

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
APRIL 21, 2015

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Paul Vincent Avila
Council Member



Al C. Boling
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 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

Wapner, Bowman, Dorst-Porada, 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: 1048-581-58; 520-526½ West Vesta Street (aka 520 West Vesta Street, Units A-F); City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Housing Opportunities Group, Inc. a California nonprofit, public benefit corporation; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 0210-204-09; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Piemonte Business Park, LLC; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498.*

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

PLEDGE OF ALLEGIANCE

Council Member Avila

INVOCATION

Reverend Frank Hamilton, First Christian Church of Ontario

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 March 17, 2015, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills March 8, 2015 through March 21, 2015 and **Payroll** March 8, 2015 through March 21, 2015, when audited by the Finance Committee.

3. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY

That the City Council designate Council Member Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 7, 2015.

4. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS

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

RESOLUTION NO. _____

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

5. A RESOLUTION APPROVING IMPROVEMENT AGREEMENTS, IMPROVEMENT SECURITIES AND FINAL TRACT MAP NOS. 18991, 18992, 18993 AND 18994 LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE

That the City Council adopt a resolution approving improvement agreements, improvement securities and Final Tract Map Nos. 18991, 18992, 18993 and 18994 located at the southwest corner of Haven Avenue and Schaefer Avenue within The Avenue Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENTS, IMPROVEMENT SECURITIES AND FINAL TRACT MAP NOS. 18991, 18992, 18993, AND 18994, LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE.

6. AWARD CONSTRUCTION CONTRACT NO. IT15-FIB-001 FIBER OPTIC CABLE INSTALLATION TO PROVIDE HIGH-SPEED INTERNET (BROADBAND) CONNECTION TO THE PARK PLACE DEVELOPMENT GENERALLY LOCATED AT MERRILL AND ARCHIBALD AVENUES/CROSTOWN ELECTRICAL & DATA, INC.

That the City Council take the following actions:

- (A) Award Construction Contract No. IT15-FIB-001 (on file in the Records Management Department) to Crosstown Electrical & Data, Inc. ("Crosstown") of Irwindale, California, in the bid amount of \$148,576 for the installation of fiber optic cable plus a 15% contingency of \$22,286, for a total of \$170,862 in the Park Place Development generally located at Merrill and Archibald Avenues; and
- (B) Authorize the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, reduction of retention accounts, and the filing of Notice of Completion at the conclusion of all related work.

7. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENT TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council:

- (A) Accept a written petition (on file with the Records Management Department) from Lennar Homes of California, Inc., located in Corona, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopt a Resolution of Intent to establish City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane); authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting scheduled for Tuesday, June 2, 2015; and
- (C) Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 31 (Carriage House / Amberly Lane).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE).

8. A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, INC. (WEST HAVEN SPECIFIC PLAN)

That the City Council authorize the City Manager to execute a Development Impact Fee Credit and Reimbursement Agreement (on file with the Records Management Department) with Lennar Homes of California, Inc., for the construction of public infrastructure in the West Haven Specific Plan area (Tract No. 18476).

9. AN AGREEMENT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE ARMSTRONG RANCH SPECIFIC PLAN/PHIL MARTIN & ASSOCIATES, INC.

That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Phil Martin & Associates, Inc., of Irvine, California, to prepare an Environmental Impact Report (EIR) for the Armstrong Ranch Specific Plan, related to property located north of Remington Avenue, south of Merrill Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek flood control channel, in the amount not to exceed \$172,150 (includes a 10% contingency); and authorize the City Manager to approve any future budget adjustments necessary to complete the EIR.

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.

10. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE SUBAREA 29 SPECIFIC PLAN (FILE NO. PSPA14-002) TO: (1) INCREASE THE RESIDENTIAL UNIT COUNT BY 99 UNITS (FROM 2,293 TO 2,392); (2) REVISE AND UPDATE EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED HOUSING PRODUCT TYPE CHANGES AND PROVIDE CONSISTENCY WITH THE ONTARIO PLAN (TOP) POLICY PLAN; AND (3) REVISE THE LAND USE PLAN TO REFLECT THE PLANNING AREA PRODUCT CHANGES FOR PROPERTY LOCATED SOUTH OF EUCALYPTUS AVENUE, NORTH OF THE COUNTY LINE CHANNEL (BELLEGRAVE FLOOD CONTROL CHANNEL), BETWEEN THE CUCAMONGA CREEK CHANNEL AND HAVEN AVENUE

That the City Council adopt a resolution approving an addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) analyzing the environmental effects of the project, pursuant to State CEQA Guidelines Section 15164; and adopt a resolution approving an amendment to the Subarea 29 Specific Plan (File No. PSPA14-002), located south of Eucalyptus Avenue, north of the County Line Channel (Bellegrave Flood Control Channel), between the Cucamonga Creek Channel and Haven Avenue (APN: 0218-014-01 thru 07; 0218-014-10 thru 17; 0218-022-01 thru 04; 0218-022-06 thru 12; 0218-033-01 thru 14; 0218-042-01 thru 05; 0218-042-10, 12 and 13; 0218-052-01 thru 05; 0218-052-08 thru 11; 0218-271-11 and 19; 0218-281-06 and 15 thru 17; and 0218-321-13, 17 and 30).

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE SUBAREA 29 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2004011009), ADOPTED FOR FILE NO. PSP03-003, PREPARED FOR FILE NO. PSPA14-002 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: 0218-014-01 THRU 07; 0218-014-10 THRU 17; 0218-022-01 THRU 04; 0218-022-06 THRU 12; 0218-033-01 THRU 14; 0218-042-01 THRU 05; 0218-042-10, 12 AND 13; 0218-052-01 THRU 05; 0218-052-08 THRU 11; 0218-271-11 AND 19; 0218-281-06 AND 15 THRU 17; AND 0218-321-13, 17 AND 30.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA14-002, AN AMENDMENT TO THE SUBAREA 29 SPECIFIC PLAN TO: (1) INCREASE THE RESIDENTIAL UNIT COUNT BY 99 UNITS (FROM 2,293 TO 2,392); (2) REVISE AND UPDATE EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED HOUSING PRODUCT TYPE CHANGES AND PROVIDE CONSISTENCY WITH THE ONTARIO PLAN (TOP) POLICY PLAN; AND (3) REVISE THE LAND USE PLAN TO REFLECT THE PLANNING AREA PRODUCT CHANGES FOR PROPERTY LOCATED SOUTH OF EUCALYPTUS AVENUE, NORTH OF THE COUNTY CHANNEL LINE (BELLEGRAVE FLOOD CONTROL CHANNEL), BETWEEN THE CUCAMONGA CREEK CHANNEL AND HAVEN AVENUE AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-01 THRU 07; 0218-014-10 THRU 17; 0218-022-01 THRU 04; 0218-022-06 THRU 12; 0218-033-01 THRU 14; 0218-042-01 THRU 05; 0218 042-10, 12 AND 13; 0218-052-01 THRU 05; 0218-052-08 THRU 11; 0218 271-11 AND 19; 0218-281-06 AND 15 THRU 17; AND 0218-321-13, 17 AND 30.

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
April 21, 2015

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

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

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1048-581-58; 520-526½ West Vesta Street; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Housing Opportunities Group, Inc. a California nonprofit, public benefit corporation; Under negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 0210-204-09; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Piemonte Business Park, LLC; Under negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**

City Council // Housing Authority // Other // (GC 54957.1)

April 21, 2015
(continued)

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: City of Ontario v. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498.

No Reportable Action

Continue

Approved

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Disposition: _____

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

CITY OF ONTARIO

Agenda Report
April 21, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY

RECOMMENDATION: That the City Council designate Council Member Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 7, 2015.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Pursue City's Goals and Objectives by Working with Other Governmental Agencies**

FISCAL IMPACT: There is no direct fiscal impact by taking this action; however, representation and participation in the SCAG General Assembly will help establish policy on matters which may affect the City's finances.

BACKGROUND: SCAG has scheduled their General Assembly for May 7, 2015 during the 2015 Regional Conference in Palm Desert, California. At the General Assembly, members consider and take actions on resolutions that determine policy matters for the SCAG.

Consistent with the SCAG bylaws, a City's voting delegate must be designated by the City Council.

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: Nicholas Gonzalez

Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 04/21/2015

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
April 21, 2015

SECTION:
CONSENT CALENDAR

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

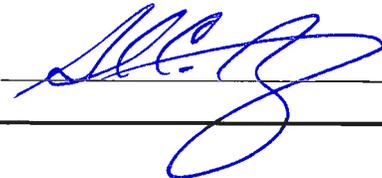
RECOMMENDATION: That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on County tax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

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

FISCAL IMPACT: The levy of special assessments will result in recovery of \$108,510 in costs the City has expended for inspection or abatement as well as the collection of \$47,900 associated with civil penalties and/or fines for continued violations for a total of \$156,410 related to 149 parcels. When received, reimbursement of \$130,018 will be made to the General Fund and \$26,392 to the Dangerous Building Fund.

BACKGROUND: The City has established revolving funds to cover City costs for abatement of property and dangerous building violations as a result of code enforcement activities as well as the generation of fines associated with administrative citations for property maintenance violations and fees and penalties associated with the Systematic Health and Safety Inspection Program, Abandoned and Distressed Property Program and Weed and Refuse Abatement Program. These costs, fines, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 2553, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code); Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings; and Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code and fines associated with administrative citations (Title 1, Chapters 2 and 5 of the Ontario Municipal Code). The City and County currently have a contractual agreement regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

STAFF MEMBER PRESENTING: Karen De Vrieze, Code Enforcement Director

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

Submitted to Council/O.H.A. 04/21/2015
Approved: _____
Continued to: _____
Denied: _____

4

This assessment cycle, the Code Enforcement Department has billed property owners for the abatement of violations, the issuance of fines associated with administrative citations, the issuance of fees and penalties associated with the Systematic Health and Safety Inspection Program, the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program, and the issuance of notice and re-inspection fees as well as civil penalties for the Weed and Refuse Abatement Program on 274 parcels. Of this, there are remaining amounts due on 149 parcels. Attached are itemized accountings of: (1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; (2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and (3) total amounts per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2015 for its 2015-2016 tax rolls.

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

RESOLUTION NO. _____

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

WHEREAS, Ordinance No. 2553, Property Appearance (Title 5, Chapter 22, of the Ontario Municipal Code) and Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings provide for the abatement of property nuisances by repair, rehabilitation, demolition or removal; and

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 21st day of April 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 21, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held April 21, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A

Parcel Number	Address	Amount Due
0108-306-01	1332 N EL DORADO AV, Ontario, CA 91764	3,535.88
0108-362-08	1524 E OLIVE ST, Ontario, CA 91764	679.63
0108-401-02	1851 N DEL NORTE AV, Ontario, CA 91764	1,461.30
0108-441-09	1424 N GROVE AV, Ontario, CA 91764	110.00
0108-481-20	0 E OLIVE ST, Ontario, CA 91764	50.00
0108-491-04	1703 E DEODAR ST, Ontario, CA 91764	110.00
0108-532-04	1664 E FIFTH ST, Ontario, CA 91764	1,327.22
0108-543-04	1223 N MANDALAY ST, Ontario, CA 91764	708.62
0108-543-08	1206 N BAKER AV, Ontario, CA 91764	1,707.13
0108-543-09	1212 N BAKER AV, Ontario, CA 91764	55.00
0108-582-05	1538 E SEVENTH ST, Ontario, CA 91764	317.55
0108-631-13	1746 E OLIVE ST, Ontario, CA 91764	138.55
0110-051-48	1210 E D ST, Ontario, CA 91761	1,626.04
0110-131-19	1264 E HOLT BL, Ontario, CA 91761	50.00
0110-152-22	761 N AMADOR AV, Ontario, CA 91764	2,545.13
0110-153-14	816 N AMADOR AV, Ontario, CA 91764	96.97
0110-201-09	1003 N EL DORADO AV, Ontario, CA 91764	1,750.24
0110-203-12	1018 N GLENN AV, Ontario, CA 91764	1,233.81
0110-272-17	1352 E EL MORADO CT, Ontario, CA 91764	1,334.28
0110-422-02	1339 E FRESNO ST, Ontario, CA 91764	138.55
0113-361-54	1401 S GROVE AV, Ontario, CA 91761	50.00
0210-432-64	1008 N TURNER AV, Building:44, Unit:259, Ontario, CA 91764	110.00
0211-232-38	0 S MILLIKEN AV, Ontario, CA 91761	50.00
0216-301-27	1541 E BROOKSIDE ST, Ontario, CA 91761	101.55
0216-381-62	2701 S DEL NORTE AV, Ontario, CA 91761	1,462.92
0216-491-15	2927 S SANDPIPER AV, Ontario, CA 91761	268.05
0218-111-08	0 S ONTARIO AV, Ontario, CA 91761	4,625.00
0218-111-11	0 S ONTARIO AV, Ontario, CA 91761	4,625.00
0218-181-24	13740 S ONTARIO Av, Ontario, CA 91761	1,625.00
0218-761-12	2981 E SCOUT CT, Ontario, CA 91761	244.55
0218-761-64	3613 S BURNING TREE DR, Ontario, CA 91761	67.00
0218-821-08	2940 E BRONCO DR, Ontario, CA 91761	665.65
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	612.62
0238-012-31	5056 E FOURTH ST, Ontario, CA 91764	883.26
1008-291-09	1560 N HELEN CT, Ontario, CA 91762	110.00
1010-095-10	958 N BENSON AV, Ontario, CA 91762	5,051.89
1010-105-07	1021 N ELDERBERRY AV, Ontario, CA 91762	1,311.76
1010-413-08	1507 W FLORA ST, Ontario, CA 91762	1,575.63
1010-421-16	1538 W FAWN ST, Ontario, CA 91762	101.55
1010-422-30	1435 W FAWN ST, Ontario, CA 91762	99.35
1010-435-21	1303 W E ST, Ontario, CA 91762	1,080.90

