

CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
APRIL 5, 2011

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Sheila Mautz
Council Member

Jim W. Bowman
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
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 200 North Cherry Avenue, 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, Redevelopment Agency, and Housing Authority meeting begins with Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

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

CALL TO ORDER (OPEN SESSION)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Wapner

INVOCATION

Brother Donald Sanders, Calvary Apostolic Tabernacle

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Redevelopment Agency/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, Redevelopment Agency and Housing Authority of March 1, 2011, and the special meeting of the City Council, Redevelopment Agency, Housing Authority on March 11, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills January 30, 2011 through February 12, 2011 and **Payroll** January 30, 2011 through February 12, 2011, when audited by the Finance Committee.

3. A RESOLUTION MAKING CERTAIN FINDINGS, APPROVING AND UPHOLDING THE DECISION OF AN ARBITRATOR IN THE MATTER OF JOHNNY THOMPSON

That the City Council adopt a resolution making certain findings, approving and upholding the arbitrator's November 9, 2010 decision regarding Johnny Thompson.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, MAKING CERTAIN FINDINGS AND
APPROVING AND UPHOLDING THE ARBITRATOR'S NOVEMBER
9, 2010 DECISION REGARDING JOHNNY THOMPSON.

4. RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18601 FOR CONDOMINIUM PURPOSES

That the City Council adopt a resolution approving an Improvement Agreement, Improvement Security, and Final Tract Map No. 18601 for Condominium Purposes located at the northwest corner of Riverside Drive and Campus Avenue.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY, AND FINAL TRACT MAP NO. 18601 FOR CONDOMINIUM PURPOSES LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND CAMPUS AVENUE.

5. AN ORDINANCE ESTABLISHING A DEVELOPMENT AGREEMENT (FILE NO. PDA10-001) BETWEEN FORESTAR COUNTRYSIDE, LLC AND THE CITY OF ONTARIO FOR THE RESIDENTIAL DEVELOPMENT OF 77.2 ACRES

That the City Council adopt an ordinance establishing a Development Agreement (File No. PDA10-001) between Forestar Countryside, LLC and the City of Ontario for the residential development of 77.2 acres of land as prescribed in the Countryside Specific Plan within the New Model Colony generally located north of Schaefer Avenue, south of Riverside Drive, east of the Cucamonga Channel and west of Archibald Avenue (APNs:218-131-11, 12, 22, and 40 and 218-111-057).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND FORESTAR COUNTRYSIDE, LLC. FILE NO. PDA10-001, TO ESTABLISH THE TERMS AND CONDITIONS FOR RESIDENTIAL DEVELOPMENT OF 69.7 ACRES WITHIN THE COUNTRYSIDE SPECIFIC PLAN, OF THE NEW MODEL COLONY, GENERALLY LOCATED NORTH OF SCHAEFER AVENUE, SOUTH OF RIVERSIDE DRIVE, EAST OF THE CUCAMONGA CHANNEL, AND WEST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 218-111-57, 218-131-11, 12, AND 40).

6. RESOLUTIONS APPROVING A GRANT AGREEMENT, VARIOUS AMENDMENTS TO CITY/AGENCY/AUTHORITY AGREEMENTS, RELATED TO THE BEGONIA AVENUE AND FRANCIS STREET APARTMENTS; AND AWARD A CONTRACT FOR THE BEGONIA AVENUE PHASE II APARTMENTS REHABILITATION PROJECT (BID NO. OHA-1011-04) FOR PROPERTY LOCATED AT 217, 222, 228 AND 305 NORTH BEGONIA AVENUE

That the City Council of the City of Ontario ("City"), the Governing Board of the Ontario Redevelopment Agency ("Agency") and the Governing Board of the Ontario Housing Authority ("Authority"), as applicable:

(A) Adopt resolutions approving:

- (1) A Grant Agreement between the Agency and the Authority for 305 North Begonia Avenue;
- (2) Amendments No. 1 to the Agency Agreements between the Agency and the Authority for 209, 216, and 231 North Begonia Avenue, converting Agency loans to grants;
- (3) Amendment No. 2 to the Agreement between the City, the Agency, and the Authority for 307-311 West Francis Street, converting the Agency loan to a grant;
- (4) Amendment No. 1 to the First Amended and Restated Agency Agreements between the Agency and the Authority for 217, 222, 223, and 228 North Begonia Avenue, converting Agency loans to grants;
- (5) Amendment No. 1 to the First Amended and Restated City Loan Agreement between the City and the Authority for 222 North Begonia Avenue; and
- (6) Amendment No. 1 to the Land Conveyance Agreements and Agreements containing regulatory covenants and restrictions between the City and the Authority for 217 and 222 North Begonia Avenue; and

