

CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
JUNE 7, 2011

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Sheila Mautz
Council Member

Jim W. Bowman
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 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, Redevelopment Agency, and Housing Authority meeting begins with Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

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

CALL TO ORDER (*OPEN SESSION*)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Dorst-Porada

INVOCATION

Pastor Patricia Wheaton, New Life Christian Center of Ontario

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council, Redevelopment Agency and Housing Authority of May 3, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills March 27, 2011 through April 9, 2011 and **Payroll** March 27, 2011 through April 9, 2011, when audited by the Finance Committee.

3. CONSTRUCTION CONTRACT FOR 2011 C.D.B.G. Pervious Concrete Gutter and Storm Water/NPDES Programs/T.B. PENICK AND SONS, INC.

That the City Council approve the plans and specifications, and award a construction contract (on file in the Records Management Department) to T.B. Penick and Sons, Inc. of San Diego, California, for the 2011 C.D.B.G. Pervious Concrete Gutter and Storm Water/NPDES Programs in the amount of \$129,999 plus a ten percent (10%) contingency of \$13,000 for a total of \$142,999; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the project.

4. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT ON THE I-10 FREEWAY AT ARCHIBALD AVENUE LANDSCAPE PROJECT/HERNANDEZ, KROONE AND ASSOCIATES, INC.

That the City Council approve Amendment No. 2 (on file in the Records management Department) to the Professional Services Agreement with Hernandez, Kroone and Associates, Inc. of San Bernardino, California, for construction management services for the I-10 Freeway at Archibald Avenue Interchange Landscape Project (ST0908) increasing the agreement by \$24,400 for a total authorized expenditure of \$320,095, and authorize the City Manager to execute said amendment and related documents.

5. CONSTRUCTION CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENERGY EFFICIENT LIGHTING INSTALLATION AT VARIOUS CITY FACILITIES/ADVANCED BUILDING & ELECTRONIC CONTROL SYSTEMS, INC.

That the City Council:

- (A) Reject all previous bids and authorize the return of all appropriate bid materials;
- (B) Award Contract No. MS 1011-3 to Advanced Building & Electronic Control Systems, Inc. of San Clemente, California, in the amount of \$132,000 for the installation of energy efficient lighting at various City facilities;
- (C) Authorize the City Manager to execute said contract (on file in the Records Management Department); and
- (D) Authorize the filing of the Notice of Completion at the conclusion of all construction activities related to the project.

6. AN OPERATIONS AND MANAGEMENT AGREEMENT WITH PARA LOS NIÑOS ORGANIZATION FOR THE VETERAN'S MEMORIAL PARK COMMUNITY CENTER/PARA LOS NIÑOS

That the City Council authorize the City Manager to execute an Operations and Management Agreement (on file in the Records Management Department) with the Para Los Niños Organization of Ontario, California for the use of the Veteran's Memorial Park Community Center for one (1) year with the option to extend for up to two additional years.

PUBLIC HEARINGS

7. AN ORDINANCE AMENDING THE DOWNTOWN CIVIC CENTER PLANNED UNIT DEVELOPMENT, INCREASING THE MAXIMUM RESIDENTIAL DENSITY RANGE FOR COMMERCIAL/RESIDENTIAL MIXED-USE DEVELOPMENT PROJECTS FROM 45-50 DWELLING UNITS PER ACRE TO 45-65 DWELLING UNITS PER ACRE, AND CLARIFYING THAT BOTH "FOR SALE" AND "FOR RENT" HOUSING IS ALLOWED WITHIN THE DISTRICT, AFFECTING PROPERTIES GENERALLY LOCATED AT THE NORTHEAST CORNER OF EUCLID AVENUE AND HOLT BOULEVARD (BLOCK A1), AND PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF EUCLID AVENUE AND D STREET (BLOCK C1)

