

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
MARCH 15, 2016**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Paul Vincent Avila
Council Member



Al C. Boling
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

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

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

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 0210-204-19; 945 North Via Alba; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Lewis Piemonte Land LLC; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) case.

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Ezekiel Salazar, Montecito Baptist Church

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of February 16, 2016, approving same as on file in the Records Management Department.

2. *BILLS/PAYROLL*

Bills January 24, 2016 through February 6, 2016 and **Payroll** January 24, 2016 through February 6, 2016, when audited by the Finance Committee.

3. *AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, ADOPTING STANDARDS FOR THE CARE AND TREATMENT OF ANIMALS OFFERED FOR SALE AT SWAP MEETS*

That the City Council adopt an ordinance on standards for the care and treatment of animals offered for sale at swap meets.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING ARTICLE 4 TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, ADOPTING STANDARDS FOR THE CARE AND TREATMENT OF ANIMALS OFFERED FOR SALE AT SWAP MEETS.

4. *RESOLUTIONS DECLARING THE CITY COUNCIL'S INTENTION TO RENEW THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF, AND REQUESTING CONSENT OF THE CITY OF RANCHO CUCAMONGA TO RENEW THE GREATER ONTARIO TOURISM MARKETING DISTRICT*

That the City Council: (1) adopt a resolution declaring its intention to renew the GOTMD and fix the time and place of a public meeting and a public hearing, and give notice thereof; and (2) adopt a resolution requesting the consent of Rancho Cucamonga to renew the Greater Ontario Tourism Marketing District (GOTMD).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO RENEW THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING CONSENT OF THE CITY OF RANCHO CUCAMONGA TO RENEW THE GREATER ONTARIO TOURISM MARKETING DISTRICT.

5. A RESOLUTION AUTHORIZING ENROLLMENT OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY (OIAA) AS AN AFFILIATE MEMBER FOR PAYROLL, BENEFITS AND INSURANCE PLANS ENROLLMENT AND ADMINISTRATION

That the City Council adopt a resolution authorizing the City Manager to execute any and all plan documents, contracts, and amendments necessary to establish the Ontario International Airport Authority (OIAA) as an Affiliate Member for payroll, benefits and insurance plans enrollment and administration.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING ENROLLMENT OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY (OIAA) AS AN AFFILIATE MEMBER FOR PAYROLL, BENEFITS AND INSURANCE PLANS ENROLLMENT AND ADMINISTRATION.

6. AN ORDINANCE ESTABLISHING TITLE 5, CHAPTER 22 (PROPERTY APPEARANCE—NUISANCE) OF THE ONTARIO MUNICIPAL CODE, WHICH ESTABLISHES THE CONDITIONS UNDER WHICH THE MAINTENANCE OF PROPERTY MAY BE DETERMINED TO BE A NUISANCE, AND THE PROCEDURES TO ABATE SUCH NUISANCES

That the City Council consider and adopt an ordinance approving File No. PDCA16-001, an amendment to Ontario Municipal Code Title 5, establishing Chapter 22 (Property Appearance — Nuisance).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-001, AN ORDINANCE ESTABLISHING TITLE 5, CHAPTER 22 (PROPERTY APPEARANCE — NUISANCE) OF THE ONTARIO MUNICIPAL CODE, WHICH ESTABLISHES THE CONDITIONS UNDER WHICH THE MAINTENANCE OF PROPERTY WITHIN THE CITY MAY BE DETERMINED TO BE A NUISANCE, AND THE PROCEDURES TO ABATE SUCH NUISANCES, AND MAKING FINDINGS IN SUPPORT THEREOF.

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.

7. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE RICH-HAVEN SPECIFIC PLAN AFFECTING PROPERTY GENERALLY LOCATED SOUTH OF RIVERSIDE DRIVE, COLONY HIGH SCHOOL AND THE SOUTHERN CALIFORNIA EDISON SUBSTATION; WEST OF HAMNER AVENUE; EAST OF HAVEN AVENUE, AND NORTH OF EDISON AVENUE (WHERE EAST OF CLEVELAND AVENUE) AND NORTH OF ONTARIO RANCH ROAD (WHERE WEST OF CLEVELAND AVENUE) TO: [1] CHANGE THE EXISTING SPECIFIC PLAN LAND USE PLAN DESIGNATION (PLANNING AREAS 8 THROUGH 19) FOR 219.2 ACRES OF LAND TO BE CONSISTENT WITH TOP POLICY PLAN LAND USE PLAN DESIGNATIONS; AND [2] REVISE AND UPDATE HOUSING PRODUCT TYPES, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED CHANGES AND TOP POLICY PLAN CONSISTENCY. (APN NO'S: 0218-161-01, 04, 05, 09, 10, 11, 13, AND 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 AND 27)

That the City Council adopt a resolution approving an addendum to The Ontario Plan (SCH#2008101140) and Rich-Haven Specific Plan (SCH #2006051081) Environmental Impact Reports, analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; and adopt a resolution approving an amendment to Rich-Haven Specific Plan (File No. PSPA16-001) pursuant to the facts and reasons contained in the staff report and attached resolution.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN AND RICH-HAVEN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORTS, PREPARED FOR FILE NO. PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005) FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-161-01, 04, 05, 09, 10, 11, 13, AND 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 AND 27.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CITY COUNCIL APPROVING FILE NO. PSPA16-001 (RELATED FILES NO. PSPA13-004 AND PSPA13-005), AN AMENDMENT TO THE RICH-HAVEN SPECIFIC PLAN THAT AFFECTS PROPERTY GENERALLY LOCATED SOUTH OF RIVERSIDE DRIVE AND THE SOUTHERN CALIFORNIA EDISON SUBSTATION, WEST OF HAMNER AVENUE, NORTH AND SOUTH SIDES OF EDISON AVENUE AND EAST OF HAVEN AVENUE, TO [1] RECONFIGURE THE BOUNDARIES AND CIRCULATION LAYOUT FOR THE EXISTING PLANNING AREAS 1 THROUGH 21B; [2] CHANGE THE EXISTING SPECIFIC PLAN LAND USE PLAN DESIGNATION FOR 27 ACRES OF LAND (PLANNING AREAS 8 AND 13) FROM MIDDLE SCHOOL AND LOW DENSITY RESIDENTIAL (0 TO 6 DU\AC) TO PUBLIC PARK, 77.6 ACRES OF LAND (PLANNING AREAS 9 THROUGH 12) FROM LOW DENSITY RESIDENTIAL (0 TO 6 DU\AC) TO LOW-MEDIUM DENSITY RESIDENTIAL (6-12 DU\AC), 36.1 ACRES OF LAND (PLANNING AREA 14) FROM LOW DENSITY RESIDENTIAL (0 TO 6 DU\AC) TO MEDIUM DENSITY RESIDENTIAL (12 TO 18 DU\AC), AND 78.5 ACRES OF LAND (PLANNING AREAS 15 THROUGH 19) FROM LOW-MEDIUM DENSITY RESIDENTIAL (6-12 DU\AC) AND MEDIUM DENSITY RESIDENTIAL (12 TO 18 DU\AC) TO MIXED-USE, CONSISTENT WITH THE ONTARIO PLAN (TOP POLICY PLAN (GENERAL PLAN) LAND USE PLAN; [3] INCREASE THE NUMBER OF RESIDENTIAL UNITS FROM 4,256 TO 4,866; [4] INCREASE THE MAXIMUM SQUARE FEET FOR COMMERCIAL/OFFICE DEVELOPMENT FROM 889,200 SQ. FT. TO 1,039,200 SQ., FT.; [5] INCORPORATE A MINIMUM SQUARE FOOT REQUIREMENT FOR COMMERCIAL/OFFICE DEVELOPMENT WITHIN PLANNING AREAS 20, 21A AND 21B; AND [6] REVISE AND UPDATE HOUSING PRODUCT TYPES, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED CHANGES AND TOP POLICY PLAN CONSISTENCY, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-161-01, 04, 05, 09, 10, 11, 13, AND 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 AND 27.

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

PLANNING COMMISSION/MUSEUM BOARD APPOINTMENTS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
March 15, 2016

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

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

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 0210-204-19; 945 North Via Alba; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Lewis Piemonte Land, LLC; Under negotiation: Price and terms of payment.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

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

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One (1) case*

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

Reported by: _____
City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
March 15, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, ADOPTING STANDARDS FOR THE CARE AND TREATMENT OF ANIMALS OFFERED FOR SALE AT SWAP MEETS

RECOMMENDATION: That the City Council adopt an ordinance on standards for the care and treatment of animals offered for sale at swap meets.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport Operate in a Businesslike Manner

FISCAL IMPACT: None. The City has an existing contract with the Humane Society of the Inland Valley, Inc. for the enforcement of City ordinances on the treatment of animals, under which it currently monitors animal sales at swap meets.

BACKGROUND: On March 1, the City Council introduced and read further reading on this proposed ordinance. This ordinance is offered in response to Assembly Bill 339 ("AB 339"), which the California Legislature passed in 2013.

Assembly Bill 339 ("AB 339"), now enshrined in the the California Health and Safety Code, permits swap meet vendors to offer animals for sale only if the local jurisdiction has established a standard for care and treatment of such animals. While the City has the option to refrain from establishing a standard for care and treatment, failure to do so would result in the discontinuance of the sale of animals within city limits by existing businesses and vendors. Further, any vendors that sell in the absence of an authorizing ordinance would be subject to fines under the California Health and Safety Code.

AB 339 sets out strict guidelines for how the City can regulate the standard of care for these animals, addressing the need to protect the animals offered for sale. The guidelines include mandatory requirements for sanitary conditions, proper heating and ventilation, and veterinary treatment, amongst others. The proposed ordinance would comply with those guidelines.