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A

Parcel Number	Address	Amount Due
1010-445-19	509 N CAMELLIA AV, Ontario, CA 91762	997.72
1010-446-02	1210 W D ST, Ontario, CA 91762	2,253.55
1010-452-25	515 N AZALEA AV, Ontario, CA 91762	1,468.99
1010-471-18	940 W F ST, Ontario, CA 91762	496.93
1010-521-04	308 N CAMELLIA AV, Unit:A, Ontario, CA 91762	54.93
1011-221-15	1530 W MISSION BL, Building:1, Ontario, CA 91762	1,398.55
1011-552-85	1130 S CYPRESS AV, Ontario, CA 91762	440.74
1014-181-06	1745 S PALMETTO AV, Ontario, CA 91762	110.00
1014-182-15	844 W JUNIPER ST, Ontario, CA 91762	1,334.70
1014-531-25	2044 S MOUNTAIN AV, Ontario, CA 91762	110.00
1046-511-17	0 E EIGHTH ST, Ontario, CA 91764	4,317.00
1047-201-13	1558 N HOPE AV, Ontario, CA 91764	56.90
1047-212-03	1539 N MIRAMONTE AV, Ontario, CA 91764	471.55
1047-321-30	1376 N CHAFFEY CT, Ontario, CA 91762	640.56
1047-321-35	1394 N CHAFFEY CT, Ontario, CA 91762	1,361.00
1047-331-06	132 W BONNIE BRAE CT, Ontario, CA 91762	85.12
1047-362-32	423 E FIFTH ST, Ontario, CA 91764	553.46
1047-401-24	703 E BONNIE BRAE CT, Ontario, CA 91764	900.09
1047-441-12	1314 N VIRGINIA AV, Ontario, CA 91764	23.36
1047-441-18	1346 N PARKSIDE AV, Ontario, CA 91764	7,402.08
1047-473-39	1037 E FOURTH ST, Ontario, CA 91764	1,648.99
1047-503-41	857 E FOURTH ST, Ontario, CA 91764	536.95
1047-592-02	1219 N GRANITE AV, Ontario, CA 91762	948.36
1048-022-34	1010 N SAN ANTONIO AV, Ontario, CA 91762	1,133.50
1048-102-08	748 E ROSEWOOD CT, Ontario, CA 91764	1,438.03
1048-111-14	763 E PLAZA SERENA ST, Ontario, CA 91764	1,142.93
1048-122-06	1011 E ORCHARD LN, Ontario, CA 91764	1,674.23
1048-131-13	1012 E FOURTH ST, Ontario, CA 91764	2,456.05
1048-202-25	731 E EL MORADO CT, Ontario, CA 91764	1,869.34
1048-211-14	830 E I ST, Ontario, CA 91764	110.00
1048-232-08	551 E G ST, Ontario, CA 91764	339.73
1048-312-14	710 W FLORA ST, Ontario, CA 91762	351.50
1048-322-37	624 W FLORA ST, Ontario, CA 91762	266.59
1048-393-09	552 E E ST, Ontario, CA 91764	110.00
1048-401-02	757 E E ST, Ontario, CA 91764	248.52
1048-403-18	815 E D ST, Unit:A, Ontario, CA 91764	101.55
1048-412-07	728 E F ST, Ontario, CA 91764	582.55
1048-451-09	519 N GROVE AV, Ontario, CA 91764	930.61
1048-481-16	958 E NOCTA ST, Ontario, CA 91761	1,337.33
1048-492-07	934 E ELMA ST, Ontario, CA 91761	719.90
1048-502-09	747 E NOCTA ST, Ontario, CA 91761	1,714.22

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A

Parcel Number	Address	Amount Due
1048-504-12	833 E ELMA ST, Ontario, CA 91761	733.87
1048-512-11	765 E HOLT BL, Building:1, Ontario, CA 91761	43.94
1048-521-05	528 E NOCTA ST, Ontario, CA 91764	83.05
1048-525-01	634 E NOCTA ST, Ontario, CA 91761	1,534.06
1048-525-12	127 N CAMPUS AV, Ontario, CA 91761	1,795.00
1048-531-21	535 E LYNN HAVEN CT, Ontario, CA 91761	911.84
1048-534-10	311 N CAMPUS AV, Ontario, CA 91761	862.02
1049-102-15	810 E EMPORIA ST, Ontario, CA 91761	1,404.57
1049-212-06	635 S TAYLOR AV, Ontario, CA 91761	50.00
1049-232-20	560 E PARK ST, Ontario, CA 91761	265.25
1049-243-07	418 S PLUM AV, Ontario, CA 91761	1,165.02
1049-248-03	410 E PARK ST, Ontario, CA 91761	101.55
1049-264-09	322 W CALIFORNIA ST, Ontario, CA 91762	111.87
1049-268-04	111 W NEVADA ST, Ontario, CA 91762	1,815.42
1049-283-14	504 W PARK ST, Ontario, CA 91762	1,073.02
1049-323-17	618 W MAITLAND ST, Ontario, CA 91762	50.70
1049-344-02	925 S EUCLID AV, Ontario, CA 91761	284.65
1049-362-04	740 E CALIFORNIA ST, Ontario, CA 91761	105.42
1049-521-10	232 E BELMONT ST, Ontario, CA 91761	374.60
1049-582-18	740 W BELMONT ST, Ontario, CA 91762	101.55
1049-591-28	618 W PHILLIPS ST, Ontario, CA 91762	327.12
1049-611-03	717 W MISTY CT, Ontario, CA 91762	22.40
1050-071-25	236 E DE ANZA CI, Ontario, CA 91761	1,482.69
1050-092-06	1537 S PLEASANT AV, Ontario, CA 91761	55.00
1050-101-08	641 E ELM ST, Ontario, CA 91761	1,618.72
1050-241-24	1610 S PLEASANT AV, Ontario, CA 91761	100.72
1050-341-42	654 W GREVILLEA ST, Ontario, CA 91762	73.45
1050-582-16	324 E CEDAR ST, Ontario, CA 91761	138.55
1050-601-19	2143 S FERN AV, Ontario, CA 91762	623.31
1050-614-02	2112 S FERN AV, Ontario, CA 91762	1,248.55
1051-171-12	2453 S MARIGOLD PL, Ontario, CA 91761	1,239.53
1083-121-07	2574 S ARCADIAN SHORES RD, Ontario, CA 91761	110.00
1083-291-41	3416 E CEDARGLEN RD, Ontario, CA 91761	110.00
1083-381-26	3553 E SHADOW CREEK WY, Ontario, CA 91761	448.19
1083-393-52	3635 E OAK CREEK DR, Unit:A, Ontario, CA 91761	43.94
1083-451-01	3642 S OAK CREEK DR, Unit:A, Ontario, CA 91761	55.00
1083-451-72	3733 E COUNTRY OAKS LP, Unit:H, Ontario, CA 91761	110.00
Total		108,510.26

**City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit B**

Parcel Number	Address	Amount Due
0108-322-04	1839 N GLENN AV, Ontario, CA 91764	20.00
0108-411-31	1846 N DEL NORTE AV, Ontario, CA 91764	20.00
0108-481-20	0 E OLIVE ST, Ontario, CA 91764	20.00
0108-532-08	1688 E FIFTH ST, Ontario, CA 91764	170.00
0108-541-19	1646 E YALE ST, Ontario, CA 91764	200.00
0108-562-03	1809 E PRINCETON ST, Ontario, CA 91764	1,010.00
0108-622-02	1812 N PLACER AV, Ontario, CA 91764	300.00
0110-201-09	1003 N EL DORADO AV, Ontario, CA 91764	20.00
0110-253-30	413 N IMPERIAL AV, Ontario, CA 91764	420.00
0113-361-54	1401 S GROVE AV, Ontario, CA 91761	500.00
0211-232-38	0 S MILLIKEN AV, Ontario, CA 91761	500.00
0216-401-63	2440 S VINEYARD AV, Building:4, Ontario, CA 91761	200.00
0218-821-52	3245 S NORTH SHORE DR, Ontario, CA 91761	1,000.00
0238-014-36	1 E MILLS CI, Building:1, Ontario, CA 91764	120.00
1008-502-18	855 W FIFTH ST, Ontario, CA 91762	120.00
1010-413-05	1525 W FLORA ST, Ontario, CA 91762	120.00
1010-446-03	1216 W D ST, Ontario, CA 91762	170.00
1011-382-33	863 S MOUNTAIN AV, Ontario, CA 91762	840.00
1014-141-22	1533 S PINE AV, Ontario, CA 91762	12,750.00
1014-182-15	844 W JUNIPER ST, Ontario, CA 91762	640.00
1014-532-04	2004 S PALMETTO AV, Ontario, CA 91762	490.00
1015-121-13	2204 S FUCHSIA AV, Ontario, CA 91762	120.00
1047-294-05	1527 N SAN ANTONIO AV, Ontario, CA 91762	170.00
1047-362-32	423 E FIFTH ST, Ontario, CA 91764	640.00
1047-401-14	757 E BONNIE BRAE CT, Ontario, CA 91764	1,010.00
1047-413-15	1340 N ALLYN AV, Ontario, CA 91764	1,000.00
1047-433-13	1212 E SIXTH ST, Building:1, Ontario, CA 91764	170.00
1047-512-21	1125 N CAMPUS AV, Ontario, CA 91764	640.00
1047-521-17	541 E PRINCETON ST, Ontario, CA 91764	170.00
1047-581-09	554 W FOURTH ST, Ontario, CA 91762	340.00
1048-211-14	830 E I ST, Ontario, CA 91764	20,000.00
1048-283-26	611 W EL MORADO CT, Ontario, CA 91762	220.00
1048-291-23	512 W GRANADA CT, Ontario, CA 91762	1,000.00
1048-305-10	756 N CYPRESS AV, Ontario, CA 91762	120.00
1048-451-09	519 N GROVE AV, Ontario, CA 91764	500.00
1049-059-03	413 W EMPORIA ST, Ontario, CA 91762	120.00
1049-212-06	635 S TAYLOR AV, Ontario, CA 91761	500.00
1049-551-03	1225 S VINE AV, Ontario, CA 91762	220.00
1050-251-35	129 E FRANCIS ST, Ontario, CA 91761	170.00
1051-171-12	2453 S MARIGOLD PL, Ontario, CA 91761	40.00
1051-571-14	2941 S CUCAMONGA AV, Ontario, CA 91761	120.00

*City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit B*

Parcel Number	Address	Amount Due
1083-291-41	3416 E CEDARGLEN RD, Ontario, CA 91761	1,000.00
	Total	47,900.00

**City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C**

Parcel Number	Address	Amount Due
0108-306-01	1332 N EL DORADO AV, Ontario, CA 91764	3,535.88
0108-322-04	1839 N GLENN AV, Ontario, CA 91764	20.00
0108-362-08	1524 E OLIVE ST, Ontario, CA 91764	679.63
0108-401-02	1851 N DEL NORTE AV, Ontario, CA 91764	1,461.30
0108-411-31	1846 N DEL NORTE AV, Ontario, CA 91764	20.00
0108-441-09	1424 N GROVE AV, Ontario, CA 91764	110.00
0108-481-20	0 E OLIVE ST, Ontario, CA 91764	70.00
0108-491-04	1703 E DEODAR ST, Ontario, CA 91764	110.00
0108-532-04	1664 E FIFTH ST, Ontario, CA 91764	1,327.22
0108-532-08	1688 E FIFTH ST, Ontario, CA 91764	170.00
0108-541-19	1646 E YALE ST, Ontario, CA 91764	200.00
0108-543-04	1223 N MANDALAY ST, Ontario, CA 91764	708.62
0108-543-08	1206 N BAKER AV, Ontario, CA 91764	1,707.13
0108-543-09	1212 N BAKER AV, Ontario, CA 91764	55.00
0108-562-03	1809 E PRINCETON ST, Ontario, CA 91764	1,010.00
0108-582-05	1538 E SEVENTH ST, Ontario, CA 91764	317.55
0108-622-02	1812 N PLACER AV, Ontario, CA 91764	300.00
0108-631-13	1746 E OLIVE ST, Ontario, CA 91764	138.55
0110-051-48	1210 E D ST, Ontario, CA 91761	1,626.04
0110-131-19	1264 E HOLT BL, Ontario, CA 91761	50.00
0110-152-22	761 N AMADOR AV, Ontario, CA 91764	2,545.13
0110-153-14	816 N AMADOR AV, Ontario, CA 91764	96.97
0110-201-09	1003 N EL DORADO AV, Ontario, CA 91764	1,770.24
0110-203-12	1018 N GLENN AV, Ontario, CA 91764	1,233.81
0110-253-30	413 N IMPERIAL AV, Ontario, CA 91764	420.00
0110-272-17	1352 E EL MORADO CT, Ontario, CA 91764	1,334.28
0110-422-02	1339 E FRESNO ST, Ontario, CA 91764	138.55
0113-361-54	1401 S GROVE AV, Ontario, CA 91761	550.00
0210-432-64	1008 N TURNER AV, Building:44, Unit:259, Ontario, CA 91764	110.00
0211-232-38	0 S MILLIKEN AV, Ontario, CA 91761	550.00
0216-301-27	1541 E BROOKSIDE ST, Ontario, CA 91761	101.55
0216-381-62	2701 S DEL NORTE AV, Ontario, CA 91761	1,462.92
0216-401-63	2440 S VINEYARD AV, Building:4, Ontario, CA 91761	200.00
0216-491-15	2927 S SANDPIPER AV, Ontario, CA 91761	268.05
0218-111-08	0 S ONTARIO AV, Ontario, CA 91761	4,625.00
0218-111-11	0 S ONTARIO AV, Ontario, CA 91761	4,625.00
0218-181-24	13740 S ONTARIO Av, Ontario, CA 91761	1,625.00
0218-761-12	2981 E SCOUT CT, Ontario, CA 91761	244.55
0218-761-64	3613 S BURNING TREE DR, Ontario, CA 91761	67.00
0218-821-08	2940 E BRONCO DR, Ontario, CA 91761	665.65
0218-821-52	3245 S NORTH SHORE DR, Ontario, CA 91761	1,000.00

