

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
JUNE 17, 2014

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: 0283-052-49; Approximately 39,173 square feet located near the southwest corner of Etiwanda Avenue and the Interstate 10 Freeway; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Bakken Industrial Properties, LLC; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario vs. 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 Dorst-Porada

INVOCATION

Mike Ingram, First Church of Christ, Scientist

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 May 6, 2014, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills May 4, 2014 through May 17, 2014 and **Payroll** May 4, 2014 through May 17, 2014, when audited by the Finance Committee.

3. RESOLUTIONS TO CALL, GIVE NOTICE AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 4, 2014

That the City Council adopt resolutions to call for and set the date of the General Municipal Election as November 4, 2014; request the San Bernardino County Registrar of Voters to consolidate the election with the General Election; and adopt the regulations for candidates for elective office pertaining to candidate statements submitted to the voters.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014.

4. AN AGREEMENT WITH MT. SAN ANTONIO COLLEGE FIRE ACADEMY FOR TRAINING CENTER USAGE/MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT

That the City Council approve and authorize the City Manager to execute a one year agreement (on file with the Records Management Department) with Mt. San Antonio Community College District, of Walnut, California, for limited usage of the City's Fire Training Center facilities.

5. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE JONES PAYNE GROUP, INC., FOR ARCHITECTURAL, ENGINEERING AND ACOUSTICAL SERVICES FOR THE QUIET HOME PROGRAM/THE JONES PAYNE GROUP, INC.

That the City Council authorize the City Manager to negotiate and execute Amendment No. 3 to the professional services agreement (on file in the Records Management Department) subject to non-substantive changes mutually agreeable to the City and The Jones Payne Group, Inc., of Boston, Massachusetts (Consultant), to continue to provide architectural, engineering, and acoustical services for Phase 10 of the sound insulation program in the not-to-exceed amount of \$514,545; extend the agreement for an additional 18 months; and authorize the City Manager, or his designee, to execute the amendment and all other related documents necessary to implement said amendment.

6. HOME SUBRECIPIENT AGREEMENT BETWEEN MERCY HOUSE LIVING CENTERS AND THE CITY OF ONTARIO FOR IMPLEMENTATION OF THE HOME TENANT-BASED RENTAL ASSISTANCE PROGRAM/MERCY HOUSE LIVING CENTERS

That the City Council:

- (A) Approve the HOME Subrecipient Agreement (“Agreement”) between Mercy House Living Centers, of Santa Ana, California, and the City of Ontario for the HOME Tenant-Based Rental Assistance Program, in the amount of \$204,662 (on file in the Records Management Department);
- (B) Approve the First Amendment to the 2010–2014 Consolidated Plan (on file in the Records Management Department);
- (C) Approve the First Amendment to the 2013-2014 One-Year Action Plan (on file in the Records Management Department);
- (D) Direct staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development (“HUD”); and
- (E) Authorize the City Manager to execute the Agreement and take all actions necessary or desirable to implement the Agreement.

7. AN AGREEMENT WITH INLAND EMPIRE UTILITIES AGENCY TRANSFERRING PROPOSITION 84 GRANT FUNDING AND GRANT IMPLEMENTATION RESPONSIBILITIES/INLAND EMPIRE UTILITIES AGENCY

That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Inland Empire Utilities Agency (IEUA) transferring \$750,000 of Proposition 84 Grant funding and all grant related implementation responsibilities from the City to IEUA.

8. AN AGREEMENT FOR A WATER SYSTEM INTERCONNECTION/FONTANA WATER COMPANY

That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Fontana Water Company of Fontana, California, for a water system interconnection.

9. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH AEGIS ENGINEERING MANAGEMENT

That the City Council approve and authorize the City Manager to execute an amendment (on file with the Records Management Department) extending the existing Professional Services Agreement with Aegis Engineering Management of San Diego, California, one year for recycled water cross-connection and overspray testing at an estimated annual cost of \$90,000; and authorize the City Manager to execute future amendments extending the agreement for an additional year and modifying service locations on an as-needed basis consistent with City Council approved budgets.

