the FY 2019-20 First Quarter Budget Report to the City Council.

BACKGROUND: For many years, the City of Ontario has been working to provide for a broad-based and comprehensive revitalization of the Downtown area and unlock its economic potential. The objective of the proposed Downtown Ontario Community Benefit District (CBD) is to provide services and improvements specially benefiting downtown property owners by increasing economic activity; customer, retail and business experience; and enhancing value of commercial and retail property. As a key component of the overall revitalization strategy, the implementation of this Downtown CBD will increase commerce, attract new business, and aid in the transformation of Downtown into a vibrant hub of residential and commercial activity.

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

Prepared by: Karla Tavera
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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Special Benefit Districts are authorized by State Law under California Streets and Highway Code 36600 in order to fund improvements and services that are over and beyond what City services currently provide. Any special benefit assessments paid by property owners solely fund improvements to the public rights of way directly surrounding those properties within the district, and by law, these funds cannot be used outside of the district boundaries or to replace existing City services.

In 2018, the City of Ontario contracted with New City America, a firm specializing in the formation and management of Special Benefit Districts across the country, to investigate the viability of establishing a benefit district in Downtown. A survey was sent to Downtown property owners in November 2018 and again in January 2019 to gauge support and prioritize the concerns of property owners and to identify key elements of the proposed Downtown CBD. Property owners were also invited to participate on a steering committee, to help guide the types of services and improvements the proposed district could offer. The input of the steering committee was essential for the creation of a Management District Plan, included as Attachment A, which establishes the district boundaries (Attachment B), the method of calculating property assessment values, a district budget, and the types of services and improvements to be funded by the district. The engineer's report supporting the assessment has been prepared by an assessment engineer, certified by the State of California as required by state law, and reviewed by the City Attorney. The assessment engineer's report is attached as Attachment C.

Upon completion of the Management District Plan, a plan summary was mailed to each property owner in the proposed district, along with individual parcel assessment values and a petition to establish the CBD. With the support of property owners which represent at least 50% of the assessed valuation within the district, the City Council is able to adopt this Resolution of Intention to establish the Downtown CBD and direct the City Clerk to mail ballots to each property owner within the district.

Upon the adoption of this Resolution of Intention, a public hearing will be scheduled for August 9, 2019 in order to receive written communication and hear public testimony regarding the formation of the district and to calculate the results of the mail ballot. If the weighted majority of returned, signed ballots support formation of the district, the City Council may adopt a Resolution of Formation to create the Downtown CBD and vote to levy the assessments on the benefitting parcels. A Management Corporation will be formed to operate the CBD and the first set of assessments will be collected in December 2019 as part of the annual property tax bill.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, STATING ITS INTENTION TO ESTABLISH THE DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO THE ESTABLISHMENT OF PROPERTY BUSINESS IMPROVEMENT DISTRICTS – SECTION 36600 OF THE CALIFORNIA STREETS AND HIGHWAY CODE - AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

WHEREAS, the Property Business Improvement District Ordinance of 1994, (the “Law”) authorizes cities to establish, in perpetuity, Property Business Improvement Districts (PBID) to promote the economic revitalization and physical maintenance of mixed use and business districts in Ontario; and

WHEREAS, the Law authorizes cities to levy and collect assessments on real property within such districts for the purpose of providing improvements and promoting activities that specially benefit real property within such districts; and

WHEREAS, Articles XIIC and XIID of the California Constitution and Section 53753 of the California Government Code impose certain procedural and substantive requirements relating to the levy of new or increased assessments; and

WHEREAS, written petitions have been submitted by district property owners requesting the City Council to initiate proceedings pursuant to the Law to establish the District for a undetermined term; and

WHEREAS, such petitions were signed by property owners in the proposed district who will pay more than fifty percent (50%) of the assessments proposed to be levied; and

WHEREAS, no real properties deriving special benefit within the proposed Downtown Ontario Community Benefit District (CBD) will be exempted from payment into the District; and

WHEREAS, a Management District Plan entitled the “Downtown Ontario CBD Management District Plan” (the “Management District Plan”) has been prepared and submitted to the City Clerk, containing all of the information required by Section 36622 of the California Streets and Highway Code, Section 36600, and the local Law, including a description of the boundaries of the District, the improvements and activities proposed for the District, and the cost of such improvements and activities.

NOW THEREFORE, the City of Ontario City Council hereby resolves the following:

SECTION 1. Pursuant to the local Law and Section 36621(a) of the California Streets and Highway Code declares its intention to establish the Downtown Ontario Community Benefit District and to levy and collect assessments against lots and parcels of real property within the District commencing with fiscal year 2019-20.

SECTION 2. The City Council hereby approves the Management District Plan, on file in the office of the City Clerk.

SECTION 3. The City Clerk shall make the Management District Plan and the Assessment Engineer's report and other documents related to the District available to the public for review during normal business hours.

SECTION 4. NOTICE IS HEREBY GIVEN that the City Council shall conduct a public hearing on the establishment of the District and the levy and collection of assessments for Fiscal Year 2019-20 on August 9th, 2019 at 10:00 a.m. or as soon thereafter as the matter may be heard, in the City Council Chambers located at 303 East B St, Ontario, California 91764. At the public hearing, the City Council will consider all objections or protests, if any, to the proposed establishment of the District and the proposed assessment. Any interested person may present written or oral testimony at the public hearing. At the conclusion of the public testimony portion of the public hearing, the City Clerk shall open and tabulate all ballots received and not withdrawn at that time. Results of the ballot procedure will be announced, and, provided a weighted majority in opposition to the District establishment does not occur, the City Council may then establish the District by adopting a resolution to that effect.

SECTION 5. The boundaries of the proposed District generally include all properties listed within the boundaries of the map on file in the Management District Plan filed in the Clerk's office.

SECTION 6. The proposed activities for the District may include sidewalk cleaning, private security, beautification, marketing and promotional activities, administration of the services, public space development and enhancement for residential property owners in the CBD and contingency/reserves. All proposed services and improvements benefit real property owners located in the District.

SECTION 7. The assessment proposed to be levied and collected for Fiscal Year 2019-20 is \$461,405.00. The amount to be levied and collected for subsequent years may be increased, by an amount not to exceed five (5) percent per year.

SECTION 8. The City Clerk is hereby authorized and directed to give notice of the public hearing as provided in Section 53753 of the Government Code and Article XIID, Section 4 of the California Constitution.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 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 June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (THIRD AMENDMENT – FILE NO. PDA05-002) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO REMOVE APPROXIMATELY 2.43 ACRES OF LAND FROM THE DEVELOPMENT AGREEMENT AND CHANGE THE LEGAL DESCRIPTION IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 9 (MULTI-FAMILY ATTACHED) LAND USE DESIGNATION OF THE PARKSIDE SPECIFIC PLAN (APNs: 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-06, 0218-221-08, 0218-221-09, and 0218-221-10)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Third Amendment (File No. PDA05-002 on file with the Records Management Department) to the Development Agreement between the City of Ontario and SC Ontario Development Company, LLC, to remove approximately 2.43 acres of land from the Development Agreement and change the legal description in conjunction with the lot line adjustment (File No. LLA18-010).

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

FISCAL IMPACT: The proposed Development Agreement Amendment ("Third Amendment") does not have an immediate impact on the City's budget. The Development Agreement provides for the

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

Prepared by: Derrick Womble
Department: Development
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

5

formation of a Community Facilities District (CFD) for City facilities and services required to support the Parkside Specific Plan development, thereby mitigating the cost associated with such facilities and services. In addition, the City will continue to collect public service funding fees plus development impact, compliance processing, licensing, and permitting fees. No General City revenue will be used to support the Ontario Ranch development.

BACKGROUND: On June 4, 2019, the City Council introduced and waived further reading of an ordinance approving the Third Amendment to the Development Agreement. On August 15, 2006, the City Council approved the Parkside Specific Plan and certified the Environmental Impact Report (EIR) to facilitate the creation of residential neighborhoods, a commercial center, community facilities, and parks. On September 19, 2006, the City Council approved a Development Agreement, File No. PDA05-002 (“Original Agreement”), between the City of Ontario and SC Ontario Development Company, LLC (“Owner”), to provide the funding for additional City services required to support the Specific Plan residential development of up to 1,947 residential units and the infrastructure improvements required to support the related Tract Map No. 18048, a subdivision of 104.13 acres of land into 25 lots approved by the Planning Commission on July 25, 2006.

State law and Section 2.5 of the Original Agreement provide that amendments may be made to the Original Agreement upon the mutual consent of both parties, using the same process and procedures as for the consideration and approval of the Original Agreement. On June 16, 2009, the City Council approved an amendment to the Original Agreement (“First Amendment”) to allow Tract Map No. 18048 to be recorded for the purpose of financing. On February 3, 2015, the City Council approved a second amendment to the Original Agreement (“Second Amendment”), to update the Original Agreement to conform to the current Construction Agreement with NMC Builders, LLC, and to provide for the phasing of the construction of public infrastructure for 250 acres of the Specific Plan. The main points of the Original Agreement continue to address Development Impact Fees (DIF), public service funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, school facilities requirements, and remain in full force.

The proposed Third Amendment continues to apply to the same area as the Original Agreement and updates the legal description of the Original Agreement for the transfer of 2.43 acres of land (Eucalyptus Avenue right-of-way) to the adjacent property owner south of Eucalyptus Avenue, Ontario Land Ventures, LLC (“OLV”).

OLV is required to design, construct, and complete a significant portion of Eucalyptus Avenue as part of their Development Plan (File No. PDEV17-057) and Development Agreement (File No. PDA17-003). OLV has since acquired the right-of-way from the Owner and is proceeding with design drawings. The transfer of the Eucalyptus Avenue right-of-way from Owner to OLV necessitates an update to the legal description associated with the Development Agreement, requiring an amendment (“Third Amendment”) to the Original Agreement (File No. PDA05-002).

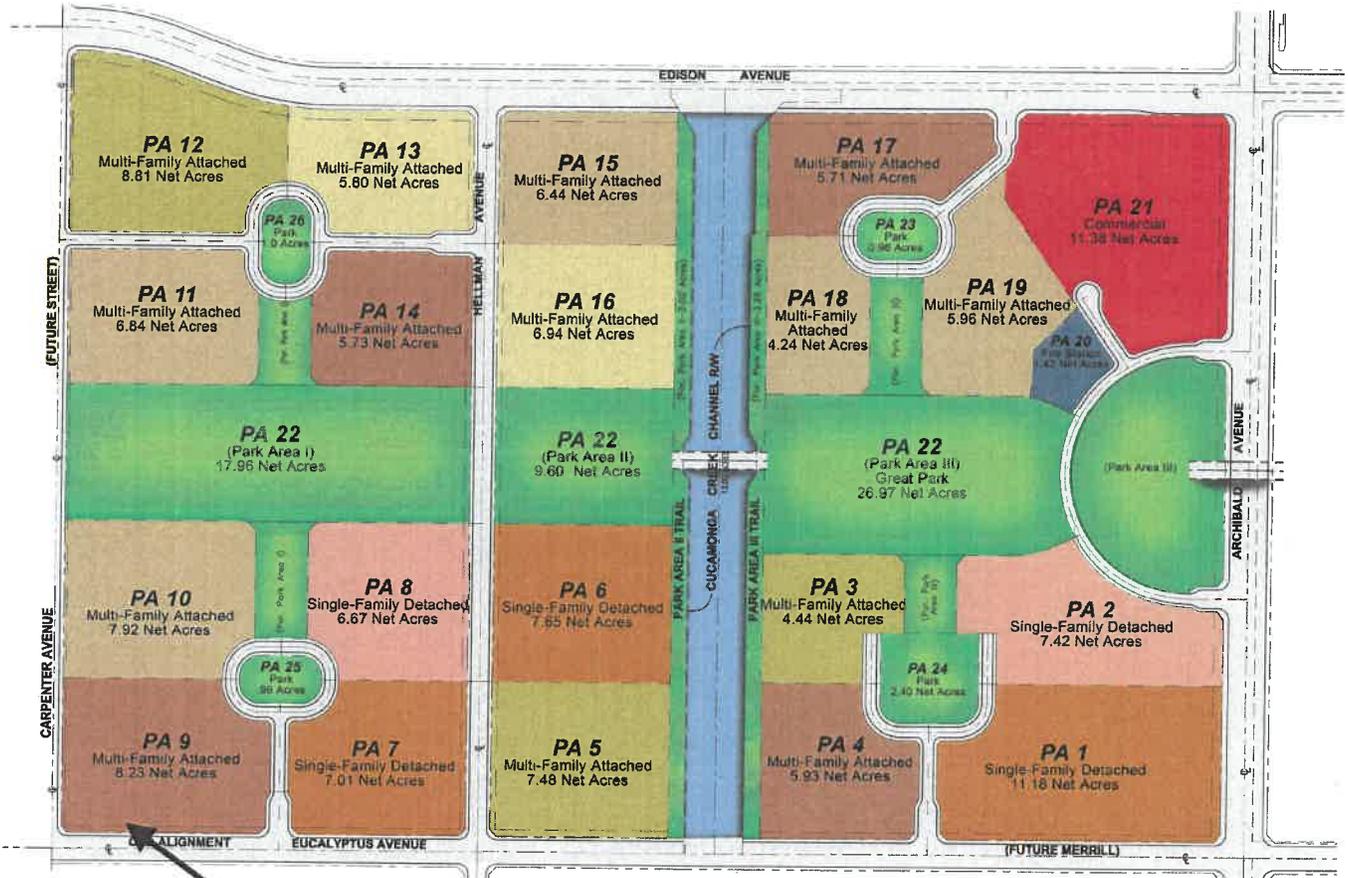
In considering the application at their meeting on April 23, 2019, the Planning Commission found that the Third Amendment was consistent with State law, The Ontario Plan, the City’s Development Agreement policies, and other Development Agreement amendments previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution No. PC19-025 recommending City Council approval of the First Amendment with a 4-0 vote.

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 (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074) certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A" Parkside Specific Plan



**PROPERTY
LOCATION**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA05-002, A DEVELOPMENT AGREEMENT AMENDMENT (THIRD AMENDMENT – FILE NO. PDA05-002) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO REMOVE 2.43 ACRES OF LAND FROM THE DEVELOPMENT AGREEMENT AND CHANGE THE LEGAL DESCRIPTION IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 9 (MULTI-FAMILY ATTACHED) LAND USE DESIGNATION OF THE PARKSIDE SPECIFIC PLAN (APNS: 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-06, 0218-221-08, 0218-221-09, AND 0218-221-10).

WHEREAS, SC Ontario Development Company, LLC ("Applicant") has filed an Application for the approval of a Development Agreement Amendment (Third Amendment), File No. PDA05-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 40.36 acres of land generally located north of Eucalyptus Avenue, south of Ontario Ranch Road, east of Carpenter Avenue, and west of the Cucamonga Creek Channel, within Planning areas 7 through 10 of the Parkside Specific Plan, previously developed with agriculture and dairy uses and presently vacant; and

WHEREAS, the property to the north of the Project site is within the Medium Density Residential zoning district of the Parkside Specific Plan and is developed with agriculture and dairy uses. The property to the east is within the Utility Corridor zoning district and developed with the Cucamonga Creek Channel. The property to the south is within the Planning Area 1 (Business Park) zoning district of the West Ontario Commerce Center Specific Plan and is developed with agriculture, dairy, and single-family residences. The property to the west is within the NMC West (Mixed Use) zoning district and is developed with agriculture and dairy uses; and

WHEREAS, on September 19, 2006, the City Council adopted Ordinance No. 2841, approving a Development Agreement ("Original Agreement") with SC Ontario Development Company, LLC, to provide the funding for additional City services required to support the Parkside Specific Plan residential development; and

WHEREAS, on June 16, 2009, the City Council adopted Ordinance No. 2909, approving a Development Agreement Amendment ("First Amendment") with SC Ontario Development Company, LLC, to allow Tract Map No. 18048 to be recorded for the purposes of financing; and

WHEREAS, on February 3, 2015, the City Council adopted Ordinance No. 3012, approving a Development Agreement Amendment ("Second Amendment") with SC Ontario Development Company, LLC, to update the agreement to conform with the current Construction Agreement with NMC Builders, LLC, and to provide for the phasing of the construction of public infrastructure for 250 acres of the Parkside Specific Plan; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSP16-002, the West Ontario Commerce Center Specific Plan, for which an Environmental Impact Report (SCH#2017041074) was adopted by the City Council on July 3, 2018, 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 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 ONT Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on April 23, 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. PC19-025 recommending the City Council approve the Application; and

WHEREAS, on June 4, 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 ORDAINED by the City Council of the City of Ontario, as follows:

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

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP16-002, West Ontario Commerce Center Specific Plan for which a Certified EIR was adopted by the City Council on July 3, 2018; and

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project 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 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. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

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

a. The Third Amendment applies to 2.43 acres of land generally located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within Planning Area 9 (Multi-Family Attached) land use designation of the Parkside Specific Plan; and

b. The property to the north of the Project site is within the Parkside Specific Plan, Medium Density Residential zoning district, and is developed with agriculture and dairy uses. The property to the east is within the Utility Corridor zoning district and developed with the Cucamonga Creek Channel. The property to the south is within the Planning Area 1 (Business Park) zoning district of the West Ontario Commerce Center Specific Plan and is developed with agriculture, dairy, and single-family residences. The property to the west is within the NMC West (Mixed Use) zoning district and is developed with agriculture and dairy uses; and

c. The Third Amendment releases 2.43 acres of land from the Development Agreement, changes the legal description in conjunction with the lot line adjustment (File No. LLA18-010) and sale of the Eucalyptus Avenue right-of-way to Ontario Land Ventures, LLC; and

d. The main points of the original Development Agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force; and

e. The Third Amendment does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This Third Amendment will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) that was adopted by the City Council on July 3, 2018. This application introduces no new significant environmental impacts; and

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

SECTION 6. City Council Action. The findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Development Agreement Amendment (Third Amendment), attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

SECTION 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. Effective Date. This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 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. 3134 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 4, 2019 and adopted at the regular meeting held June 18, 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. 3134 duly passed and adopted by the Ontario City Council at their regular meeting held June 18, 2019 and that Summaries of the Ordinance were published on June 11, 2019 and June 25, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PDA05-002

Third Amendment to the Development Agreement

By and Between the

City of Ontario, a California municipal corporation,

and

**SC Ontario Development Company, LLC
a Delaware limited liability company**

(Document follows this page)

**RECORD AT THE REQUEST OF AND
WHEN RECORDED, PLEASE RETURN TO:**

CITY OF ONTARIO
303 East "B" Street
Ontario, California 91764
Attn: City Clerk

(Fee Exempt – Government Code 6103)

SPACE ABOVE FOR RECORDER'S USE ONLY

File No. PDA05-002

Third Amendment to the Development Agreement

By and Between

City of Ontario, a California municipal corporation,

and

**SC Ontario Development Company, LLC
a Delaware limited liability company**

_____, 2019

San Bernardino County, California

**THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ONTARIO AND
SC ONTARIO DEVELOPMENT COMPANY, LLC
FILE NO. PDA05-002**

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT (the “**Third Amendment**”) is entered into as of _____, 2019 by and between the CITY OF ONTARIO, a California municipal corporation (hereinafter “**CITY**”) and SC ONTARIO DEVELOPMENT COMPANY, LLC, a Delaware limited liability company (hereinafter “**OWNER**”).

RECITALS

WHEREAS, the CITY and OWNER entered into that certain (i) Development Agreement dated September 19, 2006, and recorded on November 14, 2006 in the Official Records of the County of San Bernardino as Document No. 2006-0774531 (the “**Original Agreement**”), as amended by (ii) that First Amendment to Development Agreement dated June 16, 2009, and recorded on September 14, 2009 as Document No. 2009-0403692 (the “**First Amendment**”), and (iii) that Second Amendment to Development Agreement dated April 4, 2017, and recorded on May 15, 2017 as Document No. 2017-0199310 (the “**Second Amendment**”) all with respect to the real property described in Exhibit “A” to this Agreement.

A. The CITY and OWNER now intend to amend the Original Agreement, as amended by the First Amendment and by the Second Amendment (collectively the “**Agreement**”), as set forth herein.

AGREEMENT

NOW, THEREFORE, the parties agree as follows:

**ARTICLE I
DEFINITIONS**

1.1. **Definitions.** Unless the context otherwise requires, all capitalized terms in this Third Amendment not expressly defined in this Third Amendment shall have the meaning given that term in the Agreement. All references herein to “Articles,” “Sections” and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Third Amendment, and the word “herein,” “hereof,” “hereunder” and other words of similar import refer to this Third Amendment as a whole and not to any particular Article, Section or subdivision hereof.

**ARTICLE II
AMENDMENTS**

2.1. **Deletion of Property.** OWNER is conveying the fee interest in that certain 2.43 acre real property described in **Exhibit “A”** and shown on **Exhibit “B”** attached hereto (the “**LLA 18-010 Property**”) by that certain Certificate Approving a Lot Line Adjustment 18-010 (the “**LLA 18-010**”) between OWNER and adjacent land owner Ontario Land Ventures, LLC, a Delaware limited

liability company (“**OLV**”). Upon recordation of LLA 18-010 and conveyance of fee simple title to the LLA 18-010 Property by OWNER to OLV by recordation of a grant deed, the LLA 18-010 Parcel shall be deemed removed from the Property (as that term is defined in the Agreement) and shall cease to be subject to the terms of the Agreement.

**ARTICLE III
MISCELLANEOUS PROVISIONS**

3.1 **Counterparts.** This Third Amendment may be executed in counterparts, each of which shall be deemed an original.

[Signature Page Follows]

SIGNATURE PAGE
TO THIRD AMENDMENT TO DEVELOPMENT AGREEMENT

CITY:

CITY OF ONTARIO,
a California municipal corporation

By: _____
Name: Scott Ochoa
Title: City Manager

OWNERS:

SC ONTARIO DEVELOPMENT COMPANY, LLC
a Delaware limited liability company

By: **LEWIS MANAGEMENT CORP.,**
a Delaware corporation – Its Sole Manager

By: _____
Name: Bryan T. Goodman
Title: Authorized Agent

ATTEST:

By: _____
Name: _____
Title: City Clerk

APPROVED AS TO FORM:

COLE HUBER, LLP

By: _____
Name: _____
Title: City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION OF LLA 18-010 PROPERTY

EXHIBIT "A"

SHEET 1 OF 1

GRANT DEED FOR LLA18-010
SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES

THAT PORTION OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, APPROVED BY THE SURVEYOR GENERAL ON AUGUST 30, 1873, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 AS SHOWN ON RECORD OF SURVEY 02-139, RECORDED IN BOOK 118, PAGES 82 THROUGH 95 INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING ON THE CENTERLINE OF CARPENTER AVENUE AS SHOWN ON SAID RECORD OF SURVEY, SAID CORNER ALSO BEING ON THE EAST LINE OF RANCHO SANTA ANA DEL CHINO, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE AS SHOWN ON RECORD OF SURVEY, RECORDED IN BOOK 25, PAGE 15 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 00° 02' 44" WEST, 187.76 FEET TO THE CENTERLINE OF EUCALYPTUS AVENUE, AS SHOWN ON LAST MENTIONED RECORD OF SURVEY;

THENCE ALONG THE EASTERLY PROLONGATION OF SAID CENTERLINE OF EUCALYPTUS AVENUE, NORTH 89° 19' 34" EAST, 144.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 905.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27° 08' 53" AN ARC LENGTH OF 428.81 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 905.00 FEET, A RADIAL LINE TO SAID BEGINNING OF TANGENT REVERSE CURVE BEARS SOUTH 26° 28' 27" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26° 27' 26" AN ARC LENGTH OF 417.90 FEET TO A POINT OF TANGENCY WITH THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, A RADIAL LINE TO SAID POINT OF TANGENCY BEARS SOUTH 00° 01' 02" WEST;

THENCE ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 1, NORTH 89° 58' 58" WEST, 961.54 FEET TO THE POINT OF BEGINNING.

CONTAINING: 105,724 SQUARE FEET OR 2.43 ACRES MORE OR LESS (GROSS)

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

SURVEYOR:

PREPARED UNDER THE SUPERVISION OF:

Last Update: 12/04/18
O:\3290\LLA\GRANT DEED\3290_DEED.dwg

PREPARED BY:

Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH. (714) 521-4811 FAX (714) 521-4173

BRIAN L. THIENES
P.L.S. NO. 5750
REG. EXP. DEC. 31, 2019

DATE



CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

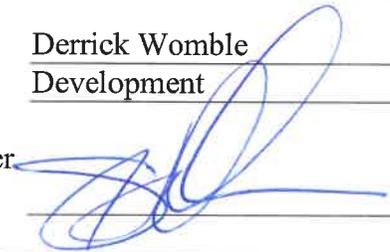
SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT – FILE NO. PDA17-003) BETWEEN THE CITY OF ONTARIO AND ONTARIO LAND VENTURES, LLC, FOR THE ACQUISITION OF 2.43 ACRES OF LAND AND CHANGE THE LEGAL DESCRIPTION FOR TENTATIVE PARCEL MAP NO. 19738 (FILE NO. PMTT17-011) IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 1 (BUSINESS PARK) LAND USE DESIGNATION OF THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13, 0218-271-18, 0218-221-09)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the First Amendment (File No. PDA17-003 on file with the Records Management Department) to the Development Agreement between the City of Ontario and Ontario Land Ventures, LLC, for the acquisition of 2.43 acres of land and change to the legal description for Tentative Parcel Map No. 19738 (PMTT17-011) in conjunction with the lot line adjustment (File No. LLA18-010).

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

FISCAL IMPACT: The proposed Development Agreement Amendment ("First Amendment") does not have an immediate impact on the City's budget. The Development Agreement provides for the formation of a Community Facilities District (CFD) for City facilities and services required to support the West Ontario Commerce Center Specific Plan development, thereby mitigating the cost associated

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

Prepared by: Derrick Womble
Department: Development
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

6

with such facilities and services. In addition, the City will continue to collect public service funding fees plus development impact, compliance processing, licensing, and permitting fees. No General City revenue will be used to support the Ontario Ranch development.

BACKGROUND: On June 4, 2019, the City Council introduced and waived further reading of an ordinance approving the First Amendment to the Development Agreement. On July 3, 2018, the City Council approved the West Ontario Commerce Center Specific Plan, File No. PSP16-002 (“Specific Plan”) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 119.31 acres of land, which includes the potential development of 2,905,510 square feet of industrial development and 55,505 square foot of business park development.

On September 4, 2018, the City Council approved a Development Agreement, File No. PDA17-003 (“Original Agreement”) with Ontario Land Ventures, LLC (“Owner”) for Tentative Parcel Map No. 19738 (File No. PMTT17-011) to subdivide the 119.31 acre site into 9 parcels for Planning Areas 1 and 2 of the Specific Plan and a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet within Planning 2 of the Specific Plan.

State law and Section 2.5 of the Original Agreement provide that amendments may be made to the Original Agreement upon the mutual consent of both parties, using the same process and procedures as was used for the consideration and approval of the Original Agreement. The main points of the Original Agreement continue to address Development Impact Fees (DIF), public service funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, school facilities requirements, and remain in full force and effect.

The proposed First Amendment continues to apply to the same area as the Original Agreement and updates the legal description of the Original Agreement for the inclusion of approximately 2.43 acres of land (Eucalyptus Avenue right-of-way), transferred from the adjacent property owner to the north, SC Ontario Development Company, LLC. The Owner is required to design, construct, and complete a significant portion of Eucalyptus Avenue in conjunction with their Development Plan (File No. PDEV17-057) and Original Agreement (File No. PDA17-003). Therefore, SC Ontario Development Company, LLC, sold the Eucalyptus Avenue right-of-way to the Owner in order to facilitate its future development.

The Owner has received approval from the City for a lot line adjustment (File No. LLA18-010) which, upon of the approval of the Lot Line Adjustment, shall be added to the Owner’s property and, with approval of the Amendment, will be subject to the terms and conditions of the Original Agreement.

In considering the application at their meeting on April 23, 2019, the Planning Commission found that the First Amendment was consistent with State law, The Ontario Plan, the City’s Development Agreement policies, and other Development Agreement amendments previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution No. PC19-026 recommending City Council approval of the First Amendment with a 4-0 vote.

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 (ONT) and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with West Ontario Commerce Center Specific Plan (File No. PSP16-002), for which an EIR (SCH#2017041074), was adopted by the City Council on July 3, 2018. 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.

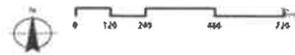
EXHIBIT "A"
West Ontario Commerce Center Specific Plan

Development Plan

FIGURE 3.1: LAND USE PLAN



- | | |
|------------------------|---------------------------|
| Legend | Land Use Districts |
| Specific Plan Boundary | BP - Business Park |
| Planning Areas | IG - General Industrial |



Date: November 2016
 Source: ESRI World Imagery, 2015
 Base Map Prepared by M/G, Inc

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA17-003, A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT) BETWEEN THE CITY OF ONTARIO AND ONTARIO LAND VENTURES, LLC, FOR THE ACQUISITION OF 2.43 ACRES OF LAND AND CHANGE THE LEGAL DESCRIPTION FOR TENTATIVE PARCEL MAP NO. 19738 (FILE NO. PMTT17-011) IN CONJUNCTION WITH THE LOT LINE ADJUSTMENT (FILE NO. LLA18-010) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND CARPENTER AVENUE, WITHIN PLANNING AREA 1 (BUSINESS PARK) LAND USE DESIGNATION OF THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: (0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13, 0218-271-18, 0218-221-09).

WHEREAS, Ontario Land Ventures, LLC ("Applicant") has filed an Application for the approval of a Development Agreement Amendment (First Amendment), File No. PDA17-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 119.31 acres of land generally located north of Merrill Avenue, south of Eucalyptus Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek Channel, within Planning Area 1 (Business Park) and Planning Area 2 (General Industrial) land use zoning designations of the West Ontario Commerce Center Specific Plan and is presently developed with agricultural, dairy, and single-family residential uses; and

WHEREAS, the property to the north of the Project site is within the Parkside Specific Plan, is designated Medium Density Residential land use district, and is developed with agricultural uses. The property to the east is within the Utility Corridor zoning district and is developed with the Cucamonga Creek Channel. The property to the south is within the Colony Commerce Center West Specific Plan, is designated Industrial land use district and is developed with agricultural uses. The property to the west is within the Specific Plan/Agricultural (SP/AG) zoning district and is developed with agricultural and dairy uses; and

WHEREAS, on September 4, 2018, the City Council of the City of Ontario, adopted Ordinance No. 3115, approving a Development Agreement (File No. PDA17-003), between Ontario Land Ventures, LLC and the City; 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 File No. PSP16-002, the West Ontario Commerce Center Specific Plan for which an Environmental Impact Report (EIR) was certified by the City Council on July 3, 2018, 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 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 ONT Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on April 23, 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. PC19-026 recommending the City Council approve the Application; and

WHEREAS, on June 4, 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 ORDAINED by the City Council of the City of Ontario, as follows:

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

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP16-002, the West Ontario Commerce Center Specific Plan for which a Certified EIR was adopted by the City Council on July 3, 2018.

(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 Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project 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 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. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

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

a. The First Amendment applies to 2.43 acres of land generally located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within the Business Park (Planning Area 1) land use designation of the West Ontario Commerce Center Specific Plan; and

b. The property is located south Eucalyptus Avenue, north of Merrill Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek Channel, within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use designation of the West Ontario Commerce Center Specific Plan. The project site gently slopes from north to south and is currently developed with agricultural, dairy and single-family residential uses; and

c. The First Amendment adds 2.43 acres of land to the Original Development Agreement and changes the legal description in conjunction with the lot line adjustment (File No. LLA18-010) and purchase of the Eucalyptus Avenue right-of-way, from SC Ontario Development Company, LLC.

d. The main points of the original Development Agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in full force; and

e. The First Amendment does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This First Amendment will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) that was adopted by the City Council on July 3, 2018. This application introduces no new significant environmental impacts; and

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

SECTION 6. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Development Agreement Amendment (First Amendment), attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

SECTION 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. Effective Date. This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 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. 3135 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 4, 2019 and adopted at the regular meeting held June 18, 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. 3135 duly passed and adopted by the Ontario City Council at their regular meeting held June 18, 2019 and that Summaries of the Ordinance were published on June 11, 2019 and June 25, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PDA17-003

First Amendment to the Development Agreement

By and Between

City of Ontario, a California municipal corporation,

and

**Ontario Land Ventures, LLC
a Delaware limited liability company**

(Document follows this page)

RECORD AT THE REQUEST OF AND
WHEN RECORDED, PLEASE RETURN TO:

CITY OF ONTARIO
303 East "B" Street
Ontario, California 91764
Attn: City Clerk

(Fee Exempt – Government Code 6103)

SPACE ABOVE FOR RECORDER'S USE ONLY

File No. PDA17-003

First Amendment to the Development Agreement

By and Between

The City of Ontario, a California municipal corporation

and

**Ontario Land Ventures, LLC
a Delaware limited liability company**

_____, 2019

San Bernardino County, California

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ONTARIO AND
ONTARIO LAND VENTURES, LLC
FILE NO. PDA17-003**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. PDA17-003 (the "**First Amendment**") is entered into as of _____, 2019 by and between the CITY OF ONTARIO, a California municipal corporation (hereinafter "**CITY**") and ONTARIO LAND VENTURES, LLC, a Delaware limited liability company (hereinafter "**OWNER**").

RECITALS

WHEREAS, the CITY and OWNER entered into that certain Development Agreement dated September 4, 2018, and recorded on December 18, 2018 in the Official Records of the County of San Bernardino as Document No. 2018-0466825 (the "**Original Agreement**"), and with respect to the real property described in Exhibit "A" to this Agreement.

A. The CITY and OWNER now intend to amend the Original Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, the parties agree as follows:

**ARTICLE I
DEFINITIONS**

1.1. **Definitions.** Unless the context otherwise requires, all capitalized terms in this First Amendment not expressly defined in this First Amendment shall have the meaning given that term in the Agreement. All references herein to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of this First Amendment, and the word "herein," "hereof," "hereunder" and other words of similar import refer to this First Amendment as a whole and not to any particular Article, Section or subdivision hereof.

**ARTICLE II
AMENDMENTS**

2.1. **Addition of Property.** OWNER is receiving the fee interest in that certain 2.43 acre real property described in **Exhibit "A"** and shown on **Exhibit "B"** attached hereto (the "**LLA 18-010 Property**") by that certain Certificate Approving a Lot Line Adjustment 18-010 (the "**LLA 18-010**") between OWNER and adjacent land owner SC Ontario Development Company, LLC, a Delaware limited liability company ("**SC Ontario**"). Upon recordation of LLA 18-010 and conveyance of fee simple title to the LLA 18-010 Property by SC Ontario to OWNER by recordation of a grant deed, the LLA 18-010 Parcel shall be deemed added to the Property (as that term is defined in the Agreement) and shall then be subject to the terms of the Agreement.

**ARTICLE III
MISCELLANEOUS PROVISIONS**

3.1 **Counterparts.** This First Amendment may be executed in counterparts, each of which shall be deemed an original.

[Signature Page Follows]

SIGNATURE PAGE
TO FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

CITY:

CITY OF ONTARIO,
a California municipal corporation

By: _____
Name: Scott Ochoa
Title: City Manager

OWNER:

ONTARIO LAND VENTURES, LLC
a Delaware limited liability company

By: _____
Name: Carl W. Goltermann, Authorized Agent

ATTEST:

By: _____
Name: _____
Title: City Clerk

APPROVED AS TO FORM:

COLE HUBER, LLP

By: _____
Name: _____
Title: City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION OF LLA 18-010 PROPERTY

SHEET 1 OF 1

EXHIBIT "A"

GRANT DEED FOR LLA18-010
SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES

THAT PORTION OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, APPROVED BY THE SURVEYOR GENERAL ON AUGUST 30, 1873, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 AS SHOWN ON RECORD OF SURVEY 02-139, RECORDED IN BOOK 118, PAGES 82 THROUGH 95 INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING ON THE CENTERLINE OF CARPENTER AVENUE AS SHOWN ON SAID RECORD OF SURVEY, SAID CORNER ALSO BEING ON THE EAST LINE OF RANCHO SANTA ANA DEL CHINO, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE AS SHOWN ON RECORD OF SURVEY, RECORDED IN BOOK 25, PAGE 15 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 00° 02' 44" WEST, 187.76 FEET TO THE CENTERLINE OF EUCALYPTUS AVENUE, AS SHOWN ON LAST MENTIONED RECORD OF SURVEY;

THENCE ALONG THE EASTERLY PROLONGATION OF SAID CENTERLINE OF EUCALYPTUS AVENUE, NORTH 89° 19' 34" EAST, 144.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 905.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27° 08' 53" AN ARC LENGTH OF 428.81 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 905.00 FEET, A RADIAL LINE TO SAID BEGINNING OF TANGENT REVERSE CURVE BEARS SOUTH 26° 28' 27" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26° 27' 26" AN ARC LENGTH OF 417.90 FEET TO A POINT OF TANGENCY WITH THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, A RADIAL LINE TO SAID POINT OF TANGENCY BEARS SOUTH 00° 01' 02" WEST;

THENCE ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 1, NORTH 89° 58' 58" WEST, 961.54 FEET TO THE POINT OF BEGINNING.