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: David Sheasby
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 03/15/2016

Approved: _____

Continued to: _____

Denied: _____

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The Humane Society of the Inland Valley has been consulted, and is in support of the proposed ordinance. At the public hearing on March 1, 2016, Maclin Open Air Markets, located in Ontario at 7407 E. Riverside Dr., and directly affected by AB 339, also offered a letter in support.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING ARTICLE 4 TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, ADOPTING STANDARDS FOR THE CARE AND TREATMENT OF ANIMALS OFFERED FOR SALE AT SWAP MEETS.

WHEREAS, in 2013, the California Legislature passed legislation, Assembly Bill 339 ("AB 339"), which permits swap meet vendors to offer animals for sale only if the local jurisdiction has established a standard for care and treatment of such animals; and

WHEREAS, AB 339 also subjects a swap meet vendor to fines the sale of an animal occurs in a jurisdiction where the local government has not yet adopted an ordinance establishing standards for care and treatment in accordance with AB 339; and

WHEREAS, at present, the City of Ontario has not established a standard for care and treatment of such animals; and

WHEREAS, the City of Ontario desires to permit the continued sale of animals at swap meets within the jurisdiction and, therefore, wishes to adopt provisions setting for the appropriate standard of care and treatment of such animals in accordance with AB 339.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference. The findings associated with the adoption of AB 339 are also incorporated by reference.

SECTION 2. Article 4 of Chapter 1 of Title 6 is hereby added to the Ontario Municipal Code to read, in its entirety, as follows:

"Article 4. Standard for Care and Treatment for Sale of Animals at Swap Meets

Sec. 6-1.400. Definitions.

(a) For the purposes of this article, "vendor" shall include any person offering for sale an animal at a swap meet, flea market, or open-air market.

(b) For the purposes of this article, "sale" shall include any exchange for value, trade, or adoption, so long as a change in ownership of the animal occurs.

Sec. 6-1.401. Standard of Care.

A vendor is charged with care and treatment of the animal offered for sale during transport to the site of sale, while the animal is present at the site of sale, and transport from the site of sale. In particular, a vendor must do all of the following:

(a) Maintain the facilities used for the keeping of animals in a sanitary condition.

(b) Provide proper heating and ventilation for the facilities used for the keeping of animals.

(c) Provide adequate nutrition for, and humane care and treatment of, all animals that are under the vendor's care and control.

(d) Take reasonable care to release for sale, trade, or adoption only those animals that are free of disease or injuries.

(e) Provide adequate space appropriate to the size, weight, and species of animals.

(f) Have a documented program of routine care, preventative care, emergency care, disease control and prevention, and veterinary treatment and euthanasia that is established and maintained by the vendor in consultation with a licensed veterinarian employed by the vendor or a California- licensed veterinarian at least once a year.

(g) Provide buyers of an animal with general written recommendations for the generally accepted care of the type of animal sold, including recommendations as to the housing, equipment, cleaning, environment, and feeding of the animal. This written information shall be in a form determined by the vendor and may include references to Internet Web sites, books, pamphlets, videos, and compact discs.

(h) Present for inspection and display a current business license issued by the local jurisdiction where the animals are principally housed.

(i) Maintain records for identification purposes of the person from whom the animals offered for sale were acquired, including that person's name, address, e-mail address, and telephone number and the date the animals were acquired.

Sec. 6-1.402 Enforcement.

This Article shall be enforced by the City Manager, the Police Chief, the Humane Officer, the City Health Officer, or such other person as the Council or City Manager may designate.

Sec. 6-1.403. Penalties.

(a) Any person who violates or fails to comply with any provision of this Article shall be subject to any of the penalties and procedures set forth in Chapter 2 of Title 1 of the Ontario Municipal Code.

(b) The provisions and procedures concerning administrative citations set forth in Chapter 5 of Title 1 of the Ontario Municipal Code shall apply to any administrative citations issued for violations of this Article. A violation of this Article shall constitute a "transient" violation within the meaning of that Chapter."

SECTION 3. CEQA. The City Council hereby finds that adoption of this Ordinance is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's office located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 5. 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 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 15th day of March 2016.

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. 3045 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 1, 2016 and adopted at the regular meeting held March 15, 2016 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. 3045 duly passed and adopted by the Ontario City Council at their regular meeting held March 15, 2016 and that Summaries of the Ordinance were published on March 8, 2016 and March 22, 2016, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 15, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTIONS DECLARING THE CITY COUNCIL'S INTENTION TO RENEW THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF, AND REQUESTING CONSENT OF THE CITY OF RANCHO CUCAMONGA TO RENEW THE GREATER ONTARIO TOURISM MARKETING DISTRICT

RECOMMENDATION: That the City Council: (1) adopt a resolution declaring its intention to renew the GOTMD and fix the time and place of a public meeting and a public hearing, and give notice thereof; and (2) adopt a resolution requesting the consent of Rancho Cucamonga to renew the Greater Ontario Tourism Marketing District (GOTMD).

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike Manner**

FISCAL IMPACT: The GOTMD does not obligate any funds from the City. The GOTMD is managed by the Greater Ontario Convention and Visitor's Bureau, and is funded by assessments on short-term room rentals.

BACKGROUND: The GOTMD is a Property and Business Improvement District, created under the authority of California Streets and Highways Code Section 36600, *et seq.* Under that statute, cities and counties are authorized to establish districts upon petition of a weighted majority of lodging business owners located within the boundaries of a proposed district. After being petitioned by such business owners, and proceeding through a public meeting and a public hearing as required by the statute, the Ontario City Council established the GOTMD on June 4, 2013.

That initial action established the GOTMD for a five year term that commenced on July 1, 2013. As such, the GOTMD may currently remain in effect only until June 20, 2018, unless renewed.

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: David Sheasby
Department: Citywide Administration

City Manager
Approval: _____



Submitted to Council/O.H.A. 03/15/2016

Approved: _____

Continued to: _____

Denied: _____

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California Streets and Highways Code Section 36660 authorizes cities and counties to renew a district for a term of up to ten years, upon petition of a weighted majority of lodging business owners located within the district's boundaries. On March 10, 2016, the City received petitions from such business owners, through the Greater Ontario Convention and Visitors Bureau, asking for the GOTMD to be renewed for a period of ten years (a period covering July 1, 2018, through June 30, 2028).

In order to renew the GOTMD, the City must go through the same statutory procedures as it took in establishing it. These procedures include a resolution declaring an intent to renew the district, a resolution seeking consent of other cities that participate in the district (Rancho Cucamonga), a public meeting, a public hearing, and finally a resolution renewing the district.

This item would adopt the resolution declaring an intent to renew the district, as well as the resolution seeking consent of Rancho Cucamonga. Staff proposes that the public meeting be held at the April 5, 2016 meeting of the Ontario City Council, and that the public hearing be conducted at the May 3, 2016 meeting of the Ontario City Council.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO RENEW THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF.

WHEREAS, the City of Ontario created the Greater Ontario Tourism Marketing District (GOTMD) on June 4, 2013 by Resolution No. 2013-041; and

WHEREAS, the GOTMD was created for a five (5) year term which ends on June 30, 2018; and

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to renew business improvement districts for the purposes of promoting tourism; and

WHEREAS, the Greater Ontario Convention and Visitors Bureau, lodging business owners, and representatives from the City of Ontario have met to consider the renewal of the Greater Ontario Tourism Marketing District (GOTMD); and

WHEREAS, the Greater Ontario Convention and Visitors Bureau has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the GOTMD, a service plan and budget, and a proposed means of governance; and

WHEREAS, the renewed district includes lodging businesses with fifty (50) rooms or more in the City of Rancho Cucamonga; and

WHEREAS, consent to include lodging businesses in its jurisdiction will be requested from the City of Rancho Cucamonga; and

WHEREAS, lodging business that will pay more than fifty percent (50%) of the assessment under the GOTMD have petitioned the City Council to renew the GOTMD.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The recitals set forth herein are true and correct.
2. The City Council finds that lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the renewal of the GOTMD. The City Council accepts the petitions and adopts this Resolution of Intention to renew the GOTMD and to levy an assessment on certain lodging businesses within the GOTMD boundaries in accordance with the Property and Business Improvement District Law of 1994.

3. The City Council finds that the Plan satisfies all requirements of Streets and Highways Code § 36622.

4. The City Council declares its intention to renew the GOTMD and to levy and collect assessments on lodging businesses with fifty (50) rooms or more within the GOTMD boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The GOTMD shall include all lodging businesses with fifty (50) rooms or more located within the boundaries of the cities of Ontario and Rancho Cucamonga, as shown in the map attached as Exhibit A.

6. The name of the district shall be the Greater Ontario Tourism Marketing District (GOTMD).

7. The annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue in year one through five of this term. The assessment rate will automatically increase to three percent (3%) of gross short-term (stays less than 31 days) room rental revenue in years six through ten of this term. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by any Federal officer or employee when on official Federal government business, or stays by any officer or employee of a foreign government who is exempt by express provision of Federal law or international treaty.

8. The assessments levied for the GOTMD shall be applied toward sales promotion and marketing programs to market assessed lodging businesses in Greater Ontario as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which GOTMD assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.

9. The renewed GOTMD will have a ten (10) year term, beginning July 1, 2018 through June 30, 2028, unless renewed pursuant to Streets and Highways Code § 36660.

10. Bonds shall not be issued.

11. The time and place for the public meeting to hear testimony on establishing the GOTMD and levying assessments are set for April 5, 2016, at 6:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 303 East B Street, Ontario, CA 91764.

12. The time and place for the public hearing to renew the GOTMD and the levy of assessments are set for May 3, 2016, at 6:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 303 East B Street, Ontario, CA 91764. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than March 18, 2016.

13. At the public meeting and hearing the testimony of all interested persons for or against the renewal of the GOTMD may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed GOTMD that will pay more than fifty percent (50%) of the estimated total assessment of the entire GOTMD, no further proceedings to renew the GOTMD shall occur for a period of one year.