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C

Parcel Number	Address	Amount Due
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	612.62
0238-012-31	5056 E FOURTH ST, Ontario, CA 91764	883.26
0238-014-36	1 E MILLS CI, Building:1, Ontario, CA 91764	120.00
1008-291-09	1560 N HELEN CT, Ontario, CA 91762	110.00
1008-502-18	855 W FIFTH ST, Ontario, CA 91762	120.00
1010-095-10	958 N BENSON AV, Ontario, CA 91762	5,051.89
1010-105-07	1021 N ELDERBERRY AV, Ontario, CA 91762	1,311.76
1010-413-05	1525 W FLORA ST, Ontario, CA 91762	120.00
1010-413-08	1507 W FLORA ST, Ontario, CA 91762	1,575.63
1010-421-16	1538 W FAWN ST, Ontario, CA 91762	101.55
1010-422-30	1435 W FAWN ST, Ontario, CA 91762	99.35
1010-435-21	1303 W E ST, Ontario, CA 91762	1,080.90
1010-445-19	509 N CAMELLIA AV, Ontario, CA 91762	997.72
1010-446-02	1210 W D ST, Ontario, CA 91762	2,253.55
1010-446-03	1216 W D ST, Ontario, CA 91762	1,638.99
1010-471-18	940 W F ST, Ontario, CA 91762	496.93
1010-521-04	308 N CAMELLIA AV, Unit:A, Ontario, CA 91762	54.93
1011-221-15	1530 W MISSION BL, Building:1, Ontario, CA 91762	1,398.55
1011-382-33	863 S MOUNTAIN AV, Ontario, CA 91762	840.00
1011-552-85	1130 S CYPRESS AV, Ontario, CA 91762	440.74
1014-141-22	1533 S PINE AV, Ontario, CA 91762	12,750.00
1014-181-06	1745 S PALMETTO AV, Ontario, CA 91762	110.00
1014-182-15	844 W JUNIPER ST, Ontario, CA 91762	1,974.70
1014-531-25	2044 S MOUNTAIN AV, Ontario, CA 91762	110.00
1014-532-04	2004 S PALMETTO AV, Ontario, CA 91762	490.00
1015-121-13	2204 S FUCHSIA AV, Ontario, CA 91762	120.00
1046-511-17	0 E EIGHTH ST, Ontario, CA 91764	4,317.00
1047-201-13	1558 N HOPE AV, Ontario, CA 91764	56.90
1047-212-03	1539 N MIRAMONTE AV, Ontario, CA 91764	471.55
1047-294-05	1527 N SAN ANTONIO AV, Ontario, CA 91762	170.00
1047-321-30	1376 N CHAFFEY CT, Ontario, CA 91762	640.56
1047-321-35	1394 N CHAFFEY CT, Ontario, CA 91762	1,361.00
1047-331-06	132 W BONNIE BRAE CT, Ontario, CA 91762	85.12
1047-362-32	423 E FIFTH ST, Ontario, CA 91764	1,193.46
1047-401-14	757 E BONNIE BRAE CT, Ontario, CA 91764	1,010.00
1047-401-24	703 E BONNIE BRAE CT, Ontario, CA 91764	900.09
1047-413-15	1340 N ALLYN AV, Ontario, CA 91764	1,000.00
1047-433-13	1212 E SIXTH ST, Building:1, Ontario, CA 91764	170.00
1047-441-12	1314 N VIRGINIA AV, Ontario, CA 91764	23.36
1047-441-18	1346 N PARKSIDE AV, Ontario, CA 91764	7,402.08
1047-473-39	1037 E FOURTH ST, Ontario, CA 91764	1,648.99

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C

Parcel Number	Address	Amount Due
1047-503-41	857 E FOURTH ST, Ontario, CA 91764	536.95
1047-512-21	1125 N CAMPUS AV, Ontario, CA 91764	640.00
1047-521-17	541 E PRINCETON ST, Ontario, CA 91764	170.00
1047-581-09	554 W FOURTH ST, Ontario, CA 91762	340.00
1047-592-02	1219 N GRANITE AV, Ontario, CA 91762	948.36
1048-022-34	1010 N SAN ANTONIO AV, Ontario, CA 91762	1,133.50
1048-102-08	748 E ROSEWOOD CT, Ontario, CA 91764	1,438.03
1048-111-14	763 E PLAZA SERENA ST, Ontario, CA 91764	1,142.93
1048-122-06	1011 E ORCHARD LN, Ontario, CA 91764	1,674.23
1048-131-13	1012 E FOURTH ST, Ontario, CA 91764	2,456.05
1048-202-25	731 E EL MORADO CT, Ontario, CA 91764	1,869.34
1048-211-14	830 E I ST, Ontario, CA 91764	20,110.00
1048-232-08	551 E G ST, Ontario, CA 91764	339.73
1048-283-26	611 W EL MORADO CT, Ontario, CA 91762	220.00
1048-291-23	512 W GRANADA CT, Ontario, CA 91762	1,100.00
1048-305-10	756 N CYPRESS AV, Ontario, CA 91762	20.00
1048-312-14	710 W FLORA ST, Ontario, CA 91762	351.50
1048-322-37	624 W FLORA ST, Ontario, CA 91762	266.59
1048-393-09	552 E E ST, Ontario, CA 91764	110.00
1048-401-02	757 E E ST, Ontario, CA 91764	248.52
1048-403-18	815 E D ST, Unit:A, Ontario, CA 91764	101.55
1048-412-07	728 E F ST, Ontario, CA 91764	582.55
1048-451-09	519 N GROVE AV, Ontario, CA 91764	1,430.61
1048-481-16	958 E NOCTA ST, Ontario, CA 91761	1,337.33
1048-492-07	934 E ELMA ST, Ontario, CA 91761	719.90
1048-502-09	747 E NOCTA ST, Ontario, CA 91761	1,714.22
1048-504-12	833 E ELMA ST, Ontario, CA 91761	733.87
1048-512-11	765 E HOLT BL, Building:1, Ontario, CA 91761	43.94
1048-521-05	528 E NOCTA ST, Ontario, CA 91764	83.05
1048-525-01	634 E NOCTA ST, Ontario, CA 91761	1,534.06
1048-525-12	127 N CAMPUS AV, Ontario, CA 91761	1,795.00
1048-531-21	535 E LYNN HAVEN CT, Ontario, CA 91761	911.84
1048-534-10	311 N CAMPUS AV, Ontario, CA 91761	862.02
1049-059-03	413 W EMPORIA ST, Ontario, CA 91762	120.00
1049-102-15	810 E EMPORIA ST, Ontario, CA 91761	1,404.57
1049-212-06	635 S TAYLOR AV, Ontario, CA 91761	550.00
1049-232-20	560 E PARK ST, Ontario, CA 91761	265.25
1049-243-07	418 S PLUM AV, Ontario, CA 91761	1,165.02
1049-248-03	410 E PARK ST, Ontario, CA 91761	101.55
1049-264-09	322 W CALIFORNIA ST, Ontario, CA 91762	111.87
1049-268-04	111 W NEVADA ST, Ontario, CA 91762	1,815.42

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C

Parcel Number	Address	Amount Due
1049-283-14	504 W PARK ST, Ontario, CA 91762	1,073.02
1049-323-17	618 W MAITLAND ST, Ontario, CA 91762	50.70
1049-344-02	925 S EUCLID AV, Ontario, CA 91761	284.65
1049-362-04	740 E CALIFORNIA ST, Ontario, CA 91761	105.42
1049-521-10	232 E BELMONT ST, Ontario, CA 91761	374.60
1049-551-03	1225 S VINE AV, Ontario, CA 91762	220.00
1049-582-18	740 W BELMONT ST, Ontario, CA 91762	101.55
1049-591-28	618 W PHILLIPS ST, Ontario, CA 91762	327.12
1049-611-03	717 W MISTY CT, Ontario, CA 91762	22.40
1050-071-25	236 E DE ANZA CI, Ontario, CA 91761	1,482.69
1050-092-06	1537 S PLEASANT AV, Ontario, CA 91761	55.00
1050-101-08	641 E ELM ST, Ontario, CA 91761	1,618.72
1050-241-24	1610 S PLEASANT AV, Ontario, CA 91761	100.72
1050-251-35	129 E FRANCIS ST, Ontario, CA 91761	170.00
1050-341-42	654 W GREVILLEA ST, Ontario, CA 91762	73.45
1050-582-16	324 E CEDAR ST, Ontario, CA 91761	138.55
1050-601-19	2143 S FERN AV, Ontario, CA 91762	623.31
1050-614-02	2112 S FERN AV, Ontario, CA 91762	1,248.55
1051-171-12	2453 S MARIGOLD PL, Ontario, CA 91761	1,279.53
1051-571-14	2941 S CUCAMONGA AV, Ontario, CA 91761	120.00
1083-121-07	2574 S ARCADIAN SHORES RD, Ontario, CA 91761	110.00
1083-291-41	3416 E CEDARGLEN RD, Ontario, CA 91761	1,110.00
1083-381-26	3553 E SHADOW CREEK WY, Ontario, CA 91761	448.19
1083-393-52	3635 E OAK CREEK DR, Unit:A, Ontario, CA 91761	43.94
1083-451-01	3642 S OAK CREEK DR, Unit:A, Ontario, CA 91761	55.00
1083-451-72	3733 E COUNTRY OAKS LP, Unit:H, Ontario, CA 91761	110.00
Total		156,410.26

CITY OF ONTARIO

Agenda Report
April 21, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING IMPROVEMENT AGREEMENTS, IMPROVEMENT SECURITIES AND FINAL TRACT MAP NOS. 18991, 18992, 18993 AND 18994 LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving improvement agreements, improvement securities and Final Tract Map Nos. 18991, 18992, 18993 and 18994 located at the southwest corner of Haven Avenue and Schaefer Avenue within The Avenue Specific Plan area.

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

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

BACKGROUND: Developer Brookcal Ontario, LLC, a Delaware Limited Liability Company (Mr. Richard T. Whitney, President) submitted Final Tract Map No. 18991, consisting of seventeen residential lots on 2.94 acres; Final Tract Map No. 18992, consisting of two hundred twenty-seven residential lots on 23.51 acres; Final Tract Map No. 18993, consisting of two hundred ten residential lots on 20.22 acres; and Final Tract Map No. 18994, consisting of one hundred thirty eight residential lots on 18.17 acres as shown on Exhibit A.

Tentative Tract Map Nos. 18991, 18992, 18993 and 18994 were approved by the Planning Commission on August 26, 2014 and are consistent with The Avenue Specific Plan.

Improvements will include AC pavement, curb, gutter, sidewalk, driveway approaches, landscaped parkway, fire hydrants, sewer, water, recycled water, storm drain, street lights, and fiber optic. The

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

Prepared by: Naiim Khoury
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 04/21/2015
Approved: _____
Continued to: _____
Denied: _____

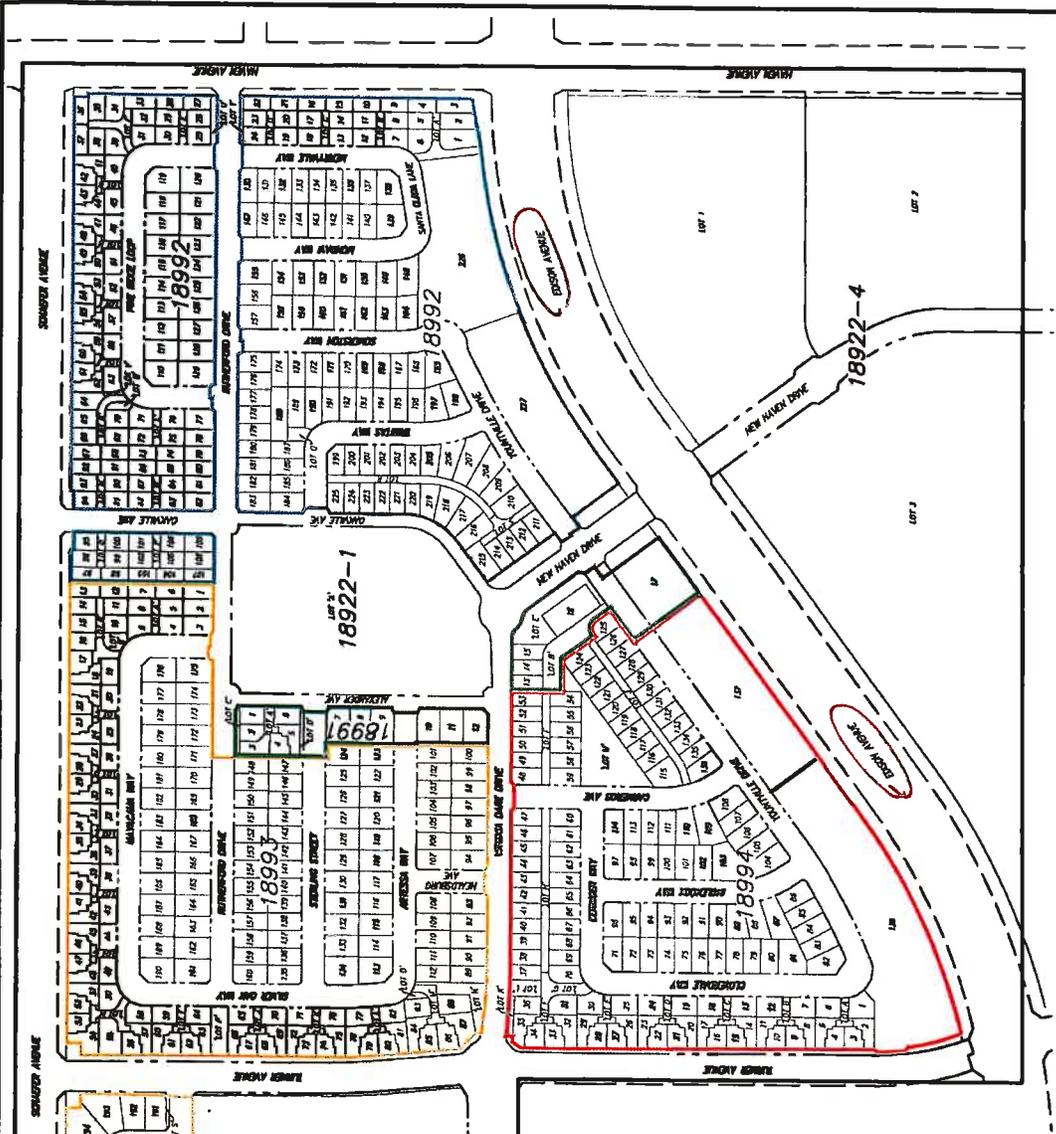
5

developer has entered into improvement agreements with the City for Final Tract Map Nos. 18992, 18993 and 18994 and has posted adequate securities to ensure construction of the required improvements. Improvements for Final Tract Map No. 18991 will be constructed per the previously approved Final Tract Map No. 18922-1 (A-Map).

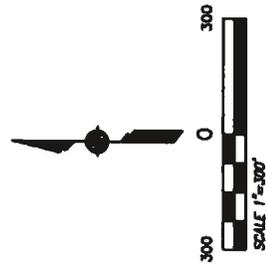
These maps meet all conditions of the Subdivision Map Act and the Ontario Municipal Code and have been reviewed and approved by the City Engineer.

EXHIBIT A
TRACT 18991,
18992, 18993 &
18994 LOTTING
 EXHIBIT

- TRACT 18991
- TRACT 18992
- TRACT 18993
- TRACT 18994



TRACT	NUMBERED LOTS	LETTERED LOTS
18991	17	5
18992	227	25
18993	210	20
18994	138	12



K&A
 Engineering, Inc.
 ENGINEERING
 LAND PLANNING
 SURVEYING

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENTS, IMPROVEMENT SECURITIES AND FINAL TRACT MAP NOS. 18991, 18992, 18993, AND 18994, LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE.