- (B) Reject the bid protest from DRP National Inc., of West Covina, California, and award a contract to Sun Country Builders, Inc., of Vista, California, in the amount of \$1,728,553 plus a 15% contingency of \$259,283, for a total of \$1,987,836, for the Begonia Avenue Phase II Apartments Rehabilitation Project (Bid No. OHA-1011-04); for 217, 222, 228, and 305 North Begonia Avenue.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING: (1) AMENDMENT NO. 1 TO THE FIRST AMENDED AND RESTATED CITY LOAN AGREEMENT CONCERNING CERTAIN REAL PROPERTY LOCATED AT 222 NORTH BEGONIA AVENUE, ONTARIO; (2) THOSE CERTAIN AMENDMENTS NO. 1 TO LAND CONVEYANCE AGREEMENTS AND AGREEMENTS CONTAINING REGULATORY COVENANTS AND RESTRICTIONS AFFECTING THE USE OF CERTAIN REAL PROPERTY LOCATED AT 217 AND 222 NORTH BEGONIA AVENUE, ONTARIO; (3) AMENDMENT NO. 2 TO THE 307-311 WEST FRANCIS STREET PROJECT AGREEMENT BETWEEN THE CITY, THE ONTARIO HOUSING AUTHORITY AND THE ONTARIO REDEVELOPMENT AGENCY; (4) ONTARIO REDEVELOPMENT AGENCY GRANT OF FUNDS TO ONTARIO HOUSING AUTHORITY FOR AFFORDABLE HOUSING REHABILITATION PURPOSES.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, (1) APPROVING AMENDMENTS NO. 1 TO AGENCY AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 209, 216 AND 231 N. BEGONIA AVENUE, ONTARIO; (2) APPROVING AMENDMENTS NO. 1 TO FIRST AMENDED AND RESTATED AGENCY AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 217, 222, 223 AND 228 N. BEGONIA AVENUE, ONTARIO; (3) APPROVING AMENDMENT NO. 2 TO THE 307-311 W. FRANCIS STREET PROJECT AGREEMENT [307-311 W. FRANCIS STREET PROJECT]; AND (4) APPROVING THE AGENCY GRANT AGREEMENT [305 N. BEGONIA AVENUE PROJECT].

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, (1) APPROVING AMENDMENT NO. 1 TO THE FIRST AMENDED AND RESTATED CITY LOAN AGREEMENT CONCERNING REAL PROPERTY LOCATED AT 222 NORTH BEGONIA AVENUE, ONTARIO; (2) APPROVING CERTAIN AMENDMENTS NO. 1 TO LAND CONVEYANCE AGREEMENTS AND AGREEMENTS CONTAINING REGULATORY COVENANTS AND RESTRICTIONS AFFECTING THE USE OF CERTAIN REAL PROPERTY LOCATED AT 217 AND 222 NORTH BEGONIA AVENUE, ONTARIO; (3) APPROVING AMENDMENTS NO. 1 TO AGENCY AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 209, 216 AND 231 N. BEGONIA AVENUE, ONTARIO; (4) APPROVING AMENDMENTS NO. 1 TO FIRST AMENDED AND RESTATED AGENCY AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 217, 222, 223 AND 228 N. BEGONIA AVENUE, ONTARIO; (5) APPROVING AMENDMENT NO. 2 TO THE 307-311 W. FRANCIS STREET PROJECT AGREEMENT [307-311 W. FRANCIS STREET PROJECT]; (6) APPROVING THE AGENCY GRANT AGREEMENT [305 N. BEGONIA AVENUE PROJECT]; AND (7) REJECTING BID PROTEST AND AWARING BEGONIA AVENUE PHASE II APARTMENTS REHABILITATION PROJECT (BID NO. OHA-1011-04) TO SUN COUNTY BUILDERS.

PUBLIC HEARINGS

7. JOINT PUBLIC HEARING FOR APPROVAL OF THE 2011 DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND SNYDER EUCLID INC. FOR THE ONTARIO TOWN SQUARE PROJECT BLOCK C-1

That the City Council of the City of Ontario ("City") and the Board of the Ontario Housing Authority ("Authority"):

- (A) Adopt resolutions approving the 2011 Disposition and Development Agreement ("Agreement") between the Ontario Housing Authority and Snyder Euclid Inc. ("Developer") (on file with the Records Management Department); and the donation to the Authority of certain City-owned parcels within Block C-1; and
- (B) Authorize the City Manager and Executive Director to execute any and all documents necessary or desirable to implement the Agreement.

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, AUTHORIZING THE DONATION OF CERTAIN CITY-OWNED LAND TO THE ONTARIO HOUSING AUTHORITY TO SUPPORT THE DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE 2011 DISPOSITION AND DEVELOPMENT AGREEMENT (ONTARIO TOWN SQUARE – BLOCK C-1) BETWEEN THE ONTARIO HOUSING AUTHORITY AND SNYDER EUCLID, INC.

8. CONSIDERATION OF AN ORDINANCE APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA; AMENDING THE ALTERNATIVE PROCESS; AND ADOPTING A NEGATIVE DECLARATION

That the City Council introduce and waive further reading of an ordinance approving File No. PADV07-008, an airport land use compatibility plan for LA/Ontario International Airport and surrounding land uses within the airport influence area; amending the alternative process; and adopting a negative declaration.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT, TO ESTABLISH COMPATIBILITY POLICIES BETWEEN LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA AND AMEND THE ALTERNATIVE PROCESS.