14. The complete Plan is on file with the City Clerk and may be reviewed upon request.

15. This resolution shall take effect immediately upon its adoption by the City Council.

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

PASSED, APPROVED, AND ADOPTED this 15th day of March 2016.

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. 2016- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 15, 2016 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

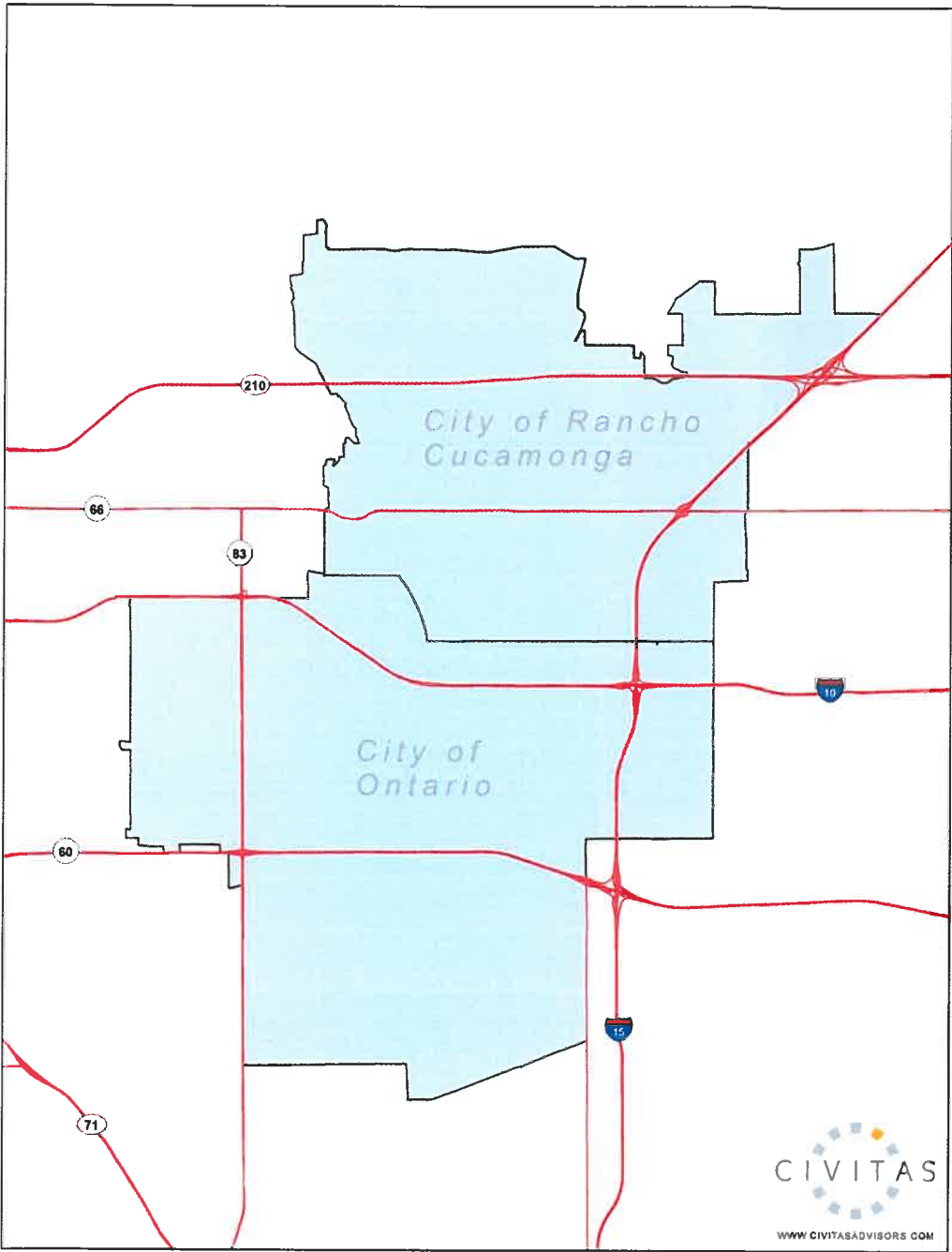
(SEAL)

The foregoing is the original of Resolution No. 2016- duly passed and adopted by the Ontario City Council at their regular meeting held March 15, 2016.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A
District Boundaries



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING CONSENT OF THE CITY OF RANCHO CUCAMONGA TO RENEW THE GREATER ONTARIO TOURISM MARKETING DISTRICT.

WHEREAS, the City Council of the City of Ontario desires to begin proceedings to renew the Greater Ontario Tourism Marketing District ("GOTMD"); and

WHEREAS, certain tourism business owners have requested that the City Council (the "Council") of the City of Ontario (the "City") renew the GOTMD; and

WHEREAS, a portion of the territory proposed to be included in the GOTMD lies within the boundaries of the City of Rancho Cucamonga, as shown on the map attached hereto as Exhibit A and incorporated herein by such attachment; and

WHEREAS, the area of Rancho Cucamonga which lies within the boundaries of the proposed GOTMD will, in the opinion of the Council, be benefited by the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished be a single comprehensive scheme of work;

NOW, THEREFORE, be it resolved by the City Council of the City of Ontario that:

SECTION 1. The above recitals are true and correct.

SECTION 2. Consent of the City of Rancho Cucamonga, through its City Council, is hereby requested to renew the GOTMD, and to grant to the Council jurisdiction for all the purposes in connection with creation, operation and future renewals of the proposed GOTMD.

SECTION 3: The City Clerk is hereby directed to transmit a certified copy of this Resolution to the City Clerk of the City of Rancho Cucamonga.

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

PASSED, APPROVED, AND ADOPTED this 15th day of March 2016.

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. 2016- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 15, 2016 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

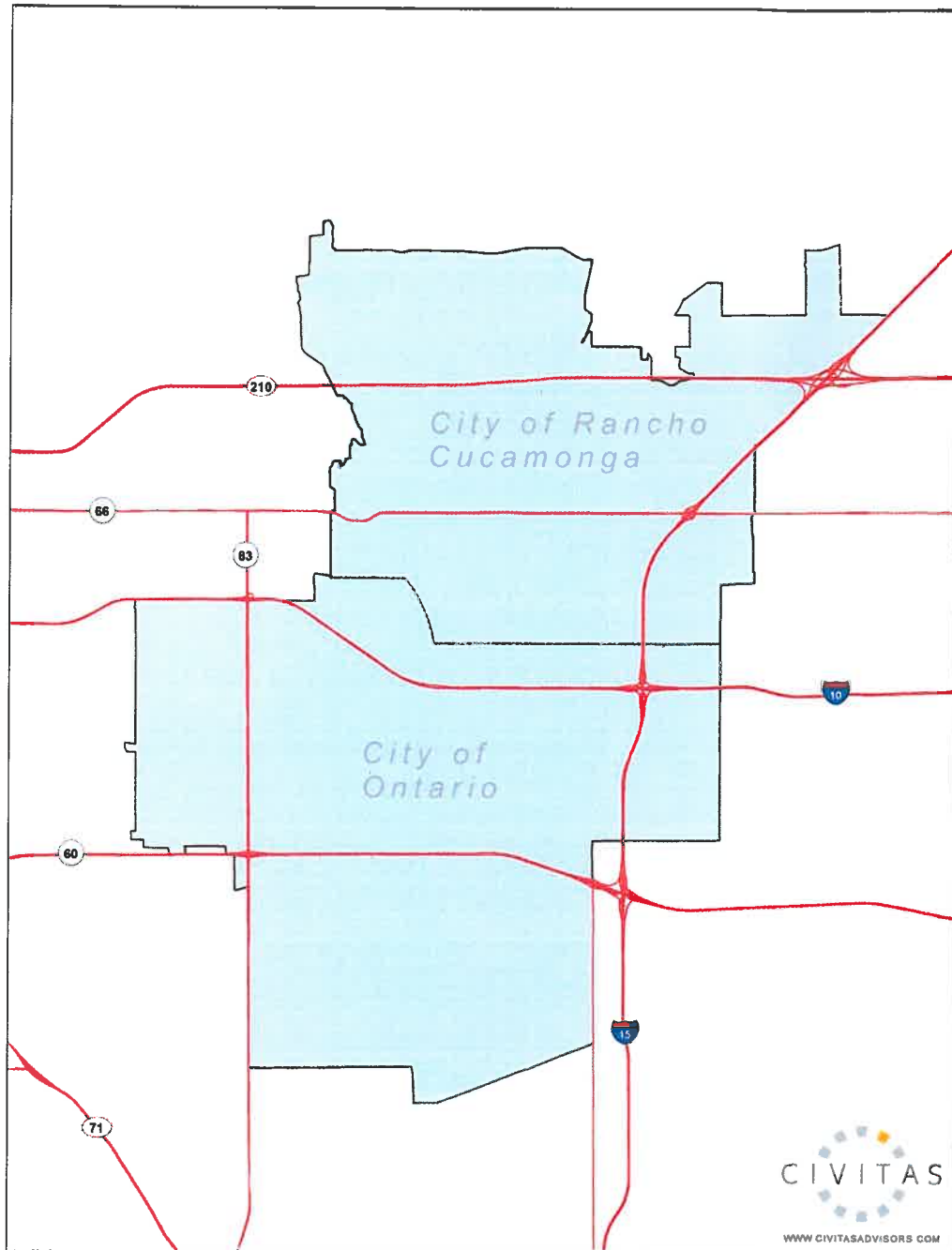
(SEAL)

The foregoing is the original of Resolution No. 2016- duly passed and adopted by the Ontario City Council at their regular meeting held March 15, 2016.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A
District Boundaries



CITY OF ONTARIO

Agenda Report
March 15, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION AUTHORIZING ENROLLMENT OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY (OIAA) AS AN AFFILIATE MEMBER FOR PAYROLL, BENEFITS AND INSURANCE PLANS ENROLLMENT AND ADMINISTRATION

RECOMMENDATION: That the City Council adopt a resolution authorizing the City Manager to execute any and all plan documents, contracts, and amendments necessary to establish the Ontario International Airport Authority (OIAA) as an Affiliate Member for payroll, benefits and insurance plans enrollment and administration.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike Manner

FISCAL IMPACT: None. Appropriations and corresponding expenditures for salary, benefits, and related personnel costs for all OIAA employees will be accounted for and reported by the City of Ontario pursuant to the MOU by and between the City and OIAA. Consistent with the Memorandum of Understanding entered into by the OIAA on December 2, 2013, and by the City on February 4, 2014, any and all funds expended by the City of Ontario on behalf of the OIAA in pursuit of a successful Ontario International Airport (ONT) transfer shall be reimbursed by the OIAA to the City. This interim funding arrangement will continue throughout the interim transition period culminating with the transfer of the FAA Part 139 Operating Certificate from Los Angeles World Airports (LAWA) to the OIAA, anticipated in July 2016. Future years' appropriations will be included in the adopted operating budgets for the OIAA, as approved by the OIAA Commission in the respective fiscal years.