10. A CONSTRUCTION CONTRACT FOR THE WATER MAIN REPLACEMENT PROJECT AT VARIOUS LOCATIONS/T.E. ROBERTS, INC./ALBERT A. WEBB ASSOCIATES

That the City Council:

- (A) Approve the plans and specifications;
- (B) Award Contract No. UT 1314-05 (on file with the Records Management Department) to T. E. Roberts, Inc. of Tustin, California for the construction of the Water Main Replacement Project at various locations in the amount of \$2,455,054 for the base bid plus two additive alternate bid schedules ("A" and "B") at a total cost of \$541,128, plus a 15% contingency of \$449,428, for a total amount of \$3,445,610 and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project; and
- (C) Approve and authorize the City Manager to execute a Professional Services Agreement (on file with the Records Management Department) with Albert A. Webb Associates of Riverside, California, in the amount of \$163,831 plus a 15% contingency of \$24,575 for a total amount of \$188,406 for providing construction management and inspection services for the Water Main Replacement Project at various locations.

11. A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 5 (FISCAL YEAR 2014-15) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

That the City Council adopt a resolution approving an application for an estimated \$46,000 from the Used Oil Payment Program Cycle 5 (Fiscal Year 2014-15), from the State of California Department of Resources Recycling and Recovery (CalRecycle); and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 5 (FISCAL YEAR 2014-15) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY.

12. A PURCHASE OF A POWER MODULE MOBILE GENERATOR/JOHNSON POWER SYTEMS

That the City Council approve and authorize the purchase and delivery of one Caterpillar XQ800 Power Module Mobile Generator from Johnson Power Systems of Riverside, California, in the amount of \$406,784 consistent with the terms and conditions of the cooperative procurement process resulting in National Joint Powers Alliance Contract (NJPA) Invitation for Bids No. 080613 and Contract No. 080613-CAT.

13. A MAINTENANCE SERVICES AGREEMENT FOR TREE MAINTENANCE SERVICES/WEST COAST ARBORISTS, INC.

That the City Council approve and authorize the City Manager to execute a three-year Service Agreement (on file with the Records Management Department) with West Coast Arborists, Inc. of Anaheim, California, to perform tree maintenance services at various City locations consistent with the terms, conditions and pricing of the agreement awarded in July 2009; and authorize the addition of future service areas, and the option to extend the agreement for up to seven additional years consistent with City Council approved budgets.

14. APPOINTMENT OF TWO AT-LARGE MEMBERS TO THE ONTARIO INTERNATIONAL AIRPORT – INTER AGENCY COLLABORATIVE MEDIATION BOARD

That the City Council appoint Mathew Slowik from the City of Fontana and Luis Munoz from the City of Rancho Cucamonga as the two At-Large Members to the Ontario International Airport – Inter Agency Collaborative Mediation Board.

15. AUTHORIZATION TO DONATE A HISTORIC POLICE VEHICLE TO THE ONTARIO ROTARY POLICE MUSEUM

That the City Council authorize a no-cost transfer of title and donation of a 1950 Plymouth Deluxe 4-door Sedan to the Ontario Rotary Police Museum, a recognized 501 (c)(3) non-profit organization.

16. A SERVICE AGREEMENT FOR SENIOR TRANSPORTATION SERVICES/WEST END YMCA

That the City Council approve and authorize the City Manager to execute a two-year Service Agreement (on file with the Records Management Department) with West End YMCA (Ontario/Montclair YMCA) of Rancho Cucamonga, California, for Senior Transportation Services for a cumulative amount not to exceed \$229,140, and authorize the option to extend the agreement for up to one additional year consistent with City Council approved budgets.

17. AN ORDINANCE AMENDING CHAPTER 3, TITLE 4, OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S EMERGENCY ORGANIZATION

That the City Council consider and adopt an ordinance amending Chapter 3, Title 4, of the Ontario Municipal Code related to the City's Emergency Organization.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, AMENDING CHAPTER 3 OF TITLE 4 OF
THE ONTARIO MUNICIPAL CODE RELATING TO EMERGENCY
ORGANIZATION.