COUNCIL MATTERS

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

CITY OF ONTARIO

Agenda Report
April 5, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION MAKING CERTAIN FINDINGS, APPROVING AND UPHOLDING THE DECISION OF AN ARBITRATOR IN THE MATTER OF JOHNNY THOMPSON

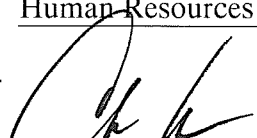
RECOMMENDATION: That the City Council adopt a resolution making certain findings, approving and upholding the arbitrator's November 9, 2010 decision regarding Johnny Thompson.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner

FISCAL IMPACT: There is no fiscal impact resulting from the adoption of this resolution.

BACKGROUND: A duly noticed Special Meeting was held on March 11, 2011 to review the advisory decision of Arbitrator Michael Prihar in the Johnny Thompson disciplinary matter. The City Council heard, read and considered all of the evidence contained in the arbitration administrative record, verbal testimony and legal arguments of the appellant and City staff, and the hearing officer's written decision. Upon consideration and deliberation of all the evidence, the City Council unanimously voted to approve and uphold the arbitrator's advisory arbitration decision.

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

Prepared by: Ramon Figueroa
Department: Human Resources
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 04/05/2011
Approved: _____
Continued to: _____
Denied: _____

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CITY OF ONTARIO

Agenda Report
April 5, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18601 FOR CONDOMINIUM PURPOSES

RECOMMENDATION: That the City Council adopt a resolution approving an Improvement Agreement, Improvement Security, and Final Tract Map No. 18601 for Condominium Purposes located at the northwest corner of Riverside Drive and Campus Avenue.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

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

BACKGROUND: Final Tract Map No. 18601 consisting of one (1) parcel for the development of eleven (11) condominium units on 1.01 acres of land located at the Northwest corner of Riverside Drive and Campus Avenue, as shown on the attached exhibit, has been submitted by the developer Campus Riverside Properties, LP (Mr. Gregg M. Kent, President) of Glendora, California. The Tentative Tract Map No. 18601 was approved by the Planning Commission on September 23, 2008.

Improvements will include the street widening of Riverside Drive and Campus Avenue, modification of the existing traffic signal, storm drain improvements, new sidewalk, wheelchair ramp, drive approach, parkway landscaping and trees, street light, utility services and other appurtenances. The developer has entered into an improvement agreement with the City and has posted adequate security to ensure completion of the aforementioned public improvements.

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

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

Prepared by: Naiim Khoury
Department: Engineering

City Manager
Approval: _____



Submitted to Council/O.R.A./O.H.A. 04/05/2011

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report
April 5, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE ESTABLISHING A DEVELOPMENT AGREEMENT (FILE NO. PDA10-001) BETWEEN FORESTAR COUNTRYSIDE, LLC AND THE CITY OF ONTARIO FOR THE RESIDENTIAL DEVELOPMENT OF 77.2 ACRES

RECOMMENDATION: That the City Council adopt an ordinance establishing a Development Agreement (File No. PDA10-001) between Forestar Countryside, LLC and the City of Ontario for the residential development of 77.2 acres of land as prescribed in the Countryside Specific Plan within the New Model Colony generally located north of Schaefer Avenue, south of Riverside Drive, east of the Cucamonga Channel and west of Archibald Avenue (APNs:218-131-11, 12, 22, and 40 and 218-111-057).

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health

Maintain the Current High Level of Public Safety

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

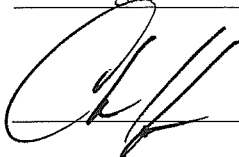
FISCAL IMPACT: The proposed Development Agreement will provide funding for additional City services required to support the Forestar Countryside, LLC development. Over the term of the Development Agreement, the City will receive approximately \$835,560 in Public Service Funding fees in addition to development impact, compliance processing, licensing, and permit fees. No Original Model Colony revenue will be used to support this New Model Colony development.

BACKGROUND: At the meeting of March 15, 2011, the City Council introduced the ordinance to establish a Development Agreement between Forestar Countryside, LLC and the City of Ontario. On February 22, 2011, the Planning Commission reviewed the proposed Development Agreement ("Agreement") and unanimously recommended it to the City Council for approval. The Agreement

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning

City Manager
Approval: _____



Submitted to Council/O.R.A./O.H.A. 04/05/2011

Approved: _____

Continued to: _____

Denied: _____

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applies to 77.2 acres of land generally located north of Schaefer Avenue, south of Riverside Drive, east of the Cucamonga Channel, and west of Archibald Avenue. Approval of this Agreement will grant Forestar Countryside, LLC (“Owner”) a vested right to develop the project as long as they comply with the Terms and Conditions of the Countryside Specific Plan and Environmental Impact Report.

The New Model Colony backbone infrastructure, upon which the Owner must rely, is being supplied through the New Model Colony Builders LLC Financing and Construction Agreement (NMC Financing and Construction Agreement) which was approved by the City Council on October 4, 2005. The NMC Financing and Construction Agreement requires those developers wishing to use this infrastructure enter into Development Agreements with the City of Ontario. In accordance with this requirement and pursuant to City of Ontario Resolution No. 2002-100 which establishes the procedures for consideration of Development Agreements, Owner and the City have drafted the Development Agreement.