CONTAINING: 105,724 SQUARE FEET OR 2.43 ACRES MORE OR LESS (GROSS)

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

SURVEYOR:

PREPARED UNDER THE SUPERVISION OF:

Last Update: 12/04/18
O:\3290\LLA\GRANT DEED\3290_DEED.dwg

PREPARED BY:

Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH. (714) 521-4811 FAX (714) 521-4173

BRIAN L. THIENES
P.L.S. NO. 5750
REG. EXP. DEC. 31, 2019

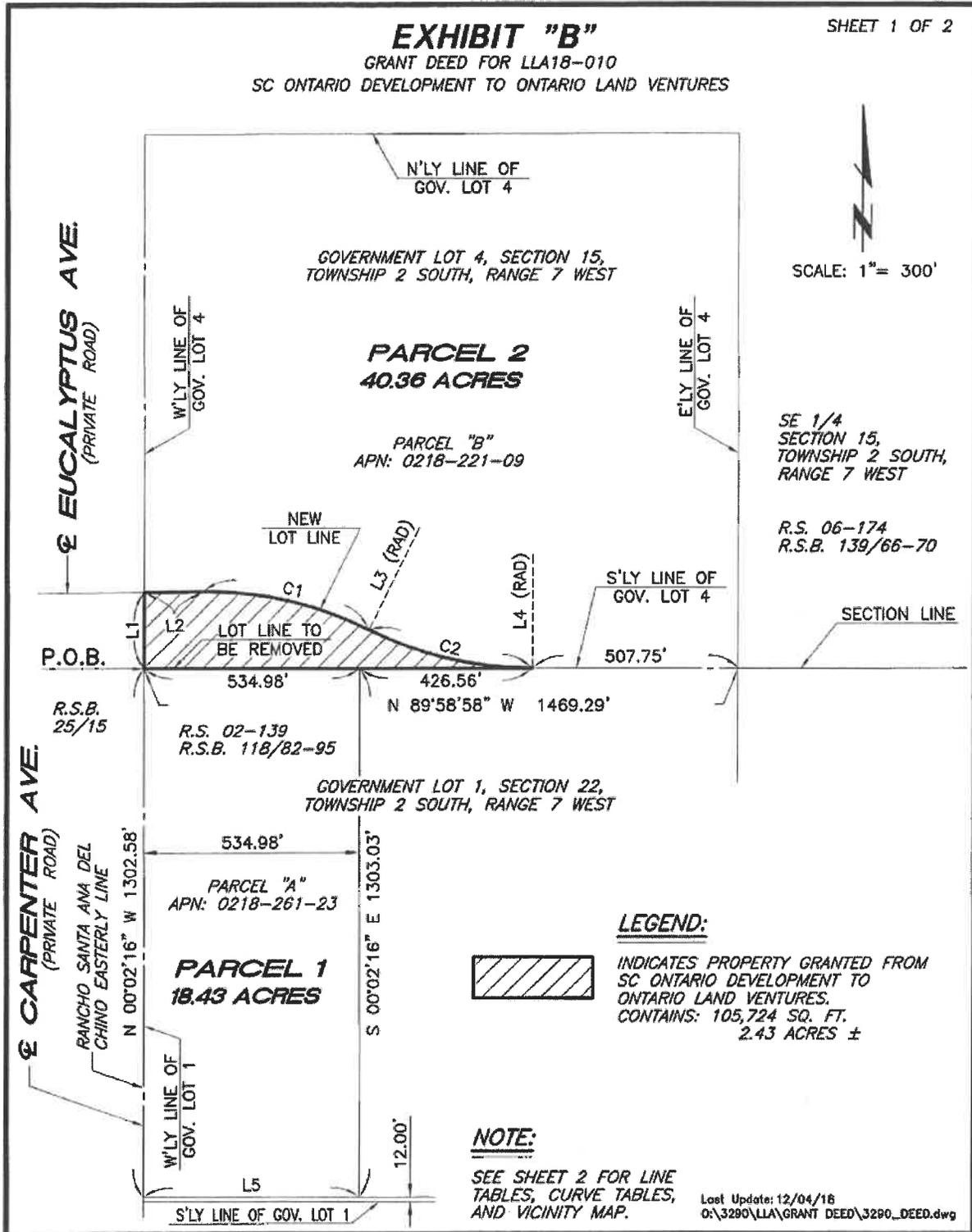
DATE



EXHIBIT "B"
DEPICTION OF LLA 18-010 PROPERTY

SHEET 1 OF 2

EXHIBIT "B"
 GRANT DEED FOR LLA18-010
 SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES



LEGEND:



INDICATES PROPERTY GRANTED FROM
 SC ONTARIO DEVELOPMENT TO
 ONTARIO LAND VENTURES.
 CONTAINS: 105,724 SQ. FT.
 2.43 ACRES ±

NOTE:

SEE SHEET 2 FOR LINE
 TABLES, CURVE TABLES,
 AND VICINITY MAP.

Last Update: 12/04/18
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CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

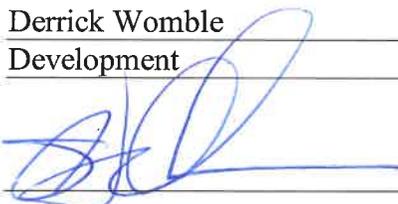
SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA18-005) BETWEEN THE CITY OF ONTARIO AND HAVEN ONTARIO NMC 1, LLC, AND HAVEN ONTARIO NMC 2, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP NO. 20134 (FILE NO. PMTT17-013), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF HAVEN AND SCHAEFER AVENUES WITHIN PLANNING AREAS 5A, 5B, 5C, 5D, AND 5E (RESIDENTIAL – SMALL LOT SFD/SCE EASEMENT) LAND USE DESIGNATIONS OF THE RICH-HAVEN SPECIFIC PLAN (APN: 0218-161-01)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving a Development Agreement (File No. PDA18-005 on file with the Records Management Department) between the City of Ontario and Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, to establish the terms and conditions for the development of Tentative Tract Map No. 20134 (File No. PMTT17-013).

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

FISCAL IMPACT: The proposed Development Agreement does not have an immediate impact on the City's budget. The proposed Development Agreement will provide funding from the formation of a Community Facilities District (CFD) for City services and facilities required to support the Rich-Haven Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive public service funding fees plus development impact, compliance processing, licensing, and permitting fees. No General City revenue will be used to support the Ontario Ranch development.

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

Prepared by: Derrick Womble
Department: Development
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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BACKGROUND: On June 4, 2019, the City Council introduced and waived further reading of an ordinance approving the Development Agreement. On December 4, 2007, the City Council adopted the Rich-Haven Specific Plan, File No. PSP05-004 (“Specific Plan”) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 584.2 acres of land, which includes the potential development of 7,194 dwelling units and 1,131,702 square feet of commercial/office uses.

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC (“Owners”), have requested that the City enter into negotiations to create a Development Agreement.

In accordance with California Government Code Section 65865, which in part states that “any city... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property...” and California Government Code Section 65865.52, which in part states that “a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions...,” the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders, LLC (“NMC Builders”), requires those developments wishing to use the infrastructure it created to enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owners to create a Development Agreement for consideration by the Planning Commission and City Council.

The proposed Development Agreement is based upon the model Development Agreement developed in coordination with the City Attorney and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders’ members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

The Development Agreement proposes to include 80.61 acres of land within Planning Areas 5A, 5B, 5C, 5D, and 5E (Residential – Small Lot SFD/SCE Easement) land use designations of the Specific Plan, as shown on the attached Exhibit “A”. The Development Agreement grants the Owners a vested right to develop Tentative Tract Map No. 20134 as long as the Owners comply with the terms and conditions of the Specific Plan and EIR. Tentative Tract Map No. 20134 (see Exhibit “B”) is on the northeast corner of Haven and Schaefer Avenues and proposes to subdivide approximately 80.61 acres of land into 15 numbered lots and 15 lettered lots for residential and public/private streets, landscape neighborhood edges, and common open space purposes.

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

In considering the application at their meeting on April 23, 2019, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, and the City's Development Agreement policies, previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution No. PC19-024 recommending City Council approval of the Development Agreement with a 4-0 vote.

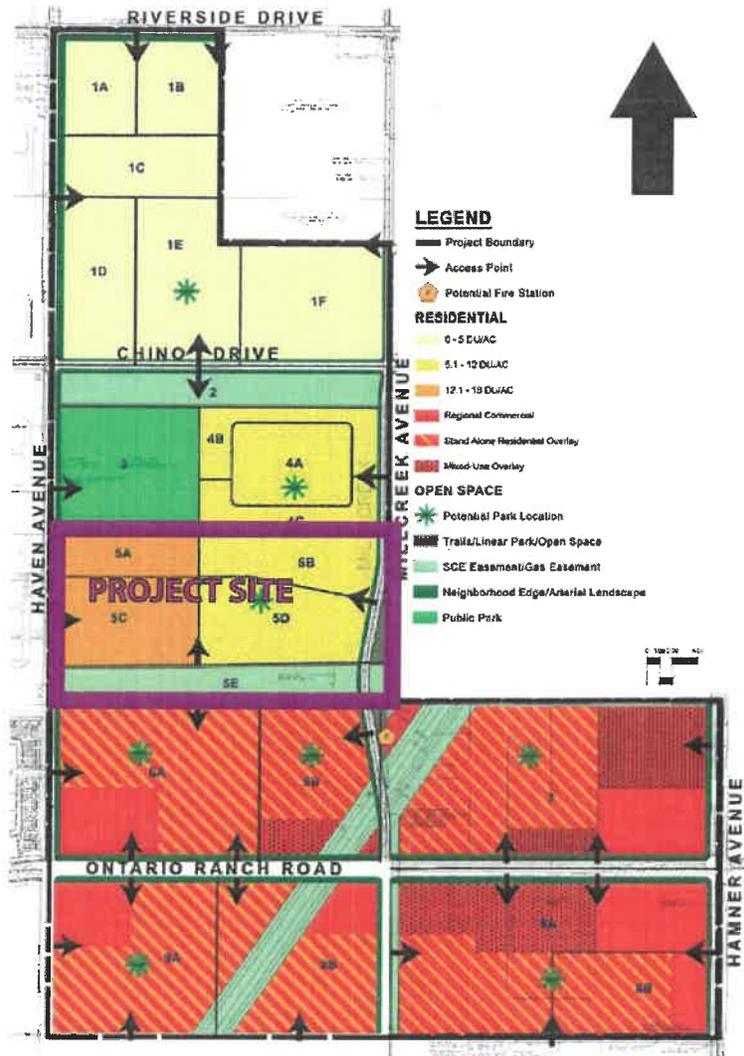
HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (678) and density (11.8) 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 an addendum to the Rich-Haven Specific Plan EIR (SCH# 2006051081) File No. PSP05-004, which was adopted by the City Council on February 20, 2018. 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"

Rich-Haven Specific Plan Land Use Map



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA18-005, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND HAVEN ONTARIO NMC 1, LLC AND HAVEN ONTARIO NMC 2, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP NO. 20134 (FILE NO. PMTT17-013), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF HAVEN AND SCHAEFER AVENUES WITHIN PLANNING AREA 5A, 5B, 5C, 5D, AND 5E (RESIDENTIAL -SMALL LOT SFD/SCE EASEMENT) LAND USE DESIGNATIONS OF THE RICH-HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-161-01.

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

“The Legislature finds and declares that:

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

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

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

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

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

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such

conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

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

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

WHEREAS, attached to this Ordinance marked Attachment “A” and incorporated herein by this reference, is the proposed Development Agreement (File No. PDA18-005) between the City of Ontario and Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, to establish the terms and conditions for the development of Tentative Tract Map No. 20134 (File No. PMTT17-013) located at the northeast corner of Haven and Schaefer Avenues within Planning Areas 5A, 5B, 5C, 5D, and 5E (Residential – Small Lot SFD/SCE Easement) land use designations of the Rich-Haven Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Ordinance, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on October 23, 2007, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC07-125 recommending City Council certification of the Rich-Haven Specific Plan EIR (SCH#2006051081) and issued Resolution No. PC07-127 recommending to City Council approval of the Rich-Haven Specific Plan (File No. PSP05-004); and

WHEREAS, on December 4, 2007, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Resolution No. 2007-145 certifying the Rich-Haven Specific Plan EIR (SCH#2006051081), and issued Ordinance 2884 approving the Rich-Haven Specific Plan (File No. PSP05-004); and

WHEREAS, a Tentative Tract Map No. 20134 (File No. PMTT17-013) to subdivide approximately 80.61 acres of land into 15 numbered lots and 15 lettered lots has been submitted in conjunction with the subject Development Agreement application; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an addendum to the Rich-Haven Specific Plan EIR (SCH# 2006051081) certified by the City Council on February 20, 2018. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental

assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference; 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 ONT Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on April 23, 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. PC19-024 recommending the City Council approve the Application; and

WHEREAS, on June 4, 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 ORDAINED by the City Council of the City of Ontario, as follows:

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

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-004, an addendum to the Rich-Haven Specific Plan for which a Certified EIR was adopted by the City Council on February 20, 2018.

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

the Policy Plan (General Plan) component of The Ontario Plan. The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is 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, and the proposed project is consistent with the number of dwelling units (678) and density (11.8) specified in the Available Land Inventory.

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

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

a. The Development Agreement applies to 80.61 acres of land, for property bounded by Chino Avenue to the north, Ontario Ranch Road to the south, Mill Creek Avenue to the east, and Haven Avenue to the west, located within Planning Areas 5A, 5B, 5C, 5D, and 5E (Residential – Small Lot SFD/SCE Easement) land use designations of the Rich-Haven Specific Plan, and is presently vacant and was previously used for agriculture and dairy uses; and

b. The property to the north of the Project site is within Planning Areas 4C (Small Lot SFD) and 3 (Park) of the Rich Haven Specific Plan, and is presently vacant. The property to the east is within the Specific Plan (Agricultural Overlay) zoning district, and is developed with an SCE Substation. The property to the south is within the Mixed Use District Planning Areas 6A and 6B of the Rich Haven Specific Plan, and is presently mass graded and vacant. The property to the west is within Planning Area 8 - Residential (4,250 SF Lots) of the West Haven Specific Plan, and is developed with residential subdivision; and

c. The Development Agreement establishes parameters for the development of Planning Areas 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD/SCE Easement) of the Rich-Haven Specific Plan, for residential and public/private streets, landscape neighborhood edges and common open space purposes. The Development Agreement also grants Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, the right to develop, the ability to quantify the fees; and, establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the Rich-Haven Specific Plan; and

d. The Development Agreement proposes to include approximately 80.61 acres of land within Planning Areas 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD/SCE Easement land use designations) of the Rich-Haven Specific Plan; and

e. The Agreement grants Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, a vested right to develop Tentative Tract Map No. 20134 as long as Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, comply with the terms and conditions of the Rich-Haven Specific Plan and EIR. Tentative Tract Map No. 20134 is located at the northeast corner of Haven and Schaefer Avenues and proposes to subdivide approximately 80.61 acres of land into 15 numbered lots and 15 lettered lots for residential and public/private streets, landscape neighborhood edges, and common open space purposes; and

f. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

g. The Development Agreement does not conflict with the Land Use Policies of the Ontario Policy (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

h. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously analyzed in an addendum to the EIR (SCH#2006051081) prepared for the Rich-Haven Specific Plan (File No. PSP05-004) and certified by the City Council on February 20, 2018. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Development Agreement, attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

SECTION 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. Effective Date. This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 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. 3136 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 4, 2019 and adopted at the regular meeting held June 18, 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. 3136 duly passed and adopted by the Ontario City Council at their regular meeting held June 18, 2019 and that Summaries of the Ordinance were published on June 11, 2019 and June 25, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT “A”

File No. PDA18-005

DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

and

Haven Ontario NMC 1, LLC, a Florida limited liability company

and

Haven Ontario NMC 2, LLC, a Florida limited liability company

**Complete text and supporting documents
are available for public review during
normal business hours at the
City Clerk’s Department**

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18930 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND ARCHIBALD AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18930 located at the northwest corner of Merrill Avenue and Archibald Avenue within the Subarea 29 Specific Plan area.

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

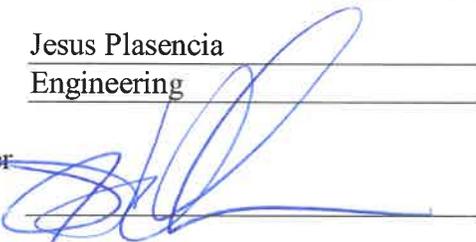
FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

BACKGROUND: Final Tract Map No. 18930, consisting of two hundred twenty five (225) residential lots and twenty six (26) lettered lots on 46.73 acres as shown on Exhibit A, has been submitted by Arroyo Cap VII, LLC, a Delaware Limited Liability Corporation (Mr. Jeffrey B. Brouelette, Principal).

Tentative Tract Map No. 18930 was approved by the Planning Commission (6-0) on August 28, 2018 and is consistent with the adopted Subarea 29 Specific Plan.

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

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

Prepared by: Jesus Plasencia
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The owner (Arroyo Cap VII, LLC) and developer (LS-Ontario, LLC) have entered into an improvement agreement with the City for Final Tract Map No. 18930 and have posted adequate security to ensure construction of the required public improvements.

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

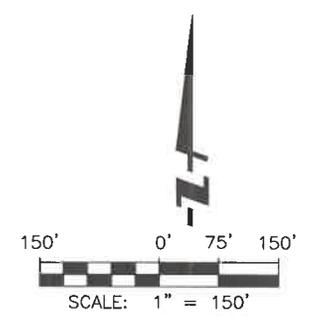
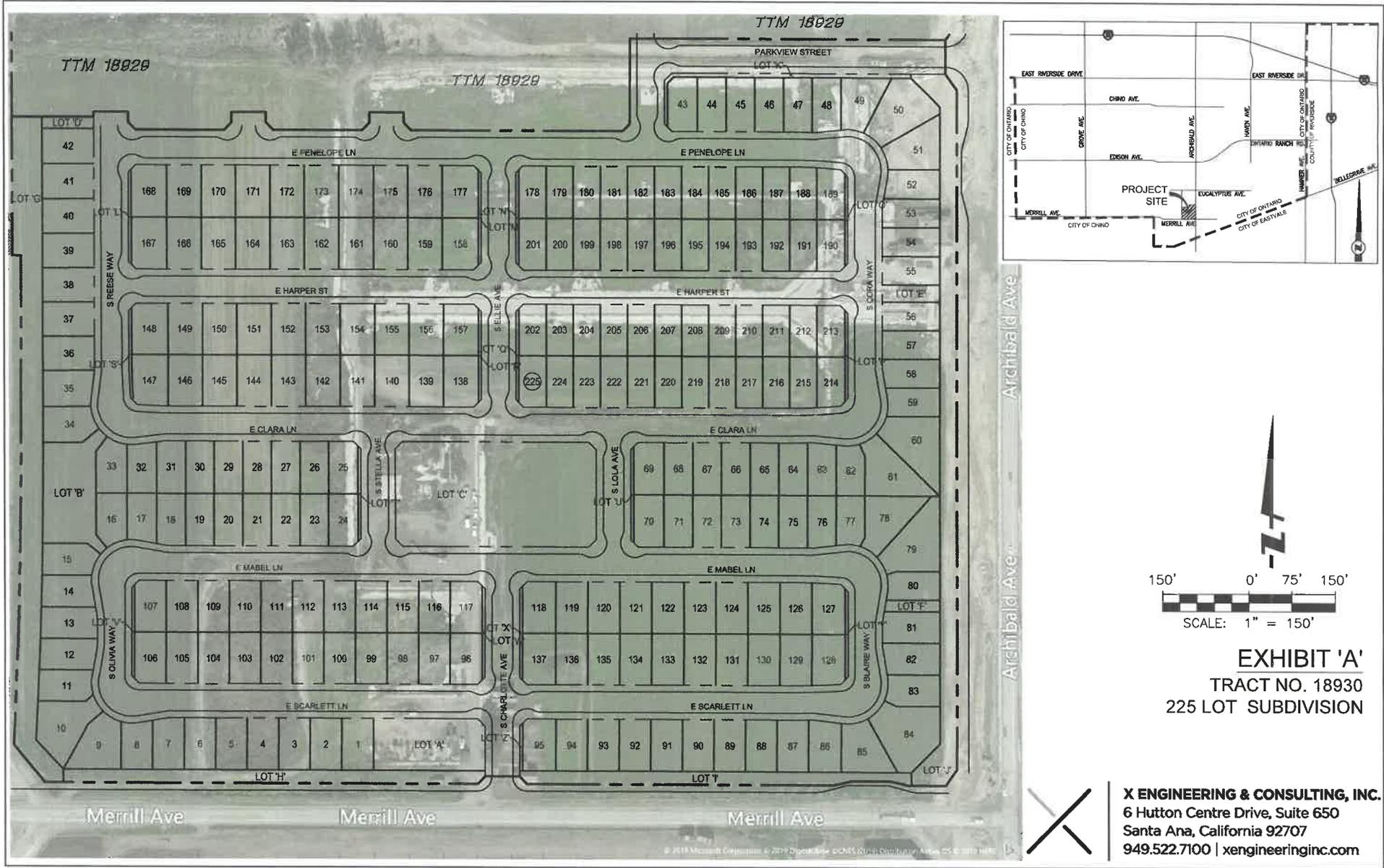


EXHIBIT 'A'
TRACT NO. 18930
225 LOT SUBDIVISION

X ENGINEERING & CONSULTING, INC.
 6 Hutton Centre Drive, Suite 650
 Santa Ana, California 92707
 949.522.7100 | xengineeringinc.com

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18930 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND ARCHIBALD AVENUE.

WHEREAS, Tentative Tract Map No. 18930, submitted for approval by Arroyo Cap VII, LLC, a Delaware Limited Liability Corporation (Mr. Jeffrey B. Brouelette, Principal) (“Owner”), was approved by the Planning Commission of the City of Ontario on August 28, 2018; and

WHEREAS, Tentative Tract Map No. 18930 consists of 225 numbered lots and 26 lettered lots within the Subarea 29 Specific Plan being a portion of Parcel A of Lot Line Adjustment No. 18-005, Recorded September 12, 2018 as Instrument No. 2018_0337164 all lying within Section 22, Township 2 South, Range 7 West, San Bernardino Meridian, official records, in the Office of the Recorder of San Bernardino County, State of California; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 18930, Owner and LS-Ontario, LLC, a Delaware Limited Liability Corporation (Mr. David Mello, Vice President of Forward Planning) (“Developer”) have offered the improvement agreement together with good and sufficient improvement security, in conformance with the City Attorney’s approved format, for approval and execution by the City; and

WHEREAS, the requirement for the preparation of Covenants, Conditions and Restrictions (CC&R’s), approved by the City Attorney’s Office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners has been deferred to a date that coincides with the recordation of the subject Tract Map.

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

1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 18930 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD OF BID FOR THE PURCHASE OF ALL-AMERICAN FIRE HOSE FROM L.N. CURTIS & SONS, INC.

RECOMMENDATION: That the City Council award Bid No. 1133 and authorize the purchase of All-American fire hose from L.N. Curtis & Sons, Inc., of La Mirada, California, in the amount of \$100,940.

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

FISCAL IMPACT: The Fiscal Year 2018-19 Adopted Operating Budget includes appropriations from the Equipment Services Fund in the amount of \$101,000 for the purchase of fire hose for three (3) new Fire Pumps. If approved, these funds will be re-appropriated in the Fiscal Year 2019-20 First Quarter Budget Update Report.

BACKGROUND: On August 21, 2018, the City Council approved the purchase of three (3) new Fire Pumps. In preparation and in advance of taking delivery, Fire Department staff is diligently working to purchase and receive the necessary ancillary equipment needed for placing these units into service soon after delivery.

All-American Hose has identified L.N. Curtis & Sons, Inc. as their primary distributor for Snap-tite, National, and Ponn brand municipal fire hose products in the State of California. The Fire Department's Hose Team has determined, through its hose testing process, that the quality of these fire hose products surpasses comparable hose previously purchased in the areas of less leaking, seeping, deterioration, and fewer failed hose tests.

In June 2019, the City solicited bids for the purchase of All-American fire hose; and two (2) bids were received. A summary of the bid results follows:

STAFF MEMBER PRESENTING: Ray Gayk, Fire Chief

Prepared by: Mike Pelletier
Department: Fire
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
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Denied: _____

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<u>Bidder Name</u>	<u>Location</u>	<u>Bid Amount</u>
L.N. Curtis & Sons, Inc.	La Mirada, California	\$100,940
Municipal Emergency Services, Inc.	San Diego, California	\$116,334

Staff recommends bid award to L.N. Curtis & Sons, Inc. as the lowest, responsible bidder. Their bid was reviewed for accuracy and compliance with the provisions contained in the fire hose specifications outlined in the bid solicitation.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: APPROVAL OF THE HOMELESS SERVICES CONTINUUM OF CARE PROGRAM 2019 UPDATE, AWARD OF THE REHABILITATION CONTRACT FOR ASSISI HOUSE TRANSITIONAL HOUSING FACILITY, AND APPROVAL OF THE HOME SUBRECIPIENT AGREEMENT BETWEEN MERCY HOUSE LIVING CENTERS AND THE CITY OF ONTARIO FOR THE IMPLEMENTATION OF A TENANT-BASED RENTAL ASSISTANCE (“HOME TBRA”) PROGRAM

RECOMMENDATION: That the City Council:

- (A) Approve the Homeless Services Continuum of Care Program 2019 Update (“2019 CoC Update”) in the amount of \$72,640 (on file in the Records Management Department);
- (B) Waive minor informalities, and award the rehabilitation contract (“Rehabilitation Contract”) between the City of Ontario and Corner Keystone Construction Corporation of Walnut, California, for the rehabilitation of Assisi House Transitional Housing Facility, in the amount of \$143,855;
- (C) Approve the HOME Subrecipient Agreement (“TBRA Agreement”) between Mercy House Living Centers, of Santa Ana, California, and the City of Ontario for the implementation of a tenant-based rental assistance program, in the amount of \$602,244 (on file in the Records Management Department); and
- (D) Authorize the City Manager to execute any and all documents necessary to implement these above recommendations.

COUNCIL GOALS: Focus Resources in Ontario’s Commercial and Residential Neighborhoods

STAFF MEMBER PRESENTING: Julie Bjork, Executive Director Housing & Neighborhood Preservation

Prepared by: Julie Bjork
Department: Housing & Neighborhood
Preservation Agency

City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019

Approved: _____

Continued to: _____

Denied: _____

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FISCAL IMPACT: The total recommended funding for these actions is \$818,739, as follows:

The additional funding for the modifications to the 2019 CoC Update is \$72,640, which includes: \$32,640 for street outreach services, \$20,000 for motel vouchers assigned specifically to street outreach, and \$20,000 for HOME TBRA utility assistance. Low- and Moderate-Income Housing Asset Fund (“LMIHAF”) would be utilized to pay for these modifications to the Continuum of Care. If approved, \$72,640 is requested to be allocated from LMIHAF.

The recommended rehabilitation contract amount is \$143,855, which includes the original bid amount of \$118,193 including the base bid and Alternate #1 from Corner Keystone Construction Corporation of Walnut, California, and a contingency of \$25,662. The rehabilitation contract amount will be funded from the U.S. Department of Housing and Urban Development Community Development Block Grant (“CDBG”) Program and is included in the FY 2018-19 Adopted Budget.

The funding for the HOME TBRA Agreement, in the amount of \$602,244, will be provided from the U.S. Department of Housing and Urban Development HOME Investment Partnership Program (“HOME”) and is included in the FY 2018-19 Adopted Budget. No General Fund monies will be used to implement any of these projects.

BACKGROUND: On May 3, 2005, the City Council approved the Homeless Services Continuum of Care Program (the “Continuum”). The Continuum provides a range of services, including homelessness prevention, outreach and assessment, rapid re-housing, transitional housing, and permanent affordable housing. Mercy House Living Centers (“Mercy House”) is the lead agency implementing the services identified within the Continuum. Listed below is a brief description of each component:

- **Ontario Access Center:** This facility, located at 435 S. Bon View Avenue, serves as the entry point for individuals/families experiencing homelessness within Ontario. Permitted clients are provided with access to showers, day lockers, and laundry facilities. The Center is open to the public Monday through Thursday from 10:00 am to 2:00 pm;
- **Assisi House:** This transitional housing facility, located at 517, 521, and 525 N. Virginia Street and provides up to 34 beds for transitional and/or permanent supportive housing. Transitional housing units are limited to up to 24 months of occupancy;
- **HOME TBRA:** This program provides for rental assistance and security/utility deposits to Ontario’s qualified individuals/families experiencing homelessness to secure permanent housing;
- **Permanent Affordable Housing:** A total of 76 units have been acquired and rehabilitated to provide a range of affordable housing units with occupancy preferences provided to individuals/families that are participating in the Continuum;
- **Project Gateway:** Within the 76 units of permanent affordable housing, 12 units have been set-aside for individuals/families that are chronically homeless and have a disabling condition; and
- **Housing Stabilization Services:** Mercy House delivers supportive services on a voluntary basis to assist participants that have been placed in permanent housing to remain stably housed.

Housing staff has evaluated the programs and services offered through the Continuum through consultations with other City of Ontario agencies including: Ontario Police Department, Ontario Fire Department, and Community Life and Culture; homeless service providers: Brilliant Corners, House of Ruth, Inland Valley Hope Partners, and Mercy House Living Center; local school districts: Ontario-Montclair School District and Chaffey Joint Union High School District; and persons experiencing homelessness within Ontario. As part of this review, the following modifications were recommended to enhance the services currently provided that facilitate transitioning people from the streets into more permanent housing solutions:

- **Street Outreach:** Increase street outreach efforts by 30 additional hours per month. Currently, the City provides funding to Mercy House for 10 hours of monthly street outreach. The cost for Mercy House to provide 30 additional hours per month including additional phone and mileage cost is \$32,640;
- **Local Database:** Create a local database for services and individuals/families that are chronically homeless within Ontario to develop personalized housing plans. Participation in the database would be voluntary for all participants and would require that participants sign a voluntary release of information allowing participating agencies to share information and coordinate the delivery of services;
- **Street Outreach Motel Voucher Program:** Create a street outreach motel voucher program that requires a referral from either OPD or Mercy House's street outreach team. This program is specifically designed to strategically focus efforts towards engaging with Ontario's chronically homeless individuals and/or assisting the chronically homeless during extreme weather events. Mercy House staff has secured the participation of local motel owner(s) to provide Ontario Police Department Officers access to drop off Ontario's chronically homeless individuals/families for a 3-day stay. Mercy House staff then meets with the individuals/families at the motel to design a housing plan. The additional cost to operate this program would be \$20,000;
- **HOME TBRA Utility Assistance Program:** Create a utility assistance program that would provide HOME TBRA participants that have zero income at the time of initial qualification with utility subsidy assistance. This proposed program would eliminate the minimum income requirements within the HOME TBRA Program. The additional cost to operate this program would be \$20,000;
- **Ontario Access Center:** Rehabilitate the Ontario Access Center to provide for hydration stations, shade structures, hand washing stations, electrical service to the food service container, and picnic tables. These rehabilitation upgrades were approved as part of the One-Year Action Plan that was presented to City Council on June 4, 2019;
- **Assisi House:** Rehabilitate Assisi House to provide for a new roof, resurfacing of the asphalt parking area, replacement of existing windows, and replacement of air conditioning units. Assisi House has been in operation since 2006 as a transitional housing facility. Working in partnership with Mercy House staff the scope of work was developed, and bids were obtained; and
- **HOME TBRA Program:** Increase funding for HOME TBRA Program to assist individuals/families that are experiencing homelessness to secure permanent housing. This recommendation action would increase the funding for this program, in the amount of \$602,244.

Five hundred sixty-six thousand seven hundred and forty-eight dollars (\$566,748) of the additional funding would be allocated for rental assistance subsidy payments and project delivery costs; and \$35,496 would be allocated for administration costs to Mercy House Living Centers. It is estimated that 22 households will be assisted in securing permanent housing with this increased funding.

Assisi House Rehabilitation

A Notice Inviting Bids for the Assisi House Minor Rehabilitation Project was advertised on April 5, 2019, for the rehabilitation of the nine units at 517/521/525 North Virginia Avenue. A mandatory pre-bid meeting was conducted on April 12, 2019, and the bids were due on April 24, 2019.

A total of seven bids were received, and a summary of the bid results is shown below:

Contractor Name	Location	Bid Amount		
		Base Bid	Alternate #1	Total Bid
St. George Construction	Ontario, CA	\$78,012	\$10,000	\$88,012
California Custom Builders	Ventura, CA	\$94,440	\$4,644	\$99,084
Corner Keystone Construction Corporation	Walnut, CA	\$97,454	\$20,739	\$118,193
Golden Gate Steel, Inc.	Norwalk, CA	\$110,892	\$16,027	\$126,919
RS Construction & Development, Inc.	Upland, CA	\$122,500	\$8,000	\$130,500
The Amazon Construction	Perris, CA	\$126,738	\$4,937	\$131,675
BPJ Construction, Inc.	Artesia, CA	\$147,800	\$8,000	\$155,800

The bid from St. George Construction was substantially incomplete and was therefore deemed unresponsive. The bid received from California Custom Builders was withdrawn by the bidder due to a calculation error. The remaining five bids were substantially complete, and Corner Keystone Construction Corporation was determined to be the lowest responsive bidder. No bidders provided complete bid documents, however informalities which are minor and do not affect the price of the bid or otherwise give a bidder an unfair competitive advantage may be waived. In this case, staff is recommending waiver of Corner Keystone Construction Corporation's failure to submit three of eight forms related to the CDBG funding. None of the bidders submitted all of these forms. This minor informality may be waived pursuant to the Notice Inviting Bids. Once the contract is awarded, work is expected to begin in mid-July 2019 and be completed within 60 calendar days (September 2019).

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: EXTENSION OF THE MAINTENANCE SERVICE AGREEMENT FOR THE COMPRESSED NATURAL GAS FUELING STATION

RECOMMENDATION: That the City Council authorize the City Manager to extend the existing Maintenance Service Agreement (on file in the Records Management Department) for one additional year with Clean Energy of Newport Beach, California, in the amount of \$117,746, including a 20% contingency, for scheduled maintenance and repairs of the City's compressed natural gas fueling station. The total authorized contract amount will be \$706,476.

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

FISCAL IMPACT: The estimated annual cost of the proposed Maintenance Service Agreement Extension is \$98,121 plus a contingency of \$19,625 for urgency repair services for a total of \$117,746. Appropriations from the Equipment Services Fund for these maintenance and repair services will be included in the Fiscal Year 2019-20 Proposed Operating Budget. The new total amended contract amount will be \$706,476.

BACKGROUND: Since 1995 the City has owned and operated a Compressed Natural Gas (CNG) fueling facility. Over the years this facility has reduced the community's collective carbon footprint, improved air quality, lowered dependency on fossil fuels and foreign oil and enabled compliance with the South Coast Air Quality Management District Rule 1193 "Clean On-Road Residential and Commercial Refuse Collection Vehicles."

The facility provides CNG for 87 City vehicles and the Ontario-Montclair School District Buses. CNG is also available for purchase at our public fueling station located at 1440 South Cucamonga Avenue for those citizens and local companies that own or operate CNG vehicles.

In February 2014, staff solicited a request for proposal and selected Clean Energy as the firm that best met the City's criteria which includes availability of parts and supplies, emergency response, and

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson
Department: Municipal Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
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Denied: _____

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availability of staff to provide the service. An extension of the existing Maintenance Agreement is recommended as the City is currently in the design process for a new CNG fueling system and a change in service providers would be operationally inefficient. After the new CNG fueling system is constructed, staff will solicit proposals for a new maintenance and repair services contractor.

CITY OF ONTARIO

Agenda Report

June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR ON-CALL STREETLIGHT POLE REPLACEMENT SERVICES AT VARIOUS CITY LOCATIONS

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year Construction Contract (on file in the Records Management Department) with Siemens Mobility, Inc., of Riverside, California; authorize the City Manager to add future service areas; and authorize the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

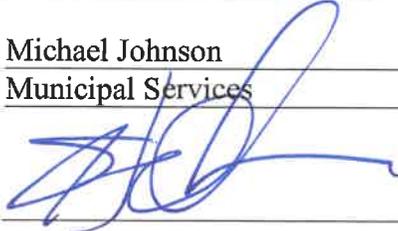
COUNCIL GOALS: Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The estimated annual cost of the proposed Construction Contract is \$80,000. Appropriations for on-call streetlight pole replacement services will be included in the Fiscal Year 2019-20 Proposed Operating Budget. Actual expenditures will be based on the fixed unit pricing applied to the number of pole replacements and the extent of services required.

At the City's discretion, two additional one-year extensions may be exercised with an average unit price increase of 7% and 3% for the fourth and fifth years, respectively. Future contracting actions will be commensurate with City Council authorized work programs and budgets. Contracting for the multi-year period will allow the City to limit the potential for yearly increase to the bid amounts, avoid the costs of re-bidding the contract annually, provide service continuity, and better project future costs.

BACKGROUND: The current on-call streetlight pole replacement construction contract expires on June 30, 2019. The on-call services address as-needed urgent streetlight pole knockdowns and replacements with new streetlight poles and light fixtures to be provided by the City. The City experiences about 50 streetlight pole knockdowns each year; and depending on the extent of damage, costs per incident start at \$1,600.

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson
Department: Municipal Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
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Denied: _____

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In April 2019, the City solicited bids for streetlight pole replacement services at various city locations. Six bids were received, all of them met the bid criteria and standards necessary to perform this work. The base cost proposed ranged from \$80,000 to \$204,200 per year.