WHEREAS, Tentative Tract Map Nos. 18991, 18992, 18993, and 18994, submitted for approval by the developer, Brookcal Ontario, LLC, a Delaware Limited Liability (Mr. Richard T. Whitney, President) were approved by the Planning Commission of the City of Ontario on August 26, 2014; and

WHEREAS, Tentative Tract Map No. 18991 consists of seventeen residential lots on 2.94 acres; Tentative Tract Map No. 18992 consists of two hundred twenty-seven residential lots and on 23.51 acres; Tentative Tract Map No. 18993 consists of two hundred ten residential lots on 20.22 acres; and Tentative Tract Map No. 18994 consists of one hundred thirty eight residential lots on 18.17 acres, all being a subdivisions of Lots 1 through 18 as shown on Tract Nos. 18922-1 through 18922-3, Recorded in Book 341, pages 50 through 56, Official Records of San Bernardino County, California, located in Section 14, Township 2 South, Range 7 West, in the Office of the Recorder of San Bernardino County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map Nos. 18992, 18993, and 18994, said developer has offered an improvement agreements for Final Tract Map Nos. 18992, 18993, and 18994, together with good and sufficient securities, in conformance with the City Attorney's approved format, for approval and execution by the City. Improvements for Final Tract Map No. 18991 will be constructed per the previously approved Final Tract Map No. 18922-1 (A-Map); and

WHEREAS, said developer has prepared Covenants, Conditions and Restrictions (CC&R's), approved by the City Attorney's Office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by commonly affected property owners.

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

1. That said improvement agreements be, and the same are, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said improvement securities are accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map Nos. 18991, 18992, 18993, and 18994 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 21st day of April 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 21, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held April 21, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 21, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD CONSTRUCTION CONTRACT NO. IT15-FIB-001 FIBER OPTIC CABLE INSTALLATION TO PROVIDE HIGH-SPEED INTERNET (BROADBAND) CONNECTION TO THE PARK PLACE DEVELOPMENT GENERALLY LOCATED AT MERRILL AND ARCHIBALD AVENUES

RECOMMENDATION: That the City Council take the following actions:

- (A) Award Construction Contract No. IT15-FIB-001 (on file in the Records Management Department) to Crosstown Electrical & Data, Inc. ("Crosstown") of Irwindale, California, in the bid amount of \$148,576 for the installation of fiber optic cable plus a 15% contingency of \$22,286, for a total of \$170,862 in the Park Place Development generally located at Merrill and Archibald Avenues; and
- (B) Authorize the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, reduction of retention accounts, and the filing of Notice of Completion at the conclusion of all related work.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: If approved, budget adjustments for appropriations, estimated to be \$170,862, and anticipated revenues will be included in the next budget update report to the City Council.

BACKGROUND: For several years the City has been working to make the New Model Colony a high speed broadband (Gigabit) community. Gigabit Fiber to the Home infrastructure will be a market differentiator, a strategic advantage for home builders as well as a benefit to future Ontario citizens. Although a full fiber network along with a redundant backbone will take several years to complete, interim steps are being taken to bring individual neighborhoods online as they are constructed. To assist the City in its efforts to create a Gigabit community, the Information Technology Department retained the services of ID Consulting Services Engineering (IDCS) of Boise, Idaho. IDCS are fiber

STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: David Simpson

Department: Development Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 04/21/2015

Approved: _____

Continued to: _____

Denied: _____

6

network design experts with experience designing, overseeing construction and on-going maintenance of the Boise Idaho Airport Close Circuit Television and Fiber project. IDCS also manages the City of San Jose Municipal Fiber Network.

On March 17, 2015 the City Council approved an agreement with Inyo Networks, Inc. (“Inyo”) of Vallejo, California, that provides for access to the Park Place portion of the Ontario fiber network. Inyo will bring Gigabit internet, voice and video services to the 432 homes planned for the Park Place community which is generally located at the southeast corner of Merrill and Archibald Avenues.

Before Inyo can provide Gigabit services to the Park Place development, the City must install fiber optic cable. On April 30, 2015 staff solicited bids for fiber optic cable installation. A summary of the bid responses are below:

<u>Vendor</u>	<u>Location</u>	<u>Bid Amount</u>
Crosstown Electrical & Data, Inc.	Irwindale, CA	\$148,576
HP Communications, Inc.	Corona, CA	\$155,610
Praxis Associates, Inc.	Vallejo, CA	\$182,053
Henkels & McCoy, Inc.	Pomona, CA	\$261,732

IDCS reviewed the bids and recommends that staff present Crosstown as the lowest response bidder. Crosstown met all requirements and has successfully installed fiber optic cable in the cities of Chino, Fontana and Oxnard.

CITY OF ONTARIO

Agenda Report
April 21, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENT TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION: That the City Council:

- (A) Accept a written petition (on file with the Records Management Department) from Lennar Homes of California, Inc., located in Corona, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopt a Resolution of Intent to establish City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane); authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting scheduled for Tuesday, June 2, 2015; and
- (C) Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 31 (Carriage House / Amberly Lane).

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the Carriage House / Amberly Lane project is estimated to generate approximately \$6 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project, and approximately \$200,000 per year, at build out, to fund City services. As proposed, the services

STAFF MEMBER PRESENTING: Grant D. Yee, Administrative Services/Finance Director

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

Submitted to Council/O.H.A. 04/21/2015
Approved: _____
Continued to: _____
Denied: _____

7

maximum annual tax rate on each of the project's 143 single-family detached units is \$1,442. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no general fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. City services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property owned by the City with an estimated useful life of five or more years. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention to establish a community facilities district and levy special taxes, and to issue bonds.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony ("First Amended and Restated Construction Agreement") between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts. Lennar Homes of California, a member of NMC Builders LLC, has provided a written petition to the City requesting formation of a community facilities district for the Carriage House / Amberly Lane project in the New Model Colony. The Carriage House / Amberly Lane project addresses the development of approximately 30.9 gross acres located East of Turner Avenue, generally west of Haven Avenue, generally south of Chino Avenue and north of Schaefer Avenue. At build out, the development is projected to include 143 single-family units.

Under the proposed Rate and Method of Apportionment, **the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not increase over time.** The amount of bonds authorized (\$21 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$6 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The formation of Community Facilities District No. 31 (Carriage House / Amberly Lane) is the second of many anticipated New Model Colony community facilities districts that will be coming before the City Council for approval in the future. It is intended that the term and structure of the Rate and Method of Apportionment of Special Tax for Carriage House / Amberly Lane are consistent with previously formed community facilities district that will serve as the template for future proposed residential community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in the New Model Colony be developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in New Model Colony community facilities districts will be required to disclose the maximum annual special tax amount to each homeowner before entering into a sales contract.

Included, as part of the resolution of intention for the proposed district, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos Local Goals and Policies, and City staff have

discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the Community Facilities District for the regularly scheduled City Council meeting on Tuesday, June 2, 2015 to consider the matter.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

WHEREAS, Section 53318 of the Mello-Roos Community Facilities Act of 1982 (the "Act") provides that proceedings for the establishment of a Community Facilities District shall be instituted by a legislative body of a local agency when a petition requesting the institution of the proceedings signed by the owners of not less than 10% of the area of land proposed to be included in the community facilities district and not proposed to be exempt from the special tax, describing the boundaries of the territory that is proposed for inclusion in the community facilities district and specifying the types of facilities and services to be financed by the community facilities district is filed with the clerk of the legislative body; and

WHEREAS, Section 53318 of the Act further provides that such a petition is not required to be acted upon until the payment of a fee in an amount that the legislative body determines, within 45 days of receiving such petition, is sufficient to compensate the legislative body for all costs incurred in conducting proceedings to create a community facilities district pursuant to the Act; and

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received a written petition (the "Petition") from Lennar Homes of California, Inc. (the "Landowner") requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of facilities and services to be financed by the Community Facilities District; and

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land proposed to be included within the Community Facilities District; and

WHEREAS, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district; and

WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community

facilities district adopted pursuant to Section 53321 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

WHEREAS, the City and the Landowner entered into a Deposit and Reimbursement Agreement, dated as of January 1, 2015 (the "Deposit Agreement"), that provides for the advancement of funds by the Landowner to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to the Landowner of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, the City desires to include in this Resolution, in accordance with Section 53314.9 of the Act, the proposal to repay funds pursuant to the Deposit Agreement;

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

SECTION 1. THE City Council hereby finds that the Petition is signed by the requisite number of owners of land proposed to be included in the Community Facilities District.

SECTION 2. The City Council proposes to establish a community facilities district under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community Facilities District are described in the map showing the proposed Community Facilities District (the "Boundary Map") on file with the City Clerk of the City (the "City Clerk"), which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the Boundary Map with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 3. The name proposed for the Community Facilities District is "City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane)".

SECTION 4. The public facilities (the "Facilities") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Facilities" on Exhibit A hereto, which is by this reference incorporated herein. Those Facilities proposed to be purchased as completed public facilities are described under the caption "Facilities to be Purchased" on Exhibit A hereto. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the

Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit A hereto. All or any portion of the Facilities may be financed through a financing plan, including, but not limited to, a lease, lease-purchase or installment-purchase arrangement.

SECTION 5. Except where funds are otherwise available, a special tax sufficient to pay for all Facilities and Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The conditions under which the obligation to pay the special tax to pay for Facilities may be prepaid and permanently satisfied are specified in the Rate and Method. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

SECTION 6. The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 7. The tax year after which no further special tax to pay for Facilities will be levied against any parcel used for private residential purposes is specified in the Rate and Method. Under no circumstances shall the special tax to pay for Facilities in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the Community Facilities District by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. For purposes of this paragraph, a parcel shall be considered "used for private residential purposes" not later than the date on which an occupancy permit for private residential use is issued.

SECTION 8. Pursuant to Section 53344.1 of the Act, the City Council hereby reserves to itself the right and authority to allow any interested owner of property within the Community Facilities District, subject to the provisions of said Section 53344.1 and to those conditions as it may impose, and any applicable prepayment penalties as prescribed in the bond indenture or comparable instrument or document, to tender to the Community Facilities District treasurer in full payment or part payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

SECTION 9. The City Council hereby fixes Tuesday, June 2, 2015, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities District.

SECTION 10. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 11. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

SECTION 12. Each officer of the City who is or will be responsible for providing one or more of the proposed types of Facilities or Services is hereby directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the Facilities and Services by type which will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing the Facilities and Services. Such officers are hereby also directed to estimate the fair and reasonable cost of the Facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said public hearing.

SECTION 13. The Landowner has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

SECTION 14. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 15. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 21st day of April 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 21, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held April 21, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES AND INCIDENTAL EXPENSES

Facilities

The types of facilities to be financed by the Community Facilities District are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Facilities to be Purchased

The types of facilities to be purchased as completed facilities are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- (a) the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities;
- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes shall be levied on Assessor's Parcels of Taxable Property in the City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) ("CFD No. 31") and collected each Fiscal Year, commencing in Fiscal Year 2015-16, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. The real property in CFD No. 31, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, condominium plan, or other recorded County map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 31: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 31 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 31 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 31 of complying with City, CFD No. 31, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 31 related to the analysis and reduction, if any, of the Special Tax A on Single Family Detached Property in accordance with Section C.1 herein; the costs of the City or CFD No. 31 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 31; and amounts estimated or advanced by the City or CFD No. 31 for any other

administrative purposes of the CFD, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"Assigned Special Tax A" means the Special Tax A for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

"Backup Special Tax A" means the Special Tax A for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.3 below.

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 31 under the Act and payable from Special Tax A.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 31 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

"CFD Administrator" means an official of the City responsible for determining the Special Tax A Requirement and Special Tax B Requirement, providing for the levy and collection of the Special Taxes, and performing the other duties provided for herein.

"CFD No. 31" means City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 31.

"County" means the County of San Bernardino.

"Designated Buildable Lot" means a Buildable Lot for which a building permit has not been issued by the City as of the date of calculation of the Backup Special Tax A.

"Developed Property" means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2014, and before May 1 of the prior Fiscal Year.

“Expected Residential Lot Count” means 143 Buildable Lots of Single Family Detached Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Detached Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 31.

“Final Mapped Property” means, for each Fiscal Year, all Taxable Property, exclusive of Developed Property, Taxable Property Owner Association Property, and Taxable Public Property, which as of January 1 of the previous Fiscal Year was located within a Final Subdivision Map. The term Final Mapped Property shall include any parcel map or Final Subdivision Map, or portion thereof, that creates individual lots for which a building permit may be issued, including Parcels that are designated as a remainder Parcel (i.e., one where the size, location, etc., precludes any further subdivision or taxable use).

“Final Subdivision Map” means a final tract map, parcel map, or lot line adjustment approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or a condominium plan recorded pursuant to California Civil Code 1352 that, in either case, creates individual lots for which building permits may be issued without further subdivision.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Gated Apartment Community Property” means, with respect to Special Tax B, Multiple Family Property within a gated community that, within such community, is primarily served by private interior streets.

“Indenture” means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which Bonds are issued, as modified, amended, and/or supplemented from time to time.

“Land Use Class” means any of the classes listed in Table 1 and Table 2 below.

“Maximum Special Tax A” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax A determined in accordance with Section C.1 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Maximum Special Tax B” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax B determined in accordance with Section C.2 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Minimum Sale Price” means the minimum price at which Units of a given Land Use Class have sold or are expected to be sold in a normal marketing environment and shall not include prices for such Units that are sold at a discount to expected sales prices for the purpose of stimulating the initial sales activity with respect to such Land Use Class.

“Multiple Family Property” means, with respect to Special Tax B, all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for any residential building containing two or more Units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Property.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City permitting the construction of one or more non-residential structures or facilities.

“Other Residential Property” means, with respect to Special Tax A, all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for purposes of constructing Units, excluding Single Family Detached Property.

“Outstanding Bonds” means all Bonds which are outstanding under and in accordance with the provisions of the Indenture.

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 31 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 31 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 31, (ii) the City, (iii) any owner of real property in CFD No. 31, or (iv) any real property in CFD No. 31, and (e) is not connected with CFD No. 31 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 31 or the City.

“Price Point Study” means a price point study or a letter updating a previous price point study prepared by the Price Point Consultant pursuant to Section C herein.

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 31 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means (a) for Developed Property in the first step of Section D.1 below, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D.1 below, Proportionately means that the amount of the increase above the Assigned Special Tax A, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax A limits the increase on any Assessor’s Parcel(s), then the amount of the increase shall be equal for the remaining Assessor’s Parcels; (b) with respect to Special Tax B, that the ratio of the actual Special Tax B levy to the Maximum Special Tax B is equal for all Assessor’s Parcels of Developed Property; (c) for Final Mapped Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Final Mapped Property; (d) for Undeveloped Property, that the ratio of the actual Special

Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Undeveloped Property; (e) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Taxable Property Owner Association Property; and (f) for Taxable Public Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Taxable Public Property.

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 31 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement; provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Rate and Method of Apportionment” means this Rate and Method of Apportionment of Special Tax.

“Residential Floor Area” means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor's Parcel, or as set forth in other official records maintained by the City's Building Department or other appropriate means selected by CFD No. 31. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor's Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

“Residential Property” means, for each Fiscal Year, an Assessor's Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2014, and before May 1 of the prior Fiscal Year.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 31.