The proposed Development Agreement with Owner is based upon the model Development Agreement that was developed in coordination with the City Attorney’s office and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the NMC Construction and Financing Agreement. The model Development Agreement was first used as the Development Agreement with Brookfield Homes for their Edenglen development and will continue to be used for all developers that are members of NMC Builders, LLC. The LLC agreement between NMC Builders’ members requires that members of the LLC enter into a Development Agreement that is consistent with the provisions of the NMC Construction and Financing Agreement.

The proposed Agreement funds all new City expenses created by the project. These expenses include operational costs related to the review, approval, and administration of the Forestar project, additional project-related services, infrastructure, and affordable housing requirements.

The main points of the Agreement are as follows:

- | | |
|-------------------------|--|
| Term: | Ten (10) years with a five (5) year option. |
| Assignment: | Assignable with all terms and conditions applying to the assignee. The City has conditional approval and City will assess a processing fee. |
| Fees: | |
| Development Impact: | Varies by category (i.e.; Streets and Bridges, Police, Fire, Open Space/Parks etc.). This is a separate fee from existing City licensing fees and permits. |
| Public Services Funding | \$1,980/unit fee due in two (2) installments:
1) \$990 within 10 days of the issuance of the first building permit or January 1, 2013, whichever is first.
2) \$990 upon issuance of remaining building permits, the cost of which shall increase each January 1, beginning January 1, 2015. |

Community Facilities: District (CFD):	City will cooperate with Owner to form a CFD to reimburse costs of infrastructure construction and maintenance of public facilities.
Parks/Open Space:	As required by the General Plan, Owner will supply five (5) acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees.
Housing:	Provide affordable housing as required by the General Plan through construction, rehabilitation, or by paying an In-Lieu Fee.
Compliance:	Owner will submit an annual monitoring report which the City will review for compliance. The City will assess a review/approval processing fee. If Owner is found to be in compliance, the City will issue a Certificate of Compliance. If noncompliance is identified, a letter of correction will be issued.
Schools:	Must satisfy Mountain View School District and Chaffey Joint Union High School District school facilities requirements.
Termination:	The City may terminate the Agreement if substantial evidence is found of noncompliance.

Forestar Countryside, LLC has two members – Foremost Communities, a land development company, and Starwood Capital.

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

CITY OF ONTARIO

Agenda Report
April 5, 2011

SECTION: CONSENT CALENDAR

SUBJECT: RESOLUTIONS APPROVING A GRANT AGREEMENT, VARIOUS AMENDMENTS TO CITY/AGENCY/AUTHORITY AGREEMENTS, RELATED TO THE BEGONIA AVENUE AND FRANCIS STREET APARTMENTS; AND AWARD A CONTRACT FOR THE BEGONIA AVENUE PHASE II APARTMENTS REHABILITATION PROJECT (BID NO. OHA-1011-04) FOR PROPERTY LOCATED AT 217, 222, 228 AND 305 NORTH BEGONIA AVENUE

RECOMMENDATION: That the City Council of the City of Ontario ("City"), the Governing Board of the Ontario Redevelopment Agency ("Agency") and the Governing Board of the Ontario Housing Authority ("Authority"), as applicable:

(A) Adopt resolutions approving:

- (1) A Grant Agreement between the Agency and the Authority for 305 North Begonia Avenue;
- (2) Amendments No. 1 to the Agency Agreements between the Agency and the Authority for 209, 216, and 231 North Begonia Avenue, converting Agency loans to grants;
- (3) Amendment No. 2 to the Agreement between the City, the Agency, and the Authority for 307-311 West Francis Street, converting the Agency loan to a grant;
- (4) Amendment No. 1 to the First Amended and Restated Agency Agreements between the Agency and the Authority for 217, 222, 223, and 228 North Begonia Avenue, converting Agency loans to grants;
- (5) Amendment No. 1 to the First Amended and Restated City Loan Agreement between the City and the Authority for 222 North Begonia Avenue; and
- (6) Amendment No. 1 to the Land Conveyance Agreements and Agreements containing regulatory covenants and restrictions between the City and the Authority for 217 and 222 North Begonia Avenue; and

(B) Reject the bid protest from DRP National Inc., of West Covina, California, and award a contract to Sun Country Builders, Inc., of Vista, California, in the amount of \$1,728,553 plus a 15%

STAFF MEMBER PRESENTING: Brent Schultz, Housing & Neighborhood Revitalization Director

Prepared by: Katryna Gonzalez
Department: Housing

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 04/05/2011

Approved: _____

Continued to: _____

Denied: _____

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contingency of \$259,283, for a total of \$1,987,836, for the Begonia Avenue Phase II Apartments Rehabilitation Project (Bid No. OHA-1011-04); for 217, 222, 228, and 305 North Begonia Avenue.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The City and Agency previously allocated funds for the acquisition and rehabilitation of the Begonia Avenue and Francis Street Apartments. The proposed actions would increase the funding allocated to the apartments located at 217, 222, 228 and 305 North Begonia by \$609,116, adjusting the total from \$3,268,653 to \$3,877,769 for these four apartment buildings. The increased costs will be appropriated from the Agency's Low- and Moderate-Income Housing Fund (LMIHF) and the City's Neighborhood Stabilization Program 3 (NSP3) funds to cover the amount necessary to award the rehabilitation contract. Additionally, all LMIHF funds provided for the Begonia Avenue and Francis Street apartments will be converted from loans to grants to facilitate the completion of these projects. The affected properties are 209, 216, 217, 222, 223, 228, 231, and 305 North Begonia Avenue and 307-311 West Francis Street. A total of \$3,185,073 of LMIHF funds will be provided for this project.