<u>Vendor</u>	<u>Location</u>
Siemens Mobility, Inc.	Riverside, CA
Macadee Electric Construction	Chino, CA
Calif Professional Engineering	La Puente, CA
Foddrill Construction Corp	Chino, CA
A.C.M. Lighting Services, Inc.	Corona, CA
Fluoresco Lighting and Signs	Pomona, CA

Siemens Mobility, Inc. located in Riverside, California, submitted a bid that met all the required specifications with an estimated base cost, three-year total of \$240,000. Based on the quality of their bid, credentials, pricing, references, and ability to respond to urgencies in a timely manner, staff recommends award of this Construction Contract to Siemens Mobility, Inc.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A MAINTENANCE SERVICE AGREEMENT FOR CUSTODIAL MAINTENANCE SERVICES AT VARIOUS CITY LOCATIONS

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year Maintenance Service Agreement (on file in the Records Management Department) with RNA Facilities Management of Riverside, California, for an annual cost of up to \$336,008; authorize the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

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

FISCAL IMPACT: The estimated annual base cost of the proposed Maintenance Service Agreement is \$320,008 plus \$16,000 contingency for unforeseen maintenance that might be needed due to weather, events, or extraordinary circumstances, for a total amount of \$336,008 for each of the first three years, or a total of \$1,008,024. Appropriations for custodial maintenance services will be included in the Fiscal Year 2019/20 Proposed Operating Budget.

At the City's sole discretion, two one-year extensions may be exercised, which include no base price increase for each option year. Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for a multi-year period will allow the City to avoid the cost of re-bidding the contract annually, provide for service continuity, and better project future years' costs.

BACKGROUND: The City has historically deployed a balance of in-house custodial staff supplemented by outside contractor services. This staffing model ensures that regular service needs are covered by a core contingent of City staff while allowing for fluctuations in workload to be managed by contract service providers, thereby eliminating any cyclical hiring and separation of employees' that may otherwise occur. The proposed Maintenance Service Agreement scope provides for regularly scheduled custodial maintenance services. In addition, the contract includes quarterly window cleaning

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson
Department: Municipal Services
City Manager Approval: 

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Denied: _____

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(excluding Lewis Family Branch Library), bi-annual floor maintenance, and upholstery cleaning at the following city facilities:

Custodial Service Facilities

Anthony Munoz Community Center	Ovitt Family Community Library
Armstrong Community Center	Senior Center
Neighborhood Perservation/Housing	Westwind Community Center
Lewis Family Branch Library	Ontario Municipal Services Center
De Anza Community Center	
Dorothy Quesada Community Center	

In March 2019, the City solicited proposals for Custodial Maintenance Services. Of the four proposals received, three proposals met the bid criteria and standards necessary to perform this work and one was deemed non-responsive. Following is the list of proposals:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
RNA Facilities Management	Riverside, CA	\$320,008
Merchants Building Maintenance	Pomona, CA	\$465,608
DMS Facility Services	Anaheim, CA	\$644,927
CCS Orange County Janitorial, Inc.*	Costa Mesa, CA	N/A

* *Bid Proposal was incomplete and therefore deemed non-responsive*

RNA Facilities Management located in Riverside, California, submitted a proposal that met all the required specifications with a base cost three-year total of \$960,024. Based on their proposal, credentials, pricing, favorable reference checks and ability to respond to urgencies in a timely manner, staff recommends award of the Maintenance Services Agreement to RNA Facilities Management.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: BUILDING ASSESSMENT & MASTER PLAN FOR THE ONTARIO MUSEUM OF HISTORY & ART

RECOMMENDATION: That the City Council approve a Building Assessment & Master Plan for the Ontario Museum of History & Art (on file with the Records Management Department).

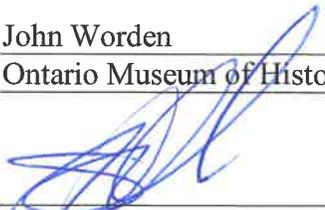
COUNCIL GOALS: Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Building Assessment & Master Plan ("Museum Master Plan") covers a 20-year period of Museum facility repairs, necessary upgrades, and preservation. Overall costs are currently projected to be approximately \$9.3 million. If approved, staff will be working on implementing this plan in a phased approach over the plan's time horizon. Associated costs related to repairs, upgrades, and preservation of the Ontario Museum of History & Art will be reflected within future City Council approved Operating and Capital Improvement Program Budgets pursuant to fiscal constraints; City Council policy. With its comprehensive approach, involvement of professional expertise, and interdepartmental coordination, the Museum Master Plan will better position the Museum to pursue external funding, such as grants.

BACKGROUND: The Museum building is a historical gem that defines the unique flavor of historic downtown Ontario. The dramatic growth of exhibits, public programs, and special events at the Museum is a major contributor to Ontario's vitality and quality of life. The Museum Master Plan will strengthen the Museum's contributions to Ontario in the following ways:

- The Museum's role in downtown and economic revitalization;
- The Museum as a regional travel destination; and
- The Museum as a location for special events, including the Ontario Arts & Culture Awards, the Ontario Festival of the Arts, weddings, and other special activities.

STAFF MEMBER PRESENTING: Helen McAlary, Executive Director Community Life & Culture

Prepared by: John Worden
Department: Ontario Museum of History & Art
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of the Museum Master Plan will enable the Museum to accomplish the following goals:

- Enhance the Museum's value to its constituent communities
- Meet contemporary expectations for collection stewardship
- Be eligible for accreditation from the American Alliance of Museums
- Increase attendance by 10% each by from \$15,000

The Ontario Museum of History & Art is the custodian of Ontario's local history, and an educational and cultural resource for its community. The Museum's gradual adaptation of spaces in the 1937 former City Hall over the past forty years has led to conditions that do not meet professional museum standards. In addition, upgrades for life, safety, code, and curatorial standards are needed. The Museum was designated a local historic landmark by the City Council on September 7, 1993, and its unique historical character also merits being preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

The Museum Master Plan was developed by Architectural Resources Group (ARG), an architectural firm with special expertise in historic buildings and museum facilities. The Museum has a well-established track record of working with ARG. In 2013, ARG prepared a comprehensive report on the potential threats to the Museum's collections, through a "Sustaining Cultural Heritage Collections" grant from the National Endowment for the Humanities. The report noted that the Museum suffers from insufficient space to inventory, house, and store collection items from inadequate building systems and environmental controls. The report also identified significant code compliance issues.

The Building Assessment & Master Plan was initiated in 2017. Members of ARG's architectural and conservation staff made multiple site visits to the Museum to record the facility's features and conditions, interview staff, and involve key stakeholders. A planning workshop was held with the Museum's Board of Trustees, with opportunities for input and feedback. ARG's conditions assessment and the findings of the subconsultants were compiled and analyzed by a cost estimator to inform the preliminary, phased cost estimates included in the Museum Master Plan.

At the invitation of the Museum, the Planning Department worked directly with ARG to produce a *Preservation Approvals Matrix* ("Matrix"), included in the Museum Master Plan. The Planning Department is responsible for implementation of the City's historic preservation program and fulfilling the requirements of the State of California administered Certified Local Government program. As such, all work on the Museum building is subject to review for compliance with the historic preservation program and environmental regulations. The Matrix indicates what levels of review are required for each type of work. It is hoped that that Museum Master Plan can serve as a model for providing proper coordination and oversight to ensure the value of other historic properties in Ontario.

On March 26, 2019, the Ontario Museum of History & Art Board of Trustees endorsed the Museum Master Plan and recommended forwarding the plan to the Planning/Historic Preservation Commission for review, and then to City Council for consideration of approval. At the May 28, 2019 meeting of the Planning/Historic Preservation Commission, the Museum Master Plan was positively reviewed.

Staff along with members of the Museum Board of Trustees and Museum Associates will be working closely together over the years to ensure the success of the Museum Master Plan and the growing value of the Museum for the community.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA19-002, REVISING PORTIONS OF THE ONTARIO DEVELOPMENT CODE CHAPTER 4 (PERMITS, ACTIONS AND DECISIONS) AS IT PERTAINS TO ADMINISTRATIVE USE PERMITS, AND CHAPTER 5 (ZONING AND LAND USE) AS IT PERTAINS TO THE ESTABLISHMENT OF ALCOHOLIC BEVERAGE MANUFACTURING AND SALES, AND LIVE ENTERTAINMENT LAND USES

RECOMMENDATION: That the City Council consider and adopt the ordinance approving File No. PDCA19-002, a Development Code Amendment revising portions of Ontario Development Code Chapter 4 (Permits, Actions and Decisions) as it pertains to Administrative Use Permits, and Chapter 5 (Zoning and Land Use) as it pertains to the establishment of alcoholic beverage manufacturing and sales, and live entertainment land uses.

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: None.

BACKGROUND: On June 4, 2019, the City Council introduced and waived further reading of an ordinance approving the Development Code Amendment. The proposed Development Code Amendment is the first of several Development Code revisions that staff will be bringing forward to the City Council for consideration intended to foster growth and vitality in the Downtown Mixed Use District (MU-1 zoning district) and promote the establishment of activities necessary for the creation of a dynamic downtown. The changes proposed by this Development Code Amendment will:

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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(1) Expand on current provisions contained in Development Code Section 4.03.015 (Administrative Use Permits), to include reasons and procedures for the suspension and revocation of Administrative Use Permits and the issuance of administrative fines by the Police Chief or Community Improvement Director. Additionally, an appeals procedure is established, which is heard by the Zoning Administrator, with no further administrative right of appeal.

(2) Expand Table 5.02-1 (Land Use Matrix) as it applies to alcoholic beverage manufacturing facilities; live entertainment in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room; and alcoholic beverage sales for on-premises consumption in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room, and allowing these uses as an administratively permitted land use, provided they are less than 10,000 square feet in gross floor area. These proposed changes to the Land Use Matrix will eliminate the requirement for a Conditional Use Permit when establishing the aforementioned uses in the MU-1 zoning district.

(3) Expand Table 5.02-1 (Land Use Matrix) to specify that alcoholic beverage manufacturing facilities, regardless of size, are a permitted land use in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) zoning districts.

(4) Add Section 5.03.023, establishing land use standards for alcoholic beverage manufacturing facilities.

(5) Amend Section 5.03.025, clarifying existing land use standards applicable to on-sale and off-sale alcoholic beverage sales, and expand and clarify existing “public convenience or necessity” determination criteria.

On April 23, 2019, the Planning Commission conducted a public hearing to consider the proposed Development Code Amendment, and voted unanimously (4-0) to issue a Resolution No. PC19-027 recommending the City Council approve the project.

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 (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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA19-002, A DEVELOPMENT CODE AMENDMENT REVISING PORTIONS OF THE ONTARIO DEVELOPMENT CODE CHAPTER 4 (PERMITS, ACTIONS AND DECISIONS) AS IT PERTAINS TO ADMINISTRATIVE USE PERMITS, AND CHAPTER 5 (ZONING AND LAND USE) AS IT PERTAINS TO THE ESTABLISHMENT OF ALCOHOLIC BEVERAGE MANUFACTURING AND SALES, AND LIVE ENTERTAINMENT LAND USES, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated a Development Code Amendment, File No. PDCA19-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Development Code Amendment is the first of several proposed changes to the Development Code intended to spur interest and growth in the MU-1 (Downtown Mixed Use) zoning district; and

WHEREAS, the changes proposed by this Development Code Amendment will revise certain provisions to:

- Expand on current provisions contained in Section 4.03.015 (Administrative Use Permits), to include reasons and procedures for the suspension and revocation of Administrative Use Permits and the issuance of administrative fines;
- Amend Table 5.02-1 (Land Use Matrix) as it pertains to alcoholic beverage manufacturing facilities, live entertainment, and alcoholic beverage sales for consumption on the premises, allowing facilities less than 10,000 square feet in area as an administratively permitted land use in the MU-1 (Downtown Mixed Use) zoning district, and adding alcoholic beverage manufacturing facilities regardless of size, as a permitted land use in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) zoning districts;
- Add Section 5.03.023 to establish land use standards for alcoholic beverage manufacturing facilities;
- Amend Section 5.03.025, clarifying existing land use standards for on-sale and off-sale alcoholic beverage sales, and expand existing "public convenience or necessity" determination criteria; and

WHEREAS, the Project 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 (general rule) 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 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 April 23, 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. PC19-027 recommending the City Council approve the Application; and

WHEREAS, on June 4, 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 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 (general rule) 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

(3) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2. *Development Code Section 4.03.015 (Administrative Use Permits) Amended.* Development Code Section 4.03.015 (Administrative Use Permits) shall be amended, adding Subsections F through I to read as follows:

“F. Unlawful Business Practices May Be Enjoined; All Remedies Are Cumulative. Any business activity requiring Administrative Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, and which is operated, conducted, or maintained contrary to the provisions of this Development Code, shall constitute an unlawful business practice pursuant to Business & Professions Code Section 17200 et seq., and the City may file a complaint with the District Attorney and request the District Attorney bring action seeking an injunction prohibiting the unlawful business practice or any other remedy available at law, including but not limited to fines, attorney’s fees, and costs. All remedies provided for in this Section are cumulative.

G. Administrative Fines.

1. Violations. Upon a finding by the Police Chief or Community Improvement Director that a land use or business for which an Administrative Use Permit has been issued has violated any provision of this Development Code or of the City or Ontario Municipal Code, the Police Chief or Community Improvement Director may issue an administrative fine of up to \$500.

2. Separate Violations. Each violation of this Development Code or of the Ontario Municipal Code constitutes a separate violation. Each day a violation of this Development Code occurs also constitutes a separate violation.

3. Administrative Fine Procedures. A Notice of Administrative Fine shall be served by hand delivery or certified mail and shall state the legal violation and all supporting facts. Furthermore, the Notice shall also contain an advisement of the right to request an appeal hearing before the Zoning Administrator to contest the suspension or revocation.

4. Appeal of Administrative Fines.

a. An appeal request shall be filed with the Planning Department on a City application form, within 10 days following the date appearing on the Notice of Administrative Fine. The appeal request shall include a statement identifying the pertinent facts disputing the violation.

b. An appeal hearing shall be scheduled within 30 days following the Planning Department’s receipt of the appeal request, unless an extension is mutually agreed upon by the appellant and the Zoning Administrator.

c. The appeal shall be heard by the Zoning Administrator. The decision of the Zoning Administrator shall be provided by certified mail. The decision constitutes a final administrative order, with no additional administrative right of appeal.

5. Failure to Pay Administrative Fines.

a. If an administrative fine is not paid within 30 days after the date appearing on the Notice of Administrative Fine or, if the Notice is appealed, within 30 days after the date of the Zoning Administrator's decision, whichever occurs later, the fine may be referred to a collection agency.

b. Any outstanding fine must be paid prior to the issuance or renewal of any license or permit issued by the City.

H. Suspension and Revocation of Administrative Use Permits.

1. Reasons. The Police Chief and the Community Improvement Director each has authority to suspend or revoke an Administrative Use Permit, based on one or more of the following reasons:

a. The Administrative Use Permit approval was obtained by fraud.

b. The Administrative Use Permit is being or has recently been exercised contrary to the terms or conditions of the application approval.

c. The Administrative Use Permit is being or has been exercised in violation of a federal, state, or City statute, ordinance, law, or regulation.

d. The Administrative Use Permit was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or otherwise constitutes a nuisance.

2. Suspension and Revocation Procedures. A Notice of Suspension or Revocation shall be served on the owner of the property and upon any tenant or operator in possession of the property, if different from the owner, by hand delivery or certified mail, along with the legal violation and supporting facts. The Notice shall also contain an advisement of the right to request an appeal hearing before the Zoning Administrator to contest the suspension or revocation.

3. Time Period of Suspension of Permit. When any of the conditions listed in H.1.a through d above exists, the Police Chief and the Community Improvement Director are each authorized to suspend an Administrative Use Permit for a period of no less than 5 days, and no more than 90 days, at their discretion.

4. Effective Date of Suspension or Revocation. A Notice of Suspension or Revocation issued under Paragraph H.2 of this Section is effective 10 days following the date appearing on the Notice, in the absence of an appeal filed in accordance with Paragraph H.5 of this Section.

5. Appeal of Suspension or Revocation of Permit.

a. The decision of the Police Chief or Community Improvement Director to suspend or revoke an Administrative Use Permit may be appealed by the permittee.

b. The appeal request shall be filed with the Planning Department on a City application form, and shall include a statement identifying pertinent facts disputing the reasons stated in the Notice of Suspension or Revocation.

c. An appeal request must be received by the Planning Department on or before the effective date of the suspension or revocation under Paragraph H.4 of this Section.

d. The timely filing of an appeal request stays a suspension or revocation pending a decision on the appeal by the Zoning Administrator.

e. An appeal hearing shall be scheduled within 30 days following the Planning Department's receipt of the appeal request, unless an extension is mutually agreed upon by the appellant and the Zoning Administrator.

f. Within 20 days following the appeal hearing, the Zoning Administrator shall issue a final administrative order to the appellant, by certified mail. There shall be no further administrative right of appeal.

6. Evidence. The following rules shall apply to any hearing required by this Section. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Formal rules of discovery do not apply to proceedings governed by this Section. Unless otherwise specifically prohibited by law, the burden of proof is on the appellant in any hearing or other matter under this Section.

7. Limitations on Application Refiling. A holder of an Administrative Use Permit who has had the Permit revoked under this Section may not apply for the same or substantially similar Administrative Use Permit for 12 months after the date of the Final Administrative Order revoking the Permit.

I. **Public Nuisance.** It shall be unlawful and a public nuisance for a land use or business activity for which an Administrative Use Permit has been issued to be operated, conducted, or maintained contrary to the provisions of this Development Code or of any conditions of approval imposed on an Administrative Use Permit by the Approving Authority. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, or enjoinder of that land use or business activity in any manner provided by law."

SECTION 3. Development Code Table 5.02-1 (Land Use Matrix) Amended. Certain portions of Development Code Table 5.02-1 (Land Use Matrix) shall be amended as shown on EXHIBIT A (Development Code Table 5.02-1 (Land Use Matrix) Amended), attached.

SECTION 4. Development Code Section 5.03.023 (Alcoholic Beverage Manufacturing) Added. Development Code Section 5.03.023 (Alcoholic Beverage Manufacturing) shall be added to read as follows:

“5.03.023: Alcoholic Beverage Manufacturing

The following regulations shall govern the establishment and operation of alcoholic beverage manufacturing uses and activities, as follows:

A. Alcoholic Beverage Manufacturing in the MU-1 (Historic Downtown Mixed Use) Zoning District. Alcoholic beverage manufacturing facilities established within the MU-1 zoning district shall comply with the following:

1. Land use approval shall be subject to the approval of an Administrative Use Permit pursuant to the requirements of Section 4.03.015 (Administrative Use Permits) of this Development Code.

2. The Gross Floor Area (GFA) of an alcoholic beverage manufacturing facility shall be less than 10,000 SF.

3. An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises.

4. No video, electronic or other amusement devices or games shall be permitted.

5. Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.

B. Sewer Study May Be Required for Alcoholic Beverage Manufacturers in the MU-1 (Historic Downtown Mixed Use) Zoning District. Prior to the issuance of a building permit for the installation of alcoholic beverage manufacturing equipment in the MU-1 zoning district, if deemed necessary by Ontario Municipal Utilities Company (OMUC) General Manager, a sewer study, including an identification of appropriate measures to mitigate sewer deficiencies, shall be prepared as follows:

1. The sewer study shall be prepared by a registered professional civil engineer in the State of California, and submitted for consideration and approval by OMUC. The alcoholic beverage manufacturer shall be responsible for the implementation of all mitigation measures recommended in the sewer study, including the construction of new sewer facilities.

2. Prior to and as a condition of the operation of an alcoholic beverage manufacturing use, the alcoholic beverage manufacturer shall implement all mitigation measures recommended by the sewer study to the satisfaction of the Ontario Municipal Utilities Company General Manager and the City Engineer.

C. Conditional Use Permit Required for Tasting Rooms in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) Zoning Districts. Within the IL, IG and IH zoning districts, the establishment of a tasting room in conjunction with an alcoholic beverage manufacturer shall require the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code. Tasting rooms shall be designed in compliance with the requirements of Subsection D of this Section.

D. Tasting Rooms Not to Exceed 1,000 SF Unless Otherwise Permitted by a Conditional Use Permit. A tasting room shall not exceed 1,000 SF in area, except that within the MU-1 zoning district, tasting rooms in excess of 1,000 SF may be permitted by Conditional Use Permit approval. The tasting room floor area shall include any indoor area within the alcoholic beverage manufacturing licensed premises where alcoholic beverages are consumed, including any bar and seating areas, but shall exclude restrooms serving the tasting room and any outdoor patio areas. Outdoor patio areas may be permitted, provided they are not located in any required parking space or access way, and do not exceed 1,000 SF in total area.

E. Use of Grain Silos. A grain silo may be located outside of a building occupied by an alcoholic beverage manufacturing use, which shall comply with the following:

1. The grain silo shall not be located in any required parking space, driveway or drive aisle, or situated so as to adversely affect the pedestrian path of travel.

2. One sign identifying the alcoholic beverage manufacturing use may be placed on the grain silo, having a maximum area of 9 SF. The silo sign is permitted in addition to any wall signs or monument signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Development Code.

F. Outdoor Utility Equipment Shall Be Completely Screened. Outdoor utility equipment associated with an alcoholic beverage manufacturing use shall be completely screened from public view.

G. Property Shall Be Permanently Maintained. The real property upon which an alcoholic beverage manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 24 hours from the time of occurrence.

H. Roof-Mounted or Ground-Mounted Mechanical Equipment Shall Be Completely Screened. Any proposed roof-mounted or ground-mounted mechanical equipment shall be completely screened from public view. Equipment screening information shall be specifically shown on the plans submitted for building permit issuance.

I. Security Plan Required. A security plan, in a form satisfactory to the Ontario Police Department, shall be submitted to and approved by the Police Chief prior to building permit issuance. The security plan shall be formulated to deter unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding land uses and the neighborhood in general, by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.

J. On-Site Lighting Required to Provide a Safe and Secure Environment. Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings occupied by an alcoholic beverage manufacturing use shall be provided with enough lighting to illuminate and make clearly visible, the presence of any person on or about the alcoholic beverage manufacturer's licensed premises during the hours of darkness, and shall provide a safe and secure environment for all persons, property, and vehicles on and around the premises.

K. Admission Fee, Cover Charge, and Minimum Purchase Requirements. It shall be unlawful to require the payment of an admission fee or cover charge, or require a minimum purchase.

L. Alcoholic Beverage Signs Required. Signs shall be posted inside the business, near the exit door, which states "NO ALCOHOLIC BEVERAGE ALLOWED BEYOND THIS POINT."

M. Maximum Occupancy Load Shall Not Be Exceeded. The number of persons shall not exceed the maximum occupancy load as determined by the Ontario Fire Department. Signs indicating the maximum occupant load shall be posted in a conspicuous place on an approved sign near the main exit from the room.

N. No Live Entertainment or Dancing Permitted without First Obtaining Conditional Use Permit Approval. There shall be no live entertainment or dancing permitted on the alcoholic beverage manufacturer's licensed premises at any time, without first obtaining approval for the activities pursuant to the requirements of this Development Code.

O. Display of Alcoholic Beverages. The display of alcoholic beverages shall not be located outside of a building or within 5 FT of any public entrance to the building.

P. Alcoholic Beverages Distributed By Competing Alcoholic Beverage Manufacturers Shall Not Be Served. An alcoholic beverage manufacturer shall not serve brands of alcoholic beverages distributed by a competing alcoholic beverage manufacturer. The alcoholic beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control."

SECTION 5. Development Code Section 5.03.025 (Alcoholic Beverage Sales) Amended. Subsection D (Alcoholic Beverage Sales for Consumption on the Premises (On-Sale Alcoholic Beverage Sales)), Subsection E (Alcoholic Beverage Sales for Consumption off the Premises (Off-Sale Alcoholic Beverage Sales)), and Subsection F (Public Convenience or Necessity Determination) of Development Code Section 5.03.025 (Alcoholic Beverage Sales) shall be amended to read as follows:

“D. Alcoholic Beverage Sales for Consumption on the Premises (On-Sale Alcoholic Beverage Sales). On-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include, but are not limited to, bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages.

Establishments engaged in on-sale alcoholic beverage sales shall comply with the following:

1. Conditional Use Permit approval shall be required for an on-sale alcoholic beverage sales activity, and/or for the on premise tasting of any alcoholic beverage in conjunction with a legally established, and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, except that within the MU-1 (Historic Downtown Mixed Use) zoning district, Administrative Use Permit approval shall be obtained from the City prior to establishing an on-sale alcoholic beverage sales use or activity.

2. Any business engaged in on-sale alcoholic beverage sales or on premise tasting of any alcoholic beverage in conjunction with a legally established, and ABC-licensed, wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, shall not allow any alcoholic beverage to be consumed outside of the enclosed building, except within an outdoor area that has been designed to be separated from direct public contact/access by a wall, fence or other barrier acceptable to the City. The design of said outdoor area and required wall, fence or other barrier shall be subject to review and approval by the Planning Director and Police Chief.

E. Alcoholic Beverage Sales for Consumption off the Premises (Off-Sale Alcoholic Beverage Sales). Off-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption off the premises in which they are sold. Typical uses include, but are not limited to, convenience stores, grocery stores, and liquor stores.

Establishments engaged in off-sale alcoholic beverage sales shall comply with the following:

1. Conditional Use Permit approval shall be required for off-sale alcoholic beverage sales.

2. Establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverage sales shall comply with all of the following conditions pursuant to BPC Section 23790.5:

a. No beer or wine shall be displayed within 5 FT of the cash register or the front door unless it is in a permanently affixed cooler.

b. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.

c. No sale of alcoholic beverages shall be made from a drive-up window.

d. No display or sale of beer or wine shall be made from an ice tub.

e. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.

f. Employees on duty between the hours of 10:00PM and 2:00AM, who sell alcoholic beverages, shall be at least 21 years of age.

3. The on-premises consumption of an alcoholic beverage shall be prohibited.

F. Public Convenience or Necessity Determination. BPC Section 23958.4 provides that the City shall have authority to review a retail alcoholic beverage license application proposed within an area having an “undue concentration” (high density of alcoholic beverage sales locations) of licenses; determine whether public convenience or necessity would be served by license issuance; and inform ABC of the determination.

1. Purpose. The purpose of this Subsection is to establish a procedure by which the public convenience or necessity may be determined, as provided by State law, and establish the criteria by which the determination shall be made.

2. Applicability. In considering a Conditional Use Permit or Administrative Use Permit (as applicable) application for alcoholic beverage sales, it shall be the responsibility of the Reviewing Authority prescribed by Table 2.02-1 (Review Matrix) of this Development Code, to make a determination of public convenience or necessity, if required pursuant to this Subsection.

3. Determining Public Convenience or Necessity for On-Sale Alcoholic Beverage Sales Licenses. Within a census tract having an undue concentration of on-sale ABC licenses, whether the public convenience or necessity would be served by an ABC license issuance shall be determined as follows:

a. *Alcoholic Beverage License Issuance in Conjunction with a Bona Fide Restaurant.* The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is hereby deemed to be provided as convenience to business patrons. The Reviewing Authority shall, therefore, establish that the public convenience would be served by the issuance of an ABC license in such cases.

b. *All Other On-Sale Alcoholic Beverage Licenses.* For all other on-sale alcoholic beverage licenses, the Approving Authority shall determine whether public convenience or necessity would be served by ABC license issuance on a case-by-case basis, upon a thorough review of the facts pertaining to the proposed use.

4. Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales Licenses. Within a census tract having an undue concentration of off-sale ABC licenses, the City desires to strike a balance between the number of off-sale ABC licenses and the convenience of business patrons. Consequently, the Approving Authority is hereby granted authority to make determinations of public convenience and necessity, and shall rely upon the following factors in making such determinations:

a. The proposed retail alcohol license is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

c. The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales;

d. If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA;

e. No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale;

f. At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation); and

g. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

5. Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales in Conjunction with Alcoholic Beverage Manufacturing Uses. Within a census tract having an undue concentration of off-sale ABC licenses, the Reviewing Authority is hereby granted authority to make determinations of public convenience and necessity for off-sale alcoholic beverage sales in conjunction with an alcoholic beverage manufacturing uses, and shall rely upon the following factors in making such determinations:

a. The proposed alcoholic beverage manufacturing use is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

c. The retail sales of alcoholic beverages is ancillary to the primary alcoholic beverage manufacturing use; and

d. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.”

SECTION 6. *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 7. *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 6, 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.

(2) The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 8. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 7, above, the City Council hereby APPROVES the herein described Development Code Amendment.

SECTION 9. *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 10. *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 11. **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 12. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

SECTION 13. **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 18th day of June 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. 3137 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 4, 2019 and adopted at the regular meeting held June 18, 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. 3137 duly passed and adopted by the Ontario City Council at their regular meeting held June 18, 2019 and that Summaries of the Ordinance were published on June 11, 2019 and June 25, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH BABCOCK LABORATORIES, INC. FOR ANALYTICAL LABORATORY SERVICES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a Professional Services Agreement (on file in the Records Management Department) with Babcock Laboratories, Inc., of Riverside, California, for analytical laboratory services for water in the amount of \$200,000 for Fiscal Year 2019/20 with the option to extend the agreement for up to three successive one year periods.

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

FISCAL IMPACT: This agreement is for Fiscal Year 2019/20 with an option to extend the agreement for up to three successive one year periods. The estimated annual cost is \$200,000 from the Water Operating Fund. Expenditures will be based on listed prices and actual need for analytical laboratory services, consistent with the City Council approved budget for the Water Operating Fund. Prices for the first year are fixed through the end of June 2020. After the first year, any proposed increase in fees will be negotiable annually but will not exceed 5% per year. There is no impact to the General Fund.

BACKGROUND: On April 22, 2019, six proposals were received to provide analytical laboratory services for the City's drinking water and wastewater monitoring.

<u>Company</u>	<u>Location</u>
Babcock Laboratories, Inc.	Riverside, CA
Eurofins Eaton Analytical, LLC	Monrovia, CA
Weck Laboratories	City of Industry, CA
BSK Associates	Fresno, CA
Montrose Group	Orange, CA
Truesdail	Irvine, CA

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Joline Neal
Department: MU/Environmental Programs
City Manager: 
Approval: _____

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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All proposals received were reviewed and evaluated for factors advantageous to the City including fee proposal, Environmental Laboratory Accreditation Program, proficiency testing, qualifications and experience, availability and location, ability to perform required analyses, and quality/responsiveness of proposal. Of the six proposals, Babcock Laboratories, Inc. demonstrated the best qualifications, experience, and cost analysis for analytical services needed by the City.

The City must ensure that all regulatory monitoring and reporting is performed correctly, timely, and in a manner that meets all State and Federal requirements. The US Environmental Protection Agency and the State Water Resources Control Board, Division of Drinking Water require the City to monitor the quality of water at each source and at selected locations throughout the distribution system in accordance with the Federal Safe Drinking Water Act and California Code of Regulations, Title 22, Division 4, Chapter 15.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20

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

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments; and
- (B) A resolution giving preliminary approval of the Engineer's Report; and
- (C) A resolution for District Nos. 1, 2 and 3, and a resolution for District No. 4, declaring the City's intention to levy the special assessments for Fiscal Year 2019-20 and setting the date of July 16, 2019 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

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

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$285,616 from OPMAD Nos. 1, 2 and 3, and \$331,004 from OPMAD No. 4 during Fiscal Year 2019-20. The total cost of \$591,084 for operation and maintenance within OPMAD Nos. 1, 2 and 3 will exceed the assessment revenues by \$305,468. The differential will be funded from the General Fund. If approved, the General Fund portion will be included in the City's proposed budget for Fiscal Year 2019-20. The total proposed special assessment for OPMAD No. 4 is sufficient to pay all expenses within this service area. The special assessments for OPMAD Nos. 1, 2, and 3, Zone 2000-1, are capped, so there are no proposed changes from the FY 2018-19 special assessments. The recommended special assessment rate for OPMAD No. 3, Zone 2000-2, includes an increase of 2.8%

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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from the FY 2018-19 rate. As proposed, the average increase in the recommended special assessment rates for the 6 maintenance areas in OPMAD No. 4 is 2.8%.

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

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

Special assessment revenue will be generated in the combined amount of \$285,616 from OPMAD Nos. 1, 2 and 3. The assessed tax rates for Fiscal Year 2018-19, and the proposed and maximum tax rates for Fiscal Year 2019-20, are as follows:

	Prior Year	Maximum	Proposed
	2018-19	2019-20	2019-20
OPMAD No. 1	\$ 66.32 per Lot	\$ 66.32 per Lot	\$ 66.32 per Lot
OPMAD No. 2	\$ 34.04 per Lot	\$ 34.04 per Lot	\$ 34.04 per Lot
OPMAD No. 3, Zone 2000-1	\$ 41.29 per Lot	\$ 41.29 per Lot	\$ 41.29 per Lot
OPMAD No. 3, Zone 2000-2	\$ 181.30 per Lot	\$ 233.27 per Lot	\$ 186.38 per Lot

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

The assessments for OPMAD No. 4 will generate a total of \$331,004. OPMAD No. 4 will generate sufficient revenue to pay all expenses within the service area. The assessed tax rates for Fiscal Year 2018-19, and the maximum and proposed tax rates for Fiscal Year 2019-20, are as follows:

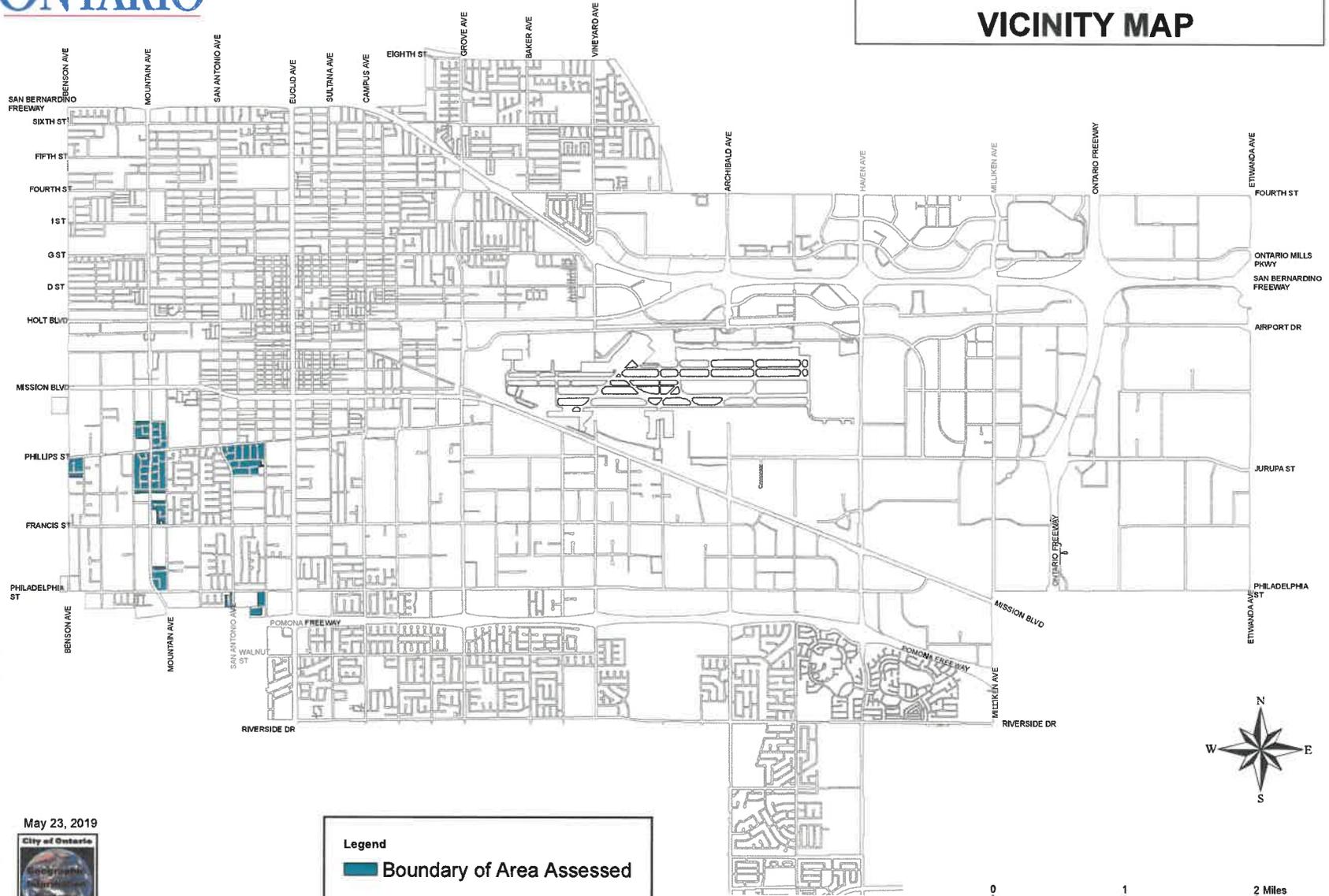
	Prior Year 2018-19	Maximum 2019-20	Proposed 2019-20
MA#99-1	\$ 54.13 per Lot	\$ 56.76 per Lot	\$ 55.65 per Lot
MA#99-2	\$ 342.41 per Lot	\$ 358.05 per Lot	\$ 352.00 per Lot
MA#99-3	\$ 1,063.98 per Acre	\$ 1,285.65 per Acre	\$ 1,093.77 per Acre
MA#00-1	\$ 257.62 per Lot	\$ 352.62 per Lot	\$ 264.84 per Lot
MA#04-1	\$ 1,036.26 per Lot	\$ 2,246.13 per Lot	\$ 1,065.26 per Lot
MA#05-1	\$ 1,423.67 per Lot	\$ 2,784.19 per Lot	\$ 1,463.53 per Lot

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

A public hearing is required for each district prior to adoption of the proposed assessments. A combined public hearing will be held on July 16, 2019 for the purpose of accepting comments and written protests. At the conclusion of the public hearing, the City Council will consider adoption of resolutions confirming the assessments and ordering the levy of the assessments for tax year 2019-20. Notice of the public hearing for the levy of assessments will be published in the local newspaper, in accordance with the applicable statutes.