18. AN ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION PROGRAM SECTIONS 8-13.201 AND 8-13.508 OF THE ONTARIO MUNICIPAL CODE

That the City Council consider and adopt an ordinance amending the Flood Damage Prevention Program Sections 8-13.201 and 8-13.508 of the Ontario Municipal Code relating to regulation of recreational vehicles.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE FLOOD DAMAGE PREVENTION PROGRAM SECTIONS 8-13.201 AND 8-13.508 OF THE ONTARIO MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES.

19. AN ORDINANCE APPROVING A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE) TO M1 (LIMITED INDUSTRIAL) ON 3.82 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF MISSION BOULEVARD AND OAKS AVENUE

That the City Council consider and adopt an ordinance approving File No. PZC14-002, a Zone Change from C3 (Commercial Service) to M1 (Limited Industrial) on 3.82 acres of land located at the northeast corner of Mission Boulevard and Oaks Avenue (APN: 1011-211-06).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-002, A ZONE CHANGE ON 3.82 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF MISSION BOULEVARD AND OAKS AVENUE, FROM C3 (COMMERCIAL SERVICE) TO M1 (LIMITED INDUSTRIAL), AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1011-211-06.

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.

20. RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES)

That City Council take the following actions:

- (A) Adopt a resolution establishing City of Ontario Community Facilities District No. 27 (New Haven Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 27 (New Haven Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 27 (New Haven Services).

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, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES).

21. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, ARTICLE 14 (RESIDENTIAL DISTRICT) OF THE ONTARIO MUNICIPAL CODE

That the City Council introduce and waive further reading of an ordinance approving File No. PDCA14-002, a Development Code Amendment revising Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Article 14 (Residential Districts), R2 (Medium Density Residential Zoning District), of the Ontario Municipal Code, revising the density range from 11.1-16 du/ac to 11.1-18 du/ac and increasing the maximum building and structure height from 35 feet to 45 feet consistent with Planning Commission Recommendation.

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. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA14-002, A DEVELOPMENT CODE AMENDMENT FOR REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 14 (RESIDENTIAL DISTRICTS), R2 (MEDIUM DENSITY RESIDENTIAL), OF THE ONTARIO MUNICIPAL CODE, ZONING DISTRICT TO CHANGE THE DENSITY RANGE FROM 11.1-16 DU/ACRE TO 11.1-18 DU/ACRE, AND INCREASE THE HEIGHT RESTRICTION FROM 35 FEET TO 45 FEET, AND MAKING FINDINGS IN SUPPORT THEREOF.

22. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR 5.1 ACRES OF LAND AND AN ORDINANCE APPROVING A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE) TO R2 (MEDIUM DENSITY RESIDENTIAL 11.1-16 DU/AC) ON 7.8 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60

That the City Council adopt a resolution approving a Mitigated Negative Declaration; adopt a resolution approving a General Plan Amendment (File No. PGPA13-006) revising Exhibit LU-03 (Future Build Out) and Land Use Plan contained within the Policy Plan component of The Ontario Plan; and introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC13-004) from C3 (Commercial Service) to R2 (Medium Density Residential) for 7.8 acres of land located at the northwest corner of Euclid Avenue and State Highway Route 60.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR FILE NOS. PGPA13-006 & PZC13-004, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR 7.8 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 1051-061-01).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-006, A GENERAL PLAN AMENDMENT REVISING THE LAND USE ELEMENT OF THE POLICY PLAN, INCLUDING CHANGES TO FIGURE LU-01 (OFFICIAL LAND USE PLAN) AND FIGURE LU-03 (FUTURE BUILDOUT) TO CHANGE THE LAND USE CHANGE ON 5.1 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60, FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (11.1-25.0 DWELLING UNITS PER ACRE), AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-061-01.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A ZONE CHANGE, FILE NO. PZC13-004, TO CHANGE THE ZONING DESIGNATION FROM C3 (COMMERCIAL SERVICE) TO R2 (MEDIUM DENSITY RESIDENTIAL 11.1-16 DU/AC) FOR 7.8 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60, FROM, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-061-01.