The proposed rehabilitation contract award is \$1,728,553 plus a recommended 15% contingency of \$259,283, for a total of \$1,987,836. This project is funded from Low- and Moderate-Income Housing Fund (LMIHF), U.S. Department of Housing and Urban Development Neighborhood Stabilization Program 3 (NSP3) funds, and HOME Investment Partnership Program funds. No General Fund monies will be used for this project.

In addition, the proposed agreement for 222 North Begonia eliminates the developer fee amount that may be charged, resulting in a net decrease of approximately \$52,661 of operating income towards the Homeless Continuum of Care.

BACKGROUND: On May 3, 2005, the City Council approved the Mercy House Homeless Services Continuum of Care Program ("Continuum"). The Continuum is a multi-phase program that includes the following components: an intake center; a 34-bed transitional housing facility; 60 permanent affordable housing units; and after care services. To date, the following activities have been completed:

- Completed a 34-bed transitional housing facility (Assisi House);
- Completed a 14-unit permanent affordable housing development (Guadalupe Apartments);
- Acquired a 15-unit permanent affordable housing development (Francis Apartments); and
- Acquired eight four-plexes for permanent affordable housing units (209, 216, 217, 222, 223, 228, 231, and 305 North Begonia Avenue Apartments).

The proposed increase in the loan amounts for 217, 222, 228, and 305 North Begonia Avenue reflect current rehabilitation costs with prevailing federal and state wage rates. The original loans, totaling \$3,268,653, included \$2,457,504 in HOME funds and \$811,149 in Low- and Moderate-Income Housing Funds (LMIHF). The proposed increase of \$609,116 consists of \$401,745 in LMIHF and \$207,371 in Neighborhood Stabilization Program 3 funds. Exhibit A illustrates the original loan amount, funding sources, and increases for each property.

A Notice Inviting Bids for the Begonia Avenue Phase II Apartments Rehabilitation Project was advertised on January 19, 2011 for the rehabilitation of 16 units on Begonia Avenue (217, 222, 228, and 305 North Begonia Avenue). A mandatory pre-bid meeting was conducted on January 27, 2011; and the bid opening was held on March 3, 2011.

A total of five bids were received. A summary of the bid results is shown below.

Contractor's Name	Location	Bid Amount
California Averland Construction, Inc.*	Los Angeles, CA	\$1,362,300
Sun Country Builders, Inc.	Vista, CA	\$1,728,553
DRP National, Inc.	West Covina, CA	\$1,780,000
Cal-City Construction, Inc.	Cerritos, CA	\$1,826,000
Adams/Mallory Construction	Placentia, CA	\$2,796,686
<i>* Bid withdrawn by contractor due to clerical error.</i>		

On March 7, 2011, a bid protest from DRP National Inc ("DRP") was received requesting that the submittal of Sun Country Builders, Inc. ("Sun Country Builders") be dismissed as non-responsive for (1) failing to meet the stated Disadvantaged Business Enterprise ("DBE") goals and (2) for submission of a bid clarification. The DBE goals are required by HUD when federal funds are utilized.

The DBE participation goals for the project were 19% for minority business enterprises and 6.9% for women business enterprises. Sun Country Builders' bid indicated that they had a DBE participation rate of zero percent, but made adequate good faith efforts to meet the DBE participation goal even though it did not succeed in meeting the goal. Staff reviewed Sun Country Builders' good faith effort documentation included in its bid, which included two newspaper advertisements, direct email solicitation, information regarding rejected DBE firms, and agencies contacted to provide assistance. Additionally, staff met with Sun Country Builders and confirmed the good faith efforts made to meet the DBE goal were adequate. In addition to advertising in two local newspapers and utilizing the list of certified DBE businesses to e-mail a solicitation for bids, Sun Country Builders also contacted the Ontario Hispanic Chamber of Commerce, the Greater Riverside Hispanic Chamber of Commerce, and National Association of Minority Contractors Southern California Chapter to solicit bids from qualified subcontractors. Staff recommends that the Authority find that Sun Country Builders adequately established that it took necessary and reasonable steps to achieve DBE participation and award the contract despite not meeting the DBE participation goal.

In addition, the bid clarification submitted as part of Sun Country Builders' bid was not considered in staff's determination of the lowest bidder. Staff recommends that the Authority disregard the clarification and find that its inclusion is immaterial since it did not provide a material advantage to Sun Country Builders.