Ontario Parkway Maintenance Assessment District No. 1 VICINITY MAP



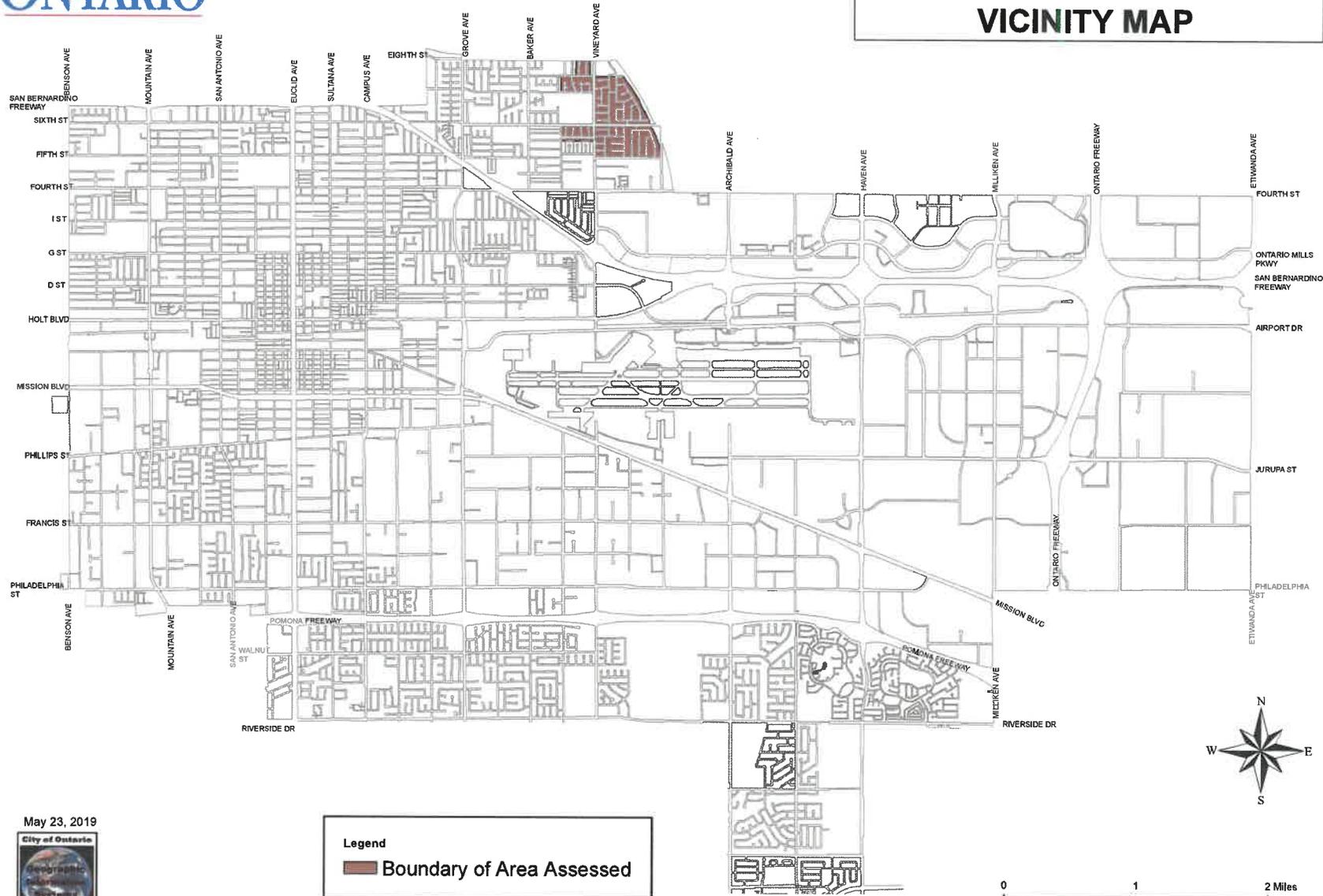
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May 23, 2019



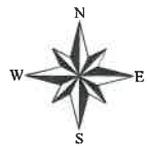
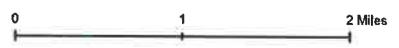
Ontario Parkway Maintenance Assessment District No. 2 VICINITY MAP



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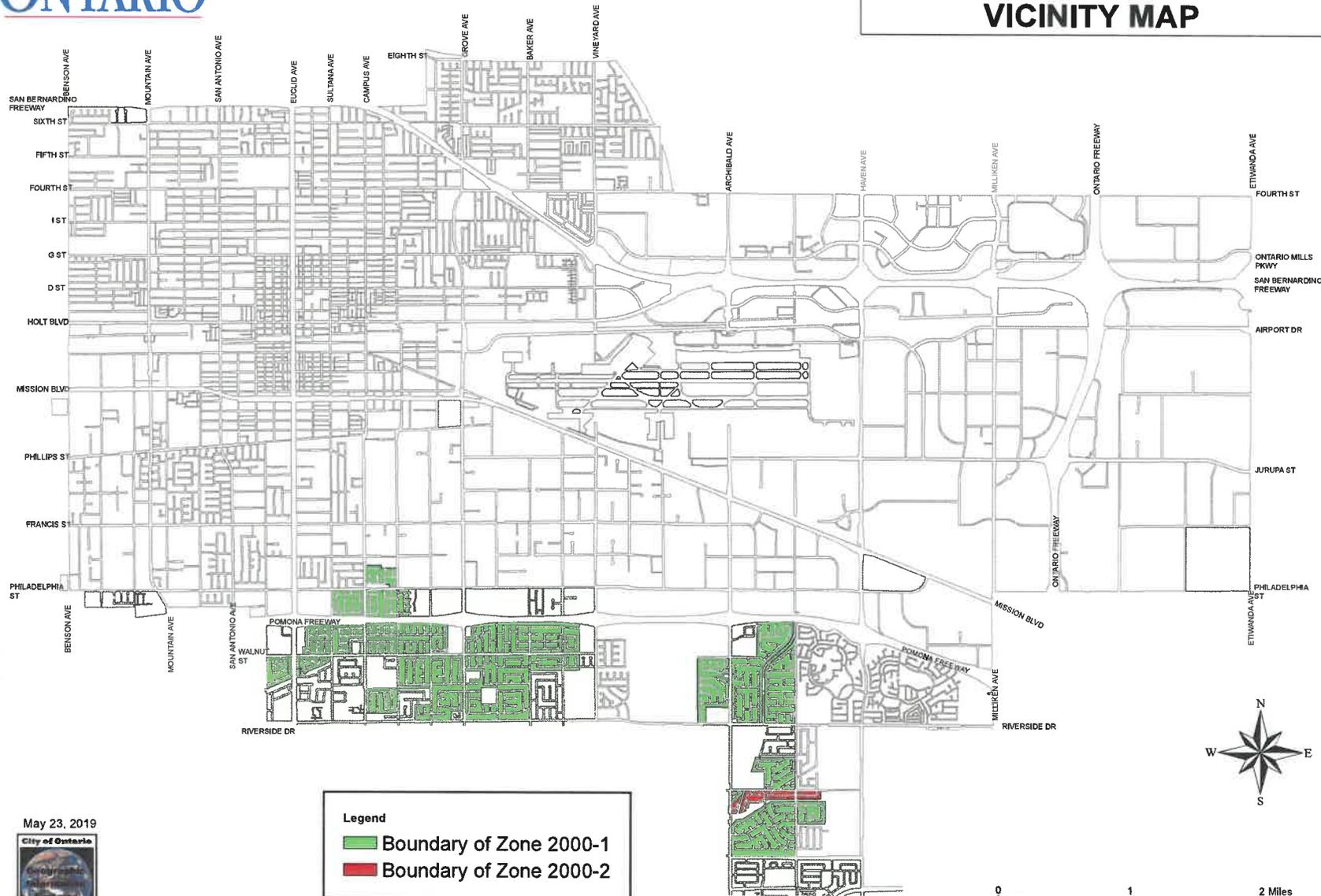


Legend
■ Boundary of Area Assessed





Ontario Parkway Maintenance Assessment District No. 3 VICINITY MAP



Legend

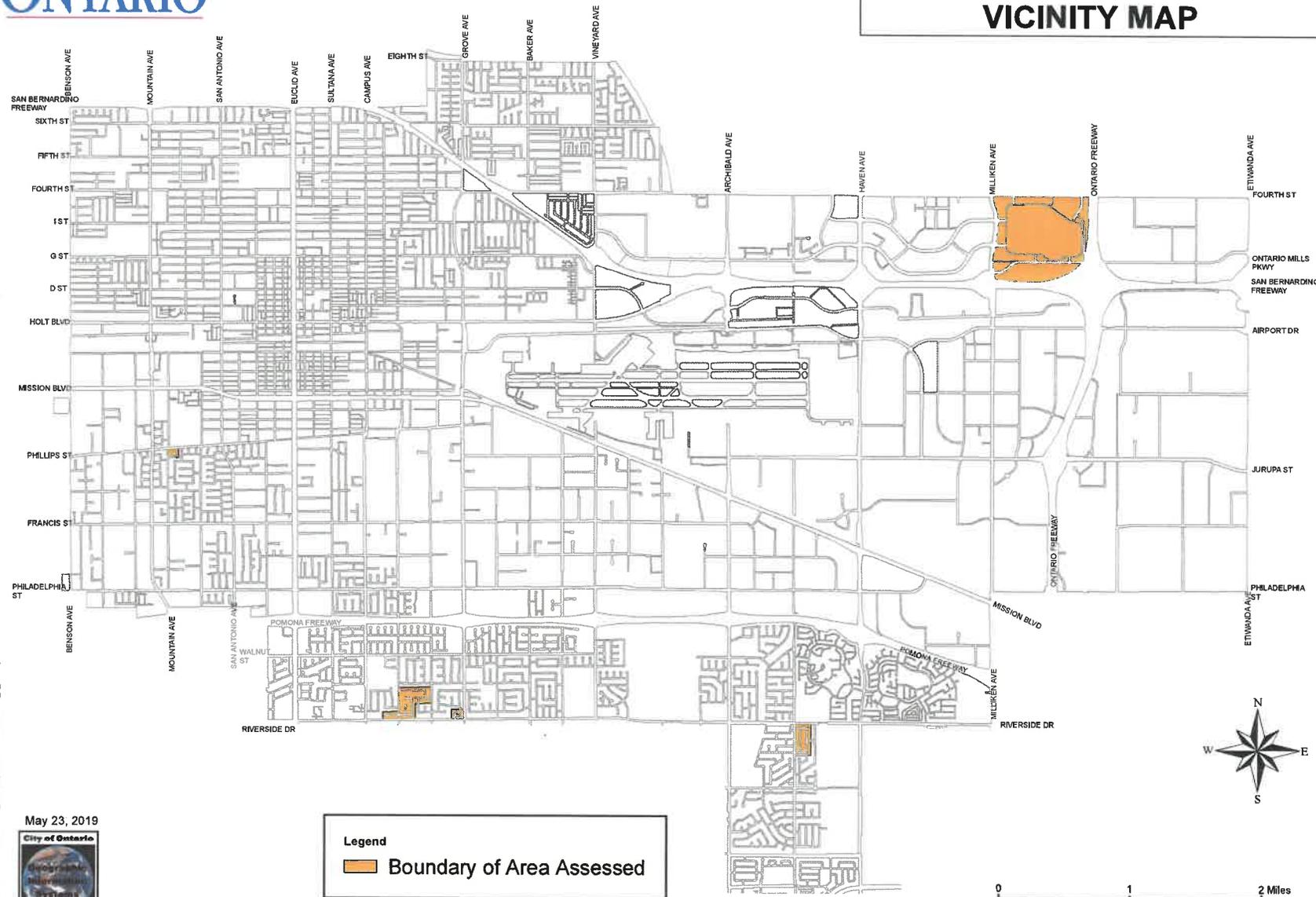
- Boundary of Zone 2000-1
- Boundary of Zone 2000-2

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Ontario Parkway Maintenance Assessment District No. 4 VICINITY MAP



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Legend
[Orange Square] Boundary of Area Assessed



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20.

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

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

(the "Districts"); and

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

WHEREAS, the proceedings for the annual levy of assessments shall relate to the fiscal year commencing July 1, 2019, and ending June 30, 2020; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

SECTION 2. That the maps entitled

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT “A”

**BOUNDARY AND INVENTORY MAPS FOR RESOLUTION
ORDERING THE PREPARATION OF AN ENGINEER’S
REPORT FOR ONTARIO PARKWAY MAINTENANCE
ASSESSMENT DISTRICTS 1, 2, 3 AND 4**

are available for public review during
normal business hours at the
City Clerk’s Department

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20.

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

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

(the "Districts"); and

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019-20 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

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

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

(hereinafter referred to as the Districts); and

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

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

REPORT

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

ASSESSMENT

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

DESCRIPTION OF MAINTENANCE

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

COUNTY AUDITOR

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

SPECIAL FUND

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

BOUNDARIES OF DISTRICTS

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

PUBLIC PROPERTY

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

PUBLIC HEARING

SECTION 10. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 16TH DAY OF JULY, 2019, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY PROPERTY OWNERS AFFECTED HEREBY AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019-20 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

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

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4

(the "District"); and

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

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

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

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

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

RECITALS

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

IMPROVEMENTS AND MAINTENANCE

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

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

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

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

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

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

ASSESSMENT ENGINEER'S REPORT

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

ASSESSMENT

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

BOUNDARIES OF DISTRICT

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

PUBLIC HEARING

SECTION 6. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 16TH DAY OF JULY, 2019, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY ANY INTERESTED PERSON AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

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

EFFECTIVE DATE OF RESOLUTION

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

PROCEEDING INQUIRIES

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICT NOS. 1 AND 2 FOR FISCAL YEAR 2019-20

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

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments;
- (B) A resolution giving preliminary approval of the Engineer's Reports; and
- (C) A resolution for each district declaring the City's intention to levy the special assessments for Fiscal Year 2019-20 and setting the date of July 16, 2019 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

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

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$422,888 from SLMD No. 1 and \$102,365 from SLMD No. 2 during Fiscal Year 2019-20. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of general benefit is \$9,067. The total of the recommended assessments is increasing by an average of 2.87% for the two Benefit Zones within SLMD No. 1, and by 2.80% for the twelve maintenance areas in SLMD No. 2.

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

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

18

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

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

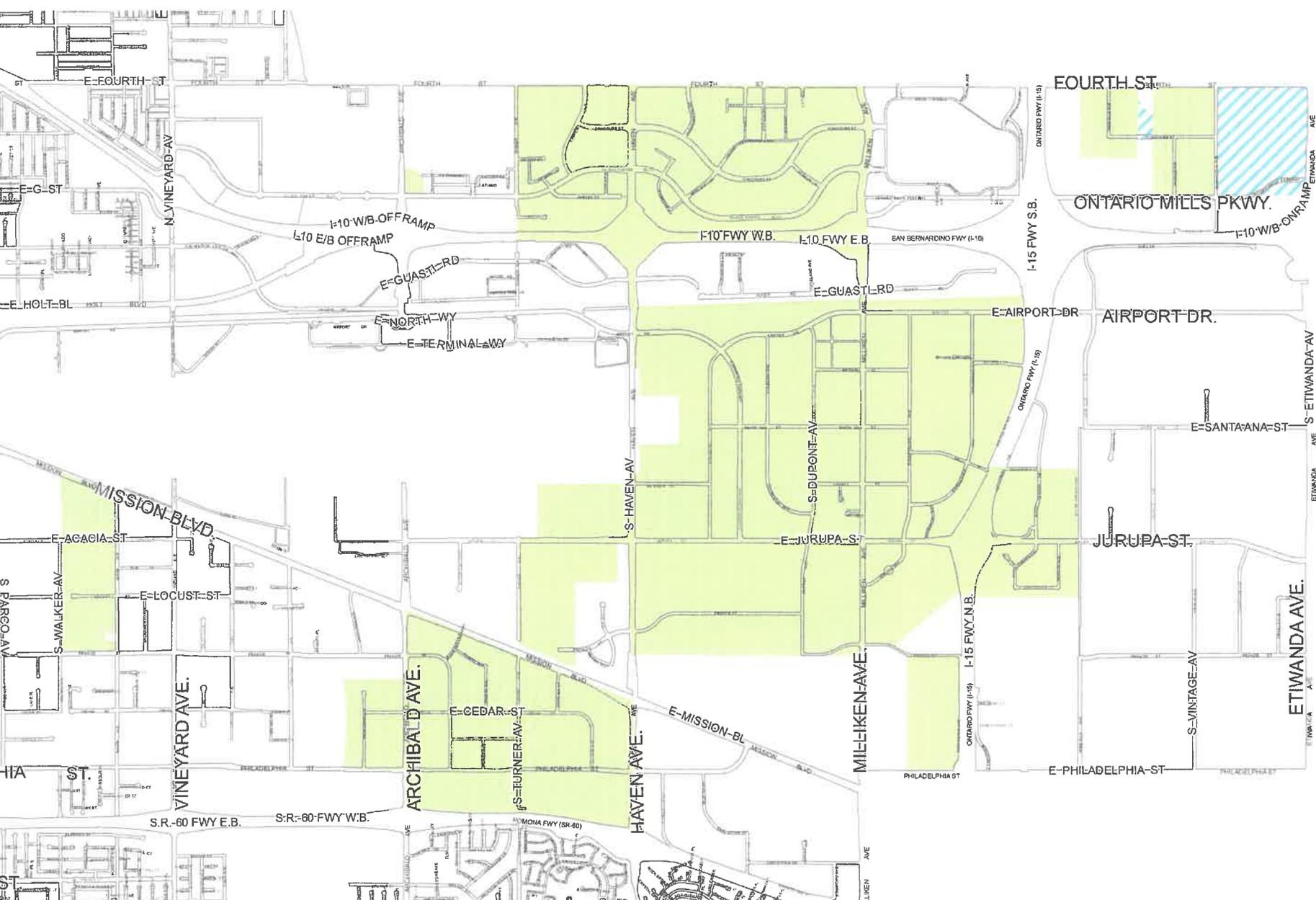
The total assessment during tax year 2018-19 was \$411,074 in SLMD No. 1, and \$99,577 in SLMD No. 2. The proposed total assessments for tax year 2019-20 are \$422,888 in SLMD No. 1, and \$102,365 in SLMD No. 2. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of this general benefit is \$9,067 for Fiscal Year 2019-20. The assessed tax rates for Fiscal Year 2018-19, and the proposed and maximum tax rates for Fiscal Year 2019-20, are as follows:

		Prior Year 2018-19	Proposed 2019-20	Maximum 2019-20
SLMD No. 1, Zone 2000-1	per AU	\$ 143	\$ 147	\$ 151
SLMD No. 1, Zone 2000-2	per AU	\$ 72	\$ 74	\$ 124
SLMD No. 2, MA# 99-1		\$ 4,427	\$ 4,551	\$ 10,753
SLMD No. 2, MA# 99-2		\$ 2,287	\$ 2,351	\$ 5,348
SLMD No. 2, MA# 99-3		\$ 4,569	\$ 4,697	\$ 8,911
SLMD No. 2, MA# 99-4		\$ 1,530	\$ 1,573	\$ 3,569
SLMD No. 2, MA# 99-5		\$ 1,397	\$ 1,436	\$ 3,346
SLMD No. 2, MA# 99-6		\$ 13,682	\$ 14,065	\$ 31,229
SLMD No. 2, MA# 99-7		\$ 411	\$ 422	\$ 966
SLMD No. 2, MA# 99-8		\$ 3,050	\$ 3,135	\$ 7,129
SLMD No. 2, MA# 00-1		\$ 2,918	\$ 3,000	\$ 3,281
SLMD No. 2, MA# 00-2		\$ 1,530	\$ 1,573	\$ 2,188
SLMD No. 2, MA# 00-3		\$ 8,368	\$ 8,602	\$ 12,029
SLMD No. 2, MA# 00-4		\$ 55,407	\$ 56,959	\$ 68,884

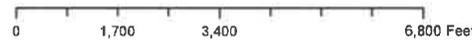
AU-Assessment Unit (e.g. – Zone 2000-1: 1 vacant acre = 0.25 AU; Zone 2000-2: 1 vacant acre = 1 AU)

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

A public hearing is required for each district prior to adoption of the proposed assessments. A combined public hearing will be held on July 16, 2019 for the purpose of accepting comments and written protests. At the conclusion of the public hearing, the City Council will consider adoption of resolutions confirming the assessments and ordering the levy of the assessments for tax year 2019-20. Notice of the public hearing for the levy of assessments will be published in the local newspaper, in accordance with the applicable statutes



Street Light Maintenance District 1 Vicinity Map



Legend

- Zone 2000-1 (Safety Light: 310; Cobrahead: 1361)
- Zone 2000-2 (Safety Light: 14; Cobrahead: 46)

Total Lights: 1731; Safety Lights: 324; Cobrahead: 1407



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

Date: 06/03/2019



Street Light Maintenance District 2 Vicinity Map

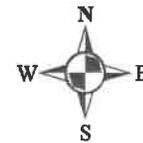


0 1,900 3,800 7,600 Feet

Legend

 Maintenance District 2

Total Lights: 142; Safety Lights: 18; Cobrahead: 124



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

Date: 05/31/2019

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2019-20.

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

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

(the "Districts"); and

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

WHEREAS, the proceedings for the annual levy of assessments shall relate to the Fiscal Year commencing July 1, 2019, and ending June 30, 2020; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

SECTION 2. That the maps entitled

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT "A"

**BOUNDARY AND INVENTORY MAPS FOR RESOLUTION
ORDERING THE PREPARATION OF AN ENGINEER'S
REPORT FOR STREET LIGHTING MAINTENANCE
ASSESSMENT DISTRICTS 1 AND 2**

are available for public review during
normal business hours at the
City Clerk's Department

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2019-20.

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

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

(the "Districts"); and

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019-20 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

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

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICT NO. 1

(hereinafter referred to as the District); and

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

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

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

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

REPORT

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

ASSESSMENT

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

DESCRIPTION OF MAINTENANCE

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

COUNTY AUDITOR

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

SPECIAL FUND

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

BOUNDARIES OF DISTRICT

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

PUBLIC HEARING

SECTION 9. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 16TH DAY OF JULY, 2019, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY PROPERTY OWNERS AFFECTED HEREBY AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019-20 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

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

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICT NO. 2

(the "District"); and

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

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

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

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

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

RECITALS

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

IMPROVEMENTS AND MAINTENANCE

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

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

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

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

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

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

ASSESSMENT ENGINEER'S REPORT

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

ASSESSMENT

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

BOUNDARIES OF DISTRICT

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

PUBLIC HEARING

SECTION 6. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 16TH DAY OF JULY, 2019, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY ANY INTERESTED PERSON AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

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

EFFECTIVE DATE OF RESOLUTION

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

PROCEEDING INQUIRIES

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$650,565 to fund City services and pay related district expenses.

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

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

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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

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

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2008-09 was the first year that this special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax, as approved by the property owners, beginning on July 1, 2010, and annually thereafter, the maximum annual tax rates shall be increased by an amount equal to 2% of the amount in effect the previous Fiscal Year. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The Fiscal Year 2018-19 tax rates and the maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Tax Rates

Land Use	Number of Units/Sq.Ft.	FY 2018-19 Tax Rates	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property					
Tax Zone 1	273	\$1,481.91 per Unit	\$1,511.55 per Unit	\$1,511.55 per Unit	\$412,653.15
Tax Zone 2	201	\$1,160.43 per Unit	\$1,183.64 per Unit	\$1,183.64 per Unit	\$237,911.64
Non-Residential Property	0	0.2868 per Sq.Ft.	\$0.2926 per Sq.Ft.	\$0.2926 per Sq.Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy					\$650,564.79

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	FY 2019-20 Tax Rates
Residential Property	
Tax Zone 1	\$1,511.55 per Unit
Tax Zone 2	\$1,183.64 per Unit
Non-Residential Property	\$0.2926 per Sq.Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS) FOR FISCAL YEAR 2019-20.

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 10 (Ontario Airport Towers) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$11,982 to fund City services and pay related district expenses.

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

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

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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

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

The special tax for City services is levied each fiscal year to fund services and administrative expenses as follows: police protection services, fire protection and rescue services and parkway and open space maintenance services; and all costs related to financing and administering the services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District.

The adoption of a resolution by the City Council is required annually to establish the special tax rate to be levied. Fiscal Year 2008-09 was the first year that the special tax for City services was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, beginning on July 1, 2008, and annually thereafter, the maximum annual Services Special tax rate shall be increased by an amount equal to the greater of (i) the increase, if any, in the Consumer Price Index for the Los Angeles-Riverside-Orange County¹ Area for All Urban Consumers, or (ii) 2% of the amount in effect the previous Fiscal Year. The assessed tax rate for Fiscal Year 2018-19, and the maximum and proposed tax rate for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Taxable Acreage	FY 2018-19 Tax Rate	FY 2019-20 Maximum Tax Rate	FY 2019-20 Proposed Tax Rate	FY 2019-20 Special Tax Levy
Taxable Property	25.08	\$ 612.93 per Acre	\$631.61 per Acre	\$477.79 per Acre	\$11,981.59
Total Fiscal Year 2019-20 Special Tax Levy					\$11,981.59

¹The Bureau of Labor Statistics has recommended using the Riverside-San Bernardino-Ontario index for Fiscal Year 2019-20 and thereafter.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATE
FOR FISCAL YEAR 2019-20**

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

Land Use	FY 2019-20 Tax Rates
Taxable Property	\$477.79 per Acre

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

CITY OF ONTARIO

Agenda Report

June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 (California Commerce Center - Phase IV) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to pay debt service on bonds issued to acquire public improvements and pay related district expenses will be generated in the amount of \$363,276. There is no General Fund impact from establishing the annual special tax.

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

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

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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the installation of new storm drain facilities to tie into the existing Lower Deer Creek storm drain system.

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

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

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, until the bonds mature in 2038. Fiscal Year 2008-09 was the first year that the special tax was levied. The assessed tax rates for Fiscal Year 2018-19, and the maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Number of Parcels	FY 2018-19 Tax Rates	Total Sq. Ft.	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Taxable Property:						
Industrial Property	6	\$ 0.1927 per Sq. Ft.	1,936,142	\$0.2111 per Sq. Ft.	\$0.1826 per Sq. Ft.	\$353,523.90
Commercial Property	1	\$10,272.18 per Parcel	N/A	\$11,275.00 per Parcel	\$9,752.36 per Parcel	\$9,752.36
Total Fiscal Year 2019-20 Special Tax Levy						\$363,276.26

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

SECTION 5. That the proceeds of the special tax shall be used only to pay

the following costs and expenses:

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

<u>Land Use</u>	<u>FY 2019-20 Tax Rates</u>
Taxable Property:	
Industrial Property	\$0.1826 per Sq. Ft.
Commercial Property	\$9,752.36 per Parcel

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$381,375 to fund City services and pay related district expenses.

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

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

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2017-18 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2015, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2018-19 Proposed Tax Rates	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property:					
Single Family Detached	226	\$ 1,622.59 per Unit	\$1,687.50 per Unit	\$1,687.50 per Unit	\$381,375.00
Multiple Family	0	\$ 1,406.17 per Unit	\$1,462.42 per Unit	\$1,462.42 per Unit	\$0.00
Gated Apartment Community	0	\$ 1,179.22 per Unit	\$1,226.39 per Unit	\$1,226.39 per Unit	\$0.00
Non-Residential Property	0	\$ 0.30 per Sq. Ft.	\$0.32 Per Sq. Ft.	\$0.32 per Sq. Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy					\$381,375.00

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	FY 2019-20 Tax Rates
Residential Property:	
Single Family Detached	\$1,687.50 per Unit
Multiple Family	\$1,462.42 per Unit
Gated Apartment Community	\$1,226.39 per Unit
Non-Residential Property	\$0.32 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 20 (Wal-Mart) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$33,024 to fund City services and pay related district expenses.

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

The District addresses the commercial development of approximately 16.28 acres located on the west side of Mountain Avenue, south of Sixth Street, and north of Fifth Street. The services authorized to be financed, in whole or in part, by District are as follows: (1) the operation and maintenance of the public street lighting facilities and appurtenances that serve the property and whose installation was identified as part of the project and (2) the maintenance and servicing of the landscaping and appurtenant improvements of the raised, landscaped median constructed by the landowner on Mountain Avenue between Fifth Street and Sixth Street.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rate to be levied. Fiscal Year 2014-15 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. Pursuant to the Rate and Method of Apportionment of Special Tax, as approved by the property owners, beginning on April 1, 2014, and annually thereafter, the maximum annual tax rates shall be increased by the greater of the Consumer Price Index for all urban consumers in the Riverside-San Bernardino-Ontario¹ area or the Southern California Edison LS-2 rate. The assessed tax rate for Fiscal Year 2018-19, and the maximum and proposed annual tax rate for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

<u>Land Use</u>	<u>Taxable Acreage</u>	<u>FY 2018-19 Tax Rate</u>	<u>FY 2019-20 Maximum Tax Rate</u>	<u>FY 2019-20 Proposed Tax Rate</u>	<u>FY 2019-20 Special Tax Levy</u>
Taxable Property	16.28	\$ 1,682.86 per Acre	\$2,765.36 per Acre	\$2,028.53 per Acre	\$33,024.44
Total Fiscal Year 2019-20 Special Tax Levy					\$33,024.44

¹The Bureau of Labor Statistics has recommended using the Riverside-San Bernardino-Ontario index for Fiscal Year 2019-20 and thereafter.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1882" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "Community Facilities District No. 20 of the City of Ontario (Wal-Mart)" (hereinafter referred to as "District"); and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATE
FOR FISCAL YEAR 2019-20**

Land Use	FY 2019-20 Tax Rate
Taxable Property	\$2,028.53 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 21 of the City of Ontario (Parkside) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$65,617 to fund City services and to pay related district expenses.

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

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

The services authorized to be financed, in whole or in part, by Community Facilities District No. 21 of the City of Ontario (Parkside) are as follows: (1) the operation and maintenance of the public street lighting facilities and appurtenances that serve the property and whose installation is identified in 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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2014-15 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, beginning on July 1, 2014, and annually thereafter, the maximum annual services special tax rate shall be increased by an amount equal to the greater of (i) the increase, if any, in the Consumer Price Index for the Los Angeles-Riverside-Orange County area for all urban consumers¹, or (ii) 2% of the amount in effect the previous Fiscal Year. As proposed, the rates for Fiscal Year 2019-20 reflect a 2.8% increase from the rates adopted for Fiscal Year 2018-19. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2018-19, and the maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Number of Units	FY 2018-19 Tax Rates	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Detached Property	150	\$237.26 per Unit	\$243.90 per Unit	\$243.90 per Unit	\$36,585.00
Attached Property	152	\$185.80 per Unit	\$191.00 per Unit	\$191.00 per Unit	\$29,032.00
Total Fiscal Year 2019-20 Special Tax Levy					\$65,617.00

¹The Bureau of Labor Statistics has recommended using the Riverside-San Bernardino-Ontario index for Fiscal Year 2019-20 and thereafter.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	FY 2019-20 Tax Rates
Detached Property	\$243.90 per Unit
Attached Property	\$191.00 per Unit

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 23 (Park Place Services) for Fiscal Year 2019-20.

COUNCIL GOALS: Maintain the Current High Level of Public Safety

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$1,701,000 to fund City services and to pay related district expenses.

BACKGROUND: On February 4, 2014, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 23 ("District") with the adoption of Resolution No. 2014-003, declaring the City's intention to establish the District and to authorize the levy of special taxes. On March 18, 2014, the City Council adopted Resolution No. 2014-019 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 2988 on April 1, 2014, authorizing the levy of special taxes in the District to finance City services related to the Park Place project. Subsequently on November 7, 2017, the City Council, in accordance with the Mello-Roos Act, took the initial steps to annex territory to the Community Facilities District No. 23 ("District") with the adoption of Resolution No. 2017-129. On December 19, 2017, the City Council adopted Resolution No. 2017-151 annexing the additional territory. Upon successful property owner election, the City Council adopted Ordinance No. 3087 on January 16, 2018, authorizing the levy of special taxes within the additional territory in the District.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The District addresses the residential development of approximately 344 acres located north of Parkview Street, generally south of Eucalyptus Avenue, east of Celebration Avenue, and generally west of Haven Avenue. At build-out, the development will include 1,429 detached residential units.

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

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. The Fiscal Year 2015-16 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2015, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2018-19, and the maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2018-19 Tax Rates	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property:					
Single Family Detached	1,008	\$1,622.59 per Unit	\$1,687.50 per Unit	\$1,687.50 per Unit	\$1,701,000.00
Multiple Family	0	\$1,406.17 per Unit	\$1,462.42 per Unit	\$1,462.42 per Unit	\$0.00
Gated Apartment Community	0	\$1,179.22 per Unit	\$1,226.39 per Unit	\$1,226.39 per Unit	\$0.00
Non-Residential Property	0	\$0.30 per Sq. Ft.	\$0.3163 Per Sq. Ft.	\$0.3163 per Sq. Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy					\$1,701,000.00

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2988 and Ordinance No. 3087 (together, the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

<u>Land Use</u>	<u>FY 2019-20 Tax Rates</u>
Residential Property:	
Single Family Detached	\$1,687.50 per Unit
Multiple Family	\$1,462.42 per Unit
Gated Apartment Community	\$1,226.39 per Unit
Non-Residential Property	\$0.3163 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$1,070,961. There is no General Fund impact from establishing the annual special tax.