BACKGROUND: On February 1, 2016, the OIAA appointed Kelly J. Fredericks to the position of Chief Executive Officer (CEO) and approved his employment contract. Since this Commission action, staff has been working with a team consisting of a tax/benefit and employment attorney, insurance brokers, and other industry experts to implement the contractually obligated salary and benefits components and prepare for the addition of other OIAA employees.

STAFF MEMBER PRESENTING: Jacob Green, Assistant City Manager

Prepared by: Angela C. Lopez
Department: Human Resources Department

City Manager
Approval: 

Submitted to Council/O.H.A. 03/15/2016

Approved: _____

Continued to: _____

Denied: _____

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Staff and legal counsel have determined that the most efficient and effective way to on-board new OIAA employees is for the OIAA to become an Affiliate Member of the City of Ontario's existing plans. Affiliate Member status will enable enrollment in payroll, benefits and insurances including, but not limited to, medical, dental, vision, defined contribution plans, life insurance, etc. Adoption of this resolution will enable the City Manager to execute any and all documents and activate all applicable employment benefits and aviation related insurances including, but not limited to, property, liability, and environmental coverage for ONT and the OIAA.

Affiliate Member enrollment will provide for immediate coverages for the OIAA's initial employees and give the OIAA an opportunity in the near future to evaluate and recommend long term payroll, benefits, and insurance plans options.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING ENROLLMENT OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY (OIAA) AS AN AFFILIATE MEMBER FOR PAYROLL, BENEFITS AND INSURANCE PLANS ENROLLMENT AND ADMINISTRATION.

WHEREAS, Ontario International Airport Authority ("OIAA") is an independent standalone entity; and

WHEREAS, it is important to maintain the payroll, benefit and insurance plans for the OIAA employees; and

WHEREAS, Affiliate Member enrollment will provide for immediate coverages for OIAA initial employees and give the Chief Executive Officer an opportunity in the near future to evaluate and recommend long term payroll, benefits and insurance plans options.

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

SECTION 1. That the Affiliate Membership be established with the City of Ontario for OIAA payroll, benefits and insurance plans.

SECTION 2. That the City Manager is authorized to execute any documents required to exercise this affiliation.

SECTION 3. This action shall be effective immediately upon adoption of this Resolution.

That the Mayor of the City of Ontario shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 15th day of March, 2016.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, MMC, 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. 2016- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 15, 2016 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. 2016- duly passed and adopted by the Ontario City Council at their regular meeting held March 15, 2016.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

March 15, 2016

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE ESTABLISHING TITLE 5, CHAPTER 22 (PROPERTY APPEARANCE—NUISANCE) OF THE ONTARIO MUNICIPAL CODE, WHICH ESTABLISHES THE CONDITIONS UNDER WHICH THE MAINTENANCE OF PROPERTY MAY BE DETERMINED TO BE A NUISANCE, AND THE PROCEDURES TO ABATE SUCH NUISANCES

RECOMMENDATION: That the City Council consider and adopt an ordinance approving File No. PDCA16-001, an amendment to Ontario Municipal Code Title 5, establishing Chapter 22 (Property Appearance — Nuisance).

COUNCIL GOALS: Regain Local Control of Ontario International Airport
Operate in a Businesslike Manner

Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: None.

BACKGROUND: On March 1, 2016 the City Council introduced an Ordinance establishing Title 5, Chapter 22 of the Municipal Code. On December 1, 2015, the City Council approved a comprehensive update to the City's Development Code, which became effective on January 1, 2016. The update included provisions relative to property maintenance, definition of a nuisance, and procedures for abating a nuisance within Division 6.10 of the Ontario Development Code. Since the adoption of the Development Code update, staff has determined that, from an operational standpoint, the regulations, definitions, and procedures pertaining to nuisances are more appropriately placed in the Ontario Municipal Code under Title 5, Public Welfare, Morals, and Conduct. Therefore, staff is recommending inclusion of the same provisions contained in Development Code Division 6.10 be provided in Title 5, Chapter 22, of the Ontario Municipal Code – no modifications to the definitions, procedures or requirements are proposed.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 03/15/2016

Approved: _____

Continued to: _____

Denied: _____

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ENVIRONMENTAL REVIEW: The project is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which is the 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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-001, AN ORDINANCE ESTABLISHING TITLE 5, CHAPTER 22 (PROPERTY APPEARANCE — NUISANCE) OF THE ONTARIO MUNICIPAL CODE, WHICH ESTABLISHES THE CONDITIONS UNDER WHICH THE MAINTENANCE OF PROPERTY WITHIN THE CITY MAY BE DETERMINED TO BE A NUISANCE, AND THE PROCEDURES TO ABATE SUCH NUISANCES, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated an amendment to the Ontario Municipal Code, File No. PDCA16-001, as described in the title of this ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, on December 1, 2015, the City Council approved a comprehensive update to the City's Development Code, which became effective on January 1, 2016. The update included provisions relative to property maintenance, definition of a nuisance, and procedures for abating a nuisance within Division 6.10 (Property Appearance and Maintenance) of the Ontario Development Code; and

WHEREAS, since the adoption of the Development Code update, staff has determined that, from an operational standpoint, the regulations, definitions, and procedures pertaining to nuisances are more appropriately placed in the Ontario Municipal Code under Title 5, Public Welfare, Morals, and Conduct; and

WHEREAS, the project is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which is the 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, on March 1, 2016, the City Council of the City of Ontario conducted a hearing to consider the proposed amendment to the Ontario Municipal Code, 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. 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:

a. The project is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines — there is no possibility that the activity in question may have a significant effect on the environment; therefore, the activity is not subject to CEQA; and

b. The determination of CEQA exemption reflects the independent judgement of the City Council.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The proposed Municipal 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; and

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

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby APPROVES the establishment of Ontario Municipal Code Title 5, Chapter 22 (Property Appearance — Nuisance), attached hereto as Exhibit A.

SECTION 4. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

SECTION 5. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

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

PASSED, APPROVED, AND ADOPTED this 15th day of March 2016.

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. 3046 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 1, 2016 and adopted at the regular meeting held March 15, 2016 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. 3046 duly passed and adopted by the Ontario City Council at their regular meeting held March 5, 2016 and that Summaries of the Ordinance were published on March 8, 2016 and March 22, 2016, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A
CHAPTER 22: PROPERTY APPEARANCE — NUISANCE

Sec. 5-22.01: Definitions
Sec. 5-22.02: Maintenance of Property
Sec. 5-22.03: Abatement
Sec. 5-22-04: Notice of Violation
Sec. 5-22.05: Hearing of Determination
Sec. 5-22.06: Record of Cost of Abatement
Sec. 5-22.07: Assessment of Costs
Sec. 5-22.08: Violations

Sec. 5-22.01: Definitions

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used herein are defined as follows:

(a) "Nuisance" means anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use in the customary manner of any public park, street, sidewalk, alleyway, highway or other public easement is a nuisance.

(b) "Nuisance vegetation" means weeds and wild grasses, such as those commonly known as foxtails, tumbleweeds, devil thorns, puncture vines, horehound gourd vines, and other similar grasses and weeds.

(c) "Owner" means any person in possession and also the person(s) shown as owner(s) on the last equalized property tax assessment rolls.

(d) "Public nuisance" means one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(e) "Trash containers" means any container such as trash bags, boxes or bins used to store trash, rubbish or other such refuse matter that meets the requirements of Section 6-3.11(c) of the Ontario Municipal Code and is placed at a collection point.

(f) "Yard" means a tract of ground adjacent to, surrounding, or surrounded by a building or group of buildings.