Staff recommends that the Authority find Sun Country Builders' bid responsive, reject DRP's bid protest as without merit, and award the contract to Sun Country Builders.

The rehabilitation is estimated to begin on May 9, 2011 and will take six months to complete (November 2011). If approved, a Pre-Construction Conference will be conducted and a Notice to Proceed will be issued allowing 30 days to commence work.

CITY OF ONTARIO

Agenda Report

April 5, 2011

SECTION: PUBLIC HEARINGS

SUBJECT: JOINT PUBLIC HEARING FOR APPROVAL OF THE 2011 DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND SNYDER EUCLID INC. FOR THE ONTARIO TOWN SQUARE PROJECT BLOCK C-1

RECOMMENDATION: That the City Council of the City of Ontario ("City") and the Board of the Ontario Housing Authority ("Authority"):

- (A) Adopt resolutions approving the 2011 Disposition and Development Agreement ("Agreement") between the Ontario Housing Authority and Snyder Euclid Inc. ("Developer") (on file with the Records Management Department); and the donation to the Authority of certain City-owned parcels within Block C-1; and
- (B) Authorize the City Manager and Executive Director to execute any and all documents necessary or desirable to implement the Agreement.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The development cost for Block C-1 is approximately \$40 million. The Authority will contribute \$20 million as an Affordable Housing Funds Contribution to develop, operate and maintain the 153 units of affordable housing within the Project. Any costs in excess of the approved budget for C-1 shall be contributed by Developer as the Developer's equity contribution. Funding for the retail portion of the Project will come from Developer equity and a private construction loan.

The Authority will ground lease the C-1 site to the Developer for sixty (60) years, with one ten (10) year extension. Estimated yearly ground lease payments of \$300,000 will be paid by the Developer to the Authority commencing upon the issuance of a temporary certificate of occupancy. The ground lease payments are subject to increase every five (5) years, based on CPI increases, but limited to an eight percent (8%) maximum periodic increase. The Authority's right to receive ground lease payments will

STAFF MEMBER PRESENTING: Brent Schultz, Housing & Neighborhood Revitalization Director

Prepared by: Julie Bjork
Department: Housing Agency

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 04/05/2011

Approved: _____

Continued to: _____

Denied: _____

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be subordinate to the debt service on the construction and permanent financing. Upon sale or refinancing of the Project, the Authority will receive an amount of sales/refinancing proceeds as described in the Agreement. The authority will receive 100% of any residual receipts over \$420,000. Further the transaction will include reasonable and customary lender protections.

The economics of the Agreement have been reviewed by an independent financial consultant, Keyser Marston Associations, Inc. The financial consultant's analysis has confirmed that the lease payment and other financial terms of the Agreement are reasonable.

The City of Ontario will also donate the following parcels to the Ontario Housing Authority that are located within Block C-1: APNs: 1048-551-02 and 1048-551-04.

BACKGROUND: This Project offers a unique opportunity to continue building upon the recent successes of earlier phases of the Ontario Town Square Project, including the Kincaid Series Townhomes, the Colony Apartments, and the City Center Senior Apartments. The original vision of the multi-phased Ontario Town Square Project was to create an "urban village" and revitalize the downtown area by introducing new "urban" housing types and attracting new demographics. To date, 376 housing units have been constructed. The total development cost for the housing projects completed is approximately \$97 million, including: the Ontario Town Square Kincaid Series Townhomes, the Colony Apartments, and City Center Senior Apartments.

Block C-1 will be developed as a mixed-use residential project with 153 multi-family rental units restricted to moderate-income households and 30,791 square feet of new retail with an underground parking garage. Block C-1 is bounded by D Street to the north; Lemon Avenue to the east; C Street to the south; and Euclid Avenue to the west. Currently, the Authority owns approximately 50% of Block C-1 and the City owns the other 50%.

The Developer's proposed unit mix and unit sizes are shown in the table below:

Type	Units	Residential Sq. Ft. (RSF)	Total RSF	Retail Sq. Ft	Estimated Net Rent*
Block C-1 (Multi-Family Rental Restricted to Moderate-Income Families)					
A Flat (1-bedroom)	75	773	57,975		\$1,199
B Flat (2-bedrooms)	48	1,022	49,056		\$1,392
C Flat (2-bedrooms)	24	1,248	29,952		\$1,553
D Flat (2-bedrooms)	3	1,221	3,663		\$1,553
E Flat (2-bedrooms)	3	1,469	4,407		\$1,553
Retail				30,791	
TOTAL	153		145,053	30,791	
* Monthly rent will be adjusted annually based upon changes to the area median income for San Bernardino County and modifications to the utility allowances.					

The Authority's funds (\$20 million) will be deposited into an escrow account and restricted to payment for pre-construction expenses and direct costs related to the development of the affordable housing portion of the Project as set forth in the approved budget. Any costs in excess of the approved budget shall be supplied by the Developer as an equity contribution.

Long-term Project maintenance requirements will be included in the ground lease. The Developer will also be required to prepare a marketing program to give initial priority to Ontario residents and to persons working within the City of Ontario.