23. A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (FILE NO. PGPA13-004) TO CHANGE THE LAND USE DESIGNATION FOR 14 ACRES OF LAND AT NORTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL AND TO CHANGE THE LAND USE DESIGNATION FOR 10 ACRES OF LAND AT THE SOUTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL

That the City Council adopt a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109) analyzing the environmental effects of the project, pursuant to State CEQA Guidelines section 15164, and adopt a resolution approving General Plan Amendment File No. PGPA13-004, revising the Land Use Element of the Policy Plan (General Plan), Exhibit LU-01 Official Land Use Plan and Figure LU-03 Future Buildout Table.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE AVENUE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2005071109), ADOPTED FOR FILE NO.PSP05-003, PREPARED FOR FILE NO. PGPA13-004 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF APNS: 0218-201-19, 0218-201-39 AND 0218-201-42.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-004, A GENERAL PLAN AMENDMENT REVISING THE LAND USE ELEMENT OF THE POLICY PLAN, INCLUDING CHANGES TO FIGURE LU-01 (OFFICIAL LAND USE PLAN) AND FIGURE LU-03 (FUTURE BUILDOUT) TO: 1) CHANGE THE LAND USE DESIGNATION FOR 14 ACRES OF LAND AT NORTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (11.1 DWELLING UNITS PER ACRE), AND 2) CHANGE THE LAND USE DESIGNATION FOR 10 ACRES OF LAND AT THE SOUTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM MEDIUM DENSITY RESIDENTIAL (11.1 DWELLING UNITS PER ACRE) TO NEIGHBORHOOD COMMERCIAL AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 0218-201-19, 0218-201-39 AND 0218-201-42.

24. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE AVENUE SPECIFIC PLAN (FILE NO. PSPA13-003) TO (1) CHANGE THE LAND USE DESIGNATION FOR 14 ACRES OF LAND AT THE NORTHWEST CORNER OF EDISON AND HAVEN AVENUES FROM RETAIL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; (2) CHANGE THE LAND USE DESIGNATION FOR 10 ACRES OF LAND AT THE SOUTHWEST CORNER OF EDISON AND HAVEN AVENUES FROM MEDIUM DENSITY RESIDENTIAL TO RETAIL COMMERCIAL; (3) CHANGE THE LAND USE DESIGNATION FOR 19.9 ACRES OF LAND AT THE SOUTHWEST CORNER OF ARCHIBALD AND SCHAEFER AVENUES FROM RETAIL COMMERCIAL TO LOW MEDIUM DENSITY RESIDENTIAL; (4) INCREASE THE RESIDENTIAL UNIT COUNT BY 269 UNITS AND REDUCE THE COMMERCIAL SQUARE FOOTAGE BY 120,000 SQUARE FEET; (5) ELIMINATE THE LIVE/WORK OVERLAY ZONE; AND (6) REVISE AND UPDATE HOUSING PRODUCT TYPES, EXHIBITS AND LANGUAGE CONSISTENT WITH TOP POLICY PLAN, FOR PROPERTY LOCATED SOUTH OF SCHAEFER AVENUE, NORTH OF EDISON AVENUE, BETWEEN CARPENTER AVENUE AND HAVEN AVENUE

That the City Council adopt a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109) analyzing the environmental effects of the project, pursuant to State CEQA Guidelines section 15164 and adopt a resolution approving an amendment to The Avenue Specific Plan (File No. PSPA13-003).