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

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

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2015-16 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	FY 2018-19 Tax Rates	Number of Units / Acres	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:						
Residential Property	<1,601	\$1,586.37 per Unit	0	\$1,713.00 per Unit	\$1,587.41 per Unit	\$0.00
Residential Property	1,601-1,700	\$1,682.68 per Unit	17	\$1,817.00 per Unit	\$1,683.79 per Unit	\$28,624.43
Residential Property	1,701-1,800	\$1,763.25 per Unit	14	\$1,904.00 per Unit	\$1,764.41 per Unit	\$24,701.74
Residential Property	1,801-1,900	\$1,839.19 per Unit	14	\$1,986.00 per Unit	\$1,840.40 per Unit	\$25,765.60
Residential Property	1,901-2,000	\$1,943.84 per Unit	15	\$2,099.00 per Unit	\$1,945.11 per Unit	\$29,176.65
Residential Property	2,001-2,100	\$1,951.25 per Unit	0	\$2,107.00 per Unit	\$1,952.52 per Unit	\$0.00
Residential Property	2,101-2,200	\$2,045.71 per Unit	38	\$2,209.00 per Unit	\$2,047.05 per Unit	\$77,787.90
Residential Property	2,201-2,300	\$2,108.68 per Unit	8	\$2,277.00 per Unit	\$2,110.06 per Unit	\$16,880.48
Residential Property	2,301-2,400	\$2,209.62 per Unit	35	\$2,386.00 per Unit	\$2,211.07 per Unit	\$77,387.45
Residential Property	2,401-2,500	\$2,278.15 per Unit	56	\$2,460.00 per Unit	\$2,279.64 per Unit	\$127,659.84
Residential Property	2,501-2,600	\$2,380.95 per Unit	12	\$2,571.00 per Unit	\$2,382.51 per Unit	\$28,590.12
Residential Property	2,601-2,700	\$2,482.82 per Unit	21	\$2,681.00 per Unit	\$2,484.44 per Unit	\$52,173.24
Residential Property	2,701-2,800	\$2,527.27 per Unit	8	\$2,729.00 per Unit	\$2,528.92 per Unit	\$20,231.36
Residential Property	2,801-2,900	\$2,577.28 per Unit	23	\$2,783.00 per Unit	\$2,578.96 per Unit	\$59,316.08
Residential Property	2,901-3,000	\$2,662.48 per Unit	15	\$2,875.00 per Unit	\$2,664.22 per Unit	\$39,963.30
Residential Property	3,001-3,100	\$2,781.01 per Unit	38	\$3,003.00 per Unit	\$2,782.83 per Unit	\$105,747.54
Residential Property	3,101-3,200	\$2,881.96 per Unit	7	\$3,112.00 per Unit	\$2,883.84 per Unit	\$20,186.88
Residential Property	3,201-3,300	\$2,893.07 per Unit	40	\$3,124.00 per Unit	\$2,894.96 per Unit	\$115,798.40
Residential Property	3,301-3,400	\$2,968.08 per Unit	0	\$3,205.00 per Unit	\$2,970.02 per Unit	\$0.00
Residential Property	3,401-3,500	\$3,056.99 per Unit	27	\$3,301.00 per Unit	\$3,058.99 per Unit	\$82,592.73
Residential Property	3,501-3,600	\$3,171.82 per Unit	16	\$3,425.00 per Unit	\$3,173.89 per Unit	\$50,782.24
Residential Property	3,601-3,700	\$3,202.38 per Unit	0	\$3,458.00 per Unit	\$3,204.47 per Unit	\$0.00
Residential Property	3,701-3,800	\$3,280.17 per Unit	0	\$3,542.00 per Unit	\$3,282.32 per Unit	\$0.00
Residential Property	3,801-3,900	\$3,358.89 per Unit	0	\$3,627.00 per Unit	\$3,361.08 per Unit	\$0.00
Residential Property	3,901-4,000	\$3,501.50 per Unit	25	\$3,781.00 per Unit	\$3,503.79 per Unit	\$87,594.75
Residential Property	>4,000	\$3,514.47 per Unit	0	\$3,795.00 per Unit	\$3,516.77 per Unit	\$0.00
Tract No.						
Non-Residential Property	18075	\$28,008.32 per Acre	0.00	\$30,244.00 per Acre	\$28,026.64 per Acre	\$0.00
Non-Residential Property	18076	\$26,297.86 per Acre	0.00	\$28,397.00 per Acre	\$26,315.06 per Acre	\$0.00
Non-Residential Property	18077	\$21,183.12 per Acre	0.00	\$22,874.00 per Acre	\$21,196.98 per Acre	\$0.00
Non-Residential Property	18078	\$24,214.18 per Acre	0.00	\$26,147.00 per Acre	\$24,230.02 per Acre	\$0.00
Non-Residential Property	18079	\$27,625.85 per Acre	0.00	\$29,831.00 per Acre	\$27,643.92 per Acre	\$0.00
Non-Residential Property	18080	\$28,541.74 per Acre	0.00	\$30,820.00 per Acre	\$28,560.41 per Acre	\$0.00
Non-Residential Property	18913-1	\$32,079.36 per Acre	0.00	\$34,640.00 per Acre	\$32,100.35 per Acre	\$0.00
Non-Residential Property	18945	\$32,079.36 per Acre	0.00	\$34,640.00 per Acre	\$32,100.35 per Acre	\$0.00
Final Mapped Property	18075	\$0.00 per Acre	0.00	\$32,771.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18076	\$0.00 per Acre	0.00	\$31,193.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18077	\$0.00 per Acre	0.00	\$24,756.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18078	\$0.00 per Acre	0.00	\$28,780.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18079	\$0.00 per Acre	0.00	\$32,255.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18080	\$0.00 per Acre	0.26	\$33,625.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18945	\$0.00 per Acre	0.00	\$36,156.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18075	\$0.00 per Acre	0.00	\$32,771.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18076	\$0.00 per Acre	0.00	\$31,193.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18077	\$0.00 per Acre	0.00	\$24,756.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18078	\$0.00 per Acre	0.00	\$28,780.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18079	\$0.00 per Acre	0.00	\$32,255.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18080	\$0.00 per Acre	0.00	\$33,625.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18945	\$0.00 per Acre	0.00	\$36,156.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy						\$1,070,960.73

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES – PHASE I), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates
Developed Property:		
Residential Property	<1,601	\$1,587.41 per Unit
Residential Property	1,601-1,700	\$1,683.79 per Unit
Residential Property	1,701-1,800	\$1,764.41 per Unit
Residential Property	1,801-1,900	\$1,840.40 per Unit
Residential Property	1,901-2,000	\$1,945.11 per Unit
Residential Property	2,001-2,100	\$1,952.52 per Unit
Residential Property	2,101-2,200	\$2,047.05 per Unit
Residential Property	2,201-2,300	\$2,110.06 per Unit
Residential Property	2,301-2,400	\$2,211.07 per Unit
Residential Property	2,401-2,500	\$2,279.64 per Unit
Residential Property	2,501-2,600	\$2,382.51 per Unit
Residential Property	2,601-2,700	\$2,484.44 per Unit
Residential Property	2,701-2,800	\$2,528.92 per Unit
Residential Property	2,801-2,900	\$2,578.96 per Unit
Residential Property	2,901-3,000	\$2,664.22 per Unit
Residential Property	3,001-3,100	\$2,782.83 per Unit
Residential Property	3,101-3,200	\$2,883.84 per Unit
Residential Property	3,201-3,300	\$2,894.96 per Unit
Residential Property	3,301-3,400	\$2,970.02 per Unit
Residential Property	3,401-3,500	\$3,058.99 per Unit
Residential Property	3,501-3,600	\$3,173.89 per Unit
Residential Property	3,601-3,700	\$3,204.47 per Unit
Residential Property	3,701-3,800	\$3,282.32 per Unit
Residential Property	3,801-3,900	\$3,361.08 per Unit
Residential Property	3,901-4,000	\$3,503.79 per Unit
Residential Property	>4,000	\$3,516.77 per Unit

	<u>Tract No.</u>	
Non-Residential Property	18075	\$28,026.64 per Acre
Non-Residential Property	18076	\$26,315.06 per Acre
Non-Residential Property	18077	\$21,196.98 per Acre
Non-Residential Property	18078	\$24,230.02 per Acre
Non-Residential Property	18079	\$27,643.92 per Acre
Non-Residential Property	18080	\$28,560.41 per Acre
Non-Residential Property	18913-1	\$32,100.35 per Acre
Non-Residential Property	18945	\$32,100.35 per Acre
Final Mapped Property	18075	\$0.00 per Acre
Final Mapped Property	18076	\$0.00 per Acre
Final Mapped Property	18077	\$0.00 per Acre
Final Mapped Property	18078	\$0.00 per Acre
Final Mapped Property	18079	\$0.00 per Acre
Final Mapped Property	18080	\$0.00 per Acre
Final Mapped Property	18945	\$0.00 per Acre
Undeveloped Property	18075	\$0.00 per Acre
Undeveloped Property	18076	\$0.00 per Acre
Undeveloped Property	18077	\$0.00 per Acre
Undeveloped Property	18078	\$0.00 per Acre
Undeveloped Property	18079	\$0.00 per Acre
Undeveloped Property	18080	\$0.00 per Acre
Undeveloped Property	18945	\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to acquire public improvements; and to pay related district expenses, will be generated in the amount of \$610,320. There is no General Fund impact from establishing the annual special tax.

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

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

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2017-18 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres.	FY 2018-19 Tax Rates	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:						
Residential Property	<1,701	0	\$1,691.00 per Unit	\$1,691.00 per Unit	\$1,691.00 per Unit	\$0.00
Residential Property	1,701-1,800	0	\$1,806.00 per Unit	\$1,806.00 per Unit	\$1,806.00 per Unit	\$0.00
Residential Property	1,801-1,900	0	\$1,911.00 per Unit	\$1,911.00 per Unit	\$1,911.00 per Unit	\$0.00
Residential Property	1,901-2,000	0	\$1,999.00 per Unit	\$1,999.00 per Unit	\$1,999.00 per Unit	\$0.00
Residential Property	2,001-2,100	0	\$2,078.00 per Unit	\$2,078.00 per Unit	\$2,078.00 per Unit	\$0.00
Residential Property	2,101-2,200	0	\$2,297.00 per Unit	\$2,297.00 per Unit	\$2,297.00 per Unit	\$0.00
Residential Property	2,201-2,300	21	\$2,332.00 per Unit	\$2,332.00 per Unit	\$2,332.00 per Unit	\$48,972.00
Residential Property	2,301-2,400	21	\$2,442.00 per Unit	\$2,442.00 per Unit	\$2,442.00 per Unit	\$51,282.00
Residential Property	2,401-2,500	77	\$2,525.00 per Unit	\$2,525.00 per Unit	\$2,525.00 per Unit	\$194,425.00
Residential Property	2,501-2,600	0	\$2,586.00 per Unit	\$2,586.00 per Unit	\$2,586.00 per Unit	\$0.00
Residential Property	2,601-2,700	20	\$2,714.00 per Unit	\$2,714.00 per Unit	\$2,714.00 per Unit	\$54,280.00
Residential Property	2,701-2,800	30	\$2,732.00 per Unit	\$2,732.00 per Unit	\$2,732.00 per Unit	\$81,960.00
Residential Property	2,801-2,900	29	\$2,883.00 per Unit	\$2,883.00 per Unit	\$2,883.00 per Unit	\$83,607.00
Residential Property	2,901-3,000	0	\$2,885.00 per Unit	\$2,885.00 per Unit	\$2,885.00 per Unit	\$0.00
Residential Property	3,001-3,100	29	\$2,966.00 per Unit	\$2,966.00 per Unit	\$2,966.00 per Unit	\$86,014.00
Residential Property	3,101-3,200	0	\$2,999.00 per Unit	\$2,999.00 per Unit	\$2,999.00 per Unit	\$0.00
Residential Property	>3,200	0	\$3,113.00 per Unit	\$3,113.00 per Unit	\$3,113.00 per Unit	\$0.00
	<u>Tract No.</u>					
Non-Residential Property	18266	0.00	\$30,188.00 per Acre	\$30,188.00 per Acre	\$30,188.00 per Acre	\$0.00
Non-Residential Property	18267	0.00	\$28,339.00 per Acre	\$28,339.00 per Acre	\$28,339.00 per Acre	\$0.00
Non-Residential Property	18977-78	0.00	\$31,412.00 per Acre	\$31,412.00 per Acre	\$31,412.00 per Acre	\$0.00
Final Mapped Property	18266	0.00	\$0.00 per Acre	\$30,188.00 per Acre	\$3,885.45 per Acre	\$0.00
Final Mapped Property	18267	0.00	\$0.00 per Acre	\$28,339.00 per Acre	\$3,647.47 per Acre	\$0.00
Final Mapped Property	18977-78	2.42	\$0.00 per Acre	\$31,412.00 per Acre	\$4,042.99 per Acre	\$9,779.95
Undeveloped Property	18266	0.00	\$0.00 per Acre	\$30,188.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18267	0.00	\$0.00 per Acre	\$28,339.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18977-78	0.00	\$0.00 per Acre	\$31,412.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy						\$610,319.95

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"
CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II)
SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20

<u>Land Use</u>	<u>Residential Floor Area (Sq. Ft.)</u>	<u>FY 2019-20 Tax Rates</u>
Developed Property:		
Residential Property	<1,701	\$1,691.00 per Unit
Residential Property	1,701-1,800	\$1,806.00 per Unit
Residential Property	1,801-1,900	\$1,911.00 per Unit
Residential Property	1,901-2,000	\$1,999.00 per Unit
Residential Property	2,001-2,100	\$2,078.00 per Unit
Residential Property	2,101-2,200	\$2,297.00 per Unit
Residential Property	2,201-2,300	\$2,332.00 per Unit
Residential Property	2,301-2,400	\$2,442.00 per Unit
Residential Property	2,401-2,500	\$2,525.00 per Unit
Residential Property	2,501-2,600	\$2,586.00 per Unit
Residential Property	2,601-2,700	\$2,714.00 per Unit
Residential Property	2,701-2,800	\$2,732.00 per Unit
Residential Property	2,801-2,900	\$2,883.00 per Unit
Residential Property	2,901-3,000	\$2,885.00 per Unit
Residential Property	3,001-3,100	\$2,966.00 per Unit
Residential Property	3,101-3,200	\$2,999.00 per Unit
Residential Property	>3,200	\$3,113.00 per Unit
	<u>Tract No.</u>	
Non-Residential Property	18266	\$30,188.00 per Acre
Non-Residential Property	18267	\$28,339.00 per Acre
Non-Residential Property	18977-78	\$31,412.00 per Acre
Final Mapped Property	18266	\$3,885.45 per Acre
Final Mapped Property	18267	\$3,647.47 per Acre
Final Mapped Property	18977-78	\$4,042.99 per Acre
Undeveloped Property	18266	\$0.00 per Acre
Undeveloped Property	18267	\$0.00 per Acre
Undeveloped Property	18977-78	\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to acquire public improvements and pay related district expenses will be generated in the amount of \$627,666. There is no General Fund impact from establishing the annual special tax.

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

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

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2018-19 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Tax Rates	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:						
Residential Property	<1,701	0	\$ 1,937.00 per Unit	\$1,937.00 per Unit	\$1,937.00 per Unit	\$0.00
Residential Property	1,701-1,800	22	\$ 2,034.00 per Unit	\$2,034.00 per Unit	\$2,034.00 per Unit	\$44,748.00
Residential Property	1,801-1,900	25	\$ 2,147.00 per Unit	\$2,147.00 per Unit	\$2,147.00 per Unit	\$53,675.00
Residential Property	1,901-2,000	23	\$ 2,331.00 per Unit	\$2,331.00 per Unit	\$2,331.00 per Unit	\$53,613.00
Residential Property	2,001-2,100	41	\$ 2,375.00 per Unit	\$2,375.00 per Unit	\$2,375.00 per Unit	\$97,375.00
Residential Property	2,101-2,200	1	\$ 2,401.00 per Unit	\$2,401.00 per Unit	\$2,401.00 per Unit	\$2,401.00
Residential Property	2,201-2,300	48	\$ 2,480.00 per Unit	\$2,480.00 per Unit	\$2,480.00 per Unit	\$119,040.00
Residential Property	2,301-2,400	12	\$ 2,674.00 per Unit	\$2,674.00 per Unit	\$2,674.00 per Unit	\$32,088.00
Residential Property	2,401-2,500	0	\$ 2,718.00 per Unit	\$2,718.00 per Unit	\$2,718.00 per Unit	\$0.00
Residential Property	2,501-2,600	15	\$ 2,793.00 per Unit	\$2,793.00 per Unit	\$2,793.00 per Unit	\$41,895.00
Residential Property	2,601-2,700	16	\$ 2,863.00 per Unit	\$2,863.00 per Unit	\$2,863.00 per Unit	\$45,808.00
Residential Property	2,701-2,800	0	\$ 3,025.00 per Unit	\$3,025.00 per Unit	\$3,025.00 per Unit	\$0.00
Residential Property	2,801-2,900	0	\$ 3,122.00 per Unit	\$3,122.00 per Unit	\$3,122.00 per Unit	\$0.00
Residential Property	2,901-3,000	0	\$ 3,227.00 per Unit	\$3,227.00 per Unit	\$3,227.00 per Unit	\$0.00
Residential Property	3,001-3,100	0	\$ 3,324.00 per Unit	\$3,324.00 per Unit	\$3,324.00 per Unit	\$0.00
Residential Property	3,101-3,200	0	\$ 3,420.00 per Unit	\$3,420.00 per Unit	\$3,420.00 per Unit	\$0.00
Residential Property	>3,200	0	\$ 3,517.00 per Unit	\$3,517.00 per Unit	\$3,517.00 per Unit	\$0.00
	<u>Tract No.</u>					
Non-Residential Property	18073	0.00	\$41,577.00 per Acre	\$41,577.00 per Acre	\$41,577.00 per Acre	\$0.00
Non-Residential Property	18074	0.00	\$55,099.00 per Acre	\$55,099.00 per Acre	\$55,099.00 per Acre	\$0.00
Non-Residential Property	18998	0.00	\$35,217.00 per Acre	\$35,217.00 per Acre	\$35,217.00 per Acre	\$0.00
Final Mapped Property	18073	3.25	\$ - Per Acre	\$41,577.00 per Acre	\$37,589.36 per Acre	\$122,090.29
Final Mapped Property	18074	0.00	\$ - Per Acre	\$55,099.00 per Acre	\$49,814.47 per Acre	\$0.00
Final Mapped Property	18998	0.47	\$ - Per Acre	\$35,217.00 per Acre	\$31,839.35 per Acre	\$14,932.65
Undeveloped Property	18073	0.00	\$ - Per Acre	\$41,577.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18074	0.80	\$ - Per Acre	\$55,099.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18998	2.17	\$ - Per Acre	\$35,217.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy						\$627,665.94

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

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

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Proposed Tax Rates
Developed Property:		
Residential Property	<1,701	\$1,937.00 per Unit
Residential Property	1,701-1,800	\$2,034.00 per Unit
Residential Property	1,801-1,900	\$2,147.00 per Unit
Residential Property	1,901-2,000	\$2,331.00 per Unit
Residential Property	2,001-2,100	\$2,375.00 per Unit
Residential Property	2,101-2,200	\$2,401.00 per Unit
Residential Property	2,201-2,300	\$2,480.00 per Unit
Residential Property	2,301-2,400	\$2,674.00 per Unit
Residential Property	2,401-2,500	\$2,718.00 per Unit
Residential Property	2,501-2,600	\$2,793.00 per Unit
Residential Property	2,601-2,700	\$2,863.00 per Unit
Residential Property	2,701-2,800	\$3,025.00 per Unit
Residential Property	2,801-2,900	\$3,122.00 per Unit
Residential Property	2,901-3,000	\$3,227.00 per Unit
Residential Property	3,001-3,100	\$3,324.00 per Unit
Residential Property	3,101-3,200	\$3,420.00 per Unit
Residential Property	>3,200	\$3,517.00 per Unit
	<u>Tract No.</u>	
Non-Residential Property	18073	\$41,577.00 per Acre
Non-Residential Property	18074	\$55,099.00 per Acre
Non-Residential Property	18998	\$35,217.00 per Acre
Final Mapped Property	18073	\$37,589.36 per Acre
Final Mapped Property	18074	\$49,814.47 per Acre
Final Mapped Property	18998	\$31,839.35 per Acre
Undeveloped Property	18073	\$0.00 per Acre
Undeveloped Property	18074	\$0.00 per Acre
Undeveloped Property	18998	\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 27 (New Haven Services) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$1,598,478 to fund City services and to pay related district expenses.

BACKGROUND: On May 6, 2014, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 27 ("District") with the adoption of Resolution No. 2014-035, declaring the City's intention to establish the District and to authorize the levy of special taxes. On June 17, 2014, the City Council adopted Resolution No. 2014-061, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 2993 on July 1, 2014, authorizing the levy of special taxes in the District to finance City services related to the New Haven residential project. Subsequently on October 2, 2018, the City Council, in accordance with the Mello-Roos Act, took the initial steps to annex territory to the Community Facilities District No. 27 ("District") with the adoption of Resolution No. 2018-132. On November 06, 2018, the City Council adopted Resolution No. 2018-151 annexing the additional territory. Upon successful property owner election, the City Council adopted Ordinance No. 3119 on November 20, 2018, authorizing the levy of special taxes within the additional territory in the District.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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

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

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2015-16 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2015, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2018-19 Tax Rates	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property:					
Single Family Detached	572	\$1,622.59 per Unit	\$1,687.50 per Unit	\$1,687.50 per Unit	\$965,250.00
Multiple Family	433	\$1,406.17 per Unit	\$1,462.42 per Unit	\$1,462.42 per Unit	\$633,227.86
Gated Apartment Community	0	\$1,179.22 per Unit	\$1,226.39 per Unit	\$1,226.39 per Unit	\$0.00
Non-Residential Property	0	\$0.30 per Sq. Ft.	\$0.3163 per Sq. Ft.	\$0.3163 per Sq. Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy					\$1,598,477.86

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

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

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2993 and Ordinance No. 3119 (together, the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

<u>Land Use</u>	<u>FY 2019-20 Tax Rates</u>
Residential Property:	
Single Family Detached	\$1,687.50 per Unit
Multiple Family	\$1,462.42 per Unit
Gated Apartment Community	\$1,226.39 per Unit
Non-Residential Property	\$0.3163 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$642,015. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On September 15, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 28 ("District") with the adoption of Resolution No. 2015-098, declaring the City's intention to establish the District and to authorize the levy of special taxes. On October 20, 2015, the City Council adopted Resolution No. 2015-111, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3031 on November 3, 2015, authorizing the levy of special taxes for the District to finance public improvements related to the New Haven Area A project.

The District addresses the development of approximately 53 acres located generally east of Turner Avenue, west of Haven Avenue, south of Schaefer Avenue, and north of Ontario Ranch Road (formerly

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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Edison Avenue). At build-out, the residential development will include 240 detached and 92 attached residential units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2016-17 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Tax Rates	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:						
Single Family Detached Property	<1,701	0	\$1,725.00 per Unit	\$1,725.00 per Unit	\$1,693.93 per Unit	\$0.00
Single Family Detached Property	1,701-1,900	28	\$1,818.00 per Unit	\$1,818.00 per Unit	\$1,785.25 per Unit	\$49,987.00
Single Family Detached Property	1,901-2,100	54	\$2,005.00 per Unit	\$2,005.00 per Unit	\$1,968.89 per Unit	\$106,320.06
Single Family Detached Property	2,101-2,300	56	\$2,201.00 per Unit	\$2,201.00 per Unit	\$2,161.36 per Unit	\$121,036.16
Single Family Detached Property	2,301-2,500	0	\$2,354.00 per Unit	\$2,354.00 per Unit	\$2,311.60 per Unit	\$0.00
Single Family Detached Property	2,501-2,700	22	\$2,501.00 per Unit	\$2,501.00 per Unit	\$2,455.95 per Unit	\$54,030.90
Single Family Detached Property	2,701-2,900	13	\$2,694.00 per Unit	\$2,694.00 per Unit	\$2,645.48 per Unit	\$34,391.24
Single Family Detached Property	2,901-3,100	0	\$2,769.00 per Unit	\$2,769.00 per Unit	\$2,719.12 per Unit	\$0.00
Single Family Detached Property	3,101-3,300	27	\$2,910.00 per Unit	\$2,910.00 per Unit	\$2,857.58 per Unit	\$77,154.66
Single Family Detached Property	3,301-3,500	13	\$3,083.00 per Unit	\$3,083.00 per Unit	\$3,027.47 per Unit	\$39,357.11
Single Family Detached Property	3,501-3,700	14	\$3,184.00 per Unit	\$3,184.00 per Unit	\$3,126.65 per Unit	\$43,773.10
Single Family Detached Property	3,701-3,900	0	\$3,323.00 per Unit	\$3,323.00 per Unit	\$3,263.15 per Unit	\$0.00
Single Family Detached Property	3,901-4,100	0	\$3,462.00 per Unit	\$3,462.00 per Unit	\$3,399.64 per Unit	\$0.00
Single Family Detached Property	4,101-4,300	0	\$3,600.00 per Unit	\$3,600.00 per Unit	\$3,535.16 per Unit	\$0.00
Single Family Detached Property	4,301-4,500	0	\$3,739.00 per Unit	\$3,739.00 per Unit	\$3,671.65 per Unit	\$0.00
Single Family Detached Property	4,501-4,700	0	\$3,877.00 per Unit	\$3,877.00 per Unit	\$3,807.17 per Unit	\$0.00
Single Family Detached Property	>4,700	0	\$4,016.00 per Unit	\$4,016.00 per Unit	\$3,943.66 per Unit	\$0.00
Single Family Attached Property	<801	0	\$773.00 per Unit	\$773.00 per Unit	\$759.08 per Unit	\$0.00
Single Family Attached Property	801-950	0	\$854.00 per Unit	\$854.00 per Unit	\$838.62 per Unit	\$0.00
Single Family Attached Property	951-1,100	26	\$896.00 per Unit	\$896.00 per Unit	\$879.86 per Unit	\$22,876.36
Single Family Attached Property	1,101-1,300	0	\$1,098.00 per Unit	\$1,098.00 per Unit	\$1,078.22 per Unit	\$0.00
Single Family Attached Property	1,301-1,500	13	\$1,260.00 per Unit	\$1,260.00 per Unit	\$1,237.30 per Unit	\$16,084.90
Single Family Attached Property	1,501-1,700	26	\$1,422.00 per Unit	\$1,422.00 per Unit	\$1,396.39 per Unit	\$36,306.14
Single Family Attached Property	1,701-1,900	26	\$1,594.00 per Unit	\$1,594.00 per Unit	\$1,565.29 per Unit	\$40,697.54
Single Family Attached Property	1,901-2,100	0	\$1,747.00 per Unit	\$1,747.00 per Unit	\$1,715.53 per Unit	\$0.00
Single Family Attached Property	2,101-2,300	0	\$1,910.00 per Unit	\$1,910.00 per Unit	\$1,875.60 per Unit	\$0.00
Single Family Attached Property	>2,300	0	\$2,072.00 per Unit	\$2,072.00 per Unit	\$2,034.68 per Unit	\$0.00
Other Residential Property		0.00	\$32,777.00 per Acre	\$32,777.00 per Acre	\$32,186.61 per Acre	\$0.00
Non-Residential Property		0.00	\$32,777.00 per Acre	\$32,777.00 per Acre	\$32,186.61 per Acre	\$0.00
Final Mapped Property		1.76	\$10,418.31 per Acre	\$32,777.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		0.00	\$32,777.00 per Acre	\$32,777.00 per Acre	\$32,777.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy						\$642,015.17

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 28 (NEW HAVEN FACILITIES – AREA A) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3031 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 28 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 28 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)**

SPECIAL TAX RATES FOR FISCAL YEAR 2019-20

<u>Land Use</u>	<u>Residential Floor Area (Sq. Ft.)</u>	<u>FY 2019-20 Tax Rates</u>
Developed Property:		
Single Family Detached Property	<1,701	\$1,693.93 per Unit
Single Family Detached Property	1,701-1,900	\$1,785.25 per Unit
Single Family Detached Property	1,901-2,100	\$1,968.89 per Unit
Single Family Detached Property	2,101-2,300	\$2,161.36 per Unit
Single Family Detached Property	2,301-2,500	\$2,311.60 per Unit
Single Family Detached Property	2,501-2,700	\$2,455.95 per Unit
Single Family Detached Property	2,701-2,900	\$2,645.48 per Unit
Single Family Detached Property	2,901-3,100	\$2,719.12 per Unit
Single Family Detached Property	3,101-3,300	\$2,857.58 per Unit
Single Family Detached Property	3,301-3,500	\$3,027.47 per Unit
Single Family Detached Property	3,501-3,700	\$3,126.65 per Unit
Single Family Detached Property	3,701-3,900	\$3,263.15 per Unit
Single Family Detached Property	3,901-4,100	\$3,399.64 per Unit
Single Family Detached Property	4,101-4,300	\$3,535.16 per Unit
Single Family Detached Property	4,301-4,500	\$3,671.65 per Unit
Single Family Detached Property	4,501-4,700	\$3,807.17 per Unit
Single Family Detached Property	>4,700	\$3,943.66 per Unit
Single Family Attached Property	<801	\$759.08 per Unit
Single Family Attached Property	801-950	\$838.62 per Unit
Single Family Attached Property	951-1,100	\$879.86 per Unit
Single Family Attached Property	1,101-1,300	\$1,078.22 per Unit
Single Family Attached Property	1,301-1,500	\$1,237.30 per Unit
Single Family Attached Property	1,501-1,700	\$1,396.39 per Unit
Single Family Attached Property	1,701-1,900	\$1,565.29 per Unit
Single Family Attached Property	1,901-2,100	\$1,715.53 per Unit
Single Family Attached Property	2,101-2,300	\$1,875.60 per Unit
Single Family Attached Property	>2,300	\$2,034.68 per Unit
Other Residential Property		\$32,186.61 per Acre
Non-Residential Property		\$32,186.61 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$32,777.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 30 (New Haven Facilities - Area B) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to pay debt service on bonds issued to acquire public improvements and pay related district expenses will be generated in the amount of \$879,440. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On May 17, 2016, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 30 ("District") with the adoption of Resolution No. 2016-034, declaring the City's intention to establish the District and to authorize the levy of special taxes. On August 16, 2016, the City Council adopted Resolution No. 2016-084, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3057 on September 6, 2016, authorizing the levy of special taxes for the District to finance public improvements related to the New Haven - Area B project.

The District addresses the development of approximately 58 acres located generally east of Turner Avenue, west of Haven Avenue, south of Schaefer Avenue, and north of Ontario Ranch Road (formerly Edison Avenue). At build-out, the residential development will include 346 detached and 98 attached residential units.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2017-18 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Tax Rates	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:						
Single Family Detached Property	<1,701	0	\$ 1,660.00 per Unit	\$1,660.00 per Unit	\$1,660.00 per Unit	\$0.00
Single Family Detached Property	1,701-1,900	6	\$ 1,837.00 per Unit	\$1,837.00 per Unit	\$1,837.00 per Unit	\$11,022.00
Single Family Detached Property	1,901-2,100	48	\$ 1,896.00 per Unit	\$1,896.00 per Unit	\$1,896.00 per Unit	\$91,008.00
Single Family Detached Property	2,101-2,300	91	\$ 2,053.00 per Unit	\$2,053.00 per Unit	\$2,053.00 per Unit	\$186,823.00
Single Family Detached Property	2,301-2,500	0	\$ 2,251.00 per Unit	\$2,251.00 per Unit	\$2,251.00 per Unit	\$0.00
Single Family Detached Property	2,501-2,700	49	\$ 2,404.00 per Unit	\$2,404.00 per Unit	\$2,404.00 per Unit	\$117,796.00
Single Family Detached Property	2,701-2,900	14	\$ 2,557.00 per Unit	\$2,557.00 per Unit	\$2,557.00 per Unit	\$35,798.00
Single Family Detached Property	2,901-3,100	0	\$ 2,703.00 per Unit	\$2,703.00 per Unit	\$2,703.00 per Unit	\$0.00
Single Family Detached Property	3,101-3,300	38	\$ 2,816.00 per Unit	\$2,816.00 per Unit	\$2,816.00 per Unit	\$107,008.00
Single Family Detached Property	3,301-3,500	24	\$ 2,962.00 per Unit	\$2,962.00 per Unit	\$2,962.00 per Unit	\$71,088.00
Single Family Detached Property	3,501-3,700	24	\$ 3,156.00 per Unit	\$3,156.00 per Unit	\$3,156.00 per Unit	\$75,744.00
Single Family Detached Property	3,701-3,900	0	\$ 3,274.00 per Unit	\$3,274.00 per Unit	\$3,274.00 per Unit	\$0.00
Single Family Detached Property	>3,900	0	\$ 3,429.00 per Unit	\$3,429.00 per Unit	\$3,429.00 per Unit	\$0.00
Single Family Attached Property	<801	0	\$ 851.00 per Unit	\$851.00 per Unit	\$851.00 per Unit	\$0.00
Single Family Attached Property	801-950	0	\$ 911.00 per Unit	\$911.00 per Unit	\$911.00 per Unit	\$0.00
Single Family Attached Property	951-1,100	28	\$ 1,019.00 per Unit	\$1,019.00 per Unit	\$1,019.00 per Unit	\$28,532.00
Single Family Attached Property	1,101-1,300	0	\$ 1,136.00 per Unit	\$1,136.00 per Unit	\$1,136.00 per Unit	\$0.00
Single Family Attached Property	1,301-1,500	14	\$ 1,300.00 per Unit	\$1,300.00 per Unit	\$1,300.00 per Unit	\$18,200.00
Single Family Attached Property	1,501-1,700	28	\$ 1,595.00 per Unit	\$1,595.00 per Unit	\$1,595.00 per Unit	\$44,660.00
Single Family Attached Property	1,701-1,900	28	\$ 1,691.00 per Unit	\$1,691.00 per Unit	\$1,691.00 per Unit	\$47,348.00
Single Family Attached Property	>1,900	0	\$ 1,886.00 per Unit	\$1,886.00 per Unit	\$1,886.00 per Unit	\$0.00
Other Residential Property		0.00	\$28,946.00 per Acre	\$28,946.00 per Acre	\$28,946.00 per Acre	\$0.00
Non-Residential Property		0.00	\$28,946.00 per Acre	\$28,946.00 per Acre	\$28,946.00 per Acre	\$0.00
Final Mapped Property		5.03	\$14,366.99 Per Acre	\$28,946.00 per Acre	\$8,822.56 per Acre	\$44,412.84
Undeveloped Property		0.00	\$ - Per Acre	\$28,946.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy						\$879,439.84

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 30 (New Haven Facilities – Area B) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No.3057 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 30 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 30 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B)

SPECIAL TAX RATES FOR FISCAL YEAR 2019-20

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates
Developed Property:		
Single Family Detached Property	<1,701	\$1,660.00 per Unit
Single Family Detached Property	1,701-1,900	\$1,837.00 per Unit
Single Family Detached Property	1,901-2,100	\$1,896.00 per Unit
Single Family Detached Property	2,101-2,300	\$2,053.00 per Unit
Single Family Detached Property	2,301-2,500	\$2,251.00 per Unit
Single Family Detached Property	2,501-2,700	\$2,404.00 per Unit
Single Family Detached Property	2,701-2,900	\$2,557.00 per Unit
Single Family Detached Property	2,901-3,100	\$2,703.00 per Unit
Single Family Detached Property	3,101-3,300	\$2,816.00 per Unit
Single Family Detached Property	3,301-3,500	\$2,962.00 per Unit
Single Family Detached Property	3,501-3,700	\$3,156.00 per Unit
Single Family Detached Property	3,701-3,900	\$3,274.00 per Unit
Single Family Detached Property	>3,900	\$3,429.00 per Unit
Single Family Attached Property	<801	\$851.00 per Unit
Single Family Attached Property	801-950	\$911.00 per Unit
Single Family Attached Property	951-1,100	\$1,019.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,136.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,300.00 per Unit
Single Family Attached Property	1,501-1,700	\$1,595.00 per Unit
Single Family Attached Property	1,701-1,900	\$1,691.00 per Unit
Single Family Attached Property	>1,900	\$1,886.00 per Unit
Other Residential Property		\$28,946.00 per Acre
Non-Residential Property		\$28,946.00 per Acre
Final Mapped Property		\$8,822.56 per Acre
Undeveloped Property		\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) for Fiscal Year 2019-20.

COUNCIL GOALS: Maintain the Current High Level of Public Safety

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$389,613; and to fund City services, special tax revenue will be generated in the amount of \$241,232.

BACKGROUND: On April 21, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 31 ("District") with the adoption of Resolution No. 2015-028, declaring the City's intention to establish the District and to authorize the levy of special taxes. On June 2, 2015, the City Council adopted Resolution No. 2015-057 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3020 on June 16, 2015, authorizing the levy of special taxes in the District to finance City services and public improvements related to the New Haven residential project.

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. 06/18/2019

Approved: _____

Continued to: _____

Denied: _____

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The District addresses the residential development of approximately 30.9 acres located east of Turner Avenue, generally west of Haven Avenue, generally south of Chino Avenue, and north of Schaefer Avenue. At build out, the development is projected to include 143 single-family units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. The Fiscal Year 2015-16 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2016, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." There will be no annual increase to the facilities special tax rates. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the assigned, maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Facilities Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Tax Rates A	FY 2019-20 Assigned Tax Rates A	FY 2019-20 Maximum Tax Rates A (1)	FY 2019-20 Proposed Tax Rates A	FY 2019-20 Special Tax A Levy
Developed Property:							
Single Family Detached	<2,101	30	\$2,103.46 per Unit	\$2,282.00 per Unit	\$2,979.00 per Unit	\$2,087.39 per Unit	\$62,621.70
Single Family Detached	2,101-2,400	0	\$2,234.35 per Unit	\$2,424.00 per Unit	\$2,979.00 per Unit	\$2,217.28 per Unit	\$0.00
Single Family Detached	2,401-2,700	37	\$2,626.10 per Unit	\$2,849.00 per Unit	\$2,979.00 per Unit	\$2,606.03 per Unit	\$96,423.11
Single Family Detached	2,701-3,000	0	\$2,728.42 per Unit	\$2,960.00 per Unit	\$2,979.00 per Unit	\$2,707.57 per Unit	\$0.00
Single Family Detached	3,001-3,300	45	\$2,872.21 per Unit	\$3,116.00 per Unit	\$3,116.00 per Unit	\$2,850.26 per Unit	\$128,261.70
Single Family Detached	3,301-3,600	5	\$3,027.99 per Unit	\$3,285.00 per Unit	\$3,285.00 per Unit	\$3,004.85 per Unit	\$15,024.25
Single Family Detached	>3,600	26	\$3,382.87 per Unit	\$3,670.00 per Unit	\$3,670.00 per Unit	\$3,357.02 per Unit	\$87,282.52
Other Residential Property	N/A	0.00	\$23,393.40 per Acre	\$25,379.00 per Acre	\$25,379.00 per Acre	\$23,214.65 per Acre	\$0.00
Non-Residential Property	N/A	0.00	\$23,393.40 per Acre	\$25,379.00 per Acre	\$25,379.00 per Acre	\$23,214.65 per Acre	\$0.00
Final Mapped Property		0.00	\$0.00 per Acre	N/A	\$25,379.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		0.00	\$0.00 per Acre	N/A	\$25,379.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax A Levy							\$389,613.28

(1) For Developed Property, the levy of Special Tax A cannot exceed the applicable Assigned Special Tax A rate unless Final Mapped Property and Undeveloped Property are taxed at the Maximum Special Tax A rate.

Annual Services Tax Rates

Developed Property Land Use	Number of Units / Sq. Ft.	FY 2018-19 Tax Rates B	FY 2019-20 Maximum Tax Rates B	FY 2019-20 Proposed Tax Rates B	FY 2019-20 Special Tax B Levy
Residential Property:					
Single Family Detached	143	\$1,622.05 per Unit	\$1,686.94 per Unit	\$1,686.94 per Unit	\$241,232.42
Multiple Family	0	\$1,406.08 per Unit	\$1,462.32 per Unit	\$1,462.32 per Unit	\$0.00
Gated Apartment Community	0	\$1,178.86 per Unit	\$1,226.01 per Unit	\$1,226.01 per Unit	\$0.00
Non-Residential Property	0	\$0.30 per Sq. Ft.	\$0.3159 per Sq. Ft.	\$0.3159 per Sq. Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax B Levy					\$241,232.42

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3020 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 31 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 31 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 31
(CARRIAGE HOUSE / AMBERLY LANE)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

ANNUAL FACILITIES TAX RATES

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates A
Developed Property:		
Single Family Detached	<2,101	\$2,087.39 per Unit
Single Family Detached	2,101-2,400	\$2,217.28 per Unit
Single Family Detached	2,401-2,700	\$2,606.03 per Unit
Single Family Detached	2,701-3,000	\$2,707.57 per Unit
Single Family Detached	3,001-3,300	\$2,850.26 per Unit
Single Family Detached	3,301-3,600	\$3,004.85 per Unit
Single Family Detached	>3,600	\$3,357.02 per Unit
Other Residential Property	N/A	\$23,214.65 per Acre
Non-Residential Property	N/A	\$23,214.65 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

ANNUAL SERVICES TAX RATES

Developed Property Land Use	FY 2019-20 Tax Rates B
Residential Property:	
Single Family Detached	\$1,686.94 per Unit
Multiple Family	\$1,462.32 per Unit
Gated Apartment Community	\$1,226.01 per Unit
Non-Residential Property	\$0.3159 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER - SERVICES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 32 (Archibald/Schaefer - Services) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$268,223 to fund City services and pay related district expenses.