The Agreement also contemplates that, within 90 days following close of escrow, that the Authority shall have the option, in its sole and absolute discretion, to attempt to acquire the remaining Non-Authority owned parcels within Ontario Town Square Block A-1. Should the Authority elect to pursue this option, both parties have agreed to negotiate in good faith regarding the development of Block A-1. Any potential agreement will be brought back to the City Council and the Governing Board of the Authority for consideration. Block A-1 is bounded by B Street to the north, Lemon Avenue to the east, Holt Boulevard to the south, and Euclid Avenue to the west. Currently, the Authority owns approximately 50% of Block A-1.

The Developer is Snyder Euclid, Inc., an affiliate of the J. H. Snyder Company, which built both the Ontario Town Square Kincaid Series Townhomes and the Colony Apartments. The J.H. Snyder Company is an experienced and successful developer of mixed-use in-fill development projects. Founded in 1949, the J.H. Snyder Company is currently a \$1 billion enterprise, with more than 41,000 homes, some 4 million square feet of office space, and over 3 million square feet of retail development to its credit. The partners for J.H. Snyder Company are Jerome Snyder, Michael Wise and Lewis Geyser.

This Project is a critical component of the City's and Authority's efforts to comply with the City's Housing Element which currently requires the creation of 1,751 very low-income units, 1,096 low-income units, 676 moderate-income units, and 2,843 above moderate-income units.

Environmental Review

On November 16, 2004, the City Council and the Ontario Housing Authority Board approved the Downtown Civic Center Concept Plan and certified the Final Environmental Impact Report (the "EIR").

To assess development intensity, City staff developed three development scenarios: *High Scenario*, *Preferred or Medium Scenario* and *Low Scenario*. The *High Scenario* incorporates the maximum yield per land use type with 963 housing units, 234,266 square feet of retail and 591,455 of office and academic uses. The *Preferred or Medium Scenario* presents the optimum development scenario for the Project with 734 housing units, 146,146 square feet of retail and 391,455 square feet of office and academic uses. The *Low Scenario* incorporates 493 housing units, 133,527 square feet of retail and 352,632 square feet of office and academic uses.

All potential adverse direct, indirect and cumulative impacts have been thoroughly analyzed and discussed in the EIR including, but not limited to, potential traffic, noise, air quality and aesthetic impacts, and all feasible mitigation has been identified and incorporated into the proposed Project. The proposed Project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines sections 15162 or 15163. The proposed Project is consistent with the development scenarios identified within the EIR. Authority staff has prepared an EIR Addendum and indicating that the EIR adequately addressed and mitigated the Project's significant environmental impacts (as implemented by the 2011 DDA) and no further environmental review is required.

Project Timeline

Upon approval of this Agreement, the Developer will proceed to obtain entitlements and amend the existing PUD. It is estimated that this process will take approximately 3 months. The start of construction for Block C-1 is estimated to commence in September 2011 and would be completed within 24 months from start of construction date.

CITY OF ONTARIO

Agenda Report
April 5, 2011

SECTION: PUBLIC HEARINGS

SUBJECT: CONSIDERATION OF AN ORDINANCE APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA; AMENDING THE ALTERNATIVE PROCESS; AND ADOPTING A NEGATIVE DECLARATION

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving File No. PADV07-008, an airport land use compatibility plan for LA/Ontario International Airport and surrounding land uses within the airport influence area; amending the alternative process; and adopting a negative declaration.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

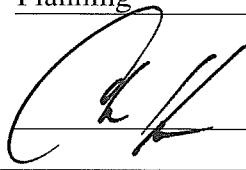
FISCAL IMPACT: The State requires an Airport Land Use Compatibility Plan be prepared for all public-use airports to protect the public health, safety, and welfare by ensuring orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards. Adopting land use measures and policies that are in line with future airport growth protects the viability of the airport and the economic benefits it brings to the City and the region, in addition to preventing future incompatible development.

BACKGROUND: LA/Ontario International Airport (ONT) is classified as a primary commercial service airport, owned by the City of Los Angeles and operated by Los Angeles World Airports (LAWA). The geographic scope of the Airport Land Use Compatibility Plan (ALUCP) is the Airport Influence Area (AIA), the area in which current or future airport-related noise, safety, airspace protection and/or overflight factors may affect land uses or necessitate restrictions on those uses (see Appendix A). The AIA includes portions of the cities of Ontario, Fontana, Upland, Montclair, Rancho

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Lorena Mejia

Department: Planning

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 04/05/2011

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Cucamonga, Chino, Pomona, Claremont and portions of Riverside and Los Angeles Counties and unincorporated portions San Bernardino County.

In most counties, the responsibility for the preparation and adoption of airport land use compatibility plans falls to the county airport land use commission. However, San Bernardino County and its cities elected to follow the Alternative Process after this option became available as a result of 1994 legislation (Assembly Bill 2831). An Alternative Process for San Bernardino County was established in 1995 by resolutions of the County Board of Supervisors and the city councils of cities affected by airports in the county. The Ontario City Council adopted an Alternative Process for ONT through Resolution No. 95-34 consistent with State law. The Airport Environs Section of the General Plan became the basis for airport land use compatibility planning. The California Division of Aeronautics approved the San Bernardino County Alternative Process in 1996. The approval of the Alternative Process designated the City of Ontario as the local jurisdiction responsible for airport land use compatibility planning for ONT.