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE AVENUE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2005071109), ADOPTED FOR FILE NO. PSP05-003, PREPARED FOR FILE NO. PSPA13-003 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-201-19, 0218-201-39 AND 0218-201-42.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA13-003, AN AMENDMENT TO THE AVENUE SPECIFIC PLAN TO: 1) CHANGE THE LAND USE DESIGNATION FOR 14 ACRES OF LAND AT NORTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM RETAIL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; 2) CHANGE THE LAND USE DESIGNATION FOR 10 ACRES OF LAND AT THE SOUTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM MEDIUM DENSITY RESIDENTIAL TO RETAIL COMMERCIAL; 3) CHANGE THE LAND USE DESIGNATION FOR 19.9 ACRES OF LAND WITHIN OF PLANNING AREA PA-4, LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE, FROM RETAIL COMMERCIAL TO LOW MEDIUM DENSITY RESIDENTIAL CONSISTENT WITH THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN EXHIBIT LU-01; 4) INCREASE THE RESIDENTIAL UNIT COUNT BY 269 UNITS (FROM 2,606 TO 2,875) AND REDUCE THE COMMERCIAL SQUARE FOOTAGE FROM 250,000 SQUARE FEET TO 130,000 SQUARE FEET; 5) ELIMINATE THE LIVE/WORK OVERLAY ZONE; AND 6) REVISE AND UPDATE HOUSING PRODUCT TYPES, EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED CHANGES AND TOP POLICY PLAN CONSISTENCY FOR PROPERTY LOCATED SOUTH OF SCHAEFER AVENUE, NORTH OF EDISON AVENUE, BETWEEN CARPENTER AVENUE AND HAVEN AVENUE AND MAKING FINDINGS IN SUPPORT THEREOF – APNS0218-191-20, 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 AND 0218-201-45.

25. A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND SECTION 2-2.101 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE APPOINTMENT, NUMBER, REMOVAL, TERMS AND VACANCIES OF REGULAR AND AT-LARGE MEMBERS OF CITY COMMISSIONS, COMMITTEES, AND BOARDS

That the City Council introduce and waive further reading of an ordinance relating to Section 2-2.101 of the Ontario Municipal Code relating to the appointment, number, removal, terms and vacancies of regular and at-large members of City Commissions, Committees, and Boards to gain consistency between practices and protocols outlined in the Ontario Municipal Code and the Ontario City Boards, Commissions, and Committees Handbook.

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, AMENDING SECTION 2-2.101 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE APPOINTMENT, NUMBER, REMOVAL, TERMS AND VACANCIES OF REGULAR AND AT-LARGE MEMBERS OF COMMISSIONS, COMMITTEES AND BOARDS.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

26. CITY COUNCIL MEMBER AVILA'S REQUEST FOR INDEPENDENT COUNSEL AND AN INDEPENDENT INVESTIGATOR

That the City Council receive and consider the request of City Council Member Paul Vincent Avila for independent counsel and an independent investigator.

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

COMMISSION APPOINTMENT

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)
June 17, 2014

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: 0283-052-49; Approximately 39,173 square feet located near the southwest corner of Etiwanda Avenue and the Interstate 10 Freeway; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Bakken Industrial Properties, LLC; Under negotiation: Price and terms of payment.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

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

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

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

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

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: RESOLUTIONS TO CALL, GIVE NOTICE AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 4, 2014

RECOMMENDATION: That the City Council adopt resolutions to call for and set the date of the General Municipal Election as November 4, 2014; request the San Bernardino County Registrar of Voters to consolidate the election with the General Election; and adopt the regulations for candidates for elective office pertaining to candidate statements submitted to the voters.

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

FISCAL IMPACT: The cost for election services to be provided by the County of San Bernardino is projected to be \$100,000. If approved, this amount will be included in the Fiscal Year 2014-2015 Proposed Budget.

BACKGROUND: California Government Code provides that general law cities conduct elections every two years for the purpose of electing their public officials. Elections in Ontario are conducted in accordance with the California Elections Code. Additionally, the City Council adopted Ordinance No. 2392 on July 21, 1987, providing for consolidation of general municipal elections with the State's General Elections. In the November 2014 election, the community will be asked to elect two City Council Members and a Mayor each for four-year terms.