That the City Council introduce and waive further reading of an ordinance approving File No. PUD08-001, amending the Downtown Civic Center Planned Unit Development.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD08-001, AN AMENDMENT TO THE DOWNTOWN CIVIC CENTER PLANNED UNIT DEVELOPMENT, INCREASING THE MAXIMUM RESIDENTIAL DENSITY RANGE IN THE COMMERCIAL/RESIDENTIAL MIXED-USE DISTRICT FROM 45-50 DWELLING UNITS PER ACRE TO 45-65 DWELLING UNITS PER ACRE, AND CLARIFYING THAT BOTH “FOR SALE” AND “FOR RENT” HOUSING IS ALLOWED WITHIN THE DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1048-551-10 THROUGH 13; 1048-552-13 THROUGH 19; 1048-553-01 THROUGH 17; 1048-547-04 THROUGH 94; AND 1048-548-01 THROUGH 54.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

8. A RESOLUTION MAKING A DETERMINATION OF SUBSTANTIAL CONFORMANCE REGARDING PROPOSED CHANGES TO THE WALMART PROJECT DEVELOPMENT PLAN, AND ADOPTING THE ADDENDUM TO THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT ANALYZING THE ENVIRONMENTAL EFFECTS THEREOF

That the City Council adopt a resolution making a determination of substantial conformance regarding the proposed minor changes to the Walmart Project Development Plan, File No. PDEV04-047, and adopting the Addendum to the Supplemental Environmental Impact Report (SEIR) analyzing the environmental effects thereof.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION OF SUBSTANTIAL CONFORMANCE WITH REGARD TO THE PROPOSED MINOR CHANGES TO THE WALMART PROJECT DEVELOPMENT PLAN, FILE NO. PDEV04-047, AND ADOPTING THE ADDENDUM TO THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT ANALYZING THE ENVIRONMENTAL EFFECTS THEREOF.

COUNCIL MATTERS

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

CITY OF ONTARIO

Agenda Report
June 7, 2011

SECTION CONSENT CALENDAR

SUBJECT CONSTRUCTION CONTRACT FOR 2011 C D B G PERVIOUS CONCRETE GUTTER AND STORM WATER/NPDES PROGRAMS

RECOMMENDATION That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to T B Penick and Sons Inc of San Diego California for the 2011 C D B G Pervious Concrete Gutter and Storm Water/NPDES Programs in the amount of \$129 999 plus a ten percent (10%) contingency of \$13 000 for a total of \$142 999 and authorize the City Manager to execute said contract and related documents and file a notice of completion at the conclusion of all construction activities related to the project

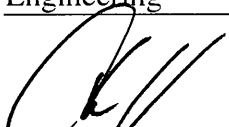
COUNCIL GOALS Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT The current Fiscal Year 2010 11 budget includes appropriations of \$75 000 from C D B G funds and \$75 000 from Storm Water/NPDES Program funds for a total budget of \$150 000

BACKGROUND The scope of services for the 2011 C D B G Pervious Concrete Gutter Program includes installation of pervious concrete gutter segments within residential streets at various locations for the purpose of dissipating standing nuisance water within streets which have no underground storm drain system Location maps are attached for reference This project will also help reduce vector infestation in areas where nuisance water ponds adjacent to the street curbing and concurrently recharge the groundwater system through percolation It is anticipated that construction will start in June 2011 and be completed by July 2011 The bid amount of \$129 999 is consistent with the engineer s cost estimate of \$130 000

In April 2011 the City solicited bids for this project and one (1) bid was received T B Penick and Sons Inc submitted a responsive bid T B Penick and Sons Inc has previously performed similar work for the City of Ontario in a satisfactory manner

STAFF MEMBER PRESENTING Louis Abi younes P E City Engineer

Prepared by Gary Harms
Department Engineering
City Manager Approval 

Submitted to Council/O R A /O H A 06/07/2011
Approved _____
Continued to _____
Denied _____