“Single Family Detached Property” means all Assessor's Parcels of Developed Property for which a building permit was issued for construction of a Unit, on one legal lot, that does not share a common wall with another Unit.

“Special Taxes” means, collectively, Special Tax A and Special Tax B.

“Special Tax A” means the special tax authorized by the qualified electors of CFD No. 31 to be levied within the boundaries of CFD No. 31 to pay for Facilities and Services.

“Special Tax A Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 31 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on

the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay a pro rata share of Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax A levy on Final Mapped Property or Undeveloped Property; and (vi) provide an amount equal to Special Tax A delinquencies based on the historical delinquency rate for Special Tax A as determined by the CFD Administrator.

“Special Tax B” means the special tax authorized by the qualified electors of CFD No. 31 to be levied within the boundaries of CFD No. 31 to pay for Services.

“Special Tax B Requirement” means for any Fiscal Year that amount required, after taking into account available amounts in any funds and accounts established to pay for Services, to pay the cost of Services, a pro rata share of Administrative Expenses, and an amount equal to Special Tax B delinquencies based on the historical delinquency rate for Special Tax B as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 31, issued for construction of Residential Property or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 31 that are not exempt from the Special Taxes pursuant to law or Section E below.

“Taxable Property Owner Association Property” means, for each Fiscal Year, all Assessor’s Parcels of Property Owner Association Property that are not exempt from the Special Taxes pursuant to Section E below.

“Taxable Public Property” means, for each Fiscal Year, all Assessor’s Parcels of Public Property that are not exempt from the Special Taxes pursuant to law or Section E below.

“Tentative Tract Map” means a map: (i) showing a proposed subdivision of an Assessor’s Parcel(s) and the conditions pertaining thereto; (ii) that may or may not be based on a detailed survey; and (iii) that is not recorded by the County to create legal lots.

“Total Tax Burden” means, for any Unit, the annual Special Taxes, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees, and charges which are levied and imposed on such Unit and the real property on which it is located and collected by the County on *ad valorem* tax bills and which are secured by such Unit and the real property on which it is located, assuming such Unit had been completed, sold, and subject to such

levies and impositions, excluding service charges such as those related to sewer and trash.

“**Trustee**” means the trustee or fiscal agent under the Indenture.

“**TTM 18476**” means Tentative Tract Map No. 18476, the area of which is located within CFD No. 31.

“**Undeveloped Property**” means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Final Mapped Property, Taxable Public Property, or Taxable Property Owner Association Property.

“**Unit**” means an individual single-family detached or attached home, townhome, condominium, apartment, or other residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2015-16, all Taxable Property within CFD No. 31 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Developed Property shall be further classified as Single Family Detached Property, Other Residential Property (for Special Tax A), Multiple Family Property or Gated Apartment Community Property (for Special Tax B), or Non-Residential Property. Assessor’s Parcels of Single Family Detached Property shall be organized by Square Footage.

C. MAXIMUM SPECIAL TAX

1. Special Tax A

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax A on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 31 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Detached Property to be constructed within CFD No. 31 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax A shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax A reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax A, the

Backup Special Tax A shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax A revenues within the Tentative Tract Map area(s) where the Assigned Special Tax A reductions occurred. The Special Tax A reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 31 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A. The reductions in this section apply to Single Family Detached Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) *Maximum Special Tax A*

The Maximum Special Tax A that may be levied in any Fiscal Year for each Assessor's Parcel classified as Developed Property shall be the greater of (i) the amount derived by application of the Assigned Special Tax A or (ii) the amount derived by application of the Backup Special Tax A. The Maximum Special Tax A shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) *Assigned Special Tax A*

The Assigned Special Tax A that may be levied in any Fiscal Year for each Land Use Class is shown below in Table 1.

**TABLE 1
ASSIGNED SPECIAL TAX A – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Detached Property	< 2,101	\$2,282 per Unit
2	Single Family Detached Property	2,101 – 2,400	\$2,424 per Unit
3	Single Family Detached Property	2,401 – 2,700	\$2,849 per Unit
4	Single Family Detached Property	2,701 – 3,000	\$2,960 per Unit
5	Single Family Detached Property	3,001 – 3,300	\$3,286 per Unit
6	Single Family Detached Property	3,301 – 3,600	\$3,550 per Unit
7	Single Family Detached Property	> 3,600	\$4,153 per Unit
8	Other Residential Property		\$25,379 per Acre
9	Non-Residential Property		\$25,379 per Acre

3) *Backup Special Tax A*

The Backup Special Tax A shall be \$3,216 per Unit for Single Family Detached Property. However, if the Expected Residential Lot Count does not equal 143 Units of Single Family Detached Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Detached Property shall be calculated according to the following formula:

$$\text{Backup Special Tax A} = \$459,875 \div \text{number of Designated Buildable Lots of Single Family Detached Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 31 to become Final Mapped Property, such as the area within TTM 18476 or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax A for all Designated Buildable Lots of Single Family Detached Property subject to the change shall be calculated according to the following steps:

Step 1: Determine the total Backup Special Tax A that could have been collected from Designated Buildable Lots of Single Family Detached Property prior to the Final Subdivision Map or expected Final Mapped Property change.

Step 2: Divide the amount determined in Step 1 by the number of Designated Buildable Lots of Single Family Detached Property that exists after the Final Subdivision Map or expected Final Mapped Property change.

Step 3: Apply the amount determined in Step 2 as the Backup Special Tax A per Unit for Single Family Detached Property.

The Backup Special Tax A for an Assessor's Parcel shall not change once an Assessor's Parcel is classified as Developed Property.

b. Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property

The Maximum Special Tax A for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and

Undeveloped Property shall be \$25,379 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Special Tax B

The Maximum Special Tax B for each Assessor’s Parcel classified as Developed Property shall be determined by reference to Table 2 below.

**TABLE 2
MAXIMUM SPECIAL TAX B – DEVELOPED PROPERTY**

Land Use Class	Maximum Special Tax B Fiscal Year 2015-16
Residential Property:	
Single Family Detached Property	\$1,442 per Unit
Multiple Family Property	\$1,250 per Unit
Gated Apartment Community Property	\$1,048 per Unit
Non-Residential Property	\$0.27 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2016, the Maximum Special Tax B to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

3. Multiple Land Use Classes on an Assessor’s Parcel

In some instances an Assessor’s Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax A levied on such Assessor’s Parcel shall be the sum of the Maximum Special Tax A for all Units of Single Family Detached Property and Acres of Other Residential Property and Non-Residential Property (based on the pro rata share of Square Footage between Other Residential Property and Non-Residential Property, according to the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor’s Parcel. The Maximum Special Tax B levied on such Assessor’s Parcel shall be the sum of the Maximum Special Tax B for all Units of Residential Property and all Square Footage of Non-Residential Property (based on the applicable building permit, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor’s Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

1. Special Tax A

Each Fiscal Year, beginning with Fiscal Year 2015-16, the CFD Administrator shall determine the Special Tax A Requirement for such Fiscal Year. The Special Tax A shall then be levied as follows:

First: If needed to satisfy the Special Tax A Requirement, Special Tax A shall be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Assigned Special Tax A;

Second: If additional monies are needed to satisfy the Special Tax A Requirement after the first step has been completed, then Special Tax A shall be levied Proportionately on each Assessor's Parcel of Final Mapped Property up to 100% of the Maximum Special Tax A for Final Mapped Property;

Third: If additional monies are needed to satisfy the Special Tax A Requirement after the first two steps have been completed, then Special Tax A shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax A for Undeveloped Property;

Fourth: If additional monies are needed to satisfy the Special Tax A Requirement after the first three steps have been completed, then the levy of Special Tax A on each Assessor's Parcel of Developed Property whose Maximum Special Tax A is determined through the application of the Backup Special Tax A shall be increased Proportionately from the Assigned Special Tax A up to the Maximum Special Tax A for each such Assessor's Parcel;

Fifth: If additional monies are needed to satisfy the Special Tax A Requirement after the first four steps have been completed, then Special Tax A shall be levied Proportionately on each Assessor's Parcel of Taxable Property Owner Association Property up to the Maximum Special Tax A for Taxable Property Owner Association Property;

Sixth: If additional monies are needed to satisfy the Special Tax A Requirement after the first five steps have been completed, then Special Tax A shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property up to the Maximum Special Tax A for Taxable Public Property.

Notwithstanding the above, under no circumstances shall Special Tax A levied in any Fiscal Year on any Assessor's Parcel of Single Family Detached Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 31 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

2. Special Tax B

Each Fiscal Year, beginning with Fiscal Year 2015-16, the CFD Administrator shall determine the Special Tax B Requirement. The Special Tax B shall then be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax B for such Assessor's Parcel, until the Special Tax B Requirement is satisfied.

E. EXEMPTIONS

No Special Tax shall be levied on up to 8.08 Acres of Public Property and up to 2.69 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax A under this section shall be subject to the levy of Special Tax A and shall be taxed Proportionately as part of the fifth or sixth step, respectively, in Section D above, up to 100% of the applicable Maximum Special Tax A for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax A shall be levied in any Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax A obligation pursuant to the formula set forth in Section H.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 31 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. MANNER OF COLLECTION

The Special Taxes shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. PREPAYMENT OF SPECIAL TAX A

The following definitions apply to this Section H:

“CFD Public Facilities” means \$5,094,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 31.

“Expenditures Fund” means funds or accounts, regardless of their names, that are established to hold moneys that are available to acquire or construct Facilities and to fund Services.

“Future Facilities Costs” means the CFD Public Facilities minus (i) Facilities and Services costs previously paid from the Expenditures Fund during the Prepayment Period in which the prepayment is being made, (ii) moneys currently on deposit in the Expenditures Fund from deposits made during the Prepayment Period in which the prepayment is being made, and (iii) moneys currently on deposit in an escrow fund that are expected to be available to finance Facilities costs. In no event shall the amount of Future Facilities Costs be less than zero.

“Prepayment Period” means one of three periods of time during which a Special Tax prepayment may be made.

“Prepayment Period 1” means July 1, 2015, through June 30, 2049.

“Prepayment Period 2” means July 1, 2049, through June 30, 2082.

“Prepayment Period 3” means July 1, 2082, through June 30, 2116.

Only Special Tax A may be prepaid; Special Tax B shall continue to be levied on an annual basis on all Developed Property in CFD No. 31.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax A may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2014, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax A obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt

of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

The Special Tax A Prepayment Amount (defined below) shall be calculated as summarized below (capitalized terms as defined below):

	Bond Redemption Amount
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Administrative Fees and Expenses
less	<u>Reserve Fund Credit</u>
Total	Prepayment Amount

As of the proposed date of prepayment, the Special Tax A Prepayment Amount (defined below) shall be calculated by the CFD Administrator as follows:

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax A and Backup Special Tax A for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax A which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax A and Backup Special Tax A for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax A computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax A for CFD No. 31 based on the Developed Property Special Tax A which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 31, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax A computed pursuant to Paragraph 2 by the estimated total Backup Special Tax A at buildout of CFD No. 31, excluding any Assessor's Parcels which have been prepaid.
4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").

5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax A levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".
11. Verify the administrative fees and expenses of CFD No. 31, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses").
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax A prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the "Prepayment Amount").
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 31.

The Special Tax A Prepayment Amount may be sufficient to redeem other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000, or integral multiple

thereof, will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of Bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year's Special Tax A levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year's Special Tax A levy for such Assessor's Parcel from the County tax rolls. With respect to any Assessor's Parcel that is prepaid during Prepayment Period 3, the CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that Special Tax A has been prepaid and that the obligation of such Assessor's Parcel to pay Special Tax A shall cease.

With respect to Special Tax A for any Assessor's Parcel that is prepaid during Prepayment Period 1 or Prepayment Period 2, the obligation of such Assessor's Parcel to pay Special Tax A shall be tolled, or suspended, through the end of such Prepayment Period, but shall resume in the first Fiscal Year of the subsequent Prepayment Period. The CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that Special Tax A has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay Special Tax A will resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the prepayment was made. Once the obligation of an Assessor's Parcel to pay Special Tax A resumes, Special Tax A for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax A prepayment shall be allowed unless the amount of Maximum Special Tax A that may be levied on Taxable Property within CFD No. 31 (after excluding 8.08 Acres of Public Property and 2.69 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax A on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2014, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

$$PP = PF \times \%$$

The terms above have the following meaning:

PP = the partial prepayment

PF = the Prepayment Amount (full prepayment) for Special Tax A calculated according to Section H.1

% = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying Special Tax A

The Special Tax A partial prepayment amount must be sufficient to redeem at least a \$5,000 increment of Bonds.

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay Special Tax A and the percentage by which Special Tax A shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of Special Tax A for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 31 that there has been a partial prepayment of Special Tax A and that a portion of Special Tax A with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax A, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

For partial prepayments made during Prepayment Period 1 or Prepayment Period 2, the full amount of Special Tax A shall resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the partial prepayment was made. Once the obligation of an Assessor's Parcel to pay Special Tax A resumes, Special Tax A for the then applicable Prepayment Period may be prepaid.

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax A shall be levied or collected is Fiscal Year 2115-2116, except that Special Tax A that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years. Special Tax B shall continue to be levied indefinitely on an annual basis on all Developed Property in CFD No. 31.

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX A
(PAGE 1 OF 2)**

CITY OF ONTARIO AND CFD NO. 31 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) (“CFD No. 31”), the Assigned Special Tax A and the Backup Special Tax A for Developed Property within CFD No. 31 has been modified.
- a. The information in Table 1 relating to Assigned Special Tax A for Developed Property within CFD No. 31, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

**TABLE 1
ASSIGNED SPECIAL TAX A – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Detached Property	< 2,101	[\$] per Unit
2	Single Family Detached Property	2,101 – 2,400	[\$] per Unit
3	Single Family Detached Property	2,401 – 2,700	[\$] per Unit
4	Single Family Detached Property	2,701 – 3,000	[\$] per Unit
5	Single Family Detached Property	3,001 – 3,300	[\$] per Unit
6	Single Family Detached Property	3,301 – 3,600	[\$] per Unit
7	Single Family Detached Property	> 3,600	[\$] per Unit
8	Other Residential Property		[\$] per Acre
9	Non-Residential Property		[\$] per Acre

- b. The Backup Special Tax A for Developed Property, as stated in Section C.1.a.3, shall be modified as follows:

The Backup Special Tax A shall be \$[] per Unit for Single Family Detached Property. However, if the Expected Residential Lot Count does not equal 143 Units of Single Family Detached Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Detached Property shall be calculated according to the following formula:

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX A
(PAGE 2 OF 2)**

Backup Special Tax A = \$[_____] ÷ number of Designated
Buildable Lots of Single Family
Detached Property

2. The Special Tax A for Developed Property may only be modified prior to the first issuance of CFD No. 31 Bonds.
3. Upon execution of this certificate by CFD No. 31, CFD No. 31 shall cause an amended notice of Special Tax lien for CFD No. 31 to be recorded reflecting the modifications set forth herein.