Sec. 5-22.02: Maintenance of Property

It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist thereon:

(a) Land, topography , geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage problems of such magnitude to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties;

(b) Buildings which are abandoned, partially destroyed or permitted to rein unreasonably in a state of partial construction;

(c) The failure to close, by such means as will protect against entry without the use of substantial force, all doorways, windows and other openings leading into vacant structures;

(d) Paint deterioration upon buildings, causing dry rot and warping or lack of weather protection;

(e) Broken windows constituting a hazardous condition, or inviting trespassers and malicious mischief, or constituting a condition tending to depreciate the aesthetic and property values of surrounding properties;

(f) Overgrown vegetation:

(1) Likely to harbor rats, vermin and other vectors;

(2) Constituting unsightly appearance;

(3) Having a tendency to depreciate the aesthetic and property values of surrounding properties; or

(4) Causing a fire hazard;

(g) Dead, decayed, diseased or hazardous trees, and other nuisance vegetation:

(1) Constituting unsightly appearance;

(2) Creating fire hazards or health problems dangerous to public safety and welfare; or

(3) Having a tendency to depreciate the aesthetic and property values of surrounding properties;

(h) Wrecked or otherwise disabled or abandoned vehicles, except in cases of emergency and in no event for a period longer than 5 days, and motors, equipment, and automotive parts or accessories stored anywhere other than within a fully enclosed space, carport, garage, or approved automobile wrecking yard;

(i) Vehicles, trailers, recreational vehicles, and boats kept or stored in yard areas, other than on paved driveways installed in accordance with the City's land use and development standards, where they are not screened from streets or highways;

(j) The existence of rubbish, tin cans, or other waste matter of any type upon any alley, sidewalk or vacant lot within the City;

(k) Accessible conditions dangerous to children, including:

- (1) Abandoned and broken equipment;
- (2) Refrigerators or freezers with latching doors;
- (3) Unprotected and/or hazardous pools, ponds and excavations; or
- (4) Neglected machinery;

(l) Broken or discarded furniture and household equipment on the premises for unreasonable periods and visible from the street or neighboring properties, and having a tendency to depreciate the aesthetic and property values of surrounding properties;

(m) Boxes, lumber, trash, rubbish and other debris either inside or outside buildings and visible from public streets or neighboring properties for unreasonable periods, and having a tendency to depreciate the aesthetic and property values of surrounding properties;

(n) The accumulation of rubbish, litter or debris in vestibules, doorways or the adjoining sidewalks of commercial or industrial buildings;

(o) Trash containers stored in front or side yards and visible from public streets except when placed in places of collection at the time permitted;

(p) Keeping of property with a lack of adequate landscaping or ground cover sufficient to prevent blowing dust and erosion;

(q) Any device, decoration, design, graffiti, fence structure, clothes line, or vegetation, which is unsightly by reason of its condition or its inappropriate location;

(r) The outside storage of building materials, machinery, or other material or equipment used in or for a business on any lot in any residential district, except during construction on the lot;

(s) The maintenance of signs and/or sign structures relating to uses no longer conducted, or products no longer sold on vacant commercial, industrial, or institutional buildings more than 45 days after such building becomes vacant;

(t) The maintenance of any structure in a state of substantial deterioration, such as peeling paint on a facade, broken windows, roofs in disrepair, damaged porches, broken steps, or other such deterioration or disrepair not otherwise constituting a violation, and which is visible from a public right-of-way or neighboring properties, where such condition would have a tendency to depreciate the aesthetic and property values of surrounding properties;

(u) The substantial lack of maintenance of grounds within the City, on which structures exist, where the grounds are visible by the public from a public right-of-way or neighboring properties, where such condition would have a tendency to depreciate the aesthetic and property values of surrounding properties;

(v) Property maintained (in relation to others) so as to establish a prevalence of depreciated values, impaired investment, and social and economic maladjustments that the capacity to generate taxes is reduced and tax receipts from such particular area are inadequate for the cost of public services rendered therein;

(w) The maintenance of any yard, including any parkway as defined in Section 7-3.03, which is visible from the public right-of-way without live and healthy grass and/or landscaping, or the failure to adequately irrigate such yard or parkway. If such yard or parkway is so maintained, the City may, pursuant to this Chapter, abate such conditions and collect the costs thereof by any reasonable method, including the installation and maintenance of healthy grass and/or landscaping and/or an irrigation sprinkler system, as well as the continued utilization of such irrigation sprinkler system;

(x) The maintenance of any vacant lot without live and healthy grass, landscaping, or screening combined with perimeter landscaping, where such lot is adjacent to an improved sidewalk and/or parkway;

(y) The existence of solid waste such as excessive animal feces or human waste of any kind;

(z) The presence of any abandoned shopping cart, to the extent not otherwise remedied by law.

Sec. 5-22.03: Abatement

All or any part of premises found, as provided herein, to constitute a public nuisance, shall be abated by rehabilitation, demolition or repair, or any other reasonable means pursuant to the procedures set forth in this Chapter. The procedures set forth herein shall not be exclusive, and shall not in any manner limit or restrict the City from enforcing other City ordinances, or abating public nuisances in any other manner provided by law.

Sec. 5-22.04: Notice of Violation

(a) If the Code Enforcement Director, or his or her designee, after investigation, believes that one or more public nuisance exist on premises within the City, the Code Enforcement Director, or his or her designee, shall cause to be served upon the owner, lessee, occupant or person having charge of the affected premises, a Notice of Violation. The Notice of Violation shall list the conditions constituting a public nuisance, and shall order the owner, lessee, occupant or person having charge of the affected premises to abate the nuisance or nuisances listed in the Notice of Violation. The Notice of Violation shall provide a reasonable time in which the owner, lessee, occupant or person having charge of the premises may abate the nuisance or nuisances cited in the Notice of Violation.

(b) Service of the Notice of Violation shall be made upon the owner, lessee, occupant or person having charge of the affected premises pursuant to Subdivisions (b) or (c) of Section 5-22.07 (Assessment of Costs).

(c) Any property owner, lessee, occupant, or person having charge of the affected premises, shall have the right to have any such premises rehabilitated, or to have the cited nuisance or nuisances abated in accordance with the Notice of Violation, at his or her own expense, provided the same is done prior to the expiration of the abatement period set forth in the Notice of Violation. Upon such abatement in full, proceedings under this Ordinance shall terminate.

(d) To the extent such nuisance is not completely abated by the owner, lessee, occupant, or person having charge of the affected premises, as directed within the designated period of abatement, the Code Enforcement Director, or his or her designee, is authorized and directed to cause the same to be abated by City forces or private contract in any reasonable manner; and the Code Enforcement Director, or his or her designee, is expressly authorized to enter the affected premises for such purpose. Upon request of the designated official, other City departments shall cooperate fully and shall render all reasonable assistance in abating any such nuisance.

Sec. 5-22.05: Hearing and Determination

(a) Upon request by the owner, lessee, occupant, or person having of the affected premises and if received by the Code Enforcement Director within 10 days after mailing of the Notice of Violation, the Code Enforcement Director or his or her designee shall hold a hearing, which shall be open to the public. The Code Enforcement Director or his or her designee shall hear and consider objections and/or protests from any owner, lessee, occupant, person having charge of the affected premises, or other interested persons relative to the served Notice of Violation.

(b) The Code Enforcement Director, or his or her designee, shall hear and receive all relevant evidence and testimony relative to the alleged public nuisance and shall consider methods to abate such nuisance. This hearing may be continued from time to time.

(c) Upon or after the conclusion of the hearing, the Code Enforcement Director, or his or her designee, shall, based upon the evidence presented at the hearing, determine whether the affected premises, or any part thereof, as maintained, constitute a public nuisance as defined herein.

Sec. 5-22.06: Record of Cost of Abatement

(a) The Code Enforcement Director, or his or her designee, shall keep an account of the cost (including incidental expenses) of abating such nuisance of each separate lot or parcel of land where the work is done, and shall prepare an itemized account showing the cost of abatement, including any salvage value relating thereto.

(b) The Code Enforcement Director shall serve on the owner, lessee, occupant or person in charge of the affected premises a copy of the itemized account pursuant to Section 5-22.07 (Assessment of Costs). Such service shall notify the recipient that failure to pay the amount listed in the account within 30 days of receipt by the recipient shall, upon a determination by the City Manager, or his or her designee, constitute a personal obligation of the recipient and may be collected by a lien on the affected premises or may be collected as a special assessment against the affected premises.

(c) "Incidental expenses" include, but are not limited to, the actual expenses and costs of the City in abating the public nuisance, including the preparation of the Notice of Violation, specifications and contracts, inspecting the work, attorneys' fees and costs, conducting the hearing pursuant to Section 5-22.05 (Hearing and Determination), and other costs associated with carrying out the provisions of this Chapter. The recovery of attorneys' fees and costs shall extend to any prevailing party, including the City. Attorneys' fees and costs, may be recovered by a prevailing party only in those proceedings in which the City has notified the owner, lessee, occupant or person having charge of the affected premises, in the Notice of Violation, that the City intends to seek recovery of its attorneys' fees and costs. In no event shall an award of attorneys' fees and costs to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the proceeding.

Sec. 5-22.07: Assessment of Costs

(a) To the extent the Code Enforcement Director, or his or her designee, determines that the public nuisance or nuisances cited in the Notice of Violation existed on the affected premises, and the cost of abatement of such nuisance or nuisances was reasonable, the Code Enforcement Director, or his or her designee, shall make a written order setting forth these findings and ordering that, if such costs are not paid within a specified period, the owner, lessee, occupant, or other person having charge of the affected premises, shall be personally liable for such costs. Upon resolution of the City Council, such costs shall be collected by:

(1) A lien on the affected premises pursuant to California Government Code Section 38773.1; or

(2) A special assessment against the affected premises pursuant to California Government Code Section 38773.5.

(b) If the City chooses to collect its abatement costs through a lien on the affected premises, the notices to the owner of the affected premises required by this Chapter shall be served in the same manner as summons in a civil action pursuant to Code of Civil Procedure Part 2, Title 5, Chapter 4, Article 3 (commencing with Section 415.10). If the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current, after diligent search cannot be found, notices to the owner may be served by posting a copy thereof in a conspicuous place upon the affected premises for a period of 10 days, and publication thereof in a newspaper of general circulation, published in San Bernardino County pursuant to California Government Code Section 6062. The lien shall be recorded in the San Bernardino County Recorder's Office, and from the date of recording, shall have the force, effect, and priority of a judgment lien. The lien shall specify the amount of the lien, the name of the City as the agency on whose behalf the lien is filed, the date of the Notice of Violation and order of the City Council, the street address, legal description and assessor's parcel number of the affected premises on which the lien is imposed, and the name and address of the recorded owner of the affected premises. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in the preceding sentence shall be recorded by the City. The lien and the release of the lien shall be indexed in the grantor-grantee index. The lien may be foreclosed by an action brought by the City for a monetary judgment.

(c) If the City chooses to collect its abatement costs through a special assessment, the notices required by this Chapter shall be provided to the owner by certified mail, as determined from the County Assessor's or County Recorder's records. Notice of the special assessment, and requests for a hearing regarding the special assessment, shall be in accordance with Section 1-4.05 (Appeal Hearing for Special Assessments) of this Code.