The proposed resolutions are required by the California Elections Code and cover the options available for the translation, printing and payment for candidate statements. As in past elections, candidates have the option of submitting a candidate statement for inclusion in the voter information pamphlet. State law also requires that a Spanish language translation of each candidate statement be included in the voter information pamphlet. The cost of translation and printing of candidate statements has historically been

STAFF MEMBER PRESENTING: Jacob Green, Assistant City Manager

Prepared by: Vicki Kasad
Department: City Clerk/Records Management

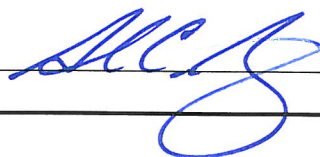
Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

City Manager
Approval: _____



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the responsibility of the candidate. The cost of translation and printing of candidate statements varies each election based on a number of factors including actual printing costs, the number of candidate statements submitted and the number of registered voters.

Election Code Section 13307 (a)(1) allows the governing body of a local agency to determine either a 200 or 400 word limitation for candidate statements. Consistent with past City Council direction, staff recommends that the word count limitation for candidate statements be 400 words. The County's current estimate cost for translating and publishing a 400 word candidate statement is \$4,400, the same as for the 2012 election.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 4, 2014, for the election of certain Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. CALL FOR ELECTION. Pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Ontario, State of California, on Tuesday, November 4, 2014, a General Municipal Election for the purpose of electing two (2) City Council Members, and a Mayor, each for the full term of four (4) years.

SECTION 2. BALLOTS. The ballots to be used at the General Municipal Election shall be in the form and content as required by law.

SECTION 3. ELECTIONS OFFICIAL. The Elections Official is authorized, instructed and directed to coordinate with the County of San Bernardino Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplied, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. POLLS. The polls for the General Municipal Election shall be open at seven o'clock a.m. (7:00 a.m.) of the day of the election and shall remain open continuously from that time until eight o'clock p.m. (8:00 p.m.) of the same day when the polls shall be closed, pursuant to Elections Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. ELECTION PROCEDURES. In all particulars not recited in this Resolution, the General Municipal Election shall be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 6. NOTICE OF ELECTION. Notice of the time and place of holding the General Municipal Election is given and the City Elections Official is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. CERTIFICATION OF RESOLUTION. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 8. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

SECTION 9. ELECTION EXPENSES. The City Council authorizes the Elections Official to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

PASSED, APPROVED, AND ADOPTED this 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014, 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014.

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the Candidate Statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Ontario on November 4, 2014 may prepare a candidate's statement on an appropriate form provided by the City Elections Official. The statement may include the name, age and occupation of the candidate and a brief description of no more than four hundred (400) words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Elections Official at the time the candidate's nomination papers are filed. Except as provided by Section 13309 of the California Elections Code, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

- (A) Pursuant to the Federal Voting Rights Act, candidate's statements will be translated into all languages required by the County of San Bernardino. The County is required to translate candidates' statements into the following languages: Spanish.
- (B) The County will mail separate sample ballots and candidates statements in Spanish to only those voters who are on the county voter file as having requested a sample ballot in a particular language. The County will make the sample ballots and candidates statements in the required language available at all polling places, on the County's website, and in the Election Official's office.

SECTION 3. PAYMENT.

(A) Translations

1. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in (A) of Section 2 above, pursuant to Federal and State Law.
2. The candidate shall be required to pay for the cost of translating the candidate's statements into any foreign language that is not required as specified in (A) and/or (B) of Section 2 above, pursuant to Federal and State Law, but is requested as an option by the candidate.

(B) Printing

1. The candidate shall be required to pay for the cost of printing the candidate's statements in English in the main voter pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required in (A) of Section 2 above, in the main voter pamphlet.
3. The candidate shall be required to pay for the cost of printing the candidate's statements in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter pamphlet.
4. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required by (A) of Section 2 above, in the facsimile voter pamphlet. The Elections Official shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Elections Official is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expenses or refund any excess paid depending on the final actual cost. In the event of overpayment, the Elections Official shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4 MISCELLANEOUS.

- (A) All translations shall be provided by professionals-certified translators.
- (B) The Elections Official shall not allow, bold type, underlining, capitalization, indentations, bullets and leading hyphens to the same extent and manner as allowed in previous City Elections.
- (C) The Elections Official shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 6. COPY OF RESOLUTION. That the Elections Official shall provide each candidate or the candidate's representative a copy of this Resolution at the time nomination petitions are issued.