3

CITY OF ONTARIO

Agenda Report
June 7, 2011

SECTION CONSENT CALENDAR

SUBJECT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT ON THE I 10 FREEWAY AT ARCHIBALD AVENUE LANDSCAPE PROJECT

RECOMMENDATION That the City Council approve Amendment No 2 (on file in the Records management Department) to the Professional Services Agreement with Hernandez Kroone and Associates Inc of San Bernardino California for construction management services for the I 10 Freeway at Archibald Avenue Interchange Landscape Project (ST0908) increasing the agreement by \$24 400 for a total authorized expenditure of \$320 095 and authorize the City Manager to execute said amendment and related documents

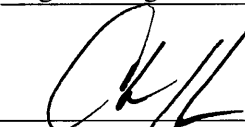
COUNCIL GOALS Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT The Capital Improvement Program (CIP) budget for Fiscal Year 2010 11 includes \$1 744 000 of Ground Access funds and \$422 000 of Old Model Colony (OMC) Street Impact funds for the I 10 Freeway Archibald Avenue Interchange Landscape project The current construction management services agreement is \$295 695 The proposed amendment of \$24 400 will result in a revised total authorization of \$320 095 The additional amount is included in the current fiscal year budget and it will be split 80% from the Ground Access and 20% from the OMC DIF funds

BACKGROUND On May 4 2010 the City Council approved a Professional Services Agreement with Hernandez Kroone and Associates Inc (HKA) in the amount of \$213 346 plus a 10% contingency for a total authorized expenditure of \$234 681 to provide construction management services for the I 10 Archibald Avenue Interchange Landscape project Amendment No 1 was approved for \$61 100 on December 21 2010 Amendment No 2 is now required due to the construction contractor's (Marina Landscape) need for federally mandated full time inspection construction time overrun and oversight inspection during the plant establishment period along with unforeseen conditions in the field

STAFF MEMBER PRESENTING Louis Abi younes P E City Engineer

Prepared by Harold F Reehs Jr
Department Engineering

City Manager
Approval 

Submitted to Council/O R A /O H A 06/07/2011

Approved

Continued to

Denied

4

Due to the construction time overrun the contractor will be assessed liquidated damages in the amount of \$72 100 at the completion of the project. The resulting savings will decrease the overall project cost.

The construction phase of the project was completed in early December 2010 and the one year plant establishment period will be completed in early December 2011. A project location map (Exhibit A) is attached for reference.

CITY OF ONTARIO

Agenda Report
June 7, 2011

SECTION CONSENT CALENDAR

SUBJECT CONSTRUCTION CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENERGY EFFICIENT LIGHTING INSTALLATION AT VARIOUS CITY FACILITIES

RECOMMENDATION That the City Council

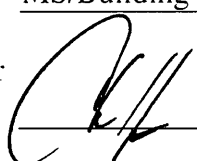
- (A) Reject all previous bids and authorize the return of all appropriate bid materials
- (B) Award Contract No MS 1011 3 to Advanced Building & Electronic Control Systems Inc of San Clemente California in the amount of \$132 000 for the installation of energy efficient lighting at various City facilities
- (C) Authorize the City Manager to execute said contract (on file in the Records Management Department) and
- (D) Authorize the filing of the Notice of Completion at the conclusion of all construction activities related to the project

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

FISCAL IMPACT The Fiscal Year 2010 2011 budget includes CDBG funding appropriations for energy efficient light retrofitting at various City facilities. The bids received were based on estimated quantities and unit pricing to retrofit or replace 83 High Pressure Sodium (HPS) and 207 Metal Halide existing lights throughout CDBG eligible City park facilities. The low bid was \$132 000 for the original scope of services.

BACKGROUND This project will retrofit or replace existing HPS and Metal Halide lights with more energy efficient lights. Induction and other types of energy efficient lights were considered for this project. Induction lights are recommended because they are easier and less expensive to retrofit for many existing light fixtures. They offer significantly longer life expectancy which contributes to lower replacement and maintenance costs and they provide greater light (lumens) output per watt of electricity.