By execution hereof, the undersigned acknowledge, on behalf of the City and CFD No. 31, receipt of this certificate and modification of the Rate and Method of Apportionment as set forth in this certificate.

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE /
AMBERLY LANE)

By: _____

Date: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE).

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), has this date adopted its Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes," stating its intention to establish City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) (the "Community Facilities District") for the purpose of financing certain public facilities (the "Facilities") and services, as further provided in said Resolution; and

WHEREAS, in order to finance the Facilities it is necessary to incur bonded indebtedness in the amount of up to \$21,000,000;

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

SECTION 1. The City Council hereby declares that in order to finance the Facilities, it is necessary to incur bonded indebtedness.

SECTION 2. The purpose for which the proposed debt is to be incurred is to provide the funds necessary to pay the costs of the Facilities, including all costs and estimated costs incidental to, or connected with, the accomplishment of said purpose and of the financing thereof, as permitted by Section 53345.3 of the Act.

SECTION 3. The maximum amount of the proposed debt is \$21,000,000.

SECTION 4. The City Council hereby fixes Tuesday, June 2, 2015, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the proposed debt authorization.

SECTION 5. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53346 of the Act.

SECTION 6. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 7. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 21st day of April 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 21, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held April 21, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 21, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, INC. (WEST HAVEN SPECIFIC PLAN)

RECOMMENDATION: That the City Council authorize the City Manager to execute a Development Impact Fee Credit and Reimbursement Agreement (on file with the Records Management Department) with Lennar Homes of California, Inc., for the construction of public infrastructure in the West Haven Specific Plan area (Tract No. 18476).

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The development agreement and the related conditions require the developer to construct Development Impact Fee (DIF) program public infrastructure with estimated costs of approximately \$1,533,688. The proposed DIF Credit and Reimbursement Agreement defines the amount of DIF credit and DIF reimbursement that the developer may be eligible to receive when the infrastructure is completed. DIF credit may be used in-lieu of the payment of development impact fees and DIF Reimbursement becomes available when other developers that benefit from the construction of the infrastructure pay their respective development impact fees.

BACKGROUND: The City and the previous owner of the project site, Ontario West Haven LLC, entered into a development agreement in 2007 for development of the subject site, providing for the development of up to 143 dwelling units. The development agreement included provisions related to public services funding, parkland and other public facilities and affordable housing. The development agreement was subsequently assigned to CV Communities and was amended in 2013 to add more specific requirements for the construction of public infrastructure to support the development of the site.

STAFF MEMBER PRESENTING: Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 04/21/2015
Approved: _____
Continued to: _____
Denied: _____

8

In 2014, Lennar Homes of California acquired ownership of the CV Communities entity and the development agreement, as amended, was assigned to Lennar Homes of California.

The development agreement, as amended, recognizes that the owner is required to construct public infrastructure that is included in the City's Development Impact Fee program. This infrastructure is within the water, streets and fiber optic facilities categories. The development agreement also recognizes that the owner is eligible to receive credit towards the payment of DIF, up to the developer's total DIF obligation, upon completion of the construction of the public infrastructure. As the estimated costs in the City's DIF program for the required infrastructure exceeds the developer's DIF obligations in the water and streets DIF categories, the owner is also eligible to receive future reimbursements from DIF collected when future developments, that benefit from the respective water and streets projects, pay their DIF in these categories. The development agreement references a separate DIF credit agreement to provide for the specific limitations on the issuance of DIF credit and reimbursement and other related provisions.

The proposed agreement constitutes the above referenced separate DIF credit agreement. It has been drafted in compliance with the City's DIF Policies and in conformance with the Amended Construction Agreement between the City and NMC Builders. Under the provisions of the City's DIF Program, the City Manager is authorized to execute such agreements with the approval of the City Council.

CITY OF ONTARIO

Agenda Report
April 21, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: AN AGREEMENT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE ARMSTRONG RANCH SPECIFIC PLAN

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Phil Martin & Associates, Inc., of Irvine, California, to prepare an Environmental Impact Report (EIR) for the Armstrong Ranch Specific Plan, related to property located north of Remington Avenue, south of Merrill Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek flood control channel, in the amount not to exceed \$172,150 (includes a 10% contingency); and authorize the City Manager to approve any future budget adjustments necessary to complete the EIR.

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

FISCAL IMPACT: None. The EIR contract is a "pass-thru" to be paid by the project applicant. If approved, budget adjustments for the \$172,150 in revenue and corresponding expenditures will be included in the next budget update report to the City Council.

BACKGROUND: On January 27, 2010, the City adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP serves as the City's new General Plan for the entire City, including the NMC. The project site is zoned SP/AG (Specific Plan/Agriculture Preserve). The zoning of "SP" requires the project area to be developed with a Specific Plan to carry out the Goals and Policies of TOP that support a premier lifestyle community in the New Model Colony, distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Richard Ayala
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 04/21/2015

Approved: _____

Continued to: _____

Denied: _____

9

CV Communities is proposing a specific plan (“Armstrong Ranch”) for 199 acres of land bounded by Riverside Drive to the north, Chino Avenue to the south, Vineyard Avenue to the west, and the Cucamonga Creek Channel to the east. The specific plan proposes the development of up to 994 residential units designed within a village concept providing for a mix of single-family detached housing products planned among six distinct planning areas. In addition, a 10 acre elementary school site is proposed within the specific plan area.

In order to thoroughly address the environmental impacts associated with the proposed specific plan, a site specific EIR is required.

The Armstrong Ranch Specific Plan and EIR project were originally submitted to the City in 2006 by Richland Communities, Stratham Homes, Pacific Communities and Hillcrest Homes, Inc. However, due to the economic downturn, both the specific plan and EIR were withdrawn in 2007 and were not completed. The EIR by Phil Martin & Associates, Inc. was nearly 90% complete at that time.

CV Communities would now like to complete the specific plan EIR in an expeditious manner; and because Phil Martin & Associates, Inc. has history, familiarity, experience and knowledge of the Armstrong Ranch Specific Plan EIR, staff recommends that Phil Martin & Associates, Inc. update and complete the EIR.

The total cost for completing the EIR is \$172,150, which includes a 10% contingency as required by the City, to be paid by the applicant. The applicant is aware and has agreed to the required total amount. Staff will oversee the project.

CITY OF ONTARIO

Agenda Report
April 21, 2015

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE SUBAREA 29 SPECIFIC PLAN (FILE NO. PSPA14-002) TO: (1) INCREASE THE RESIDENTIAL UNIT COUNT BY 99 UNITS (FROM 2,293 TO 2,392); (2) REVISE AND UPDATE EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED HOUSING PRODUCT TYPE CHANGES AND PROVIDE CONSISTENCY WITH THE ONTARIO PLAN (TOP) POLICY PLAN; AND (3) REVISE THE LAND USE PLAN TO REFLECT THE PLANNING AREA PRODUCT CHANGES FOR PROPERTY LOCATED SOUTH OF EUCALYPTUS AVENUE, NORTH OF THE COUNTY LINE CHANNEL (BELLEGRAVE FLOOD CONTROL CHANNEL), BETWEEN THE CUCAMONGA CREEK CHANNEL AND HAVEN AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) analyzing the environmental effects of the project, pursuant to State CEQA Guidelines Section 15164; and adopt a resolution approving an amendment to the Subarea 29 Specific Plan (File No. PSPA14-002), located south of Eucalyptus Avenue, north of the County Line Channel (Bellegrave Flood Control Channel), between the Cucamonga Creek Channel and Haven Avenue (APN: 0218-014-01 thru 07; 0218-014-10 thru 17; 0218-022-01 thru 04; 0218-022-06 thru 12; 0218-033-01 thru 14; 0218-042-01 thru 05; 0218-042-10, 12 and 13; 0218-052-01 thru 05; 0218-052-08 thru 11; 0218-271-11 and 19; 0218-281-06 and 15 thru 17; and 0218-321-13, 17 and 30).

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
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Henry K. Noh
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 04/21/2015

Approved: _____

Continued to: _____

Denied: _____

10

FISCAL IMPACT: The adoption of the Subarea 29 Specific Plan Amendment would result in no additional fiscal impact. The cost of City services for the additional 99 units will be offset by increased tax revenues from the community facilities district (CFD) in Park Place.

BACKGROUND: In October 2006, the City Council approved the Subarea 29 Specific Plan (File No. PSP03-003) and related Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines for approximately 540 gross acres of land, which included the potential development of 2,293 single-family units and 87,000 square feet of commercial.

In 2014, development plans for four merchant builders (Woodside Homes, KB Homes, Tri-Point Homes, and Ryland Homes) were approved for the construction of up to 388 single-family homes within phase 1 of the Park Place development. In November 2014, the models for all seven neighborhoods, including the clubhouse (Park House) and public park (Celebration Park), were opened to the public and the production homes are currently under construction.

With the Park Place construction under way for Phase 1, the Applicant has turned their focus to the future phases and the need to vary the product type from Phase 1 and meet current market demand for certain product types. Currently, the Subarea 29 Specific Plan permits the development of single-family detached homes that have similar lot sizes and characteristics. Varying the product type for phase 2, allows the applicant to continue to develop Park Place and not compete with the similar product types being offered in phase 1. Therefore, in order to provide more diverse housing types and to meet the current market conditions for the next two phases of the Park Place development, the applicant is requesting a Specific Plan Amendment (SPA) to:

1. Increase the residential unit count by 99 units (from 2,293 to 2,392) and revise the Land Use Plan to reflect the Planning Area product changes.

In order to provide more diverse housing types and to meet the current market conditions for the next phases of development, the SPA proposes to introduce the following five additional product types:

- (A) **Motorcourt Cluster “A” (6/8-Pack):** The Motorcourt Cluster “A” (6/8-Pack) is characterized by a private lane that provides garage and primary entry access into each unit (See Exhibit A: Motorcourt Cluster “A” (6/8-Pack)).
- (B) **Motorcourt Cluster “B” (6-Pack):** The Motorcourt Cluster “B” (6-Pack) is similar to the Motorcourt Cluster “A” but introduces a different building configuration to provide more flexibility and diversity (See Exhibit B: Motorcourt Cluster “B” (6-Pack)). To provide additional residential parking, 5 out of 6 units will provide for a two car driveway in front of each garage.
- (C) **Paseo Cluster (4-Pack):** The Paseo Cluster (4-Pack) is similar to the Motorcourt Clusters, with the exception of the primary entries being accessed from a landscaped green court versus a private lane (See Exhibit C: Paseo Cluster (4-Pack)).

- (D) **Conventional Small Lot - Paired Homes:** The proposed Conventional Small Lot - Paired Homes (sometimes referred to as “Z Lots”), is characterized by a zero lot line on one side of the lot in conjunction with an eight-foot reciprocal use easement to increase private yard area. Additionally, the garage orientation consists of a combination of shallow and deep recessed garages, which enhances the visual interest along the street, deemphasizes the garage doors, and promotes a pedestrian friendly environment (See Exhibit D: Conventional Small Lot: Paired Homes).
- (E) **Conventional Small Lot - Park Homes:** The proposed Conventional Small Lot - Park Homes, is characterized with a reduced minimum lot size of 3,015 square feet and varying shallow- and mid-recessed garages to deemphasize the garage doors (See Exhibit E: Conventional Small Lot: Park Homes).

The introduction of the five additional product types requires changes to the Land Use Plan and Table 1: Land Use Summary of the Specific Plan to reflect the new product types and the Planning Areas where the new product types will be permitted (See Exhibits F & G: Specific Plan Land Use Map and Table 1 - Specific Plan Land Use Summary).

In addition to the introduction of new product types, the applicant proposes to increase the residential units allowed within the Specific Plan by 99 units (from 2,293 to 2,392). The increase of 99 residential units is not significant and allows flexibility within certain Planning Areas of the Specific Plan. The proposed increase in residential units to 2,392 results in an overall specific plan density of 4.4 du/ac, which is consistent with TOP Policy Plan that allows a density range of 2.1-5 du/ac for the Low Density Residential land use designation.

2. Revise and update exhibits and language to reflect the proposed housing product type changes and provide consistency with TOP Policy Plan.

In addition to the introduction of new housing product types described above, 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 9.0, “*General Plan Consistency*,” of the Specific Plan has been updated and describes the manner in which the Subarea 29 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 accompanying this report.

On March 24, 2015, the Planning Commission voted unanimously (7-0) to recommend City Council approval of the Addendum to the Subarea 29 Specific Plan EIR and Specific Plan Amendment, File No. PSPA14-002.

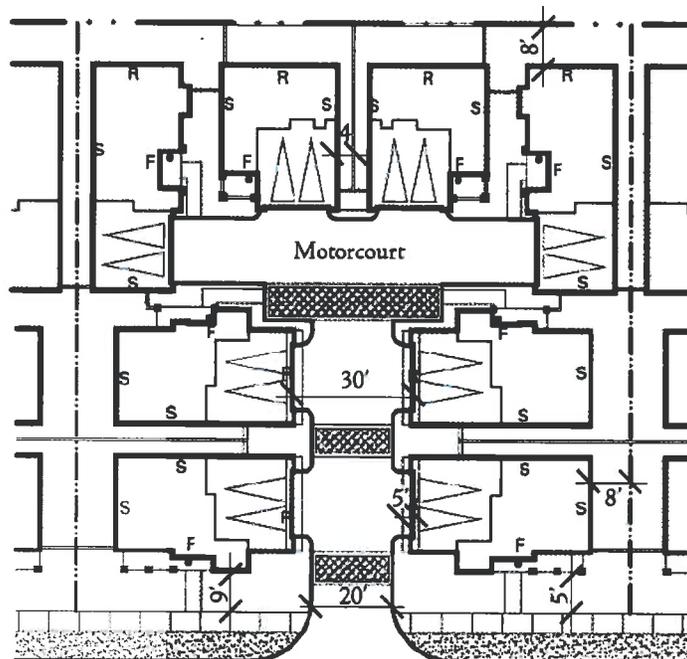
ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed in conjunction with an addendum to the Subarea 29 Specific Plan (SCH #2004011009). This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental 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: Motorcourt Cluster "A" (6/8-Pack)



Cluster Homes: Motorcourt Cluster A (6- or 8- Plex)

(PA 13, 25, 26 & 27)



Note: Private lanes shall be enhanced with a combination of pavers, colored concrete or similar decorative material, subject to the review and approval of the Planning Director.