The special assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties, and the same procedure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to the special assessment. If any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property, but instead shall be transferred to the unsecured roll for collection. The City may conduct a sale of vacant residential developed property for which the payment of such assessment made pursuant to this subdivision is delinquent. Notices or instruments relating to the abatement proceeding or special assessment may be recorded.

(d) All other notices required by this Chapter shall be delivered by certified US Mail, postage prepaid to the recipient thereof.

Sec. 5-22.08: Violations

(a) The owner, lessee, occupant, or other person having charge of any such buildings or premises who maintains any public nuisance, as defined in Section 5-22.01 (Definitions), Subsections (a) and (d), of this Chapter, or who neglects to comply with the Notice of Violation pursuant to Section 5-22.04 (Notice of Violation) of this Chapter, is guilty of an infraction.

(b) Any occupant or lessee in possession of any such building or structure who refuses to vacate the building or structure, in accordance with an order given as herein provided, is guilty of an infraction.

(c) Any person who removes any notice or order posted as herein required for the purpose of interfering with the enforcement of these provisions shall be guilty of an infraction.

(d) No person shall obstruct, impede, or interfere with any representative of the City Council, or any representative of a City department, or with any person who owns or holds any estate or interest in a building that has been ordered to be vacated, repaired, rehabilitated, or demolished and removed, or with any person to whom any such building has been lawfully sold pursuant to these provisions whenever any such representative of the City Council, representative of the City, purchaser or person having any interest or estate in such building is engaged in vacating, repairing, rehabilitating, or demolishing and removing any such building pursuant to these provisions, or in performing any necessary act preliminary to or incidental to such work as herein authorized or directed. It is a defense to prosecution under this Division (d) that the alleged obstruction or interference consisted of constitutionally protected speech only.

(e) Any prevailing party in an action to abate a public nuisance shall be entitled to attorneys' fees and costs, to the extent such attorneys' fees and costs do not exceed the reasonable attorneys' fees and costs incurred by the City. The City may limit recovery of attorneys' fees and costs by the prevailing party to those individual actions which the City elects, at the initiation of that individual action, to seek recovery of its own attorneys' fees and costs.

(f) Upon entry of a second or subsequent civil or criminal judgment within a 2-year period finding that an owner of property is responsible for a public nuisance, except for conditions abated pursuant to California Health & Safety Code Section 17980, the owner shall be liable to the City for treble the costs of the abatement.

CITY OF ONTARIO

Agenda Report
March 15, 2016

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE RICH-HAVEN SPECIFIC PLAN AFFECTING PROPERTY GENERALLY LOCATED SOUTH OF RIVERSIDE DRIVE, COLONY HIGH SCHOOL AND THE SOUTHERN CALIFORNIA EDISON SUBSTATION; WEST OF HAMNER AVENUE; EAST OF HAVEN AVENUE, AND NORTH OF EDISON AVENUE (WHERE EAST OF CLEVELAND AVENUE) AND NORTH OF ONTARIO RANCH ROAD (WHERE WEST OF CLEVELAND AVENUE) TO: [1] CHANGE THE EXISTING SPECIFIC PLAN LAND USE PLAN DESIGNATION (PLANNING AREAS 8 THROUGH 19) FOR 219.2 ACRES OF LAND TO BE CONSISTENT WITH TOP POLICY PLAN LAND USE PLAN DESIGNATIONS; AND [2] REVISE AND UPDATE HOUSING PRODUCT TYPES, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED CHANGES AND TOP POLICY PLAN CONSISTENCY. (APN NO'S: 0218-161-01, 04, 05, 09, 10, 11, 13, AND 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 AND 27)

RECOMMENDATION: That the City Council adopt a resolution approving an addendum to The Ontario Plan (SCH# 2008101140) and Rich-Haven Specific Plan (SCH #2006051081) Environmental Impact Reports, analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; and adopt a resolution approving an amendment to Rich-Haven Specific Plan (File No. PSPA16-001) pursuant to the facts and reasons contained in the staff report and attached resolution.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Encourage the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony (Ontario Ranch)

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Rudy Zeledon
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 03/15/2016

Approved: _____

Continued to: _____

Denied: _____

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FISCAL IMPACT: Adoption of the Amendment to the Rich-Haven Specific Plan may result in a fiscal impact to the City due to potentially increased expenditures with an increase in residential units from 4,256 to 4,866. To offset the increase in service expenditures, an operations and maintenance Community Facilities District (CFD) will be established through the various tract map entitlements to cover the additional costs of Police and Fire services, landscape maintenance of medians and neighborhood edges, and street light operations and maintenance along the public streets. Additionally, the increase in commercial/office development of 150,000 square feet would result in an increase in sales tax to the City.

BACKGROUND: In December 4, 2007, the City Council approved the Rich-Haven Specific Plan (File No. PSP05-004) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan established the land use designations, development standards, and design guidelines for approximately 512 acres of land, which included the potential development of 4,256 residential units and 889,200 square feet of commercial/office.

In 2010, The Ontario Plan (“TOP”) was adopted by City Council. TOP Policy Plan (General Plan) Land Use Plan (Policy Plan Exhibit LU-01) changed the land use designations for approximately 218 acres, between Chino Avenue and Ontario Ranch Road (formally Edison Avenue) within the Rich-Haven Specific Plan. To provide consistency with TOP Policy Plan Land Use Plan, GDCI-RCCD 2LP, Richland Communities and Brookfield Residential together have submitted an Amendment to the Rich-Haven Specific Plan (“SPA”).

The Amendment proposes updates to the Rich-Haven Specific Plan Land Use Plan, the housing product types, exhibits and language to reflect the proposed land use changes and TOP Policy Plan consistency as follows:

- 1) *Reconfigure the boundaries and circulation layout for the existing Planning Areas 1 through 21B and change the existing Specific Plan Land Use Plan designation for Planning Areas 8 through 19, consistent with TOP Policy Plan (General Plan) Land Use Plan.*

With TOP adoption, the Policy Plan Land Use Plan Exhibit LU-01 changed the land use designations for Planning Areas 8 through 19 of the Rich-Haven Specific Plan (See Exhibit “A”: TOP Policy Plan). The SPA proposes to bring consistency with TOP Policy Plan by changing land use designation as follows (See Exhibit “B”: Rich-Haven Specific Plan Land Use Plan):

- Planning Area 13 was designated for a middle school. However, during TOP EIR process, Mountain View School District assessed the need for a middle school within the Rich-Haven Specific Plan and concluded that an additional middle school was not warranted. As a result, the 27 acre property was changed from Public School to Open Space – Parkland.
- Planning Areas 9 through 12 will be changed from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac).
- Planning Area 14 will be changed from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac).

- Planning Areas 15 through 19 will be changed from Low-Medium Density Residential (6-12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use.

In addition to the land use changes within the Specific Plan, Planning Areas 1 through 21B have been redesignated to Planning Areas 1 through 8B and the boundaries of each Planning Area have been reconfigured to coincide with property ownership. Subsequently, the conceptual internal street patterns within each Planning Area have been eliminated from the Land Use Plan and Circulation Plan. To plan for a more efficient internal circulation network within the Specific Plan, the circulation patterns for the internal local streets will be established at the tentative tract map entitlement process stage for each development. However, the major access points into the Specific Plan from Riverside Drive, Haven Avenue, Mill Creek Avenue, Ontario Ranch Road and Hamner Avenue have been established and shown on both the Land Use Plan and Circulation Plan,

- 2) *Increase the number of residential units, increase the maximum square feet for commercial/office development, and incorporate a minimum square foot requirement for commercial/office development.*

With the proposed land use changes discussed above, there will be an increase of 610 residential units (from 4,256 to 4,866) and 150,000 square feet (from 889,200 sq. ft. to 1,039,200 sq. ft.) of commercial/office square feet. The SPA is in conformance with TOP Policy Plan, which allows up to 6,538 residential units and 2,359,098 square feet of commercial/office development.

In addition to the increase in commercial/office square feet, the SPA proposes to incorporate a minimum square foot requirement for commercial/office development. When the Rich-Haven Specific Plan was approved in 2007, the development capacity for commercial/office was based on a maximum development of 889,200 square feet with no minimum square foot requirement. To ensure viable commercial/office development within the Regional Commercial (Mixed Use) land use designations of the Specific Plan, a minimum square foot requirement is proposed to be established within Planning Areas 7, 8A and 8B. To provide and ensure an ultimate mix of residential and commercial/office development within the Regional Commercial areas, the Specific Plan Land Use Plan identifies areas along Haven Avenue, Ontario Ranch Road and Hamner Avenue, where mixed use development is required and stand-alone residential and regional (retail) commercial is permitted.

- 3) *Revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency.*

The Rich-Haven Specific Plan provides for the development of 12 distinctive single family and multi-family products types to address varying housing needs. To address current and future market demands, the SPA proposes to two additional single family cluster products, a multi-family courtyard townhome product, and a row town product. The two proposed cluster products introduce a different configuration, utilizing standard driveways for additional resident parking.

Language within the Specific Plan referring to the previous NMC General Plan has been changed to reflect consistency with TOP Policy Plan Land Use Plan. The policy analysis in *Section 9* of the Specific Plan has been updated and describes the manner in which the Rich-Haven Specific

Plan complies with TOP Policy Plan goals and policies. All changes and additions to the Specific Plan (exhibits, tables, development standards and design guidelines) are contained within the revised Specific Plan document accompanying this report.