STAFF MEMBER PRESENTING Mohamed El Amamy Utilities General Manager

Prepared by Robert Gluck
Department MS/Building Facilities
City Manager Approval 

Submitted to Council/O R A /O H A 06/07/2011
Approved _____
Continued to _____
Denied _____

5

throughout its life for enhanced functionality safety and security The project will retrofit or replace existing lights at

- Anthony Munoz Park
- Dorothy Quesada Center and Bon View Park
- De Anza Teen Center and Park
- Westwind Community Center and Park
- John Galvin Park and
- Cypress Park

In February 2011 the City solicited bids for this project and three (3) bids were received Upon review it was determined that all three (3) bids received included errors or omissions including missing or incomplete required CDBG forms and certifications as well as bid pricing errors Therefore City staff recommends that City Council reject the original bids in accordance with Section 2 6 13 (g) of the Ontario Municipal Code

In April 2011 the City again solicited bids for this project The following six (6) bids were received

<u>Company</u>	<u>Location</u>	<u>Amount</u>
Advanced Building & Electronic Control Systems, Inc	San Clemente, CA	\$132,000
Brewster Electric Inc	Calimesa CA	\$143 919
Republic Intelligent Transportation Services	Anaheim CA	\$151 430
Amazing Electric Inc	Altadena CA	\$155 151
J Kim Electric Inc	Fullerton CA	\$163 976
Hyper Electric Inc	Glendale CA	\$198 895

Advanced Building & Electronic Control Systems Inc submitted the lowest responsive bid Staff recommends award to Advanced Building & Electronic Control Systems Inc since they have performed this type of work and they have the expertise and ability to perform the work in a timely manner

CITY OF ONTARIO

Agenda Report
June 7, 2011

SECTION CONSENT CALENDAR

SUBJECT AN OPERATIONS AND MANAGEMENT AGREEMENT WITH PARA LOS NIÑOS ORGANIZATION FOR THE VETERAN'S MEMORIAL PARK COMMUNITY CENTER

RECOMMENDATION That the City Council authorize the City Manager to execute an Operations and Management Agreement (on file in the Records Management Department) with the Para Los Niños Organization of Ontario California for the use of the Veteran s Memorial Park Community Center for one (1) year with the option to extend for up to two additional years

COUNCIL GOALS Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

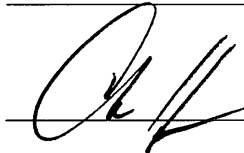
FISCAL IMPACT If approved the Para Los Niños Organization will manage the Veteran s Memorial Park Community Center and provide programs and services for the local community Para Los Niños will be responsible for all costs associated with the community center and programming including providing custodial services The City will pay basic utilities pest control and security alarm monitoring costs estimated to be \$7 500 per year for the new facility Appropriations will be incorporated into the proposed FY 2011 2012 budget

BACKGROUND In preparation for the opening of the Veteran s Memorial Park Community Center staff sought to partner with an organization that will take the lead in providing for programming and operations at the new community center A request for proposals was issued in February 2011 and two responses were received Based on their proposal credentials references and evaluation staff recommends that Para Los Niños be awarded an operation and management agreement for use of the Veterans Memorial Park Community Center The organization will provide programs and services that will fall within a framework of a Healthy Theme and include afterschool programs and other services for youth and families in the local community

STAFF MEMBER PRESENTING Mark Chase Community & Public Services Agency Director

Prepared by Julie Dorey
Department Recreation & Community Services

City Manager
Approval



Submitted to Council/O R A /O H A

06/07/2011

Approved

Continued to

Denied

6

Para Los Niños is a well established organization that has provided high quality services and programs in Ontario for the past 10 years. Para Los Niños currently operates a Child and Family Wellness Center on Euclid Avenue with a wide range of programs, some of which will be transferred to the Veterans Park Community Center upon opening. Programs will include parenting education, youth recreation services, case management, counseling, caregiver skill classes, afterschool programs (i.e. nutrition classes, homework assistance, social/emotional activities), agency referrals, financial literacy, early childhood classes, family strengthening workshops, walking clubs, sports and outdoor family events.