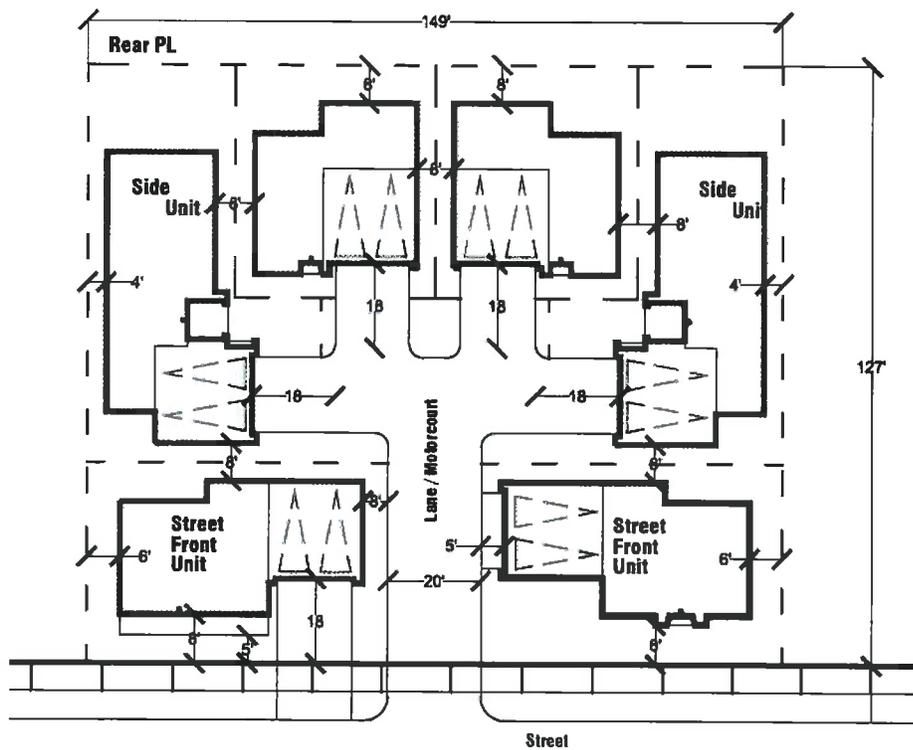
Typical Product Plotting Concept

© 2016 WILLIAMS IRZINE GALE CH ADI HITEC FS, INC

Exhibit B: Motorcourt Cluster "B" (6-Pack)



Cluster Homes: Motorcourt Cluster B (PA 26 & 27)



Note: Private lanes shall be enhanced with a combination of pavers, colored concrete or similar decorative material, subject to the review and approval of the Planning Director.

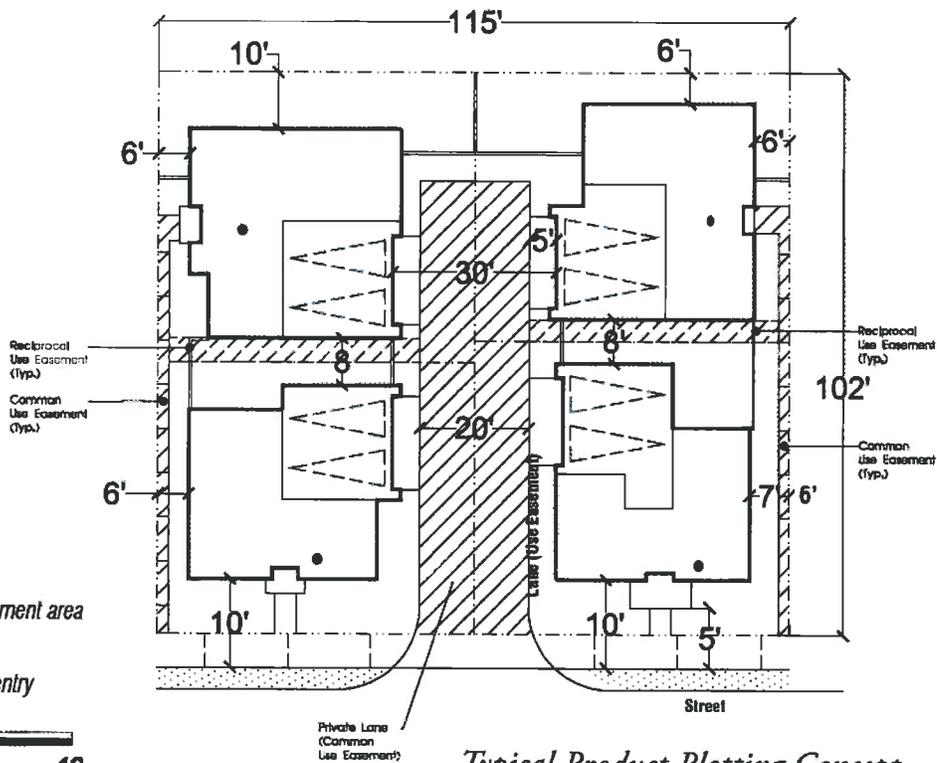
Typical Product Plotting Concept

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Exhibit C: Paseo Cluster (4-Pack)



Cluster Homes: Paseo Cluster Lots (PA 25 & 27)



LEGEND:

-  Use easement area
-  Parkway
-  Primary entry



Note: Private lanes shall be enhanced with a combination of pavers, colored concrete or similar decorative material, subject to the review and approval of the Planning Director.

Typical Product Plotting Concept

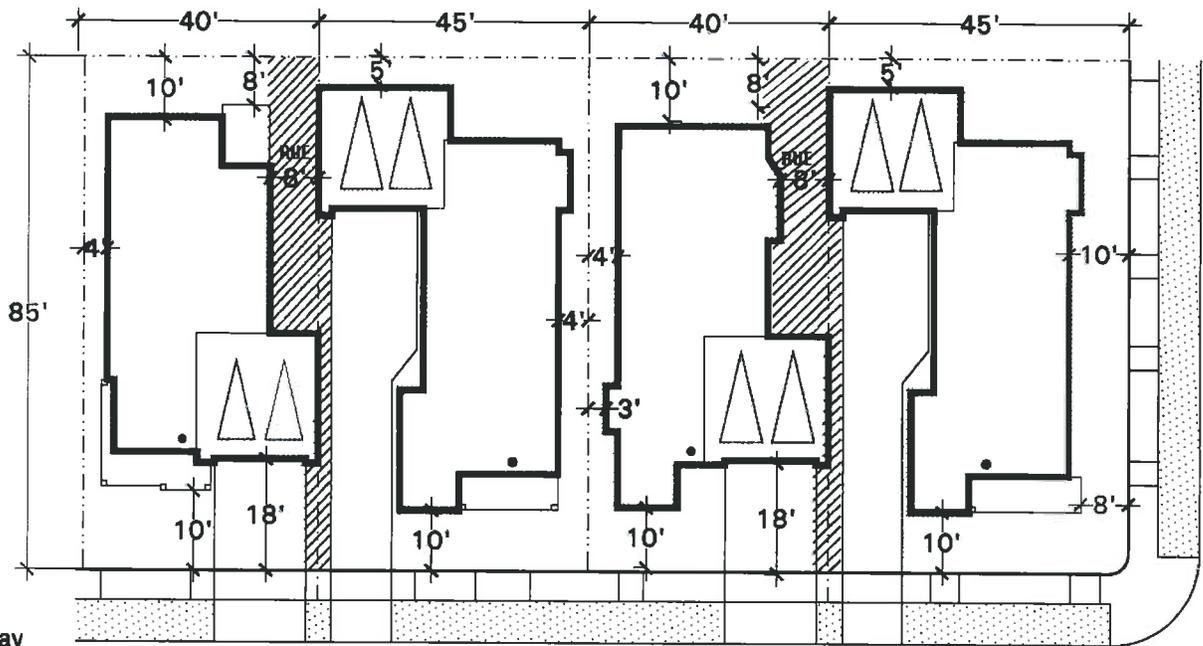
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Exhibit D: Conventional Small Lot: Paired Homes



Conventional Small Lot: Paired Homes

(PA 5, 16, 17, 23 & 24)



LEGEND:

-  Parkway
-  Primary Entry



Typical Product Plotting Concept

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Exhibit E: Conventional Small Lot: Park Homes



Conventional Small Lot: Park Homes

(PA 16 & 17)