BACKGROUND: On February 3, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 32 ("District") with the adoption of Resolution No. 2015-005, declaring the City's intention to establish the District and to authorize the levy of special taxes. On March 17, 2015, the City Council adopted Resolution No. 2015-018, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3016 on April 7, 2015, authorizing the levy of special taxes for the District to finance City services related to the Archibald/Schaefer residential project.

The District addresses the residential development of approximately 60 acres located north of Schaefer Avenue, south of Chino Avenue, east of Turner Avenue, and west of Haven Avenue. At build-out, the residential development will include 229 single-family detached units.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 32 (Archibald/Schaefer Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2019-20 will be the first year that the special tax will be levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2016, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property:				
Single Family Detached	159	\$1,686.94 per Unit	\$1,686.94 per Unit	\$268,223.46
Multiple Family	0	\$1,462.32 per Unit	\$1,462.32 per Unit	\$0.00
Gated Apartment Community	0	\$1,226.01 per Unit	\$1,226.01 per Unit	\$0.00
Non-Residential Property	0	\$0.32 per Sq. Ft.	\$0.32 per Sq. Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy				\$268,223.46

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 32 (Archibald/Schaefer - Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3016 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 32 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 32 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 32
(ARCHIBALD/SCHAEFER - SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	FY 2019-20 Tax Rates
Residential Property:	
Single Family Detached	\$1,686.94 per Unit
Multiple Family	\$1,462.32 per Unit
Gated Apartment Community	\$1,226.01 per Unit
Non-Residential Property	\$0.32 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to acquire public improvements and pay related district expenses will be generated in the amount of \$350,105. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On August 21, 2018, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 33 ("District") with the adoption of Resolution No. 2018-114, declaring the City's intention to establish the District and to authorize the levy of special taxes. On October 2, 2018, the City Council adopted Resolution No. 2018-135, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3118 on October 16, 2018, authorizing the levy of special taxes for the District to finance public improvements related to the Archibald/Schaefer project.

The District addresses the development of approximately 51 gross acres located east of Archibald Avenue, generally west of Turner Avenue, south of Schaefer Avenue, and north of La Avenida Drive. At build-out, the residential development will include 229 single-family detached units.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2019-20 will be the first year that the special tax will be levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:					
Single Family Property	<1,101	0	\$1,020.00 per Unit	\$1,020.00 per Unit	\$0.00
Single Family Property	1,101-1,300	18	\$1,339.00 per Unit	\$1,339.00 per Unit	\$24,102.00
Single Family Property	1,301-1,500	23	\$1,587.00 per Unit	\$1,587.00 per Unit	\$36,501.00
Single Family Property	1,501-1,700	20	\$1,757.00 per Unit	\$1,757.00 per Unit	\$35,140.00
Single Family Property	1,701-1,900	11	\$2,095.00 per Unit	\$2,095.00 per Unit	\$23,045.00
Single Family Property	1,901-2,100	25	\$2,385.00 per Unit	\$2,385.00 per Unit	\$59,625.00
Single Family Property	2,101-2,300	15	\$2,507.00 per Unit	\$2,507.00 per Unit	\$37,605.00
Single Family Property	2,301-2,500	15	\$2,553.00 per Unit	\$2,553.00 per Unit	\$38,295.00
Single Family Property	2,501-2,700	16	\$2,907.00 per Unit	\$2,907.00 per Unit	\$46,512.00
Single Family Property	2,701-2,900	16	\$3,080.00 per Unit	\$3,080.00 per Unit	\$49,280.00
Single Family Property	>2,900	0	\$3,160.00 per Unit	\$3,160.00 per Unit	\$0.00
Other Property		0.00	\$25,577.00 per Acre	\$25,577.00 per Acre	\$0.00
Non-Residential Property		0.00	\$25,577.00 per Acre	\$25,577.00 per Acre	\$0.00
Final Mapped Property		6.98	\$25,577.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		0.00	\$25,577.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy					\$350,105.00

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3118 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 33 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 33 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 33
(ARCHIBLAD/SCHAEFER - FACILITIES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates
Developed Property:		
Single Family Property	<1,101	\$1,020.00 per Unit
Single Family Property	1,101-1,300	\$1,339.00 per Unit
Single Family Property	1,301-1,500	\$1,587.00 per Unit
Single Family Property	1,501-1,700	\$1,757.00 per Unit
Single Family Property	1,701-1,900	\$2,095.00 per Unit
Single Family Property	1,901-2,100	\$2,385.00 per Unit
Single Family Property	2,101-2,300	\$2,507.00 per Unit
Single Family Property	2,301-2,500	\$2,553.00 per Unit
Single Family Property	2,501-2,700	\$2,907.00 per Unit
Single Family Property	2,701-2,900	\$3,080.00 per Unit
Single Family Property	>2,900	\$3,160.00 per Unit
Other Property		\$25,577.00 per Acre
Non-Residential Property		\$25,577.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to pay debt service on bonds issued to acquire public improvements and pay related district expenses will be generated in the amount of \$536,377. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On October 20, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 34 ("District") with the adoption of Resolution No. 2015-109, declaring the City's intention to establish the District and to authorize the levy of special taxes. On December 1, 2015, the City Council adopted Resolution No. 2015-135, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3036 on December 15, 2015, authorizing the levy of special taxes for the District to finance public improvements related to the Countryside Phase 1 North project.

The District addresses the development of approximately 50 gross acres located generally east of the Cucamonga Creek Channel, generally west of Archibald Avenue, south of Riverside Drive, and north of Chino Avenue. At build-out, the residential development will include 226 detached units.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2017-18 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Tax Rates	FY 2019-20 Assigned / Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:						
Single Family Property	<1,701	0	\$ 1,647.12 per Unit	\$1,800.00 per Unit	\$1,653.29 per Unit	\$0.00
Single Family Property	1,701-1,900	19	\$ 1,726.73 per Unit	\$1,887.00 per Unit	\$1,733.19 per Unit	\$32,930.61
Single Family Property	1,901-2,100	5	\$ 2,035.11 per Unit	\$2,224.00 per Unit	\$2,042.73 per Unit	\$10,213.65
Single Family Property	2,101-2,300	25	\$ 2,046.09 per Unit	\$2,236.00 per Unit	\$2,053.75 per Unit	\$51,343.75
Single Family Property	2,301-2,500	55	\$ 2,276.69 per Unit	\$2,488.00 per Unit	\$2,285.21 per Unit	\$125,686.55
Single Family Property	2,501-2,700	64	\$ 2,518.26 per Unit	\$2,752.00 per Unit	\$2,527.69 per Unit	\$161,772.16
Single Family Property	2,701-2,900	31	\$ 2,558.53 per Unit	\$2,796.00 per Unit	\$2,568.10 per Unit	\$79,611.10
Single Family Property	2,901-3,100	27	\$ 2,760.76 per Unit	\$3,017.00 per Unit	\$2,771.09 per Unit	\$74,819.43
Single Family Property	3,101-3,300	0	\$ 2,853.18 per Unit	\$3,118.00 per Unit	\$2,863.86 per Unit	\$0.00
Single Family Property	3,301-3,500	0	\$ 3,081.95 per Unit	\$3,368.00 per Unit	\$3,093.48 per Unit	\$0.00
Single Family Property	3,501-3,700	0	\$ 3,172.54 per Unit	\$3,467.00 per Unit	\$3,184.41 per Unit	\$0.00
Single Family Property	3,701-3,900	0	\$ 3,340.00 per Unit	\$3,650.00 per Unit	\$3,352.50 per Unit	\$0.00
Single Family Property	>3,900	0	\$ 3,499.22 per Unit	\$3,824.00 per Unit	\$3,512.31 per Unit	\$0.00
Other Residential Property		0	\$20,981.57 per Acre	\$22,929.00 per Acre	\$21,060.10 per Acre	\$0.00
Non-Residential Property		0.00	\$20,981.57 per Acre	\$22,929.00 per Acre	\$21,060.10 per Acre	\$0.00
Final Mapped Property		0.00	\$ - Per Acre	\$22,929.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		0.00	\$ - Per Acre	\$22,929.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy						\$536,377.25

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North – Facilities) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3036 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 34 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 34 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 34
(COUNTRYSIDE PHASE 1 NORTH - FACILITIES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates
Developed Property:		
Single Family Property	<1,701	\$1,653.29 per Unit
Single Family Property	1,701-1,900	\$1,733.19 per Unit
Single Family Property	1,901-2,100	\$2,042.73 per Unit
Single Family Property	2,101-2,300	\$2,053.75 per Unit
Single Family Property	2,301-2,500	\$2,285.21 per Unit
Single Family Property	2,501-2,700	\$2,527.69 per Unit
Single Family Property	2,701-2,900	\$2,568.10 per Unit
Single Family Property	2,901-3,100	\$2,771.09 per Unit
Single Family Property	3,101-3,300	\$2,863.86 per Unit
Single Family Property	3,301-3,500	\$3,093.48 per Unit
Single Family Property	3,501-3,700	\$3,184.41 per Unit
Single Family Property	3,701-3,900	\$3,352.50 per Unit
Single Family Property	>3,900	\$3,512.31 per Unit
Other Residential Property		\$21,060.10 per Acre
Non-Residential Property		\$21,060.10 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$499,441 to fund City services and pay related district expenses.

BACKGROUND: On December 15, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 37 ("District") with the adoption of Resolution No. 2015-146, declaring the City's intention to establish the District and to authorize the levy of special taxes. On February 2, 2016, the City Council adopted Resolution No. 2016-012, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3043 on February 16, 2016, authorizing the levy of special taxes for the District to finance City services related to the Park & Turner residential project.

The District addresses the residential development of approximately 80 acres located north of Eucalyptus Avenue, generally south of Edison Avenue, east of Archibald Avenue, and west of Haven Avenue. At build-out, the development will include 330 single-family detached units.

STAFF MEMBER PRESENTING: Armen Harkaylan, Executive Director of Finance

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

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2018-19 was the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2017, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2018-19 Tax Rates	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property:					
Single Family Detached	296	\$1,622.40 per Unit	\$1,687.30 per Unit	\$1,687.30 per Unit	\$499,440.80
Multiple Family	0	\$1,406.08 per Unit	\$1,462.32 per Unit	\$1,462.32 per Unit	\$0.00
Gated Apartment Community	0	\$1,178.94 per Unit	\$1,226.10 per Unit	\$1,226.10 per Unit	\$0.00
Non-Residential Property	0	\$0.30 per Sq. Ft.	\$0.32 per Sq. Ft.	\$0.32 per Sq. Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy					\$499,440.80

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3043 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 37 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 37 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 37
(PARK & TURNER NE SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	FY 2019-20 Tax Rates
Residential Property:	
Single Family Detached	\$1,687.30 per Unit
Multiple Family	\$1,462.32 per Unit
Gated Apartment Community	\$1,226.10 per Unit
Non-Residential Property	\$0.32 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$733,314. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On April 4, 2017, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 38 ("District") with the adoption of Resolution No. 2017-021, declaring the City's intention to establish the District and to authorize the levy of special taxes. On May 16, 2017, the City Council adopted Resolution No. 2017-034 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3073 on June 6, 2017, authorizing the levy of special taxes for the District to finance public improvements related to the Park & Turner NE project.

The District addresses the residential development of approximately 47 acres located generally east of Archibald Avenue, west of Haven Avenue, south of Ontario Ranch Road (formerly Edison Avenue), and north of Eucalyptus Avenue. At build-out, the development will include 330 detached residential units.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2018-19 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Tax Rates	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:						
Residential Property	<1,501	0	\$1,771.00 per Unit	\$1,771.00 per Unit	\$1,771.00 per Unit	\$0.00
Residential Property	1,501-1,600	0	\$1,842.00 per Unit	\$1,842.00 per Unit	\$1,842.00 per Unit	\$0.00
Residential Property	1,601-1,700	28	\$1,964.00 per Unit	\$1,964.00 per Unit	\$1,964.00 per Unit	\$54,992.00
Residential Property	1,701-1,800	34	\$2,046.00 per Unit	\$2,046.00 per Unit	\$2,046.00 per Unit	\$69,564.00
Residential Property	1,801-1,900	0	\$2,050.00 per Unit	\$2,050.00 per Unit	\$2,050.00 per Unit	\$0.00
Residential Property	1,901-2,000	6	\$2,148.00 per Unit	\$2,148.00 per Unit	\$2,148.00 per Unit	\$12,888.00
Residential Property	2,001-2,100	10	\$2,219.00 per Unit	\$2,219.00 per Unit	\$2,219.00 per Unit	\$22,190.00
Residential Property	2,101-2,200	9	\$2,289.00 per Unit	\$2,289.00 per Unit	\$2,289.00 per Unit	\$20,601.00
Residential Property	2,201-2,300	35	\$2,383.00 per Unit	\$2,383.00 per Unit	\$2,383.00 per Unit	\$83,405.00
Residential Property	2,301-2,400	28	\$2,405.00 per Unit	\$2,405.00 per Unit	\$2,405.00 per Unit	\$67,340.00
Residential Property	2,401-2,500	37	\$2,536.00 per Unit	\$2,536.00 per Unit	\$2,536.00 per Unit	\$93,832.00
Residential Property	2,501-2,600	14	\$2,539.00 per Unit	\$2,539.00 per Unit	\$2,539.00 per Unit	\$35,546.00
Residential Property	2,601-2,700	0	\$2,609.00 per Unit	\$2,609.00 per Unit	\$2,609.00 per Unit	\$0.00
Residential Property	2,701-2,800	48	\$2,724.00 per Unit	\$2,724.00 per Unit	\$2,724.00 per Unit	\$130,752.00
Residential Property	2,801-2,900	0	\$2,749.00 per Unit	\$2,749.00 per Unit	\$2,749.00 per Unit	\$0.00
Residential Property	2,901-3,000	47	\$2,865.00 per Unit	\$2,865.00 per Unit	\$2,865.00 per Unit	\$134,655.00
Residential Property	3,001-3,100	0	\$2,888.00 per Unit	\$2,888.00 per Unit	\$2,888.00 per Unit	\$0.00
Residential Property	>3,100	0	\$2,958.00 per Unit	\$2,958.00 per Unit	\$2,958.00 per Unit	\$0.00
Non-Residential Property		0.00	\$31,636.00 per Acre	\$31,636.00 per Acre	\$31,636.00 per Acre	\$0.00
Final Mapped Property		2.38	\$0.00 per Acre	\$31,636.00 per Acre	\$3,171.75 per Acre	\$7,548.79
Undeveloped Property		0.00	\$0.00 per Acre	\$31,636.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy						\$733,313.79

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3073 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 38 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 38 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 38
(PARK & TURNER NE FACILITIES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates
Developed Property:		
Residential Property	<1,501	\$1,771.00 per Unit
Residential Property	1,501-1,600	\$1,842.00 per Unit
Residential Property	1,601-1,700	\$1,964.00 per Unit
Residential Property	1,701-1,800	\$2,046.00 per Unit
Residential Property	1,801-1,900	\$2,050.00 per Unit
Residential Property	1,901-2,000	\$2,148.00 per Unit
Residential Property	2,001-2,100	\$2,219.00 per Unit
Residential Property	2,101-2,200	\$2,289.00 per Unit
Residential Property	2,201-2,300	\$2,383.00 per Unit
Residential Property	2,301-2,400	\$2,405.00 per Unit
Residential Property	2,401-2,500	\$2,536.00 per Unit
Residential Property	2,501-2,600	\$2,539.00 per Unit
Residential Property	2,601-2,700	\$2,609.00 per Unit
Residential Property	2,701-2,800	\$2,724.00 per Unit
Residential Property	2,801-2,900	\$2,749.00 per Unit
Residential Property	2,901-3,000	\$2,865.00 per Unit
Residential Property	3,001-3,100	\$2,888.00 per Unit
Residential Property	>3,100	\$2,958.00 per Unit
Non-Residential Property		\$31,636.00 per Acre
Final Mapped Property		\$3,171.75 per Acre
Undeveloped Property		\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 39 (New Haven Facilities – Area C) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to pay debt service on bonds issued to acquire public improvements and pay related district expenses will be generated in the amount of \$380,845. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On June 18, 2017, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 39 ("District") with the adoption of Resolution No. 2017-081, declaring the City's intention to establish the District and to authorize the levy of special taxes. On September 19, 2017, the City Council adopted Resolution No. 2017-113 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3079 on October 3, 2017, authorizing the levy of special taxes for the District to finance public improvements related to the New Haven – Area C project.

The District addresses the residential development of approximately 10.52 taxable acres located generally east of Archibald Avenue, west of Haven Avenue, south of Schaefer Avenue, and north of

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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Ontario Ranch Road. At build-out, the development will include 225 residential units – 62 detached and 163 attached residential units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2018-19 was the first year that the special tax was levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed tax rates for Fiscal Year 2018-19, and the assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20, are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2018-19 Tax Rates	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:						
Single Family Detached Property	<1,701	0	\$ 1,582.00 per Unit	\$1,582.00 per Unit	\$1,563.45 per Unit	\$0.00
Single Family Detached Property	1,701-1,900	0	\$ 1,731.00 per Unit	\$1,731.00 per Unit	\$1,710.71 per Unit	\$0.00
Single Family Detached Property	1,901-2,100	0	\$ 2,029.00 per Unit	\$2,029.00 per Unit	\$2,005.21 per Unit	\$0.00
Single Family Detached Property	2,101-2,300	34	\$ 2,318.00 per Unit	\$2,318.00 per Unit	\$2,290.82 per Unit	\$77,887.88
Single Family Detached Property	2,301-2,500	0	\$ 2,424.00 per Unit	\$2,424.00 per Unit	\$2,395.58 per Unit	\$0.00
Single Family Detached Property	2,501-2,700	17	\$ 2,523.00 per Unit	\$2,523.00 per Unit	\$2,493.42 per Unit	\$42,388.14
Single Family Detached Property	2,701-2,900	0	\$ 2,714.00 per Unit	\$2,714.00 per Unit	\$2,682.18 per Unit	\$0.00
Single Family Detached Property	2,901-3,100	0	\$ 2,882.00 per Unit	\$2,882.00 per Unit	\$2,848.21 per Unit	\$0.00
Single Family Detached Property	3,101-3,300	0	\$ 3,035.00 per Unit	\$3,035.00 per Unit	\$2,999.42 per Unit	\$0.00
Single Family Detached Property	3,301-3,500	0	\$ 3,187.00 per Unit	\$3,187.00 per Unit	\$3,149.64 per Unit	\$0.00
Single Family Detached Property	3,501-3,700	0	\$ 3,337.00 per Unit	\$3,337.00 per Unit	\$3,297.88 per Unit	\$0.00
Single Family Detached Property	3,701-3,900	0	\$ 3,451.00 per Unit	\$3,451.00 per Unit	\$3,410.54 per Unit	\$0.00
Single Family Detached Property	>3,900	0	\$ 3,539.00 per Unit	\$3,539.00 per Unit	\$3,497.51 per Unit	\$0.00
Single Family Attached Property	<801	0	\$ 562.00 per Unit	\$562.00 per Unit	\$555.41 per Unit	\$0.00
Single Family Attached Property	801-950	0	\$ 773.00 per Unit	\$773.00 per Unit	\$763.94 per Unit	\$0.00
Single Family Attached Property	951-1,100	20	\$ 1,111.00 per Unit	\$1,111.00 per Unit	\$1,097.97 per Unit	\$21,959.40
Single Family Attached Property	1,101-1,300	31	\$ 1,470.00 per Unit	\$1,470.00 per Unit	\$1,452.77 per Unit	\$45,035.87
Single Family Attached Property	1,301-1,500	41	\$ 1,567.00 per Unit	\$1,567.00 per Unit	\$1,548.63 per Unit	\$63,493.83
Single Family Attached Property	1,501-1,700	51	\$ 1,793.00 per Unit	\$1,793.00 per Unit	\$1,771.98 per Unit	\$90,370.98
Single Family Attached Property	1,701-1,900	20	\$ 2,009.00 per Unit	\$2,009.00 per Unit	\$1,985.45 per Unit	\$39,709.00
Single Family Attached Property	>1,900	0	\$ 2,107.00 per Unit	\$2,107.00 per Unit	\$2,082.30 per Unit	\$0.00
Other Residential Property		0.00	\$39,039.00 per Acre	\$39,039.00 per Acre	\$38,581.31 per Acre	\$0.00
Non-Residential Property		0.00	\$39,039.00 per Acre	\$39,039.00 per Acre	\$38,581.31 per Acre	\$0.00
Final Mapped Property		0.89	\$ - Per Acre	\$39,039.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		0.00	\$ - Per Acre	\$39,039.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy						\$380,845.10

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 39 (New Haven Facilities – Area C) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3079 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 39 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 39 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 39
(NEW HAVEN FACILITIES – AREA C)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates
Developed Property:		
Single Family Detached Property	<1,701	\$1,563.45 per Unit
Single Family Detached Property	1,701-1,900	\$1,710.71 per Unit
Single Family Detached Property	1,901-2,100	\$2,005.21 per Unit
Single Family Detached Property	2,101-2,300	\$2,290.82 per Unit
Single Family Detached Property	2,301-2,500	\$2,395.58 per Unit
Single Family Detached Property	2,501-2,700	\$2,493.42 per Unit
Single Family Detached Property	2,701-2,900	\$2,682.18 per Unit
Single Family Detached Property	2,901-3,100	\$2,848.21 per Unit
Single Family Detached Property	3,101-3,300	\$2,999.42 per Unit
Single Family Detached Property	3,301-3,500	\$3,149.64 per Unit
Single Family Detached Property	3,501-3,700	\$3,297.88 per Unit
Single Family Detached Property	3,701-3,900	\$3,410.54 per Unit
Single Family Detached Property	>3,900	\$3,497.51 per Unit
Single Family Attached Property	<801	\$555.41 per Unit
Single Family Attached Property	801-950	\$763.94 per Unit
Single Family Attached Property	951-1,100	\$1,097.97 per Unit
Single Family Attached Property	1,101-1,300	\$1,452.77 per Unit
Single Family Attached Property	1,301-1,500	\$1,548.63 per Unit
Single Family Attached Property	1,501-1,700	\$1,771.98 per Unit
Single Family Attached Property	1,701-1,900	\$1,985.45 per Unit
Single Family Attached Property	>1,900	\$2,082.30 per Unit
Other Residential Property		\$38,581.31 per Acre
Non-Residential Property		\$38,581.31 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to acquire public improvements, and to pay related district expenses will be generated in the amount of \$157,797. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On April 2, 2019, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 40 ("District") with the adoption of Resolution No. 2019-029, declaring the City's intention to establish the District and to authorize the levy of special taxes. On May 7, 2019, the City Council adopted Resolution No. 2019-037 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3131 on June 4, 2019, authorizing the levy of special taxes for the District to finance public improvements related to the Emerald Park project.

The District addresses the development of approximately 24 gross acres located generally east of Archibald Avenue, south of La Avenida Avenue, and north of Ontario Ranch Road. At build-out, the residential development will include 265 units, comprised of 48 detached and 217 attached units.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2019-20 will be the first year that the special tax will be levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:					
Single Family Detached Property	<1,701	0	\$2,073.00 per Unit	\$2,073.00 per Unit	\$0.00
Single Family Detached Property	1,701-1,900	0	\$2,147.00 per Unit	\$2,147.00 per Unit	\$0.00
Single Family Detached Property	1,901-2,100	0	\$2,305.00 per Unit	\$2,305.00 per Unit	\$0.00
Single Family Detached Property	2,101-2,300	0	\$2,508.00 per Unit	\$2,508.00 per Unit	\$0.00
Single Family Detached Property	2,301-2,500	0	\$2,626.00 per Unit	\$2,626.00 per Unit	\$0.00
Single Family Detached Property	2,501-2,700	0	\$2,793.00 per Unit	\$2,793.00 per Unit	\$0.00
Single Family Detached Property	2,701-2,900	0	\$2,942.00 per Unit	\$2,942.00 per Unit	\$0.00
Single Family Detached Property	2,901-3,100	0	\$3,100.00 per Unit	\$3,100.00 per Unit	\$0.00
Single Family Detached Property	3,101-3,300	0	\$3,258.00 per Unit	\$3,258.00 per Unit	\$0.00
Single Family Detached Property	3,301-3,500	0	\$3,416.00 per Unit	\$3,416.00 per Unit	\$0.00
Single Family Detached Property	3,501-3,700	0	\$3,574.00 per Unit	\$3,574.00 per Unit	\$0.00
Single Family Detached Property	3,701-3,900	0	\$3,732.00 per Unit	\$3,732.00 per Unit	\$0.00
Single Family Detached Property	>3,900	0	\$3,890.00 per Unit	\$3,890.00 per Unit	\$0.00
Single Family Attached Property	<801	0	\$1,211.00 per Unit	\$1,211.00 per Unit	\$0.00
Single Family Attached Property	801-950	0	\$1,289.00 per Unit	\$1,289.00 per Unit	\$0.00
Single Family Attached Property	951-1,100	12	\$1,429.00 per Unit	\$1,429.00 per Unit	\$17,148.00
Single Family Attached Property	1,101-1,300	13	\$1,779.00 per Unit	\$1,779.00 per Unit	\$23,127.00
Single Family Attached Property	1,301-1,500	19	\$1,931.00 per Unit	\$1,931.00 per Unit	\$36,689.00
Single Family Attached Property	1,501-1,700	25	\$2,125.00 per Unit	\$2,125.00 per Unit	\$53,125.00
Single Family Attached Property	1,701-1,900	12	\$2,309.00 per Unit	\$2,309.00 per Unit	\$27,708.00
Single Family Attached Property	>1,900	0	\$2,430.00 per Unit	\$2,430.00 per Unit	\$0.00
Other Residential Property		0.00	\$46,243.00 per Acre	\$46,243.00 per Acre	\$0.00
Non-Residential Property		0.00	\$46,243.00 per Acre	\$46,243.00 per Acre	\$0.00
Final Mapped Property		3.46	\$46,243.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		2.13	\$46,243.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy					\$157,797.00

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3131 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 40 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 40 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"
CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 40
(EMERALD PARK FACILITIES)

SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates
Developed Property:		
Single Family Detached Property	<1,701	\$2,073.00 per Unit
Single Family Detached Property	1,701-1,900	\$2,147.00 per Unit
Single Family Detached Property	1,901-2,100	\$2,305.00 per Unit
Single Family Detached Property	2,101-2,300	\$2,508.00 per Unit
Single Family Detached Property	2,301-2,500	\$2,626.00 per Unit
Single Family Detached Property	2,501-2,700	\$2,793.00 per Unit
Single Family Detached Property	2,701-2,900	\$2,942.00 per Unit
Single Family Detached Property	2,901-3,100	\$3,100.00 per Unit
Single Family Detached Property	3,101-3,300	\$3,258.00 per Unit
Single Family Detached Property	3,301-3,500	\$3,416.00 per Unit
Single Family Detached Property	3,501-3,700	\$3,574.00 per Unit
Single Family Detached Property	3,701-3,900	\$3,732.00 per Unit
Single Family Detached Property	>3,900	\$3,890.00 per Unit
Single Family Attached Property	<801	\$1,211.00 per Unit
Single Family Attached Property	801-950	\$1,289.00 per Unit
Single Family Attached Property	951-1,100	\$1,429.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,779.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,931.00 per Unit
Single Family Attached Property	1,501-1,700	\$2,125.00 per Unit
Single Family Attached Property	1,701-1,900	\$2,309.00 per Unit
Single Family Attached Property	>1,900	\$2,430.00 per Unit
Other Residential Property		\$46,243.00 per Acre
Non-Residential Property		\$46,243.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) for Fiscal Year 2019-20.

COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to acquire public improvements and pay related district expenses will be generated in the amount of \$465,136. There is no General Fund impact from establishing the annual special tax.

BACKGROUND: On July 17, 2018, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 43 ("District") with the adoption of Resolution No. 2018-102, declaring the City's intention to establish the District and to authorize the levy of special taxes. On August 21, 2018, the City Council adopted Resolution No. 2018-121, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3114 on September 4, 2018, authorizing the levy of special taxes for the District to finance public improvements related to the Park Place Phase IV project.

The District addresses the development of approximately 40 taxable acres located generally east of Parkplace Avenue, generally west of Haven Avenue, south of Eucalyptus Avenue, and north of

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

40

Parkview Avenue. At build-out, the residential development will include 279 detached single-family units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2019-20 will be the first year that the special tax will be levied. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Developed Property:					
Residential Property					
Single Family Detached Property	<1,701	0	\$2,282.00 per Unit	\$2,282.00 per Unit	\$0.00
Single Family Detached Property	1,701-1,800	0	\$2,366.00 per Unit	\$2,366.00 per Unit	\$0.00
Single Family Detached Property	1,801-1,900	0	\$2,449.00 per Unit	\$2,449.00 per Unit	\$0.00
Single Family Detached Property	1,901-2,000	0	\$2,502.00 per Unit	\$2,502.00 per Unit	\$0.00
Single Family Detached Property	2,001-2,100	0	\$2,616.00 per Unit	\$2,616.00 per Unit	\$0.00
Single Family Detached Property	2,101-2,200	0	\$2,666.00 per Unit	\$2,666.00 per Unit	\$0.00
Single Family Detached Property	2,201-2,300	12	\$2,823.00 per Unit	\$2,823.00 per Unit	\$33,876.00
Single Family Detached Property	2,301-2,400	14	\$2,830.00 per Unit	\$2,830.00 per Unit	\$39,620.00
Single Family Detached Property	2,401-2,500	68	\$2,990.00 per Unit	\$2,990.00 per Unit	\$203,320.00
Single Family Detached Property	2,501-2,600	0	\$3,073.00 per Unit	\$3,073.00 per Unit	\$0.00
Single Family Detached Property	2,601-2,700	27	\$3,156.00 per Unit	\$3,156.00 per Unit	\$85,212.00
Single Family Detached Property	2,701-2,800	0	\$3,240.00 per Unit	\$3,240.00 per Unit	\$0.00
Single Family Detached Property	2,801-2,900	0	\$3,282.00 per Unit	\$3,282.00 per Unit	\$0.00
Single Family Detached Property	2,901-3,000	0	\$3,406.00 per Unit	\$3,406.00 per Unit	\$0.00
Single Family Detached Property	3,001-3,100	0	\$3,448.00 per Unit	\$3,448.00 per Unit	\$0.00
Single Family Detached Property	3,101-3,200	8	\$3,573.00 per Unit	\$3,573.00 per Unit	\$28,584.00
Single Family Detached Property	3,201-3,300	0	\$3,615.00 per Unit	\$3,615.00 per Unit	\$0.00
Single Family Detached Property	3,301-3,400	0	\$3,739.00 per Unit	\$3,739.00 per Unit	\$0.00
Single Family Detached Property	>3,400	17	\$3,782.00 per Unit	\$3,782.00 per Unit	\$64,294.00
One Story Property	<2,301	0	\$3,185.00 per Unit	\$3,185.00 per Unit	\$0.00
One Story Property	2,301-2,400	0	\$3,252.00 per Unit	\$3,252.00 per Unit	\$0.00
One Story Property	2,401-2,500	1	\$3,346.00 per Unit	\$3,346.00 per Unit	\$3,346.00
One Story Property	2,501-2,600	0	\$3,389.00 per Unit	\$3,389.00 per Unit	\$0.00
One Story Property	2,601-2,700	2	\$3,442.00 per Unit	\$3,442.00 per Unit	\$6,884.00
One Story Property	2,701-2,800	0	\$3,521.00 per Unit	\$3,521.00 per Unit	\$0.00
One Story Property	>2,800	0	\$3,588.00 per Unit	\$3,588.00 per Unit	\$0.00
	<u>Tract</u>				
Other Property	18065	0.00	\$34,777.00 per Acre	\$34,777.00 per Acre	\$0.00
Other Property	18066	0.00	\$30,226.00 per Acre	\$30,226.00 per Acre	\$0.00
Other Property	18067	0.00	\$24,095.00 per Acre	\$24,095.00 per Acre	\$0.00
Other Property	18068	0.00	\$35,974.00 per Acre	\$35,974.00 per Acre	\$0.00
Other Property	18081	0.00	\$35,386.00 per Acre	\$35,386.00 per Acre	\$0.00

[Table continued on next page.]

Land Use	Residential Floor Area (Sq. Ft.)	Number of Units / Acres	FY 2019-20 Assigned / Maximum Tax Rates (1)	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Final Mapped Property	18065	0.00	\$34,777.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18066	2.91	\$30,226.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18067	0.00	\$24,095.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18068	0.00	\$35,974.00 per Acre	\$0.00 per Acre	\$0.00
Final Mapped Property	18081	1.92	\$35,386.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18065	11.24	\$34,777.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18066	0.00	\$30,226.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18067	18.84	\$24,095.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18068	0.00	\$35,974.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property	18081	0.00	\$35,386.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy					\$465,136.00

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3114 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 43 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 43 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV)

SPECIAL TAX RATES FOR FISCAL YEAR 2019-20

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates
Developed Property:		
Residential Property		
Single Family Detached Property	<1,701	\$2,282.00 per Unit
Single Family Detached Property	1,701-1,800	\$2,366.00 per Unit
Single Family Detached Property	1,801-1,900	\$2,449.00 per Unit
Single Family Detached Property	1,901-2,000	\$2,502.00 per Unit
Single Family Detached Property	2,001-2,100	\$2,616.00 per Unit
Single Family Detached Property	2,101-2,200	\$2,666.00 per Unit
Single Family Detached Property	2,201-2,300	\$2,823.00 per Unit
Single Family Detached Property	2,301-2,400	\$2,830.00 per Unit
Single Family Detached Property	2,401-2,500	\$2,990.00 per Unit
Single Family Detached Property	2,501-2,600	\$3,073.00 per Unit
Single Family Detached Property	2,601-2,700	\$3,156.00 per Unit
Single Family Detached Property	2,701-2,800	\$3,240.00 per Unit
Single Family Detached Property	2,801-2,900	\$3,282.00 per Unit
Single Family Detached Property	2,901-3,000	\$3,406.00 per Unit
Single Family Detached Property	3,001-3,100	\$3,448.00 per Unit
Single Family Detached Property	3,101-3,200	\$3,573.00 per Unit
Single Family Detached Property	3,201-3,300	\$3,615.00 per Unit
Single Family Detached Property	3,301-3,400	\$3,739.00 per Unit
Single Family Detached Property	>3,400	\$3,782.00 per Unit

One Story Property	<2,301	\$3,185.00 per Unit
One Story Property	2,301-2,400	\$3,252.00 per Unit
One Story Property	2,401-2,500	\$3,346.00 per Unit
One Story Property	2,501-2,600	\$3,389.00 per Unit
One Story Property	2,601-2,700	\$3,442.00 per Unit
One Story Property	2,701-2,800	\$3,521.00 per Unit
One Story Property	>2,800	\$3,588.00 per Unit
	<u>Tract</u>	
Other Property	18065	\$34,777.00 per Acre
Other Property	18066	\$30,226.00 per Acre
Other Property	18067	\$24,095.00 per Acre
Other Property	18068	\$35,974.00 per Acre
Other Property	18081	\$35,386.00 per Acre
Final Mapped Property	18065	\$0.00 per Acre
Final Mapped Property	18066	\$0.00 per Acre
Final Mapped Property	18067	\$0.00 per Acre
Final Mapped Property	18068	\$0.00 per Acre
Final Mapped Property	18081	\$0.00 per Acre
Undeveloped Property	18065	\$0.00 per Acre
Undeveloped Property	18066	\$0.00 per Acre
Undeveloped Property	18067	\$0.00 per Acre
Undeveloped Property	18068	\$0.00 per Acre
Undeveloped Property	18081	\$0.00 per Acre

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 44 (Esperanza Services) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$15,182 to fund City services and to pay related district expenses.

BACKGROUND: On November 6, 2018, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 44 ("District") with the adoption of Resolution No. 2018-148, declaring the City's intention to establish the District and to authorize the levy of special taxes. On December 18, 2018, the City Council adopted Resolution No. 2018-167, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3124 on January 15, 2019, authorizing the levy of special taxes in the District to finance City services related to the Esperanza project.

The District addresses the residential development of approximately 133 gross acres located north of Bellegrave Avenue, south of Eucalyptus Avenue, east of Mill Creek Avenue, and west of Hammer Avenue. At build-out, the development will include 646 single-family detached units. The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 44

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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(Esperanza Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2019-20 is the first year that the special tax will be levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2019, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property:				
Single Family Detached	9	\$1,686.88 per Unit	\$1,686.88 per Unit	\$15,181.92
Multiple Family	0	\$1,462.24 per Unit	\$1,462.24 per Unit	\$0.00
Gated Apartment Community	0	\$1,226.16 per Unit	\$1,226.16 per Unit	\$0.00
Non-Residential Property	0	\$0.3120 per Sq. Ft.	\$0.3120 per Sq. Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax Levy				\$15,181.92

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 44 (Esperanza Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3124 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 44 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 44 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

<u>Land Use</u>	<u>FY 2019-20 Tax Rates</u>
Residential Property:	
Single Family Detached	\$1,686.88 per Unit
Multiple Family	\$1,462.24 per Unit
Gated Apartment Community	\$1,226.16 per Unit
Non-Residential Property	\$0.3120 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 45 (NORTH PARK AND COUNTRYSIDE) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 45 (Northpark and Countryside) for Fiscal Year 2019-20.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue to pay debt service on bonds issued to acquire public improvements, and to pay related district expenses, will be generated in the amount of \$223,606; and to fund City services, special tax revenue will be generated in the amount of \$136,637.