Para Los Niños is financially stable with funding from a variety of sources. They have identified personnel dedicated to oversee operations and programming at the site. Their collaborations include, but are not limited to, Kids Come First, Ontario Police Department, Ontario/Montclair School District, San Bernardino County Department of Children & Family Services, and other non-profits and governmental agencies. Para Los Niños is committed to providing integrated and comprehensive services and programs to low-income children, youth, and families, helping them to achieve sustainable success and overall wellness.

CITY OF ONTARIO

Agenda Report
June 7, 2011

SECTION PUBLIC HEARINGS

SUBJECT AN ORDINANCE AMENDING THE DOWNTOWN CIVIC CENTER PLANNED UNIT DEVELOPMENT, INCREASING THE MAXIMUM RESIDENTIAL DENSITY RANGE FOR COMMERCIAL/RESIDENTIAL MIXED USE DEVELOPMENT PROJECTS FROM 45 50 DWELLING UNITS PER ACRE TO 45 65 DWELLING UNITS PER ACRE, AND CLARIFYING THAT BOTH “FOR SALE” AND “FOR RENT” HOUSING IS ALLOWED WITHIN THE DISTRICT, AFFECTING PROPERTIES GENERALLY LOCATED AT THE NORTHEAST CORNER OF EUCLID AVENUE AND HOLT BOULEVARD (BLOCK A1), AND PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF EUCLID AVENUE AND D STREET (BLOCK C1)

RECOMMENDATION That the City Council introduce and waive further reading of an ordinance approving File No PUD08 001 amending the Downtown Civic Center Planned Unit Development

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

FISCAL IMPACT The proposed amendment to the Downtown Civic Center Planned Unit Development would have a positive fiscal impact by way of an increase in development impact fees and property taxes resulting from an increase in residential density

BACKGROUND In 2006 the City Council adopted the Downtown Civic Center Planned Unit Development (DCCPUD) which governs land use and development within a 6 block area immediately adjacent to the Civic Center complex including the blocks located on the east side of Euclid Avenue between D Street and Holt Boulevard and on the north side of Holt Boulevard between Euclid and Sultana Avenues Following adoption of the DCCPUD the Planning Commission approved a Development Plan (File No PDEV06 009) for the development of 4 of the 6 blocks including the C1 Block with a 4 story mixed use development consisting of 108 housing units over 32 850 square feet of

STAFF MEMBER PRESENTING Jerry L Blum Planning Director

Prepared by Charles Mercier
Department Planning

City Manager Approval 

Submitted to Council/O R A /O H A 06/07/2011

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7

commercial space (at ground level) the A2 Block with 160 apartment units in 4 stories and the A3 and A4 Blocks with 140 townhomes. The A2, A3 and A4 blocks have since been fully developed by the JH Snyder Company (the Applicant) and have been occupied since 2009. The C1 block, however, was not constructed due to the economic downturn.

In April 2011, the Ontario Housing Authority entered into a Disposition and Development Agreement (DDA) with the Applicant, which stipulates that the Authority will ground lease the C1 block to the Applicant and will contribute affordable housing funds toward the development, operation and maintenance of 153 affordable housing units within the C1 block. Furthermore, the DDA requires the Applicant obtain necessary development entitlements and obtain the approval of an amendment to the DCCPUD as the number of dwelling units currently allowed to be developed within the C1 block (108 units maximum) is less than stipulated by the DDA. Therefore, the Applicant is requesting an amendment to the DCCPUD which proposes an increase in the maximum density range for residential development within the Commercial/Residential Mixed Use District from 45-50 dwelling units per acre to 45-65 dwelling units per acre. The amendment, which affects both the A1 and C1 blocks, will also include changes to the Commercial/Residential Mixed Use District descriptive language, clarifying that both for sale and for rent housing is allowed within the District, consistent with the other land use districts of the DCCPUD and the City's Development Code.