The proposed ALUCP for ONT utilized two 2030 airport activity forecasts proposed in LAWA's preliminary Airport Master Plan. The "no project" forecast was constrained by the existing runway configuration. The "proposed project" forecast was based on a reconfigured runway that shifted both runways south and east of their existing locations to accommodate a higher volume of aircraft activity, consistent with the Southern California Association of Government's 2008 Regional Transportation Plan. State law requires airport land use compatibility plans to have at least twenty year horizons and be based on an Airport Master Plan or Airport Layout Plan. Since LAWA discontinued the Airport Master Plan, a simplified Airport Layout Plan was prepared showing the "no project" (existing) and "proposed project" (reconfigured) runway alignments. The simplified Airport Layout Plan was approved by the California Division of Aeronautics in July of 2009 and is used for the basis of this plan.

ALUCP COMPATIBILITY FACTORS: The ALUCP addresses compatibility in four categories which include safety, noise, airspace protection, and overflight impacts of current and future airport activity. These compatibility factors provided the basis for the development of compatibility policies. The City of Ontario will utilize the compatibility policies to evaluate future airport and land use plans, as well as individual development proposals, for consistency with the ALUCP. Affected Agencies will also utilize these compatibility policies to evaluate development proposal for consistency with the ALUCP.

ALUCP MODIFIED PROPOSED ALTERNATIVE PROCESS: The procedural policies within the ALUCP modify the Alternative Process previously established for ONT in 1995. The modified Alternative Process provides for participation by all jurisdictions in San Bernardino County impacted by existing and future ONT airport activity and for the optional participation of Riverside County. Representation by these jurisdictions will be accomplished through inter-agency collaboration (Technical Advisory Committee) and the formation of a Mediation Board to mediate disputes. Both of these processes are outlined within the proposed ALUCP and will be implemented through the establishment of Memoranda of Understanding (MOUs) between the City of Ontario and affected jurisdictions. The MOUs and Mediation Board appointments will be brought back at a later date for Council approval.

ENVIRONMENTAL REVIEW: The environmental documentation for this Project is available for review at the Planning Department public counter. The ALUCP 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. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant, a Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines.

On March 22, 2011, the Planning Commission recommended City Council approval of the Airport Land Use Compatibility Plan for LA/Ontario International Airport, File No. PADV07-008 and Negative Declaration.

COMMENTS RECEIVED: As of March 11, 2011, the City of Ontario received two comment letters. Elaine and Don Franzen, residents of Edenglen, commenting on the ALUCP; and the City of Fontana commented on the environmental documentation prepared for the ALUCP. Copies of these letters are contained in Exhibit A of the attached Planning Commission Staff Report. The issues raised in the letters and staff's responses to these issues are summarized below.

Mr. and Mrs. Franzen raised concerns about the accuracy of the noise contours shown in the ALUCP. Staff response: *Noise contour information was based on LAWA's preliminary Airport Master Plan and uses state CNEL (Community Noise Equivalent Level) standards. CNEL is the cumulative measure of all aircraft noise levels from ONT on an average day of the year, taking into account the number of operations and aircraft type.*

Mr. and Mrs. Franzen also raised concerns about the Environmental Impact Report prepared for the Edenglen Specific Plan. Staff response: *The EIR prepared for Edenglen analyzed airport impacts per state standards and was certified in 2005, well before the newly proposed ALUCP was contemplated.*

The City of Fontana generally supports the concept of establishing an ALUCP but questioned the project's CEQA compliance. Fontana stated that a scoping meeting should have been conducted for this project. Staff response: *Per CEQA, the ALUCP does not require a scoping meeting because it does not qualify as a project of areawide significance and a scoping meeting is not otherwise required for a Negative Declaration.*

Fontana stated that the CEQA document should have analyzed noise and land use impacts caused by the forecasted increase in airport activity and the proposed runway reconfiguration. Staff response: *Over the last two years, the City of Ontario conducted several ALUCP Technical Advisory Committee meetings with affected jurisdictions, the Division of Aeronautics, and the Federal Aviation Administration. Each affected jurisdiction provided the City with general plan land use data. The land use data was analyzed and found to be consistent with ALUCP policies. The City has no control or authority over ONT and is not proposing any kind of construction, increase in airport activity, runway reconfiguration, or any changes in land use designation. Therefore, the Negative Declaration does not analyze runway reconfigurations, impacts from airport or construction noise, nor impacts from changes in land use designation.*

Fontana disagrees with the use of LAWA's proposed runway reconfiguration as the basis for the ALUCP. Staff response: *LAWA's proposed runway reconfiguration is used for the purpose of compatibility planning to prevent the construction of future incompatible land uses and to protect the orderly expansion of the airport. Furthermore, state law requires an ALUCP to have a 20 year horizon*

and Southern California Association of Government's 2008 Regional Transportation Plan shows ONT growing to 30 million air passengers (MAP) which could not be achieved without the future runway configuration.