BACKGROUND: On May 15, 2018, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 45 ("District") with the adoption of Resolution No. 2018-041, declaring the City's intention to establish the District and to authorize the levy of special taxes. On June 19, 2018, the City Council adopted Resolution No. 2018-084 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3105 on July 3, 2018, authorizing the levy of special taxes for the District to finance public improvements and fund City services related to the Northpark and Countryside project.

The District addresses two residential developments. Northpark consists of approximately 36 gross acres located generally west of Park Place Avenue, east of Archibald Avenue, south of Eucalyptus

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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Avenue, and north of Parkview Street and Countryside which consists of approximately 9 gross acres located west of Archibald Avenue, east of Cucamonga Creek Channel, south of Riverside Drive, and north of Chino Avenue. At build out, the development is projected to include 241 single-family units.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2019-20 is the first year that the special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2019, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." There will be no annual increase to the facilities special tax rates. Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assigned/maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Facilities Tax Rates

Land Use	Residential Floor Area (Sq. Ft.)	Number of of Units / Acres	FY 2019-20 Assigned Tax Rates A	FY 2019-20 Maximum Tax Rates A (1)	FY 2019-20 Proposed Tax Rates A	FY 2019-20 Special Tax A Levy
Developed Property:						
Single Family Property	<1,701	0	\$2,063.00 per Unit	\$2,680.00 per Unit	\$2,063.00 per Unit	\$0.00
Single Family Property	1,701-1,900	11	\$2,216.00 per Unit	\$2,680.00 per Unit	\$2,216.00 per Unit	\$24,376.00
Single Family Property	1,901-2,100	0	\$2,334.00 per Unit	\$2,680.00 per Unit	\$2,334.00 per Unit	\$0.00
Single Family Property	2,101-2,300	0	\$2,513.00 per Unit	\$2,680.00 per Unit	\$2,513.00 per Unit	\$0.00
Single Family Property	2,301-2,500	27	\$2,754.00 per Unit	\$2,754.00 per Unit	\$2,754.00 per Unit	\$74,358.00
Single Family Property	2,501-2,700	0	\$2,879.00 per Unit	\$2,879.00 per Unit	\$2,879.00 per Unit	\$0.00
Single Family Property	2,701-2,900	43	\$2,904.00 per Unit	\$2,904.00 per Unit	\$2,904.00 per Unit	\$124,872.00
Single Family Property	2,901-3,100	0	\$3,234.00 per Unit	\$3,234.00 per Unit	\$3,234.00 per Unit	\$0.00
Single Family Property	>3,100	0	\$3,415.00 per Unit	\$3,415.00 per Unit	\$3,415.00 per Unit	\$0.00
Other Residential Property	N/A	0	\$25,989.00 per Acre	\$25,989.00 per Acre	\$25,989.00 per Acre	\$0.00
Non-Residential Property	N/A	0	\$25,989.00 per Acre	\$25,989.00 per Acre	\$25,989.00 per Acre	\$0.00
Final Mapped Property		18.67	N/A	\$25,989.00 per Acre	\$0.00 per Acre	\$0.00
Undeveloped Property		0.00	N/A	\$25,989.00 per Acre	\$0.00 per Acre	\$0.00
Total Fiscal Year 2019-20 Special Tax A Levy						\$223,606.00

(1) For Developed Property, the levy of Special Tax A cannot exceed the applicable Assigned Special Tax A rate unless Final Mapped Property and Undeveloped Property are taxed at the Maximum Special Tax A rate.

Annual Services Tax Rates

Developed Property Land Use	Number of Units / Sq. Ft.	FY 2019-20 Maximum Tax Rates B	FY 2019-20 Proposed Tax Rates B	FY 2019-20 Special Tax B Levy
Residential Property:				
Single Family Detached	81	\$1,686.88 per Unit	\$1,686.88 per Unit	\$136,637.28
Multiple Family	0	\$1,462.24 per Unit	\$1,462.24 per Unit	\$0.00
Gated Apartment Community	0	\$1,226.16 per Unit	\$1,226.16 per Unit	\$0.00
Non-Residential Property	0	\$0.3120 per Sq. Ft.	\$0.3120 per Sq. Ft.	\$0.00
Total Fiscal Year 2019-20 Special Tax B Levy				\$136,637.28

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3105 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

- (a) Costs of providing facilities and services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 45 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 45 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 45
(NORTHPARK AND COUNTRYSIDE)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

ANNUAL FACILITIES TAX RATES

Land Use	Residential Floor Area (Sq. Ft.)	FY 2019-20 Tax Rates A
Developed Property:		
Single Family Property	<1,701	\$2,063.00 per Unit
Single Family Property	1,701-1,900	\$2,216.00 per Unit
Single Family Property	1,901-2,100	\$2,334.00 per Unit
Single Family Property	2,101-2,300	\$2,513.00 per Unit
Single Family Property	2,301-2,500	\$2,754.00 per Unit
Single Family Property	2,501-2,700	\$2,879.00 per Unit
Single Family Property	2,701-2,900	\$2,904.00 per Unit
Single Family Property	2,901-3,100	\$3,234.00 per Unit
Single Family Property	>3,100	\$3,415.00 per Unit
Other Residential Property	N/A	\$25,989.00 per Acre
Non-Residential Property	N/A	\$25,989.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

ANNUAL SERVICES TAX RATES

Developed Property Land Use	FY 2019-20 Tax Rates B
Residential Property:	
Single Family Detached	\$1,686.88 per Unit
Multiple Family	\$1,462.24 per Unit
Gated Apartment Community	\$1,226.16 per Unit
Non-Residential Property	\$0.3120 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$402,259 to fund City services and pay related district expenses.

BACKGROUND: On May 15, 2018, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 47 ("District") with the adoption of Resolution No. 2018-043, declaring the City's intention to establish the District and to authorize the levy of special taxes. On June 19, 2018, the City Council adopted Resolution No. 2018-089, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3107 on July 3, 2018, authorizing the levy of special taxes in the District to finance City services related to the Colony Commerce Center West I industrial project.

The District addresses the industrial development of approximately 66 acres located north of Remington Avenue, generally south of Merrill Avenue, east of Carpenter Avenue, and west of Cucamonga Channel.

STAFF MEMBER PRESENTING: Armen Harkaylan, Executive Director of Finance

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

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2019-20 will be the first year that a special tax will be levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2019, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The assessed maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property:				
Single Family Detached	0	\$1,686.88 per Unit	\$1,686.88 per Unit	\$0.00
Multiple Family	0	\$1,462.24 per Unit	\$1,462.24 per Unit	\$0.00
Gated Apartment Community	0	\$1,226.16 per Unit	\$1,226.16 per Unit	\$0.00
Non-Residential Property	1,289,292	\$0.3120 per Sq. Ft.	\$0.3120 per Sq. Ft.	\$402,259.10
Total Fiscal Year 2019-20 Special Tax Levy				\$402,259.10

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3107 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 47 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 47 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 47
(COLONY COMMERCE CENTER WEST I SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	Number of Units / Sq. Ft.	FY 2019-20 Tax Rates
Residential Property:		
Single Family Detached	0	\$0.00
Multiple Family	0	\$0.00
Gated Apartment Community	0	\$0.00
Non-Residential Property	1,289,292	\$402,259.10

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES) FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services) for Fiscal Year 2019-20.

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

FISCAL IMPACT: As proposed, for Fiscal Year 2019-20, special tax revenue will be generated in the amount of \$371,316 to fund City services and to pay related district expenses.

BACKGROUND: On April 2, 2019, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 50 ("District") with the adoption of Resolution No. 2019-031, declaring the City's intention to establish the District and to authorize the levy of special taxes. On May 7, 2019 the City Council adopted Resolution No. 2019-042, forming the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3132 on June 4, 2019, authorizing the levy of special taxes in the District to finance City services related to the West Ontario Logistics Center Services industrial project.

The District addresses the industrial development of approximately 55 gross acres located south of Merrill Avenue, east of Carpenter Avenue, and west of Cucamonga Channel.

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

44

The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services) are as follows: police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2019-20 will be the first year that the special tax will be levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, "...beginning on January 1, 2019, and annually thereafter, the maximum annual services special tax rate shall be increased at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year." Goodwin Consulting Group has prepared the Administrative Report for the District for Fiscal Year 2019-20, which is on file with the Records Management Department. The maximum and proposed annual tax rates for Fiscal Year 2019-20 are as follows:

Annual Tax Rates

Land Use	Number of Units / Sq. Ft.	FY 2019-20 Maximum Tax Rates	FY 2019-20 Proposed Tax Rates	FY 2019-20 Special Tax Levy
Residential Property:				
Single Family Detached	0	\$1,687.00 per Unit	\$1,687.00 per Unit	\$0.00
Multiple Family	0	\$1,462.00 per Unit	\$1,462.00 per Unit	\$0.00
Gated Apartment Community	0	\$1,226.00 per Unit	\$1,226.00 per Unit	\$0.00
Non-Residential Property	1,197,794	\$0.3100 per Sq. Ft.	\$0.3100 per Sq. Ft.	\$371,316.14
Total Fiscal Year 2019-20 Special Tax Levy				\$371,316.14

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3132 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

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

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

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

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

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

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

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 50 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 50 Special Tax," or by any other suitable designation, the installment of the special tax.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 50
(WEST ONTARIO LOGISTICS CENTER SERVICES)**

**SPECIAL TAX RATES
FOR FISCAL YEAR 2019-20**

Land Use	FY 2019-20 Tax Rates
Residential Property:	
Single Family Detached	\$1,687.00 per Unit
Multiple Family	\$1,462.00 per Unit
Gated Apartment Community	\$1,226.00 per Unit
Non-Residential Property	\$0.3100 per Sq. Ft.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE TENTATIVE TRACT MAP NO. 20144 (FILE NO. PMTT18-008) TO SUBDIVIDE ONE-ACRE OF LAND INTO 5 NUMBERED LOTS AND 2 LETTERED LOTS, FOR PROPERTY LOCATED AT 2004 SOUTH PALMETTO AVENUE, WITHIN THE LDR-5 (LOW DENSITY RESIDENTIAL – 2.1 TO 5.0 DUS/ACRE) ZONING DISTRICT. (APN: 1014-532-04)

RECOMMENDATION: That the City Council hold a public hearing to consider and uphold the Planning Commission's approval of File No. PMTT18-008, a Tentative Tract Map (TT 20144) to subdivide one acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district.

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: On May 15, 2018, Tan Nguyen applied for Tentative Tract Map (File No. PMTT18-008) approval to subdivide one acre of land into 5 numbered lots and 2 lettered lots for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district. The subject property is currently a vacant site.

On March 22, 2019, the Planning Department sent a notice of the proposed project to all property owners within 300 feet of the project site. One written comment and one email were received regarding the proposed project.

On April 15, 2019, the Development Advisory Board conducted a hearing to consider the application, and recommended that the Planning Commission approve the project subject to conditions.

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

Prepared by: Denny D. Chen
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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On April 23, 2019, the Planning Commission conducted a public hearing to consider the subject application and the Development Advisory Board's recommendation. Following a presentation of staff's findings and the receipt of all public testimony, the Planning Commission addressed the application, and approved the project by a vote of 4-0, adopting Resolution No. PC19-017.

APPEAL: On April 24, 2019, Lawrence E. Jowdy ("Appellant") submitted an appeal of the Planning Commission's decision to approve File No. PMTT18-008. A copy of the Appeal application and Appellant statement is included as Exhibit "A" of this report. The basis of the Appellant's appeal rests in his belief that the project has the potential to reduce available parking on Palmetto Avenue and reduce his privacy level. Additionally, the Appellant is concerned that the additional number of vehicles generated by the project, will potentially cause traffic collisions and contribute to more traffic congestion on Palmetto Avenue.

Staff has reviewed the Appellant statement and provided a response for each issue raised by the Appellant:

1. *Appellant Issue No. 1: The project has the potential to increase parking demand on Palmetto Avenue.*

Staff Response: The project site is currently vacant and undeveloped. The proposed Tentative Tract Map application is proposing to subdivide the existing one-acre site into 5 numbered lots and 2 lettered lots to facilitate the future development of the project site with five conventional single-family homes. The conceptual site plan provided with the Tentative Tract Map indicates that each home will be provided with a two-car garage consistent with Development Code requirements. In addition, each home will be provided with a two car (Minimum 18-foot long) driveway, for a total of four parking spaces provided for each dwelling unit. Furthermore, two guest parking spaces will be provided to the east of Lot 1.

Parking along Palmetto Avenue is only allowed by permit only. In addition, as a condition of Tentative Tract Map approval, the curb along the project's Palmetto Avenue frontage is required to be painted red in order to prevent additional street parking on Palmetto Avenue. Consequently, no parking issues on Palmetto Avenue are anticipated as a result of the proposed project.

2. *Appellant Issue No. 2: The Tentative Tract Map is designed such that the future development of the project site would result with up to five homes facing the Appellant's property, which has the potential to reduce the Appellant's privacy. Appellant is requesting an 8-foot tall block wall be required to be constructed along his north property line, rather than the 6-foot high block wall required to be constructed by the developer of the Tentative Tract Map, in order to provide more privacy to the Appellant's property.*

Staff Response: The project will not significantly affect the Appellant's level of privacy within the rear yard of his property. Lot A consists of a private drive aisle that runs parallel with, and adjacent to, the Appellant's north property line (south side of the project site), which provides access to the 5 lots comprising the Tentative Tract Map.

A home on Lot 1 would face the Appellant's driveway and front yard area. Per the development standards, a future home constructed on Lot 1 would be setback at least 31 feet from Palmetto Avenue and more than 47 feet from the Appellant's house.

Lots 2 and 3 will be constructed with homes located more than 47 feet from the Appellant's house. Additionally, Lots 2 and 3 will face the back of a large detached single-story accessory structure (approximately 1,044 square feet in area and 18 feet in depth by 58 feet in length) located in the Appellant's rear yard, which will block views into the Appellant's property.

Homes constructed on Lots 4 and 5 will face an existing multiple-family development located behind the Appellant's property. As such, Lots 4 and 5 will not adversely affect the Appellant's privacy.

Of the five homes that can potentially be constructed, only 3 homes (Lots 1, 2 and 3) will be constructed facing the Appellant's house. Nonetheless, privacy impacts from Lot 1 are mitigated by the fact that the lot faces the Appellant's front yard area, which is an area open to full public view. Privacy impacts from Lots 2 and 3 are mitigated by the fact that views into the Appellant's property are screened by a 58-foot long single-story accessory structure located in the Appellant's rear yard. Homes built on Lots 4 and 5 will not adversely affect the Appellant's privacy since they will be located beyond the Appellant's west property line. For additional privacy, a 6 foot high block wall will be required to be constructed between the project site and the Appellant's property. Consequently, the proposed project would not adversely affect the Appellant's rear yard privacy.

3. *Appellant Issue No. 3: The project will potentially cause more traffic collisions and contribute to more traffic congestion on Palmetto Avenue.*

Staff Response: The fact that the subject site is vacant means that any development will generate new vehicle trips over what is existing. However, the Engineering's Traffic Division has determined that, based on the number of dwelling units proposed, the project is not expected to generate significant traffic impacts on Palmetto Avenue. The Engineering Traffic Division reviewed the project for access and circulation and does not anticipate the traffic level on Palmetto Avenue to significantly increase beyond the traffic level that currently exists. As such, the project is not expected to result in any significant traffic impacts in the form of added traffic collisions and added congestion on Palmetto Avenue.

CONCLUSION: Staff recommends that the City Council consider all public testimony on the appeal and uphold the Planning Commission's approval of Tentative Tract Map File No. PMTT18-008.

EXHIBIT A



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Appeal Application Form

Instructions:

1. Pursuant to Ontario Development Code Division 2.04 (Appeals), any person having legal standing may appeal an action or decision to the Appeal Authority, including but not limited to an applicant, resident, business owner, or any person owning real property within the City, that is aggrieved by an interpretation, action, or decision made by any City agency or department, or by an Approving Authority.
2. Within 10 days following the action or decision being appealed, an appeal request must be filed with the Planning Department on an Appeal Application Form, along with the required filing fees. The appeal request must include a statement identifying the specific action or decision that is being appealed, the specific grounds for the appeal, and the relief requested from the Appeal Authority.
3. An appeal of an action or decision made by an Approving Authority following a hearing, is limited to those matters raised during the hearing and contained in an appeal statement. The Appeal Authority cannot consider any matter that was not raised during the hearing before the Approving Authority and contained in the appeal statement.
4. The Appeal Authority that will hear the appeal request is limited to taking testimony and making its decision based solely on the specific grounds specified by the appellant in the Appeal Application Form, insofar as they make an adequate claim pursuant to Ontario Development Code Section 2.04.010. When the decision of an Approving Authority is appealed, you are limited to raising only those issues you or someone else raised during the hearing before the Approving Authority and stated in the Appeal Application Form.

GENERAL INFORMATION (PRINT OR TYPE)

Appellant: LAWRENCE E. JOWDY
 Address: 2018 S. PALMETTO AVE
 Phone: 909 391-3465 Email: LJOWDY@AOL.COM
 Appellant's Representative: _____
 Address: _____
 Phone: _____ Email: _____

(For staff use only)
 File No(s): PMTT 18-008
 Date: 4/24/19
 Rec'd by: DB
 Fees Paid: 125
 Cash Check (# 1185)
 Credit Card
 Receipt No.: 297462

SUBJECT OF APPEAL

This application is hereby filed pursuant to Ontario Development Code Division 2.04 (Appeals), appealing a decision or action of the following Authority:

- | | | |
|---|---|---|
| <input type="checkbox"/> Department/Agency Head | <input type="checkbox"/> Development Advisory Board | <input type="checkbox"/> Zoning Administrator |
| <input type="checkbox"/> Historic Preservation Subcommittee | <input type="checkbox"/> Historic Preservation Commission | <input checked="" type="checkbox"/> Planning Commission |

Project File No(s): PMTT18-008/TT20144 Date of Action/Decision: 4/23/2019

The application being appealed requests the following (attach additional sheets as necessary):
PLEASE READ THE ATTACHED LETTER

April 24, 2019

City of Ontario Planning Department
303 E. "B" st.
Ontario, CA 91764

Subject: PROJECT PMTT18-008/TT20144

The purpose of the is correspondence is to Appeal the approval vote for the land project located at 2004 S. Palmetto Ave, Ontario, CA 91762

Let me start off by telling you that I've lived in Ontario for 32 years. 1987 to 2005 on S. Redwood Ave and 2005 to present on S. Palmetto Ave. In addition I'm a retired Sergeant from the Los Angeles County Sheriff's Department where I spent 34 of service. I've been retired since 2003.

During the April 23, 2019 public meeting held at City Hall, the proposed redevelopment of a vacant 1 acre lot located at the above address was heard by the 4 attending members of the Planning Commission.

It is my belief that my issues were not properly addressed in that various Commissioners saw no or limited value in my objections during the Public Comment period.

More importantly, it is my belief that a decision to approve the development was made prior to the public meeting based on comments from *Commissioners Gage and Reyes*.

Please go to your recorded archives of the meeting and during the question and answer period, you will clearly hear both of the Commissioners say, "*We're here to APPROVE this development.*"

Anyone in their right mind would conclude that if they were there to *APPROVE* the agenda item then they had already made up their minds to do so. Had they said that they were there to hear arguments / comments and then "VOTE" on approval or denial then I wouldn't be including this objection in this letter.

My protest is not based entirely on the comments from the Commissioners. My disagreement on the increased traffic, my lack of privacy due to the unorthodox placing of the homes (all facing right into my back yard) increased parking problems and a myriad of other objections were diluted by the Commissioners who spoke. And by the way, none of them live on Palmetto Ave and have absolutely no idea of the problems that exist.

Once I was allowed my 5 minutes to speak, various area's of the proposed development were discussed. Many of the items I objected to were diluted in their content by the Commissioners.

When I asked for a 8' block wall between the development and my home. One of the commissioners felt it necessary to say that homes behind his residence only had 6' walls. What he didn't comment on is that the homes behind him back up to his back yard. In other words, back yard to back yard. In addition, I was not allowed rebuttal time to clarify any subject that was discussed by the Commissioners. (Thus leading me again to believe that the meeting was just an appeasement for the public and had already been decided)

In my case, all 5 homes on the 1 acre lot face south, right into my back yard. It was noted during the conversation that a 6' block wall would be sufficient and possibly tall growing plants be placed on the 2004 Palmetto Ave side of the wall. It takes years for plants to grow that tall and hours to add at least another foot of height to the block wall, preferably 2 feet.

The other issue is the number of cars that will be generated by 5 families moving in next to me. The average number of cars per family is 3+. More if the unthinkable happens where 2 or more families move into the same dwelling. The traffic on Palmetto Ave is horrendous, especially during school days. The street is posted 25 MPH which no one observes.

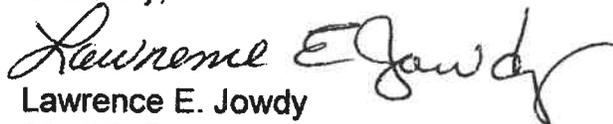
I've written letters to the Chief Williams of the Ontario PD, and all that was done was to move the radar trailer on my street for 1 day. All it does is give 'racers' a final speed when racing down the street.

15 plus cars pulling in to and out of the proposed development will undoubtedly cause or be involved in traffic collisions and at the least, contribute to more congestion.

I sincerely hope you review my protest in a favorable light although based on the Public meeting, I feel that my letter of protest is just an exercise in futility.

I can understand why the owner of the lot wants to maximize his/her investment and I understand the City of Ontario wanting 5 more homes to increase the collection of taxes but, I may understand it but that doesn't mean I agree with it.

Sincerely,



Lawrence E. Jowdy
2018 S. Palmetto Ave
Ontario, CA 91762
Home (909) 391-3465 Cell (909) 261-7004

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE FILE NO. PMTT18-008, A TENTATIVE TRACT MAP (TT 20144) TO SUBDIVIDE ONE ACRE OF LAND INTO FIVE NUMBERED LOTS AND TWO LETTERED LOTS FOR PROPERTY LOCATED AT 2004 SOUTH PALMETTO AVENUE, WITHIN THE LDR-5 (LOW DENSITY RESIDENTIAL - 2.1 TO 5.0 DU/ACRE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF- APN: 1014-532-04.

WHEREAS, LAWRENCE E. JOWDY ("Applicant") has filed an Application appealing the Planning Commission's approval of File No. PMTT18-008, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to one acre of land located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential, 2.1 to 5.0 DU/Acre) zoning district; and

WHEREAS, the properties to the north, east and south of the Project site are all within the LDR-5 (Low Density Residential) zoning district and are developed with single-family dwellings. The property to the west is within the MDR-11 (Medium Density Residential) zoning district and is developed with residential condominiums; and

WHEREAS, the Project will utilize the Small Lot Single Family Residential Development Standards of the Development Code (Division 6.01, Table 3.01 2A). The Small Lot Single Family Residential Development Standards allow for the reduction of the 7,200 square foot minimum lot size requirement of LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zone to a minimum lot size of 4,000 square feet to provide flexibility for unique parcels and to complement the surrounding higher density developments; and

WHEREAS, access to each lot will be provided by a 20-foot wide private drive aisle (Lot A) that will be located along the south portion of the site with direct access from Palmetto Avenue. The private drive aisle will have a 5-foot landscaped planter along the south side and a 4-foot wide sidewalk along the north for pedestrian access from Palmetto Avenue. Frontage improvements along Palmetto Avenue include a 5-foot wide sidewalk and an 8-foot wide landscaped parkway. In addition, an 8-foot street dedication, for the widening of Palmetto Avenue, will be required; and

WHEREAS, the proposed subdivision will produce five single family residential lots that will range in size from 5,050 to 5,700 square feet with lot widths that range from 49 to 54 feet, and each with a lot depth of approximately 103 feet. The proposed lot sizes exceed the minimum 4,000 square foot lot requirement, minimum lot width of 40 feet and lot depth of 100 feet of the Small Lot Single Family Residential Development Standards; and

WHEREAS, a condition of approval has been placed on the project which requires a Development Plan be submitted for the design and construction of future homes. However, if the Development Plan is not submitted prior to Final Map recordation the Applicant will be required to submit site and architectural design guidelines to be incorporated into the CC&Rs to ensure architectural compatibility (design, scale and mass) for the proposed lots. This will ensure that if the 5 lots are sold separately, each future owner will be required to develop the lots according to the approved design guidelines contained within the CC&R's; and

WHEREAS, public utilities (water and sewer) are available to serve the project. 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 the use of vegetated swales which lead to underground stormwater infiltration systems installed for the project. Any overflow drainage will be conveyed to the public street by way of parkway culverts; 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

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, 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; and

WHEREAS, on April 15, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, voting to issue Decision No. DAB19-012, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a public hearing to consider the project and the Development Advisory Board's recommendation. Following a presentation of staff's findings and after receipt of all public testimony, the Planning Commission addressed the applications and concluded said hearing on that date, voting to issue Resolution No. PC19-017 to approve the Application by a vote of 4-0; and

WHEREAS, on April 24, 2019, the Applicant submitted an appeal of the Planning Commission's decision to approve File Nos. PMTT18-008. The basis for the appeal lies in their belief that the proposed subdivision will cause traffic and parking impacts to the neighborhood and create privacy issues with his property; and

WHEREAS, on June 18, 2019, the City Council of the City of Ontario conducted a hearing to consider an appeal of the Planning Commission's decision to approve the project and concluded said hearing on that date; 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 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, 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 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 administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development, meeting 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, and is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;
- Approval of the Project will 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.

(2) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(3) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2. *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, 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 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 Tentative Tract/Parcel 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 LDR (Low Density Residential) land use district of the Policy Plan Land Use Map, and the LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district. 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 LDR (Low Density Residential) land use district of the Policy Plan Land Use Map, and the LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district. 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; 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 LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district, 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. The minimum lot size for each parcel is 5,000 square feet and the applicant is proposing five lots ranging from 5,050 to 5,700 square feet, which exceeds the minimum requirements.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site meets the minimum lot area and dimensions of the LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district, 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. The minimum lot size for each parcel is 5,000 square feet and the applicant is proposing five lots ranging from 5,050 to 5,700 square feet, which exceed the minimum requirements.

(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 overall right-of-way 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. In addition, there are no 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. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby upholds the Planning Commission's decision and APPROVES the herein described project (File Nos. PMTT18-008).

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 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 June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT "A"

CONDITIONS OF APPROVAL FOR FILE NO. PMTT18-008

Supporting documents are available for
public review during normal business
hours at the
City Clerk's Department

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT SUBSIDY REPORT AND RETENTION AGREEMENT BETWEEN THE CITY OF ONTARIO AND MONTCLAIR AUTOMOTIVE SERVICES, INC., PURSUANT TO GOVERNMENT CODE SECTION 53083; AND CONSIDERATION OF A RESOLUTION ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT, APPROVING THE OPERATING COVENANT AGREEMENT AND MAKING RELATED FINDINGS

RECOMMENDATION: That the City Council take the following actions:

- (A) Hold the public hearing;
- (B) Adopt a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding a Retention Agreement (on file with the Records Management Department) by and between the City of Ontario and Montclair Automotive Services, Inc., hereinafter referred to as "Infiniti";
- (C) Adopt a resolution approving the Retention Agreement with a fifteen-year term, authorizing the City Manager to execute the Retention Agreement, and making related findings; and
- (D) Direct City staff to file a Notice of Exemption based upon the City Council's finding that the impacts for this existing facility is not a project and subject to environmental review and that there is no possibility that the activity in question may have a significant effect on the environment.

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

FISCAL IMPACT: Pursuant to the terms of the proposed Retention Agreement, the operating covenant payment between the City and Infiniti is calculated based on Infiniti's sales tax revenue during

STAFF MEMBER PRESENTING: John Andrews, Executive Director Economic Development

Prepared by: Karla Tavera
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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a computation quarter in an amount equal to the sum of fifty percent (50%) of the local sales tax revenue received above seventy five thousand dollars (\$75,000) annually for years 1-5, one hundred thousand dollars (\$100,000) annually for years 6-10, and one hundred and twenty-five thousand dollars (\$125,000) annually for years 11-15. The cumulative total of any and all Covenant Payments paid by the City pursuant to this Agreement shall not exceed One Million Two Hundred Thousand Dollars (\$1,200,000).

Entering into the Retention Agreement ensures that local sales tax revenue generated by Infiniti will remain in the city for the fifteen (15) year contract term

BACKGROUND: The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law. The City of Ontario receives one percent (1%) of all taxable sales generated within the city under this law. Sales and Use Tax revenues are an important source of revenue for the city, which are used to provide essential city services, such as police, fire, and infrastructure maintenance and community facilities

Infiniti is a local automobile retailer who recently relocated to the City of Ontario from the City of Montclair. While in Montclair, the dealership expanded beyond the capabilities of their location and were forced to relocate. After being unable to find another suitable property within the City of Montclair, they relocated in December 2018 to a newly constructed dealership on a property consisting of approximately 4.05 acres and located at the southwest corner of Inland Empire Boulevard and QVC Way, in the City of Ontario. The automobile retailer and service center is staffed with 16 sales associates and a total number of 64 employees. The dealership and service center location is used for sales, meetings, display of merchandise, managerial meetings and other sales functions, in addition to providing parts and service to vehicles.

The continued operation of Infiniti within the city will result in the retention of jobs, allow for the potential increase in job opportunities, foster a business and civic environment that may attract additional businesses, investments and further increase the jobs/housing balance in the city. In light of the potential benefits Infiniti will have on the community, staff recommends a Retention Agreement to incentivize Infiniti to remain in the City and potentially expand operations in the future.

Senate Bill 533 went into effect on January 1, 2016. This bill prohibits a local agency from entering into an agreement that would result in the payment of local tax revenues to an entity if the agreement will result in a reduction of Bradley-Burns local tax revenues to another local agency and the entity is maintaining a presence in the other local jurisdiction. This automobile dealership does not currently have a business location outside of the City of Ontario, therefore, the prohibitions in SB533 are not applicable to this proposed Retention Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING A RETENTION AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND MONTCLAIR AUTOMOTIVE SERVICES, INC.

WHEREAS, Montclair Automotive Services, Inc. ("Infiniti"), a California Corporation, has established a state-of-the-art Infiniti automobile sales and service center in the City of Ontario ("City"); and

WHEREAS, Infiniti has acquired certain real property consisting of approximately 4.05 acres located at 2192 Inland Empire Boulevard in the City of Ontario, California, 91764; and

WHEREAS, to encourage Infiniti to remain in the City and consider future sales expansions, the City and Infiniti desire to enter an Retention Agreement ("Agreement") for an economic development subsidy based on Infiniti's sales tax revenue for a period of 15 years; and

WHEREAS, the City has determined that Infiniti's operation of the Business results in substantial benefits to the City and its citizens, including, the creation of new employment opportunities, increased property tax and sales tax revenues and other ancillary benefits; and

WHEREAS, the City has further determined that the retention of Infiniti in the City serves the additional public purpose of fostering a business and civic environment that may attract additional businesses and investment in the community due to the availability of increased public and private services and economic activity resulting therefrom; and

WHEREAS, the City and Infiniti have negotiated the terms of the Agreement to include Covenant Payments made on a quarterly basis for 15 years: (1) for Dealership Operating Years 1-5, an amount equal to the sum of fifty percent (50%) of the Local Sales Tax Revenues received above the annual base amount of Seventy Five Thousand Dollars (\$75,000); (2) for Dealership Operating Years 6-10, an amount equal to the sum of fifty percent (50%) of the Local Sales Tax Revenues received above the annual base amount of One Hundred Thousand Dollars (\$100,000); and (3) for Dealership Operating Years 11-15, an amount equal to the sum of fifty percent (50%) of the Local Sales Tax Revenues received above the annual base amount of One Hundred Twenty Five Thousand Dollars (\$125,000) annually, with the cumulative total of all covenant payments not to exceed One Million Two Hundred Thousand Dollars (\$1,200,000); and

WHEREAS, based on information provided by City staff, and other such written and oral evidence as presented to the City, the City finds and determines that the allocation of funds to Infiniti pursuant to the Agreement is reasonably related to a legitimate governmental purpose; and

WHEREAS, in accordance with Government Code Section 53083, the City provided certain information in written form to the public and on its website, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, and held a noticed public hearing on June 18, 2019 to consider all written and oral comments on the Economic Development Subsidy Report; and

WHEREAS, the City has determined that the approval of the Agreement is categorically exempt from further CEQA review pursuant to State CEQA Guidelines Section 15061(b)(3) and Section 3.07 of the City's Local CEQA Guidelines, since it can be seen with certainty that there is no possibility that the approval of the Agreement alone may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct, and are incorporated herein and made an operative part of this Resolution.

SECTION 2. Findings. The City Council hereby finds that: (a) there are identifiable public purposes fulfilled by the Agreement, as set forth in the Recitals; (b) the public purposes set forth in the Recitals outweigh the private benefit to private persons; and (c) the finding set forth in the Resolution are based upon substantial written and oral evidence present to the City Council.

SECTION 3. Acceptance of Economic Development Subsidy Report. The City Council finds and determines that this Economic Development Subsidy Report is in compliance with applicable law and specifically Government Code Section 53083.

SECTION 4. Approve Agreement. The City Council hereby approves the Retention Agreement in substantially final form as attached to this Resolution as Exhibit B. The City Council hereby authorizes the City Manager, with the concurrence of the City Attorney, to make any non-financially substantive changes determined to be appropriate and in the City's interest and execute said Agreement. City Manager is hereby authorized to take any additional steps necessary to facilitate the intent of this action.

SECTION 5. Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

SECTION 6. CEQA. The City Council hereby finds that pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, tit. 14 § 15000 et seq.), approval of the

Agreement and acceptance of the Economic Development Subsidy Report is not a "project" for purposes of CEQA and therefore is not subject to CEQA review. The Agreement and acceptance of the Economic Development Subsidy Report is not a project pursuant to State CEQA Guidelines section 15378(b)(4), which states that government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant environmental impact are not subject to CEQA. Further, the Agreement and acceptance of the Economic Development Subsidy Report is not a project under State CEQA Guidelines section 15061(b)(3), which states that CEQA does not apply 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 City Council hereby authorizes and directs staff to file a Notice of Exemption under CEQA with the Clerk of the Board of San Bernardino County within (5) calendar days following approval of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER 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 June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT “A”
ECONOMIC DEVELOPMENT SUBSIDY REPORT
AND
ATTACHMENT “B”
RETENTION AGREEMENT
BETWEEN THE CITY OF ONTARIO AND MONTCLAIR
AUTOMOTIVE SERVICES, INC.

Supporting documents are available for
public review during normal business
hours at the
City Clerk’s Department

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA19-001, REVISING PORTIONS OF ONTARIO DEVELOPMENT CODE CHAPTERS 2 (ADMINISTRATION AND PROCEDURES), 4 (PERMITS ACTIONS AND DECISIONS), 5 (ZONING AND LAND USE), AND 9 (DEFINITIONS AND GLOSSARY), AS THEY APPLY TO WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND FACILITIES QUALIFYING AS ELIGIBLE FACILITIES REQUESTS

RECOMMENDATION: That the City Council consider, introduce and waive further reading of an ordinance approving File No. PDCA19-001, a Development Code Amendment revising portions of Ontario Development Code Chapters 2 (Administration and Procedures), 4 (Permits Actions and Decisions), 5 (Zoning and Land Use), and 9 (Definitions and Glossary), as they apply to Wireless Telecommunications Facilities in the public right-of-way and facilities qualifying as Eligible Facilities Requests.

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: None.

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 Wireless Facilities, or Small Cell Sites. This Order has required that the City initiate a Development Code Amendment to revise the City's current regulations governing Wireless Telecommunications Facilities,

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. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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as contained in Development Code Chapters 2 (Administration and Procedures), 4 (Permits Actions and Decisions), 5 (Zoning and Land Use), and 9 (Definitions and Glossary).

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 (identified by this Development Code Amendment as “Eligible Facilities Requests”). 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 2018 FCC orders 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; establishes new shot clocks (the timeframes in which the City must act on wireless facilities applications) for action on wireless facilities; and provides guidance on the adoption of aesthetic requirements.

Consistent with FCC orders, staff is recommending several changes to the Development Code, generally described as follows:

- Add several pertinent definitions;
- Establish an approval process for wireless facilities proposed in the public right-of-way;
- Establish “Wireless Permits,” which are processed as a Development Plan that is subject to Zoning Administrator approval;
- Wireless Permit approval is required for facilities qualifying as Eligible Facilities Requests (EFRs) or any other type of wireless facility allowed in the public right-of-way by state or federal law;
- Add appeal procedures for Wireless Permits: The Zoning Administrator’s decision may be appealed to the Planning Commission and the appeal must be filed within two days following issuance of the Zoning Administrator’s written decision;
- No public hearing would be required to act on a Wireless Permit or the appeal of a Wireless Permit; and
- All wireless facilities in the public right-of-way and facilities qualifying as EFRs would be subject to design standards and guidelines published and amended, from time to time, by the Zoning Administrator.