On February 23, 2016, the Planning Commission voted unanimously (6-0) to recommend City Council adoption of an Addendum to the Rich-Haven Specific Plan EIR (SCH# 2008101140) and resolution approving an Amendment to the Rich-Haven Specific Plan File No. PSPA16-001.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed in conjunction with an Addendum to TOP (SCH# 2008101140) and Rich-Haven Specific Plan (SCH# 2006051081) Environmental Impact Reports. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

Exhibit "A"
TOP Land Use Plan

TOP Policy Plan Land Use Plan (Exhibit LU-01)

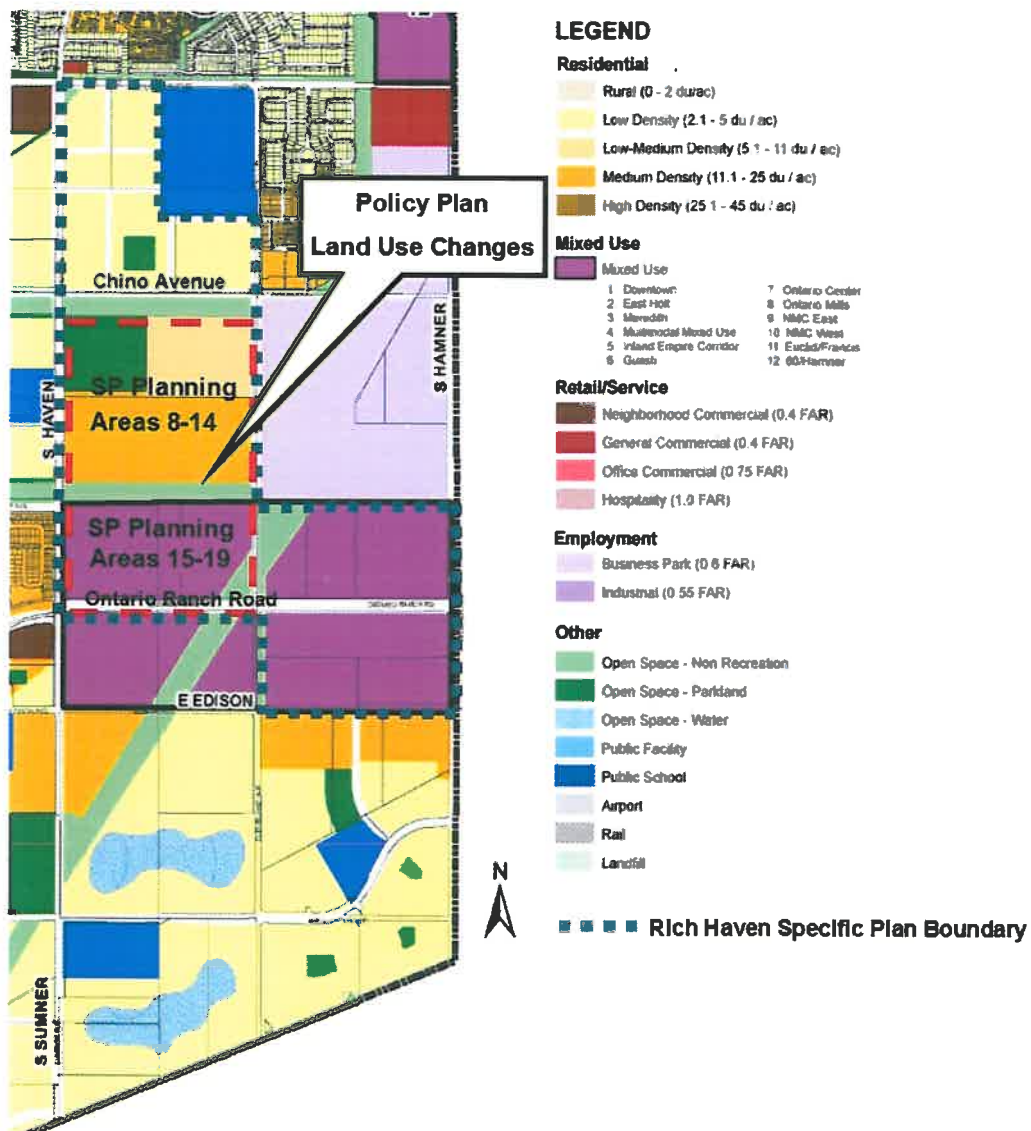


Exhibit "B" Rich-Haven Specific Plan Land Use Plan

Rich Haven Specific Plan Land Use Plan



Existing Land Use Plan

Proposed Land Use Plan

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN AND RICH-HAVEN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORTS, PREPARED FOR FILE NO. PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005) FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-161-01, 04, 05, 09, 10, 11, 13, AND 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 AND 27.

WHEREAS, GDCI-RCCD 2LP, Richland Communities and Brookfield Residential ("Applicant") have filed an Application for the approval of an Amendment to the Rich-Haven Specific Plan, File No. PSPA16-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 512 acres of land generally located south of Riverside Drive, Colony High School, and the Southern California Edison substation, west of Hamner Avenue, east of Haven Avenue, and north of Edison Avenue (where east of Cleveland Avenue) and north of Ontario Ranch Road (where west of Cleveland Avenue), within the Rich-Haven Specific Plan, and is presently improved with dairy and agriculture uses; and

WHEREAS, the properties to the north are zoned LDR (Low Density Residential)/PS (Public School) and developed with the Creekside Residential Community and Colony High School. The properties to southeast are zoned High Density Residential, located within the Esperanza Specific Plan and developed with dairy and agriculture uses. The properties to the southwest are zoned SP/AG (Specific Plan/Agriculture Preserve) and developed with dairy and agriculture uses. The properties to the east are located within the City of Eastvale, zoned Industrial/Commercial and developed with industrial uses. The properties to the west are zoned Low Density Residential, Medium Density Residential and Neighborhood Commercial, located within portions of the West Haven Specific Plan and The Avenue Specific Plan and developed with new residential subdivisions, dairy and agriculture uses; and

WHEREAS, File No. PSPA16-001 (the "Project") was analyzed under the Amendment to the Rich-Haven Specific Plan proposed to: [1] reconfigure the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park, 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac), 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac), and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density

Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan ("TOP") Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq. ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency; and

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

WHEREAS, on January 25, 2010, the City Council certified an EIR (SCH#2008101140) and a related Mitigation Monitoring and Reporting Program for The Ontario Plan Policy Plan; and

WHEREAS, on December 4, 2007, the City Council certified an EIR (SCH#2006051081) and a related Mitigation Monitoring and Reporting Program for the Rich-Haven Specific Plan File No. PSP05-004; and

WHEREAS, pursuant to Public Resources Code Section 21166 and Sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to The Ontario Plan and Rich-Haven Specific Plan EIRs were prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the certified EIRs and related Mitigation Monitoring and Reporting Program for The Ontario Plan and File No. PSP05-004 and addresses only those issues specific to the Project. The Addendum concludes that the Project will not result in impacts beyond what was previously analyzed in the certified EIRs, because the Project does not have new or substantially more severe significant environmental impacts, either directly or indirectly; and

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

WHEREAS, the City Council has reviewed and considered the Addendum for the Project, and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and the certified EIRs for The Ontario Plan and File No. PSP05-004 are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, and are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, 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 (4,256) and density (MU, LDR, LMDR & MDR,) specified in the Available Land Inventory. The Specific Plan proposes 4,866 residential units within the densities of Mixed Use, Low Density Residential, Low Medium Density Residential and Medium Density Residential.

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; 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, on February 17, 2016, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No. DAB16-005 recommending the Planning Commission approve the Application; and

WHEREAS, on February 23, 2016, the Planning Commission voted unanimously (6-0) to recommend (Resolution PC16-003) City Council adoption of a resolution approving an Addendum to TOP (SCH# 2008101140) and Rich-Haven Specific Plan (SCH# 2008101140) EIRs, analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; and

WHEREAS, on March 15, 2016, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the City Council has reviewed and considered the Addendum for the Project, and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; 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. The City Council has reviewed and considered the information contained in the Addendum, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

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

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

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

d. The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Environmental Impact Report, and all mitigation measures previously adopted by the Environmental Impact Report, are incorporated herein by this reference.

SECTION 2. Based upon the Addendum and all related information presented to the City Council, the City Council finds that the preparation of a subsequent or supplemental EIR is not required for the Project, as the Project:

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

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

c. 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 EIR was certified, that shows any of the following:

1. The project will have one or more significant effects not discussed in the certified EIR; or

2. Significant effects previously examined will be substantially more severe than shown in the certified EIR; or

3. 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

4. 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. The City Council hereby approves the Addendum to the certified EIRs.

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

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

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

PASSED, APPROVED, AND ADOPTED this 15th day of March 2016.

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. 2016- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 15, 2016 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. 2016- duly passed and adopted by the Ontario City Council at their regular meeting held March 15, 2016.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CITY COUNCIL APPROVING FILE NO. PSPA16-001 (RELATED FILES NO. PSPA13-004 AND PSPA13-005), AN AMENDMENT TO THE RICH-HAVEN SPECIFIC PLAN THAT AFFECTS PROPERTY GENERALLY LOCATED SOUTH OF RIVERSIDE DRIVE AND THE SOUTHERN CALIFORNIA EDISON SUBSTATION, WEST OF HAMNER AVENUE, NORTH AND SOUTH SIDES OF EDISON AVENUE AND EAST OF HAVEN AVENUE, TO [1] RECONFIGURE THE BOUNDARIES AND CIRCULATION LAYOUT FOR THE EXISTING PLANNING AREAS 1 THROUGH 21B; [2] CHANGE THE EXISTING SPECIFIC PLAN LAND USE PLAN DESIGNATION FOR 27 ACRES OF LAND (PLANNING AREAS 8 AND 13) FROM MIDDLE SCHOOL AND LOW DENSITY RESIDENTIAL (0 TO 6 DU/AC) TO PUBLIC PARK, 77.6 ACRES OF LAND (PLANNING AREAS 9 THROUGH 12) FROM LOW DENSITY RESIDENTIAL (0 TO 6 DU/AC) TO LOW-MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC), 36.1 ACRES OF LAND (PLANNING AREA 14) FROM LOW DENSITY RESIDENTIAL (0 TO 6 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (12 TO 18 DU/AC), AND 78.5 ACRES OF LAND (PLANNING AREAS 15 THROUGH 19) FROM LOW-MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC) AND MEDIUM DENSITY RESIDENTIAL (12 TO 18 DU/AC) TO MIXED-USE, CONSISTENT WITH THE ONTARIO PLAN (TOP) POLICY PLAN (GENERAL PLAN) LAND USE PLAN; [3] INCREASE THE NUMBER OF RESIDENTIAL UNITS FROM 4,256 TO 4,866; [4] INCREASE THE MAXIMUM SQUARE FEET FOR COMMERCIAL/OFFICE DEVELOPMENT FROM 889,200 SQ. FT. TO 1,039,200 SQ., FT.; [5] INCORPORATE A MINIMUM SQUARE FOOT REQUIREMENT FOR COMMERCIAL/OFFICE DEVELOPMENT WITHIN PLANNING AREAS 20, 21A AND 21B; AND [6] REVISE AND UPDATE HOUSING PRODUCT TYPES, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED CHANGES AND TOP POLICY PLAN CONSISTENCY, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-161-01, 04, 05, 09, 10, 11, 13, AND 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 AND 27.