The density increase for the C1 block would be contained within the previously approved building footprint and will be facilitated by replacing approximately one-half of the two-bedroom units with one-bedroom units, along with a reduction in unit sizes. The DCCPUD document does not include a building footprint and maximum housing unit count for the A1 block; however, based upon a project area of 2.4 acres, the proposed density increase would allow for the construction of up to 156 housing units in conjunction with the retail and office uses allowed by the DCCPUD. The proposed density increase is well within the housing unit count of the *Preferred* development scenario analyzed in the Downtown Civic Center Concept Plan, adopted by the City Council in 2004, and the Downtown Civic Center Project Environmental Impact Report, and the mixed use land use designation adopted with The Ontario Plan in January 2010.

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

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

All potential adverse direct, indirect, and cumulative impacts have been thoroughly analyzed and discussed in the Downtown Civic Center FEIR, including but not limited to potential traffic, noise, air quality, and aesthetic impacts, and all feasible mitigation has been identified and incorporated into the proposed Project. The proposed Project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines.

Sections 15162 or 15163 Furthermore the proposed Project is consistent with the development scenarios identified within the FEIR

An Addendum to the Downtown Civic Center FEIR prepared in conjunction with the previously mentioned April 2011 DDA was adopted by the City Council on April 5 2011 indicating that the FEIR adequately addressed and mitigated the Project's significant environmental impacts and no further environmental review is required

CITY OF ONTARIO

Agenda Report
June 7, 2011

SECTION CONSENT CALENDAR

SUBJECT A RESOLUTION MAKING A DETERMINATION OF SUBSTANTIAL CONFORMANCE REGARDING PROPOSED CHANGES TO THE WALMART PROJECT DEVELOPMENT PLAN, AND ADOPTING THE ADDENDUM TO THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT ANALYZING THE ENVIRONMENTAL EFFECTS THEREOF

RECOMMENDATION That the City Council adopt a resolution making a determination of substantial conformance regarding the proposed minor changes to the Walmart Project Development Plan File No PDEV04 047 and adopting the Addendum to the Supplemental Environmental Impact Report (SEIR) analyzing the environmental effects thereof

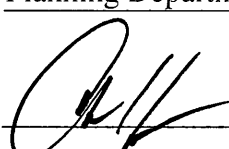
COUNCIL GOALS Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy

FISCAL IMPACT None

BACKGROUND In 2004 the City received an application to develop a proposed 178 486 square foot Walmart store including an associated 12 317 square foot garden center supporting facilities and parking on approximately 16 acres located on the northwest corner of Mountain Avenue and Fifth Street Project implementation would require the demolition of certain existing vacant commercial uses and associated parking areas Collectively demolition of existing uses construction of the proposed Walmart and subsequent operations of the Walmart comprise the Project

In October 2007 the City approved the Project and certified the supporting Ontario Walmart Subsequent EIR (Certified SEIR) Following approval of the Project and certification of the Subsequent EIR a lawsuit was filed in Superior Court challenging the adequacy of the Certified SEIR While the Court ruled in favor of the City regarding the overall adequacy of the Certified SEIR the Court also determined that further analysis was needed to address potential safety issues involving the Walmart delivery trucks access to the

STAFF MEMBER PRESENTING Jerry L Blum Planning Director

Prepared by Richard Ayala
Department Planning Department
City Manager Approval 

Submitted to Council/O R A /O H A 06/07/2011
Approved _____
Continued to _____
Denied _____

8

Project site Specifically the Court's directive states in pertinent part the court requires the City to prepare an analysis in compliance with CEQA of the Project's traffic safety impacts at the intersection of Mountain Avenue and Fifth Street due to big rig truck deliveries