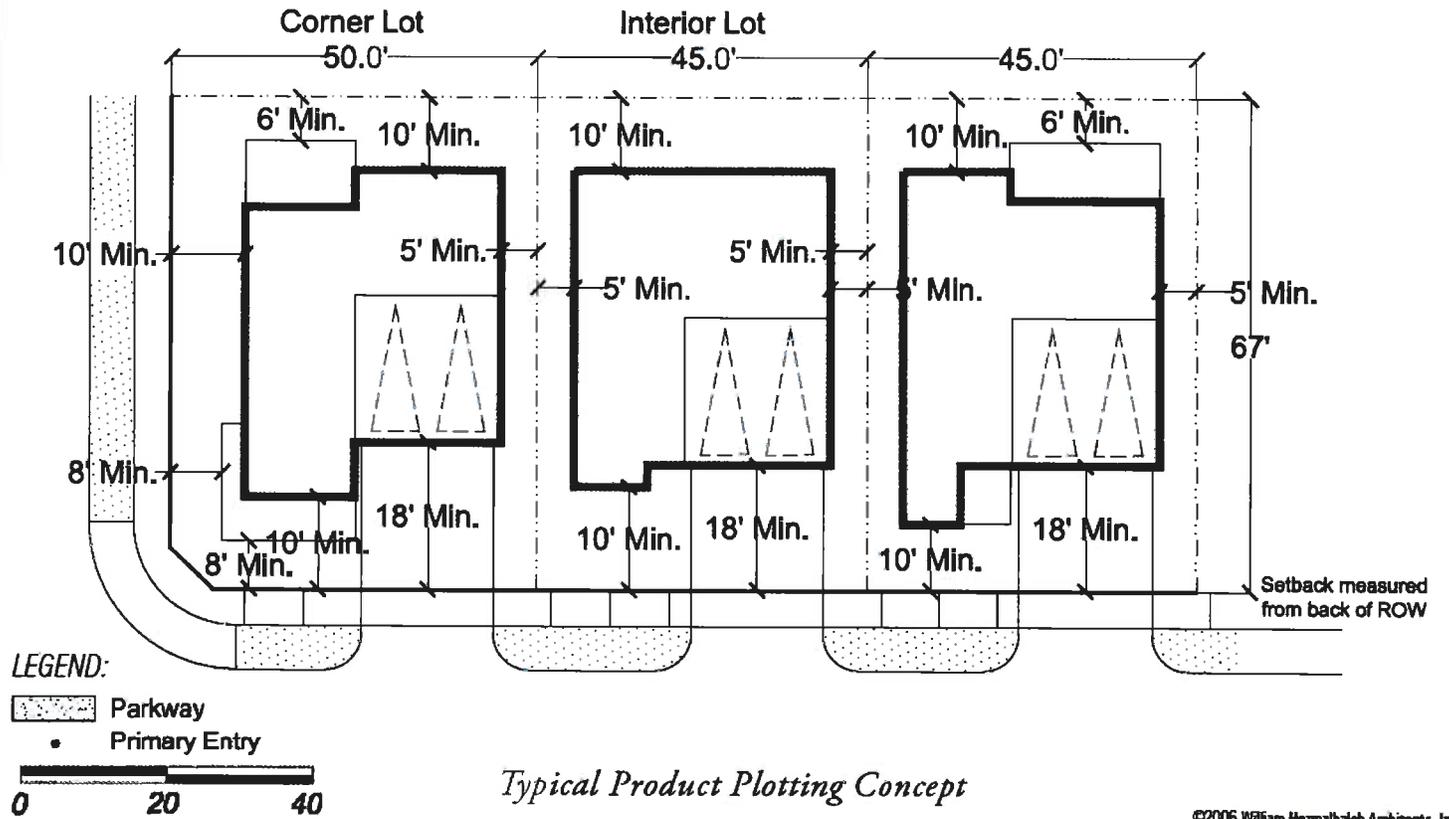


Exhibit F: Specific Plan Land Use Map

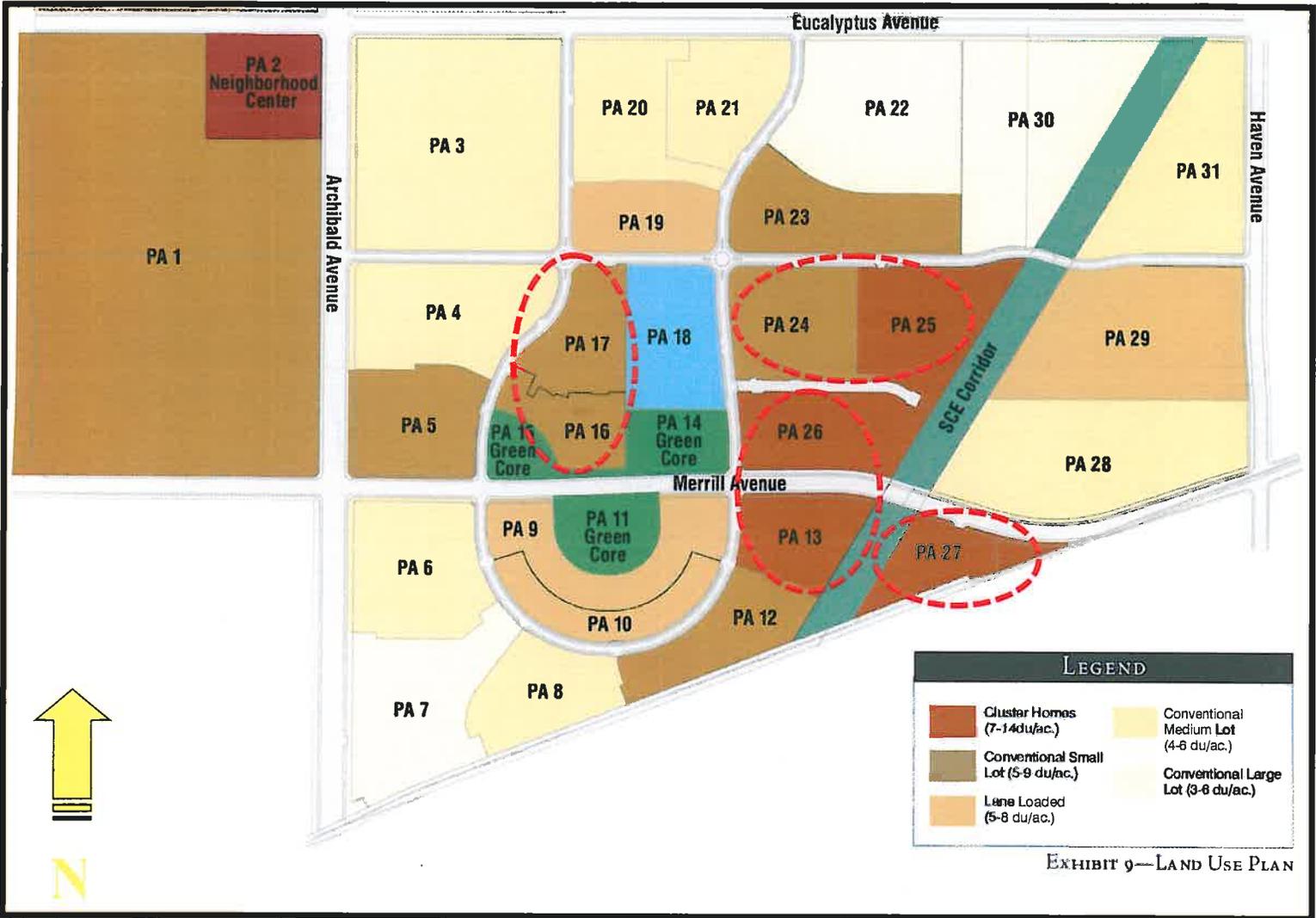


Exhibit G: Table 1 - Specific Plan Land Use Summary

Table 1 - Subarea 29 Specific Plan Land Use Summary

Planning Area	Land Use	Minimum Lot Size (S.F.)	Planned Target-Dwelling Units ^{3,4,5}	Net Acre ¹	Planned Target Net Density (Du/Ac.) ^{3,5}	% of Net Acres	Gross Acres ²	% of Gross Acres	Planned Target Gross Density (Du/Ac.) ^{3,5}
1*	Conventional Small Lot	3,500	432	83.1	5.2	18.02%	89.8	16.63%	4.8
2*	Commercial	N / A	0	12.1	0.0	2.62%	14.5	2.68%	0.0
3*	Conventional Medium Lot	4,500	186	34.5	5.4	7.48%	40.2	7.45%	4.6
4**	Conventional Medium Lot	4,250	88	10.1 15.2	8.7	3.29%	17.8	3.30%	4.9
5**	Conventional Small Lot	3,825	68 63	7.2 11.1	9.4	2.40%	13.7	2.52%	5.0 4.6
6**	Conventional Medium Lot	5,000	67 68	13.0 14.1	5.2	3.05%	17.0	3.14%	4.0 4.0
7**	Conventional Large Lot	6,300	65 63	15.3 16.1	4.2	3.50%	18.3	3.35%	3.6 3.5
8**	Conventional Medium Lot	4,250	46 50	9.1 9.2	5.1	1.99%	9.6	1.77%	4.8 5.2
9**	Lane Loaded	3,150	69 72	9.9 10.3	7.0	2.24%	11.9	2.21%	5.8 6.0
10**	Lane Loaded	3,600	57	6.6 6.6	8.7	1.43%	7.8	1.45%	7.3
11**	Neighborhood Park 2	N / A	0	5.7	0.0	1.23%	6.2	1.15%	0.0
12**	Conventional Small Lot	3,825	53 55	9.5 8.9	5.6	1.93%	9.5	1.89%	5.6 5.4
13**	Cluster Homes	2,100 ^A Green-Court	75 72	7.8	9.6	1.70%	7.8	2.12%	9.6 6.4
14**	Neighborhood Park 1	N / A	0	6.3	0.0	1.37%	7.7	1.47%	0.0
15**	Recreation Center	N / A	0	2.7	0.0	0.55%	3.1	0.58%	0.0
16**	Conventional Small Lot	3,015 3,150	41 38	5.9 5.9	7.0	1.28%	6.1	1.12%	6.8 6.3
17**	Conventional Small Lot	3,015 3,150	56 43	5.3 7.6	10.6	1.65%	8.4	1.55%	6.7 5.1
18**	School	N / A	0	10.0 10.2	N / A	2.22%	11.2	2.07%	N / A —
19**	Lane Loaded	3,150	61	7.8	7.9	1.68%	9.0	1.66%	6.8
20**	Conventional Medium Lot	4,250	67	11.8	5.7	2.55%	13.3	2.46%	5.0
21**	Conventional Medium Lot	5,000	48	10.1	4.8	2.19%	11.5	2.13%	4.2 4.5
22**	Conventional Large Lot	6,300	79	19.7	4.0	4.28%	21.3	3.95%	3.7
23**	Conventional Small Lot	3,825	82	12.9	6.3	2.81%	14.4	2.67%	5.7
24**	Conventional Small Lot	3,400 5,000	75 61	8.1	9.3	2.70%	12.8	2.54%	5.8 4.5
25**	Cluster Homes	2,100 ^A 6,300	102 64	8.6 15.7	11.8	3.40%	12.9 18.5	3.42%	7.9 3.5
26**	Cluster Homes	2,100 ^A Green-Court	102 71	8.7 7.6	11.7	1.65%	13.2 12.0	2.23%	7.7 5.9
27**	Cluster Homes	2,100 ^A Green-Court	47 46	7.6 6.0	6.2	1.30%	7.6	1.77%	6.2 4.8
28*	Conventional Medium Lot	4,050	121	23.0	5.3	4.98%	25.8	4.78%	4.7
29***	Lane Loaded or Conventional Medium Lot	3,150 or 4,000	108	21.4	5.0	4.65%	27.2	5.05%	4.0
30*	Conventional Large Lot	5,040	110	21.9	5.0	4.75%	28.3	5.25%	3.9
31*	Conventional Medium Lot	4,050	87	16.0	5.4	3.48%	23.1	4.28%	3.8
Flood Control Channel	Flood Control Channel	N / A	0	7.2	0.0	1.56%	7.2	1.33%	0.0
Pump Station	Pump Station	N / A	0	0.2	0.0	0.04%	0.4	0.07%	0.0
SCE Corridor	Park Place SCE Easement	N / A	0	11.2	0.0		11.2		0.0
Sub Area 29 Total			2,392 2,293	449.9 460.7	5.3	100.00%	539.7 539.9	100.00%	4.4 4.3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE SUBAREA 29 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2004011009), ADOPTED FOR FILE NO. PSP03-003, PREPARED FOR FILE NO. PSPA14-002 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: 0218-014-01 THRU 07; 0218-014-10 THRU 17; 0218-022-01 THRU 04; 0218-022-06 THRU 12; 0218-033-01 THRU 14; 0218-042-01 THRU 05; 0218-042-10, 12 AND 13; 0218-052-01 THRU 05; 0218-052-08 THRU 11; 0218-271-11 AND 19; 0218-281-06 AND 15 THRU 17; AND 0218-321-13, 17 AND 30.

WHEREAS, SL Ontario Development Company, LLC ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA14-002 that proposes to: (1) increase the residential unit count by 99 units (from 2,293 to 2,392); (2) revise and update exhibits and language to reflect the proposed housing product type changes and provide consistency with TOP Policy Plan; and (3) revise the Land Use Plan to reflect the Planning Area product changes (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 540 gross acres of land located within the Subarea 29 Specific Plan and generally located south of Eucalyptus Avenue, north of the County Channel Line (Bellegrave Flood Control Channel), between the Cucamonga Creek Channel and Haven Avenue; and

WHEREAS, an Environmental Impact Report ("EIR") was certified in October 2006, in which development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, to consider the potential environmental impacts of the Project, the City prepared an addendum to the certified EIR pursuant to CEQA and the Guidelines promulgated thereunder (hereinafter referred to as "Addendum"); and

WHEREAS, pursuant to CEQA Guidelines Section 15164(c), the Addendum is not required to be circulated for public review, but can be attached to the certified EIR; and

WHEREAS, the City Council has reviewed the Addendum and all other relevant information presented to it regarding the Addendum; and

WHEREAS, the City Council, after evaluating the environmental impacts associated with the Project, has concluded that none of the conditions requiring preparation of a subsequent or supplemental EIR have occurred; 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 decision-making body for the Project, the City Council has reviewed and considered the information contained in the Addendum and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the City Council finds as follows:

a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The Addendum has been completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The Addendum reflects the independent judgement of the City Council.

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 EIR.

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 21st day of April 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 21, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held (full date written out).

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA14-002, AN AMENDMENT TO THE SUBAREA 29 SPECIFIC PLAN TO: (1) INCREASE THE RESIDENTIAL UNIT COUNT BY 99 UNITS (FROM 2,293 TO 2,392); (2) REVISE AND UPDATE EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED HOUSING PRODUCT TYPE CHANGES AND PROVIDE CONSISTENCY WITH THE ONTARIO PLAN (TOP) POLICY PLAN; AND (3) REVISE THE LAND USE PLAN TO REFLECT THE PLANNING AREA PRODUCT CHANGES FOR PROPERTY LOCATED SOUTH OF EUCALYPTUS AVENUE, NORTH OF THE COUNTY CHANNEL LINE (BELLEGRAVE FLOOD CONTROL CHANNEL), BETWEEN THE CUCAMONGA CREEK CHANNEL AND HAVEN AVENUE AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-01 THRU 07; 0218-014-10 THRU 17; 0218-022-01 THRU 04; 0218-022-06 THRU 12; 0218-033-01 THRU 14; 0218-042-01 THRU 05; 0218 042-10, 12 AND 13; 0218-052-01 THRU 05; 0218-052-08 THRU 11; 0218 271-11 AND 19; 0218-281-06 AND 15 THRU 17; AND 0218-321-13, 17 AND 30.

WHEREAS, SL Ontario Development Company, LLC ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA14-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 540 gross acres of land located within the Subarea 29 Specific Plan and generally located south of Eucalyptus Avenue, north of the County Channel Line (Bellegrave Flood Control Channel), between the Cucamonga Creek Channel and Haven Avenue; and

WHEREAS, the properties to the north of the Subarea 29 Specific Plan are zoned Parkside Specific Plan and Grand Park Specific Plan and have vacant land and existing agricultural and dairy uses. The properties to the south of the Subarea 29 Specific Plan are bounded by the Bellegrave Flood Control Channel along the County of Riverside line and single-family residential properties located within the City of Eastvale. The properties to the east of the Subarea 29 Specific Plan are zoned SP/AG (Specific Plan/Agriculture Preserve) and are vacant land previously used for agricultural and dairy uses. The properties to the west of the Subarea 29 Specific Plan are zoned SP/AG (Specific Plan/Agriculture Preserve) and are developed with dairy and agriculture uses; and

WHEREAS, the Subarea 29 Specific Plan Amendment proposes an increase of 99 dwelling units (from 2,293 to 2,392) as a result of various amendments to Planning Area boundaries and changes to housing product types (**See Exhibit B: Specific Plan Land Use Map**). The proposed increase in residential units to 2,392 results in an overall specific plan density of 4.4 du/ac, which is consistent with TOP Policy Plan that allows a density range of 2.1-5 du/ac for the Low Density Residential land use designation. The introduction of the five additional product types requires changes to the Land Use Plan and Table 1: Land Use Summary of the Specific Plan to reflect the new product types and the Planning Areas where the new product types will be permitted (**See Exhibit C: Table 1 - Specific Plan Land Use Summary**); and

WHEREAS, the Subarea 29 Specific Plan Amendment proposes to revise and update exhibits and language to reflect the proposed housing product type changes and provide consistency with TOP Policy Plan. The Subarea 29 Specific Plan provides for the development of thirty-one (31) distinctive neighborhoods that includes single-family residential, commercial, park, and elementary school uses. The SPA proposes to add additional single-family detached products (**See Exhibit A: Revised Residential Product Types**) such as: (1) Motorcourt Cluster "A" (6/8-Pack), (2) Motorcourt Cluster "B" (6-Pack), (3) Paseo Cluster (4-Pack), (4) Conventional Small Lot: Paired Homes, and (5) Conventional Small Lot: Park Homes. Language has been added to the Specific Plan that requires private lanes within all cluster products to be enhanced with a combination of pavers, concrete or similar decorative materials subject to the review and approval of the Planning Director. In addition, 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 9.0, "*General Plan Consistency*," of the Specific Plan has been updated and describes the manner in which the Subarea 29 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 accompanying this report; and

WHEREAS, the project sites are located within the Airport Influence Areas of Ontario International Airport and Chino Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plans for both airports; and

WHEREAS, the Specific Plan Amendment will promote the goals and polices of The Ontario Plan Policy Plan (General Plan); and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) has been prepared to determine possible environmental impacts; and

WHEREAS, on March 24, 2015, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date. After considering all public testimony, the Planning Commission voted unanimously (7-0) to recommend (Resolution PC15-035) City Council adoption of a resolution approving the Specific Plan Amendment (File No. PSPA14-002); and

WHEREAS, as the first action on the Project, on April 21, 2015, the City Council approved a Resolution adopting an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009). 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 April 21, 2015, 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 decision-making body for the Project, the City Council has reviewed and considered the information contained in the Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) for the project and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the City Council finds as follows:

- a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- c. The Addendum reflects the independent judgment of the City Council; and
- d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in the Environmental Impact Report (SCH #2004011009) adopted for the Subarea 29 Specific Plan File No. PSP03-003 and all previously adopted mitigation measures are incorporated into the Project by 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 proposed Specific Plan Amendment is consistent with the General Plan. The proposed SPA is consistent with TOP Goals and Policies that encourages a premier lifestyle community in the New Model Colony distinguished by diverse housing and cohesive and highly amenitized neighborhoods (Policy LU1 and H2-4). Additionally, the overall density of the Specific Plan area of 4.4 dwelling units per acre is consistent with the Policy Plan (General Plan) that allows up to 5 dwelling units per acre within the Low Density Residential land use designation;
- b. The subject property is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested land use designation and anticipated development. The Specific Plan Amendment proposed land use changes that is consistent with TOP Land Use Plan;
- c. The proposed Specific Plan Amendment will maintain the appropriate balance of land uses within the City consistent with the Policy Plan. The Subarea 29 Specific Plan provides for the development of thirty-one (31) distinctive neighborhoods that includes single-family residential, commercial, park, and elementary school uses. The SPA will provide flexibility with the development of a variety of residential product types ranging from lane loaded, green court, conventional single-family and cluster court products;
- d. The proposed Specific Plan Amendment will not be detrimental to the public interest, health, safety, convenience or welfare. An Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) was completed for the project that identified potential impacts and all previously adopted mitigation measures are incorporated into the Project by reference;

e. The Specific Plan Amendment would not have significant impacts on the environment nor the surrounding properties. An Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) was completed for the project that identified potential impacts and all previously adopted mitigation measures are incorporated into the Project by reference;

f. The proposed project is consistent with the adopted Housing Element. The project site is not one of the properties listed in the Available Land Inventory in the Housing Element. The SPA will not impact the City's Regional Housing Needs Allocation obligations or the City's ability to satisfy its share of the region's future housing need. The proposed project is increasing the number of dwelling units by 99 at a total density of 4.4 units per acre. The Subarea 29 Specific Plan proposes a maximum development of 2,392 residential units at a density range of 3.6 to 9.6 dwelling units per gross acre; and

g. During the Specific Plan Amendment, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §65351.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the Project.

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 documents and materials that constitute the record of proceedings on which these findings have been based upon 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.

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

PASSED, APPROVED AND ADOPTED this 21st day of April 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 21, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held April 21, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)