WHEREAS, GDCI-RCCD 2LP, Richland Communities and Brookfield Residential ("Applicant") have filed an Application for the approval of an Amendment to the Rich-Haven Specific Plan, File No. PSPA16-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 512 acres of land generally located south of Riverside Drive, Colony High School, and the Southern California Edison substation, west of Hamner Avenue, east of Haven Avenue, and north of Edison Avenue (where east of Cleveland Avenue) and north of Ontario Ranch Road (where west of Cleveland Avenue), within the Rich-Haven Specific Plan, and is presently improved with dairy and agriculture uses; and

WHEREAS, the properties to the north are zoned LDR (Low Density Residential)/PS (Public School) and are developed with the Creekside Residential Community and Colony High School. The properties to southeast are zoned High Density Residential, located within the Esperanza Specific Plan and are developed with dairy and agriculture uses. The properties to the southwest are zoned SP/AG (Specific Plan/Agriculture Preserve) and are developed with dairy and agriculture uses. The properties to the east are located within the City of Eastvale, zoned Industrial/Commercial, and developed with industrial uses. The properties to the west are zoned Low Density Residential, Medium Density Residential and Neighborhood Commercial, located within portions of the West Haven Specific Plan and The Avenue Specific Plan, and are developed with new residential subdivisions, dairy and agriculture uses; and

WHEREAS, on December 4, 2007, the City Council approved the Rich-Haven Specific Plan (File No. PSP05-004) and certified the Environmental Impact Report (SCH#2006051081) for the Specific Plan; and

WHEREAS, the Amendment to the Rich-Haven Specific Plan proposes to: [1] reconfigure of the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park, 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6-12 du/ac), 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac), and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq., ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency; and

WHEREAS, in 2010, The Ontario Plan (“TOP”) was adopted and Land Use Plan changed the land use designations for Planning Areas 8 through 19 (between Chino Avenue and Ontario Ranch Road) of the Rich-Haven Specific Plan; and

WHEREAS, to bring the Rich-Haven Specific into conformance with TOP Policy Plan, the Amendment to the Rich-Haven Specific Plan (“SPA”) proposes to change land use designation within the Specific Plan as follows:

- Planning Area 13 within the Specific Plan was designated for a Middle School. However, during TOP EIR process the Mountain View School District assessed the need for the middle school within the Rich-Haven Specific Plan and concluded that an additional middle school was not warranted. As a result, the 27 acre property was changed in TOP Policy Land Use Plan from Public School to Open Space – Parkland;

- Planning Areas 9 through 12 will be changed from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac);
- Planning Area 14 will be changed from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac);
- Planning Areas 15 through 19 will be changed from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use; and

WHEREAS, in addition to the land use changes within the Specific Plan, Planning Areas 1 through 21B have been redesignated to Planning Areas 1 through 8B. To provide for a more effective way of mapping and developing each Planning Area, the boundaries of each Planning Area have been reconfigured to coincide with property ownership. Subsequently, the conceptual internal street patterns within each Planning Area have been eliminated from the Land Use Plan and Circulation Plan. To plan for a more efficient internal circulation network within the Specific Plan, the circulation patterns for the local streets will be established at the tentative tract map entitlement process stage for each development. However, the major access points into the Specific Plan, from Riverside Drive, Haven Avenue, Mill Creek Avenue, Ontario Ranch Road and Hamner Avenue have been established and shown on both the Land Use Plan and Circulation Plan; and

WHEREAS, with the proposed land use changes, discussed above, there will be an increase of 610 residential units (from 4,256 to 4,866) and 150,000 square feet (from 889,200 sq. ft. to 1,039,200 sq. ft.) of commercial/office square feet. TOP Policy Plan allows up to 6,538 residential units within the Rich-Haven Specific Plan. The SPA proposes a total of 4,866 residential units, which is 1,672 residential units fewer than what is allowed by TOP Policy Plan. The addition of 150,000 square feet of commercial/office square feet is a result of the addition of 78.5 acres of mixed use, based on a Floor Area Ratio (FAR) of 0.30 for retail and 0.35 for office. The total commercial/office square footage of 1,039,200 is below the 2,359,098 square feet allowed by TOP Policy Plan; and

WHEREAS, in addition to the increase in commercial/office square feet, the SPA proposes to incorporate a minimum square foot requirement for commercial/office development within the Specific Plan to ensure viable development within the Regional Commercial (Mixed Use) land use designations (Planning Areas 7, 8A and 8B of the Specific Plan). To ensure an ultimate mix of residential and commercial/office development within the mixed use areas, the Specific Plan Land Use Plan identifies areas along Haven Avenue, Ontario Ranch Road and Hamner Avenue, where mixed uses development is required and stand-alone residential and regional (retail) commercial is permitted; and

WHEREAS, the Rich-Haven Specific Plan provides for the development of 12 distinctive single family and multi-family products types to address varying housing needs. To address current and future market demands, the SPA proposes two additional single family cluster products, a multi-family courtyard townhome product, and a row town product; and

WHEREAS, language within the Specific Plan referring to the previous NMC General Plan has been changed to reflect consistency with TOP Policy Plan Land Use Plan. The policy analysis, in *Section 9* of the Specific Plan, has been updated and describes the manner in which Rich-Haven Specific Plan complies with the Policy Plan goals and policies. All changes and additions to the Specific Plan (exhibits, tables, development standards and design guidelines) are contained within the revised Specific Plan document; and

WHEREAS, 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 (4,256) and density (MU, LDR, LMDR & MDR,) specified in the Available Land Inventory. The Specific Plan proposes 4,866 residential units within the densities of Mixed Use, Low Density Residential, Low Medium Density Residential and Medium Density Residential; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; 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, on February 17, 2016, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No. DAB16-005 recommending the Planning Commission approve the Application; and

WHEREAS, on February 23, 2016, the Planning Commission voted unanimously (6-0) to recommend (Resolution PC16-004) City Council approval of the application; and

WHEREAS, as the first action on the Project, on March 15, 2016, the City Council approved a Resolution for the adoption of an Addendum to The Ontario Plan (SCH#2008101140) and Rich-Haven Specific Plan (SCH# 2006051081) Environmental Impact Reports. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are to be a condition of project approval, and are incorporated into the Project by reference; and

WHEREAS, on March 15, 2016, 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. As the approving body for the Project, the City Council has reviewed and considered the information contained in the Addendum to The Ontario Plan and Rich-Haven Specific Plan Environmental Impact Reports (EIRs), the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

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

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

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

d. The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Environmental Impact Reports adopted for The Ontario Plan (SCH# 2008101140) and Rich-Haven Specific Plan (SCH#2006051081) EIRs, and all mitigation measures previously adopted by the EIRs, are incorporated herein by this reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The 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 (4,256) and density (MU, LDR, LMDR & MDR,) specified in the Available Land Inventory. The Specific Plan proposes 4,866 residential units within the densities of Mixed Use, Low Density Residential, Low Medium Density Residential and Medium Density Residential.

b. The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed Amendment to the Rich-Haven Specific will bring the Specific Plan Land Use Plan in conformance with

TOP Policy Plan Land Use Plan (Policy Plan Exhibit LU-01). In addition, TOP Policy Plan analysis in *Section 9* of the Specific Plan, has been updated and describes the manner in which Rich-Haven Specific Plan complies with the Policy Plan goals and policies.

c. The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

d. In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses. According to the TOP Policy Plan (General Plan) and the Rich-Haven Specific Plan, the project site is located in an area that will be developed with urban land uses. The Rich-Haven Specific Plan and proposed Amendment will ensure be of similar design and size to adjacent residential development to the north and northeast of the Specific Plan area. The project site is sparsely populated, with land use being predominately agricultural. Adjacent land uses to the east, west and south are also sparsely populated with no strong spatial community pattern. The project will become an integrated part of Ontario Ranch (former New Model Colony) that will be developed with a series of planned communities.

e. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development. The proposed Amendment to the Rich-Haven Specific Plan will maintain the appropriate balance of land uses within the City consistent with TOP Policy Plan. The Rich-Haven Specific Plan provides for the development of 12 distinctive single family and multi-family products types to address varying housing needs caused by the different lifestyles of young families, growing families, students, executives, retirees and empty nesters. In addition, development within the Rich-Haven Specific Plan will be required to construct the necessary infrastructure and public services that will support Rich Haven's residential and commercial/office uses.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby APPROVES the herein described Application, attached hereto and incorporated by this reference.

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

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

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

PASSED, APPROVED, AND ADOPTED this 15th day of March 2016.

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. 2016- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 15, 2016 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. 2016- duly passed and adopted by the Ontario City Council at their regular meeting held March 15, 2016.

SHEILA MAUTZ, CITY CLERK

(SEAL)