The approved site plan is proposed to be modified (Modified Site Plan) in order to safely and efficiently accommodate big rig trucks in a manner that does not require their south to west movements at the Mountain Avenue/Fifth Street intersection The proposed Modified Site Plan would allow Walmart's big rig (WB 67) trucks to access the Walmart site through an extended and redesigned Mountain Avenue driveway located approximately 160 feet north of the Mountain Avenue/Fifth Street intersection Within the Project site the modified on site access route would connect the driveway to both Walmart loading dock areas One hundred thirty foot (130 foot) diameter maneuvering areas are located adjacent to the dock areas to allow for delivery truck access and turnaround All delivery trucks would exit the Project site at the Fifth Street driveway and travel easterly to Mountain Avenue a designated truck route The modified design and on site truck route are shown in the Modified Site Plan

In comparison to the approved site plan this Modified Site Plan would require an extended and broadened driveway opening along Mountain Avenue and elimination/reconfiguration of on site parking in order to create the driveway and on site truck delivery route Approximately 10 parking spaces would be removed in establishing the proposed truck access resulting in a total of 786 parking spaces within the Project boundaries or a surplus of 13 spaces when compared to City parking standards for the Project site inclusive of the Walmart (requires 745 spaces) and the Hollywood Video Store use (requires 28 spaces)

Landscape areas at the expanded Mountain Avenue driveway and internal to the Project site would require minor revisions However overall landscaping of the Project site would be maintained consistent with City requirements No other substantive revisions to the SEIR Site Plan would be required in order to implement the Modified Site Plan

Under the Modified Site Plan all other street and circulation system improvements proposed or required under the Project would be constructed to include the widening of Mountain Avenue and associated improvement of the Mountain Avenue/Fifth Street intersection pursuant to standard City design specifications

The Project will implement operational control measures acting to preclude WB 67 truck access to the site via Mountain Avenue/Fifth Street intersection These operational control measures include the following

- Post or cause to be posted necessary directional signage pursuant to City standards indicating the designated truck routing
- Walmart will implement additional driver education/delivery protocols for all Project delivery drivers such that access for trucks greater than two (2) axles shall be the designated Project site Mountain Avenue delivery entrance only

The City's determination to prepare an Addendum to the SEIR in order to comply with the Superior Court's judgment reflects both the narrow scope of the Court's judgment and the minor rerouting of truck traffic that the applicant has proposed In ruling on Ontario Mountain Village Association's (OMVA) challenge to the SEIR the Court upheld the SEIR in all respects save with regard to truck safety relating to turns that delivery trucks would have to make at the intersection of Mountain Avenue and Fifth Street The Court stated that [t]he defect appears not to be so much in the traffic section of the SEIR

but in the limited description of the Project's street improvements. In its judgment, the Court directed the City to prepare an analysis in compliance with CEQA of the Project's traffic safety impacts at the intersection of Mountain Avenue and Fifth Street due to big rig truck deliveries. Thus, the Court left the specific CEQA document to be prepared by the City within the City's discretion and limited the scope of that CEQA document to the Mountain Avenue/Fifth Street truck safety issue.

The applicant has since proposed having delivery trucks enter the site via Mountain Avenue. Doing this removes the possibility of any safety impacts from delivery trucks making a right turn from the southbound Mountain Avenue lanes to the westbound Fifth Street lanes, and this rerouting of delivery trucks would not result in any new or substantially greater significant impacts as compared to those previously identified in the SEIR. In these situations, State CEQA Guidelines section 15164 authorizes the City to prepare an addendum to the SEIR instead of a new supplemental EIR. The City has therefore prepared an addendum to the SEIR that discusses the impacts of this minor rerouting of truck traffic.

Staff therefore recommends:

1. That the City Council determine that the changes as shown on the Modified Site Plan are consistent with the approved Mountain Village Specific Plan and minor in nature and therefore in substantial conformance with the Approved Site Plan, and
2. That the City Council approve the Addendum to the Proposed Ontario Walmart Supercenter SEIR.