FCC orders pertaining to the shot clocks and deployment of wireless facilities in public rights-of-way became effective on January 14, 2019. However, additional time was granted to allow localities time to establish and publish aesthetic standards. Staff is currently preparing design standards and guidelines for wireless facilities located in the public right-of-way. Upon approval and enactment of the proposed Development Code Amendment, the design standards and guidelines will be subject to review and approval by the Zoning Administrator.

The Planning Commission conducted a public hearing to consider the proposed Development Code Amendment on February 26, 2019, and voted unanimously (6-0) to issue a resolution recommending the City Council approve the project. However, following the Planning Commission’s action, at the recommendation of the City Attorney, staff made several changes to the proposed Development Code Amendment. On May 28, 2019, the Planning Commission considered the revised Development Code

Amendment and unanimously (6-0) approved a new resolution recommending the City Council approve the project.

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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA19-001, A DEVELOPMENT CODE AMENDMENT REVISING PORTIONS OF ONTARIO DEVELOPMENT CODE CHAPTERS 2 (ADMINISTRATION AND PROCEDURES), 4 (PERMITS ACTIONS AND DECISIONS), 5 (ZONING AND LAND USE), AND 9 (DEFINITIONS AND GLOSSARY), AS THEY APPLY TO WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND FACILITIES QUALIFYING AS ELIGIBLE FACILITIES REQUESTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario, California, a municipal corporation ("City"), 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, by virtue of the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens, including within the public right-of-way; and

WHEREAS, the City deems it to be necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction and maintenance of telecommunications towers, antennas and other structures within the City, and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority; 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. PC19-011 recommending the City Council approve the Application; and

WHEREAS, following the Planning Commission's action, at the recommendation of the City Attorney, staff made several changes to the proposed Development Code Amendment, which was subsequently reviewed by the Planning Commission on May 28, 2019, at which time the Commission voted unanimously (6-0) to issue a new Resolution No. PC19-034 recommending the City Council approve the project; and

WHEREAS, on June 18, 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. The foregoing Recitals are adopted as findings of the City Council as though set forth in fully within the body of this Ordinance.

SECTION 2. *Development Code Amendment.* Section 9.02.010.E (Definitions of Words Beginning with the Letter “E”) of the Development Code is amended to add the following definition in correct alphanumeric order:

“Eligible Facilities Request. Has meaning as set forth in 47 C.F.R. Section 1.6100(b)(3), or any successor provision.”

SECTION 3. *Development Code Amendment.* Section 9.02.010.P (Definitions of Words Beginning with the Letter “P”) of the Development Code is amended to add the following definition:

“Public Right-of-Way. Any public street, alley, sidewalk, street island, median, or parkway that is owned or granted by easement, operated, or controlled by the City.”

SECTION 4. *Development Code Amendment.* Section 9.02.010.S (Definitions of Words Beginning with the Letter “S”) of the Development Code is amended to add the following definition:

“Small Cell Facility. Has the same meaning as “small wireless facility” in 47 CFR 1.6002(l), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

- 1) The facility —
 - a) is mounted on a structure 50 FT or less in height, including antennas, as defined in 47 CFR Section 1.1320(d), or
 - b) is mounted on a structure no more than 10 percent taller than other adjacent structures, or
 - c) does not extend an existing structure on which it are located to a height of more than 50 FT or by more than 10 percent, whichever is greater;
- 2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR Section 1.1320(d)), is no more than 3 cubic feet in volume;
- 3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- 4) The facility does not require antenna structure registration under 47 CFR Part 17;
- 5) The facility is not located on Tribal lands, as defined under 36 CFR Section 800.16(x); and

6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR Section 1.1307(b).”

SECTION 5. *Development Code Amendment.* Section 9.02.010.W (Definitions of Words Beginning with the Letter “W”) of the Development Code is amended to add the following definition:

“Wireless Telecommunications Facility. The transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).”

SECTION 6. *Development Code Amendment.* The City Development Code Chapter 5 is hereby amended as set forth in Exhibit A, attached hereto.

SECTION 7. *Development Code Amendment.* The City Development Code Chapter 4 is hereby amended as set forth in Exhibit B, attached hereto.

SECTION 8. *Development Code Amendment.* The City Development Code Chapter 2 is hereby amended as set forth in Exhibit C, attached hereto.

SECTION 9. *Ordinance Implementation.* The City Manager, or his or her delegate, is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 10. *Environmental Determination.* This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a “project” within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council’s adoption of the Ordinance is covered by the common sense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. (State CEQA Guidelines Section 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City will have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City will conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA

Guidelines Section 15304 (minor alterations to land). The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino within five working days of the passage and adoption of the Ordinance.

SECTION 11. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The adoption of this Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Furthermore, when and if an application for installation is submitted, the City will at that time conduct a review of the application in accordance with the ALUCP.

SECTION 12. *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 standards under which wireless telecommunications facilities within public rights-of-way and additions/expansion to existing 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.* 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 wireless facilities within public rights-of-way, as-well-as adding provisions that govern the processing of alterations and/or expansions to existing wireless telecommunications facilities.

SECTION 13. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Development Code Amendment.

SECTION 14. *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 15. *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 16. 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 17. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 18. 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 June 18, 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)

Exhibit A

5.03.420: Wireless Telecommunications Facilities.

The following regulations shall govern the establishment and operation of wireless telecommunications facilities:

A. Review of Wireless Telecommunications Facilities. All applications for wireless telecommunication facilities are subject to a 3-tier review process established by this Section. The Planning Director shall have the discretion to determine the design and level of review requirements for projects proposed in specific plan areas, based upon the similarity of the specific plan's land use designation to the citywide zoning districts.

1. Tier 1 Review. Applications for wireless telecommunications facilities that propose an integrated building/structure design or a roof-mounted design that is less than 10 FT in height, is architecturally screened from view, and is located within a nonresidential zoning district, shall be reviewed and acted upon utilizing the Building Department's plan check review process.

2. Tier 2 Review.

a. A proposed wireless telecommunications facility meeting each of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code:

(1) The facility is located within a commercial, nonresidential zoning district;

(2) The facility is more than 500 FT from a residential zoning district, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility;

(3) The facility complies with all development standards of this Section and the applicable zoning district;

(4) The facility is of a stealth design so as not to be recognized as a telecommunications facility; and

(5) All support equipment to the proposed facility is located within a completely enclosed structure or is otherwise screened from public view.

b. A new wireless telecommunications facility proposed within a nonresidential zoning district, which is to be collocated with an existing wireless telecommunications facility, and complies with all development standards of this Section and the applicable zoning district, shall be reviewed and acted upon by the Development Advisory Board.

c. A proposed wireless telecommunications facility located in the public right-of-way shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code. Except for small cell facilities, facilities qualifying as Eligible Facilities Requests (EFRs), or any other type of facility expressly allowed in the public right-of-way by state or federal law, no other wireless telecommunications facilities shall be permitted in the public right-of-way.

d. EFRs shall require Development Plan approval pursuant to Section 4.02.025 of this Development Code.

3. Tier 3 Review. A proposed wireless telecommunications facility meeting one or more of the following criteria shall require Development Plan approval pursuant to Section 4.02.035 (Development Plans) and special public notification pursuant to Division 2.03 (Public Hearings) of this Development Code:

a. Wireless telecommunications facilities not meeting the above-stated Tier 1 or Tier 2 review criteria;

b. Wireless telecommunications facilities located within, or 500 FT or less from (as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility), a residentially zoned property;

c. All nonstealth wireless telecommunications facilities;

d. Wireless telecommunications facilities proposed in the AG overlay district, excepting those facilities meeting the above-stated Tier 1 review criteria;

e. Wireless telecommunications facilities creating more than a minimal visual impact on surroundings, as determined by the Planning Director. In determining whether more than a minimal visual impact exists, the Planning Director shall consider the facility's location and size, the view of the facility from the public street and neighboring properties, and the contrast between the facility and other external structural equipment. The applicant may be required to perform tests that would replicate the height of a proposed facility in order to adequately assess potential visual impacts;

f. Wireless telecommunications facilities located within line-of-sight of any scenic corridor identified by the Policy Plan component of The Ontario Plan; and

g. Wireless telecommunications facilities that include a request for an increase in height, which exceeds the maximum height provisions established by Paragraph E.5 of this Section. The Reviewing Authority may consider an increase in height if the strict application of Paragraph E.5 of this Section would result in a provider of wireless telecommunications services not being able to provide adequate coverage to a service area due to practical difficulties beyond the control of the service provider. The service provider shall clearly demonstrate the nature of the problem, and that no other feasible alternative is available to provide adequate coverage.

B. Additional Submittal Requirements.

1. In addition to the general submittal requirements for plan checks, Development Plans, and/or Conditional Use Permits contained in the *Minimum Filing Requirements Checklist* of the City's *Discretionary Permits/Actions Application Packet*, all applications for wireless telecommunication facility approval must include the additional information required by the *Plan Preparation Guidelines and Minimum Plan Contents Checklist* of the *Discretionary Permits/Actions Application Packet* or any additional application materials issued by the City.

2. The City may contract with an independent radio frequency engineering consultant, or other qualified professional with knowledge and expertise regarding wireless telecommunication systems, to verify applicant's technical assertions. Such verification may include, but is not limited to, issues related to transmission coverage requirements, required height of facilities, technical limitations related to co-locating facilities, evaluation of new technologies that are available and the potential for interference with other facilities, such as public safety radio communications systems. All costs associated with verification shall be borne by the applicant.

C. Performance Standards for Wireless Telecommunications Facilities. The operator of a wireless telecommunications facility and/or the owner of the property upon which the facility is located is responsible for compliance with the following:

1. No existing or future wireless telecommunications facility shall interfere with any public safety radio communications system including, but not limited to, the 800 MHz radio system operated by the West End Communication Authority (WECA), which provides public safety communications during emergencies and natural disasters. Pursuant to GC Section 38771, a violation of this standard constitutes a public nuisance.

2. If any wireless telecommunications facility is found to interfere with a public safety radio communications system, or any system facilitating the transmission or relay of voice or data information for public safety, the carrier and/or property owner shall immediately cease operation of the radio channel(s) causing system interference. Operation of an offending wireless telecommunications facility shall only be allowed to resume upon removal, or other resolution, of the interference, to the satisfaction of the City. Any request for an increase in antenna height that would exceed the maximum height provisions established by Paragraph E.6 of this Section in order to resolve interference conflicts with a public safety radio communications system, shall only be considered by the City after the facility operator and/or property owner have sufficiently demonstrated that all feasible methods of eliminating the conflict have been considered.

3. A wireless telecommunications facility, including poles, antennas, materials used to camouflage or stealth the facility, and equipment buildings and enclosures, shall be maintained in a manner so as to ensure that the facility will maintain its original appearance. In the event that over time, with exposure to wind, rain, sunlight, etc., any part of the facility begins to flake, pit, fade, discolor, disintegrate, or otherwise not maintain its original appearance as initially constructed, as determined by the Planning Director, it shall be repaired/replaced at the sole expense of the carrier.

4. The inspection and approval of a wireless telecommunications facility must be received from the Planning Department prior to Building Department final inspection and the establishment/release of permanent electrical power to the facility.

5. Wireless telecommunications facilities, including landscaping and surface areas, shall be continuously maintained free of weeds, debris, litter and temporary signage. All graffiti shall be removed from the premises within 48 hours of discovery.

D. Location Guidelines and Criteria. All applications for wireless telecommunications facilities are subject to the location guidelines and criteria listed below. Wireless telecommunications facilities located in the public right-of-way and facilities qualifying as EFRs are subject to the location standards published and amended, from time to time, by the Zoning Administrator.

1. The preferred order of location for wireless telecommunications facilities is: industrial zoning districts, followed by commercial zoning districts, and then residential zoning districts. If proposed within an established specific plan area, the preferred order of location is: industrial land use districts, followed by business park land use districts, and then commercial land use districts.

2. Wireless communications facilities located within residential zoning districts shall only be allowed in conjunction with a non-residential land use, such as a church, fire station, park, or school, or a multiple-family building or structure.

3. Wireless telecommunications facilities may be located in close proximity to each other; provided, they utilize a stealth design, meet the height requirements of this Section, and are compatible with surrounding development. Wireless telecommunication facilities that are nonstealth in design shall be located a minimum of 1,000 FT from any other nonstealth wireless telecommunication facility, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility.

4. Wireless telecommunication facilities shall not be located within any front or street side setback area.

5. Wireless telecommunications facilities shall not be located so as to create a nonconforming condition, such as reductions in parking, landscaping, loading zones or other applicable development standards.

6. Wireless telecommunications facilities shall be located where existing vegetation, structures, and/or topography provide the greatest amount of screening. Where insufficient screening exists, additional screening shall be provided through the installation of dense landscaping, installation of enhanced architectural treatments, or relocation of the facility so that the massing of existing buildings or vegetation will provide adequate screening. Support structures shall be constructed of galvanized steel and painted an unobtrusive color to neutralize and blend with surroundings, or be of a stealth design.

E. Development Standards. It is a goal of the City that wireless telecommunications facilities be developed in harmony with the surrounding environment so as to be as unobtrusive as possible. This is especially true when located in visually prominent locations (e.g., along major thoroughfares, at entry points into the City, near high activity areas, etc.). The guidelines are intended to ensure that the design of wireless telecommunications facilities are compatible with the community. The guidelines below do not apply to wireless telecommunications facilities in the public right-of-way or facilities qualifying as EFRs, which are subject to the design and development standards published and amended, from time to time, by the Zoning Administrator.

1. Wireless telecommunications facilities should:
 - a. Be collocated with another facility, where possible;
 - b. Be stealth in design, or building/structure or roof-mounted as an integral architectural element on an existing structure; and
 - c. Utilize state-of-the-art wireless technology.
2. Wireless telecommunications facilities shall meet all applicable zoning and setback regulations of the zoning district in which they are located.
3. Wireless telecommunications facilities shall be installed and maintained in full compliance with all Federal, State and local codes and standards.
4. All proposed nonstealth facilities shall be designed to accommodate co-location of 2 or more service providers. To the extent possible, stealth facilities shall also be designed to accommodate co-location of facilities.
5. The height of wireless telecommunications facility support structures shall be the minimum necessary to provide adequate user coverage; however, an antenna or its support structure shall not exceed the maximum allowed height for wireless telecommunications facilities set forth below, except as provided for in Subparagraph A.3.f of this Section. The height of stealth design "tree" monopoles shall be measured to the top of the antenna arrays, with the branches/fronds extending above antenna arrays, to create a natural appearance.
6. The maximum height for wireless telecommunications facilities shall be as follows:
 - a. Freestanding single-carrier facilities shall not exceed 55 FT in height;
 - b. Freestanding collocated facilities (two or more carriers) shall not exceed 75 FT within the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zoning districts, and 65 FT in height within all other zoning districts; and
 - c. Roof-mounted or building-mounted facilities shall not exceed 10 FT above the height of the building.

7. Prior to the issuance of a building permit for a wireless telecommunications facility, the carrier shall submit a Federal Aviation Administration determination for the proposed facility. Safety lighting or colors, if prescribed by the City or other approving agency, such as the Federal Aviation Administration, may be required for support structures.

8. Wireless communications facilities located within residential zoning districts shall be of stealth design.

9. All accessory equipment associated with the wireless telecommunications facility shall be screened from public view by a decorative fence, wall, landscaping, berming or a combination thereof, or shall be located within a building, enclosure or underground vault, which is designed, colored and textured to match the architecture of adjacent buildings or blend in with surrounding development.

10. All utilities associated with wireless telecommunications facilities shall be undergrounded. Cable connections from equipment structures to any antennae shall not be visible by the public.

11. The design of stealth wireless telecommunications facilities shall be compatible with the surrounding neighborhood. Stealth designs include building mounted designs and freestanding designs. Examples of building mounted designs include architecturally screened roof mounted facilities, facilities attached to a building/structure, bell towers, clock towers, or steeples, installation behind false windows, or other types of architectural features that are designed to camouflage the facility and are integrated into the building design. Examples of stealth freestanding wireless telecommunications facilities include facilities that are camouflaged as freestanding signage, flagpoles, light poles, or "tree" monopoles (such as "monopalms" and "monopines") that are blended with groupings of real trees. The use of "monopalms" should not be the default design if no other live palms are within the immediate surroundings. Wireless telecommunications facilities may be designed as, or within, a piece of public art or a historical monument for public benefit.

12. The use of whip and/or microwave dish antennas shall be permitted only if integrated into the design of a structure and/or if fully screened from public view.

13. Chainlink fencing is not permitted for containment of wireless telecommunications facilities, unless the fencing is located in the rear portion of property, is not visible from a public area, and is installed with tennis court screening material on all exterior sides of the fence.

14. The use of lattice-type towers shall not be permitted within the City.

15. Planning Department approval must be received prior to any modification or addition to any existing wireless telecommunications facility.

16. Stealth wireless telecommunications facilities utilizing a flagpole monopole design shall comply with the following:

a. The flag to be placed on the flagpole monopole shall be proportionate in size to the height and diameter of the pole, and shall be maintained at all times and replaced when needed due to weathering, as determined necessary by the Planning Director.

b. Only the National, State, County or City flags shall be flown on the flagpole. A flag shall be flown on the flagpole at all times, which shall be properly lighted.

c. Covers concealing antenna arrays shall be painted to match the flagpole.

17. Stealth wireless telecommunications facilities utilizing a monopine design shall comply with the following:

a. The branch count shall be a minimum of 3 branches per lineal FT of trunk height. Branches shall be randomly dispersed and of differing lengths to provide a natural appearance.

b. Simulated bark shall extend the entire length of the pole (trunk), or the branch count shall be increased so that the pole is not visible.

c. Branches and foliage shall extend beyond an antenna array a minimum of 2 FT horizontally and 7 FT vertically, in order to adequately camouflage the array, antennas and bracketry. In addition, antennas and supporting bracketry shall be wrapped in artificial pine foliage.

d. The size and spread of antenna arrays shall be the minimum necessary to ensure that they are adequately camouflaged.

e. A minimum of 2 live pine trees shall be planted for each proposed monopine, which shall have the same growth habit as the pine tree being simulated by the monopine, and shall be in scale with the height of the monopine. The pine trees may be planted adjacent to the proposed monopine, or elsewhere on the site as deemed appropriate by the Planning Director.

18. Stealth wireless telecommunications facilities utilizing a monopalm design shall comply with the following:

a. All antennas shall be fully concealed within a "pineapple ball" (also referred to as "growth ball" or "terminal bud ball") located at the end of the trunk. Furthermore, all wires and connectors shall be fully concealed within the trunk, and all unused ports (for co- location) shall have covers installed.

b. Simulated bark shall extend the entire height of the pole (trunk).

c. A minimum of 2 live palm trees shall be planted for each proposed monopalm, which shall have the same growth habit as the type of palm tree being simulated by the monopalm, and shall be in scale with the height of the monopalm. The palm trees may be planted adjacent to the proposed monopalm, or elsewhere on the site as deemed appropriate by the Planning Director.

19. A sign measuring 2 FT high by 2 FT wide shall be posted at the exterior entrance of wireless telecommunications facilities, and clearly visible to the public, identifying the carrier(s) and contact telephone number(s) for reporting emergency and maintenance issues.

Exhibit B

4.02.025: Development Plans.

A. Purpose. The purpose of this Section is to:

1. Establish a review process whereby the integrity and character of the physical fabric of the City will be protected in a manner consistent with the goals and policies of The Ontario Plan. This is ensured through the review of:

- a.** The suitability of building location;
- b.** Location and design of off-street parking and loading facilities;
- c.** Location, design and dedication of streets and alleys (public and private facilities);
- d.** Location and design of pedestrian and vehicular entrances and exits;
- e.** Location, design, materials and colors of walls and fences;
- f.** Location, design, size and type of landscaping (public and private facilities);
- g.** Location, design and materials of hardscape areas, such as patios, sidewalks and walkways (public and private facilities);
- h.** Drainage and off-site improvements (public and private facilities);
- i.** Compatibility with the surrounding area;
- j.** Exterior building architectural design, materials and colors;
- k.** Quality of proposed design and construction;
- l.** Location, type, design, colors, and materials of signs; and
- m.** Any conditions affecting the public health, safety, welfare, and general aesthetic of the community.

2. Protect and preserve the value of properties and to encourage high quality development throughout the City, whereas adverse effects would otherwise result from excessive uniformity, dissimilarity, poor exterior quality and appearance of buildings and structures; inadequate and poorly planned landscaping; and failure to preserve, where feasible, natural landscape features, and open spaces.

3. Recognize the interdependence of land values and aesthetics, and to provide a method to implement this interdependence in order to maintain the values of surrounding properties and improvements consistent with The Ontario Plan, with due regard to the public and private interests involved.

4. Ensure that the public benefits derived from expenditures of public funds for improvement and beautification of streets and public facilities are protected by the exercise of reasonable controls over the character and design of private buildings, structures, parking and loading facilities, landscaped areas, recreation amenities and open spaces.

5. Ensure the design of landscaping and irrigation that shades parking facilities and other paved areas, buffers or screens undesirable views and compliments building architecture and overall site design.

6. Ensure reasonable controls over the character, design and location of signs, and the appropriate use of well-designed signs that complement the architecture of surrounding buildings, while considering the public and private interests involved and the exercise of control over the undesirable use of excessive signage.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Development Plan application, and to impose reasonable conditions upon a Development Plan approval.

2. Development Plan approval shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building, as follows:

- a. The development of 3 or more dwelling units on a single lot;
- b. The development of 5 or more lots within a residential subdivision;
- c. The development of 5 or more dwelling units, regardless of the number of lots involved;
- d. The development of a nonresidential building within a residential zoning district, or an addition thereto, which is in excess of 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;
- e. The development of a vacant lot within a nonresidential zoning district;
- f. The conversion of a commercial structure to a residential structure, or conversion of a residential structure to a commercial structure;

g. The remodel of, or addition to, an existing nonresidential building, which results in an overall change in the architectural integrity, as determined by the Planning Director;

h. The remodel of, or addition to, a nonresidential building, which would result in the demolition and replacement/reconstruction of more than 50 percent of the existing building;

i. The conversion of a gasoline or fueling station to facilitate another allowed land use (see standards contained in Subsection 5.03.040,C (Conversion of Gasoline and Fueling Stations) of this Development Code);

j. An addition to an institutional facility (including religious assembly and places of worship, government services, healthcare services, and educational services), which is in excess of 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;

k. The development of a permanent building within the CIV, OS-R, OS-C, or UC zoning district, which is in excess of 500 SF of GFA (cumulative), or an addition thereto, which is in excess of 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;

l. The development of a permanent building within the AG zoning district, which is in excess of 5,000 SF of GFA (cumulative), or an addition thereto, which is in excess of 25 percent of the original structure GFA or 5,000 SF (cumulative), whichever is ss;

m. The relocation (move-on) of a building within any zoning district;

n. The addition of dwelling units to a multiple-family residential development project, when such addition would result in 3 or more dwelling units on a single lot after the addition;

o. An addition to a previously developed site within a commercial zoning district, which does not exceed 25 percent of the original structure GFA or 2,000 SF (cumulative), whichever is less;

p. An addition to a previously developed site within an industrial zoning district, which does not exceed 25 percent of the original structure GFA or 10,000 SF (cumulative), whichever is less;

q. A Tier 2 or Tier 3 wireless telecommunications facility pursuant to Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code; and

r. Other projects, which, in the opinion of the Planning Director, require such level of review prior to issuance of a building permit, due to the size, nature and/or complexity of the project, or because the project could cause significant environmental impacts or generate significant neighborhood opposition or controversy.

3. A Development Plan shall remain in effect for the life of the affected development project, which shall be developed and maintained in substantial conformance with the plans as approved by the Approving Authority, and maintained on file with the City.

C. Application Filing, Processing and Hearing. A Development Plan application, except for wireless telecommunications facilities in the public right-of-way and facilities qualifying as Eligible Facilities Requests (EFRs), shall be filed, processed and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section. Applications to install wireless telecommunications facilities in the public right-of-way and for facilities qualifying as EFRs shall be filed and processed pursuant to the following:

1. **Scope.** There shall be a type of permit entitled a "Wireless Permit," which shall be subject to all of the requirements of this Section. Unless exempted, every person who desires to place a wireless telecommunications facility in the public right-of-way, modify an existing wireless telecommunications facility in the public right-of-way, or perform work as part of an EFR must obtain a Wireless Permit authorizing the placement or modification in accordance with this Section. Except for small cell facilities, facilities qualifying as EFRs, or any other type of facility expressly allowed in the public right-of-way by state or federal law, no other wireless telecommunications facilities shall be permitted pursuant to this Section.

2. **Approving Authority.** The Zoning Administrator is the approving authority for wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs.

3. **Application Submittal.** Applications shall be submitted on a City application form issued and amended, from time-to-time, by the Zoning Administrator.

4. **Review and Action.**

a. The Zoning Administrator shall review the application and then approve, approve in modified form, or deny the application. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to Paragraph C.5 (Appeals), below.

b. The wireless regulations and decisions on applications for placement of wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs shall, at a minimum, ensure that the requirements of this Section are satisfied, unless it is determined that Applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Development Code may be waived by the Zoning Administrator, but only to the minimum extent required to avoid the prohibition or violation.

c. There will be no public hearings.

5. Appeals. The Applicant may appeal the decision to the Planning Commission, which may decide the issue *de novo*, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless telecommunications facility. Where the Zoning Administrator grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the Planning Commission. All appeals must be filed within 2 business days of the written decision of the Zoning Administrator, unless the Zoning Administrator extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.

D. Findings and Decision. A Development Plan shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below listed findings cannot be clearly established. Findings 1-4 do not apply to applications for wireless telecommunications facilities in the public right-of-way or facilities qualifying as EFRs, which are subject to the findings in number 5 below.

1. The proposed development at the proposed location 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 development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located;

3. The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project;

4. The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.

5. Required findings for wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs are as follows:

a. Except for EFRs, the Zoning Administrator or Planning Commission, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

(1) The facility is not detrimental to the public health, safety, and welfare;

(2) The facility complies with this Development Code and all applicable design and development standards; and

(3) The facility meets applicable requirements and standards of state and federal law.

b. For EFRs, the Zoning Administrator or Planning Commission, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

(1) That the application qualifies as an eligible facilities request; and

(2) That the proposed facility will comply with all generally-applicable laws.

E. Conditions of Approval.

1. In approving a Development Plan application, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. Conditions of approval imposed upon a Development Plan approval may include, but is not limited to, provisions concerning building height, bulk or mass; setbacks; lot coverage; lighting; private and common open space, and/or recreation amenities; screening, including garages, trash receptacles, mechanical and roof-mounted equipment and appurtenances; landscaping; walls and fences; vehicular parking, access and circulation; pedestrian circulation; on-site security; grading; street dedication and improvements (public and private); on and off-site public improvements (public and private) necessary to service the proposed development; project timing/phasing; loading and outdoor storage; architectural treatment; signage; vehicular trip reduction; graffiti removal; sound attenuation; reparation and recordation of covenants, conditions and restrictions, mutual access agreements, maintenance agreements and other similar agreements; property disclosure pursuant to BPC Section 11000 et seq.; and other conditions the Approving Authority may deem appropriate and necessary to carry out the purposes of the Development Code.

3. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

F. Development Plan Modifications/Revisions.

1. Development Plans and/or their conditions of approval may be modified/revised upon application by a project applicant or property owner if different from the applicant. The request shall be submitted to the Planning Department on a City application form pursuant to Division 2.02 (Application Filing and Processing) of this Development Code.

2. Modifications/revisions that are minor in nature may be processed administratively, without notice or public hearing, provided the proposed changes are consistent with the intent of the original approval and there are no resulting inconsistencies with this Development Code. Modifications/revisions are considered minor in nature if in the opinion of the Planning Director, they do not involve substantial changes to the approved plans or the conditions of approval, and would in no way affect surrounding properties.

3. Modifications/revisions to an approved plan or conditions of approval that, in the opinion of the Planning Director, are not minor in nature, shall be processed as a revised Development Plan, following the procedures set forth in this Section for Development Plan approval, except that modification/revision approval shall not alter the expiration date established by the original application approval.

Exhibit C

Table 2.02-1: Review Matrix (applicable portions)

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2]	Historic Preservation Commission	Planning Commission	City Council	Ontario International Airport Authority
B. DISCRETIONARY PERMITS AND ACTIONS										
5. Development Plans (Ref: ODC Section 4.02.025)										
e. Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code										
(1) Tier 2 facilities										
(a) Outside of the public right-of-way					X			A	A	
(b) In the public right-of-way				X				A		
(c) Eligible Facilities Requests (EFRs)				X				A		
(2) Tier 3 facilities [1]					R			X	A	

Notes:

- [1] A public hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code; however, public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.
- [2] The Approving Authority may refer any application subject to their review to the next higher authority (Appeal Authority).
- [4] An application submitted for concurrent review and action with another application, action or decision requiring review and action by a higher Reviewing Authority shall be subject to concurrent review and action by that higher Reviewing Authority.

Exhibit C (continued)

Table 2.03-1: Notification Matrix (applicable portions)

<i>Applications, Actions, Decisions And Processes</i>	<i>Required Method of Public Notification</i>			
	<i>Not Required</i>	<i>Newspaper or Posting [2]</i>	<i>First Class Mail or Delivery [2]</i>	<i>Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000</i>
B. DISCRETIONARY PERMITS AND ACTIONS				
5. Development Plans (Ref: ODC Section 4.02.025)				
e. Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code				
(1) Tier 2 facilities				
(a) Outside of the public right-of-way		X		
(b) In the public right-of-way	X			
(c) Eligible Facilities Requests (EFRs)	X			
(2) Tier 3 facilities [1]		X	X	

Notes:

[1] Public hearing notification is required pursuant to Section 2.03.010 (Public Hearing Notification) of this Division.

[2] Public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.

CITY OF ONTARIO

Agenda Report
June 18, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER FILE NO. PCUP18-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 124-ROOM FULL SERVICE HOTEL TOTALING 83,500 SQUARE FEET ON 2.25 ACRES OF LAND LOCATED AT 535 NORTH TURNER AVENUE, WITHIN PLANNING AREA 1 OF THE GUASTI PLAZA SPECIFIC PLAN

RECOMMENDATION: That the City Council hold a public hearing to consider and adopt the attached resolution approving File No. PCUP18-028.

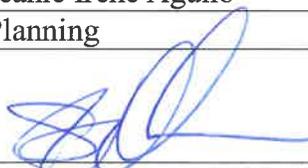
COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The project will generate approximately \$484,096 in Development Impact Fees. In addition, the City will receive projected transient occupancy tax revenues of \$750,000 over the first five years of operations.

BACKGROUND: The applicant, Cambria Ontario, LLC, of Irvine, California, is requesting approval of a Conditional Use Permit (File No. PCUP18-028) to establish a hotel (Cambria Hotel) totaling 83,500 square feet on 2.25 acres. The Conditional Use Permit Application was filed in conjunction with a Development Plan (File No. PDEV18-027) to construct the 5-story structure, 124-room hotel. The rooms will range in size from 500 to 513 square feet in area. Proposed amenities include a conference rooms, fitness center, pool, and full service restaurant.

The proposed exterior building design is based on the signature Cambria Hotel by Choice Hotels prototype, which incorporates a modern style of clean lines and materials to reflect the upscale and casually tailored model of the hotel brand. The architecture of the building complements the architecture of the Ontario Airport Towers, located at the northeast corner of Archibald Avenue and Guasti Road, and the contemporary design and finishes of the Carvana automobile dealership (currently under construction) located east of the project site. The hotel's primary entrance features a central tower

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

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

Submitted to Council/O.H.A. 06/18/2019
Approved: _____
Continued to: _____
Denied: _____

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element that will be visible from both Guasti Road, directly to the south, and Turner Avenue, to the east. Corresponding design features similar to the central tower element are integrated into the north and west elevations facing Interstate 10 and future development, respectively. In addition to the exterior wall finishes, clear glazing will be utilized throughout the hotel. Furthermore, the restaurant is located at the center of the building and will be accessed through the main entrance located along the south elevation, facing Guasti Road.

A market feasibility report is required to be prepared for all proposed hotels. Bruce Baltin, Managing Director of the CBRE Hotels Advisory, and the City's Economic Development Agency have provided information based on the projected demand within the various markets and the growing competition from a variety of hotels. The information provided estimates that the proposed hotel would be successful based upon factors such as future growth in the area, including new office and commercial space, and future airport expansion. The report included discussions of other similar hotels in the area, long-term viability and overall demand due to new businesses and activities in and around the City. The total revenue from the transient occupancy tax (TOT) has increased from approximately \$11.1 million in the 2007/2008 fiscal year to approximately \$13.9 million in fiscal year 2016/2017, which is a 2.3 percent compound average annual growth (CAAG) rate. The analysis further found that the average daily room (ADR) rate has increased by 5.8 percent on an annual basis over the last five years. In addition, Ontario hotel revenue per available room (RevPAR) growth at a CAAG rate of 8.6 percent over the past 5 years. Demand for rooms, as demonstrated by occupied room nights, grew at a CAAG rate of 2.6 percent from 2013 to 2017. Hotel market occupancy rate through June 2018 was 83.6 percent, indicating an undersupply of rooms in the service area. Overall demand for lodging in the Ontario area has historically been, and continues to be, dominated primarily by business travelers. CBRE and the Economic Development Agency believe that, based upon the existing knowledge of the Ontario hotel market coupled with the research relative to the report, opportunity exists for the development of high-quality, full-service hotel to be located in the City. Additionally, based upon the proposed location within close proximity to the region's demand-drivers, including the Toyota Arena and major transportation channels, the proposed hotel would achieve positive results in the market.

On May 28, 2019, the Planning Commission conducted a duly noticed public hearing on the subject application, and voted unanimously (6-0) to recommend that the City Council approve the Conditional Use Permit for the project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP18-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 124-ROOM FULL SERVICE HOTEL TOTALLING 83,500 SQUARE FEET ON 2.25 ACRES OF LAND, IN CONJUNCTION WITH FILE NO. PDEV18-027 FOR A DEVELOPMENT PLAN TO CONSTRUCT THE HOTEL, LOCATED AT 535 NORTH TURNER AVENUE, WITHIN PLANNING AREA 1 OF THE GUAISTI PLAZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-192-24.

WHEREAS, CAMBRIA ONTARIO, LLC ("Applicant") has filed an Application for a Conditional Use Permit, File No. PCUP18-028, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.25 acres of land generally located at the northwest corner of Turner Avenue and Guasti Road, at 535 North Turner Avenue, within Planning Area 1 of the Guasti Plaza Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the I-10 Freeway and is developed with an interstate highway. The property to the east is within the Retail Commercial zoning district and is currently in construction of a Carvana automobile dealership. The property to the south is within Planning Area 2 of the Guasti Plaza Specific Plan and is developed with a post office. The property to the west is within Planning Area 1 of the Guasti Plaza Specific Plan and is vacant; and

WHEREAS, the Application, a Conditional Use Permit (CUP) (File No. PCUP18-028-A), was submitted to establish an 83,500-square foot, 5-story, 124-room, full service hotel (Cambria Hotel), with amenities such as conference rooms, a fitness center, pool, and full service restaurant; and

WHEREAS, a Development Plan Application (File No. PDEV18-027) was submitted in conjunction with the Conditional Use Permit application to construct an 83,500-square foot 124 room hotel with conference rooms, fitness center, pool, and restaurant. On May 28, 2019, the Planning Commission issued Resolution PC19-033, approving the Development Plan application contingent upon City Council approval of the Conditional Use Permit; 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 Guasti Plaza Specific Plan (File No. 4413-SP) EIR (SCH # 1991122009) certified by the City Council on August 20, 1996. This application is consistent with the previously adopted EIR and 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 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 May 20, 2019, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB19-018 (File No. PCUP18-028), recommending the Planning Commission approval of the Application; and

WHEREAS, on May 28, 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. PC19-031, recommending the City Council approve the Application; and

WHEREAS, on June 18, 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 Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with the Guasti Plaza Specific Plan (File No. 4413-SP) EIR (SCH # 1991122009) certified by the City Council on August 20, 1996.

(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 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 scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and Planning Area 1 of the Guasti Plaza Specific Plan, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed hotel land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Planning Area 1 land use district of the Guasti Plaza Specific Plan.

(2) ***The proposed use at the proposed location, and the manner in which it will be operated 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. The proposed hotel land use will be located within the Mixed Use land use district of the Policy Plan Land Use Map, and Planning Area 1 of the Guasti Plaza Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan.

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.*** The proposed hotel land use is located with the Mixed Use land use district, and Planning Area 1 of the Guasti Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Guasti Plaza Specific Plan.

(4) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Guasti Plaza Specific Plan 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; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described hotel, subject to the Conditions of Approval, attached hereto as "Attachment A" and incorporated herein by this reference.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 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 June 18, 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 June 18, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PCUP18-028;
Departmental Conditions of Approval**

(Document follows this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

***Planning Department
Land Development Division
Conditions of Approval***

Meeting Date: May 28, 2019

File No: PCUP18-028

Related Files: PDEV18-027

Project Description: A Conditional Use Permit (File No. PCUP18-028) to establish a 124-room full-service hotel on 2.25 acres of land located at the northwest corner of Turner Avenue and Guasti Road, at 535 North Turner Avenue, within Planning Area 1 of the Guasti Plaza Specific Plan; (APN: 0210-192-24) **submitted by Cambria Ontario, LLC.**

Prepared By: Jeanie Irene Aguilo, Associate Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.1 Time Limits. Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.