SECTION 7. PREVIOUS RESOLUTIONS REPEALED. That all previous Resolutions establishing council policy on payment for candidates' statements are repealed.

SECTION 8. That this Resolution shall apply only to the election to be held on November 4, 2014 and shall then be repealed.

SECTION 9. CERTIFICATION OF RESOLUTION. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

**SUBJECT: AN AGREEMENT WITH MT. SAN ANTONIO COLLEGE FIRE ACADEMY
FOR TRAINING CENTER USAGE**

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a one year agreement (on file with the Records Management Department) with Mt. San Antonio Community College District, of Walnut, California, for limited usage of the City's Fire Training Center facilities.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety

FISCAL IMPACT: The recommended agreement provides for limited usage of the City's Fire Training Center facility at no cost to the College. Air compressor maintenance costs (approximately \$1,000 annually) will be supported by the Fire Department's current budget allocation with no additional cost to the City.

BACKGROUND: The Mt. San Antonio College Fire Academy has used the Ontario Fire Department's Training Center facility since 1988. The training facilitates professional development and the learning of basic and advanced firefighter skills to the benefit of both the City and Mt. San Antonio College Fire Academy. The commencement of the City's Capital Improvement Project for the Fire Training Center Tower Replacement will limit the College's usage of the facility to only components of their Basic Firefighter Academies. This Basic Fire Academy by Mt. San Antonio College provides training for entry-level firefighters and meets many of the requirements to obtain the State Firefighter I certificate.

STAFF MEMBER PRESENTING: Floyd E. Clark, Fire Chief

Prepared by: Tye Nelson
Department: Fire

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE JONES PAYNE GROUP, INC., FOR ARCHITECTURAL, ENGINEERING AND ACOUSTICAL SERVICES FOR THE QUIET HOME PROGRAM

RECOMMENDATION: That the City Council authorize the City Manager to negotiate and execute Amendment No. 3 to the professional services agreement (on file in the Records Management Department) subject to non-substantive changes mutually agreeable to the City and The Jones Payne Group, Inc., of Boston, Massachusetts (Consultant), to continue to provide architectural, engineering, and acoustical services for Phase 10 of the sound insulation program in the not-to-exceed amount of \$514,545; extend the agreement for an additional 18 months; and authorize the City Manager, or his designee, to execute the amendment and all other related documents necessary to implement said amendment.

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

FISCAL IMPACT: Existing Federal Aviation Administration (FAA) and Los Angeles World Airports (LAWA) sound insulation grants will fund the costs to continue to provide professional services for Phase 10 of the sound insulation program. Supplemental funding from anticipated Part 150 land sale proceeds will cover the costs for design, bid document preparation and other related work for up to 100 additional homes. As a result, Amendment No. 3 will increase the maximum compensation amount by \$514,545 to \$2,941,314. The proposed Quiet Home program budget appropriations are sufficient to cover the needed professional services during fiscal year 2014-2015. There will be no impact to the General Fund.


BACKGROUND: On March 20, 2012, the City Council approved Amendment No. 2 to the professional services agreement with the Consultant. The term of the agreement, under Amendment No. 2, will expire on June 30, 2014. The proposed Amendment No. 3 is needed to provide

STAFF MEMBER PRESENTING: Brent Schultz, Housing and Municipal Services Director

Prepared by: Sigfrido G. Rivera

Department: Housing Agency

City Manager

Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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program staff the professional services necessary to (a) complete acoustical testing and construction administration on a 67-home sound insulation project (i.e., Bid Group 10.2) by October 2014, (b) complete on-going design and bid document preparation for a third project (i.e., Bid Group 10.3) consisting of up to 60 homes and (c) complete additional design and bid document preparation for a planned fourth project (i.e., Bid Group 10.4) consisting of up to 100 additional homes. The fee structure and scope of services for Amendment No. 3 will be similar to that of Amendment No. 2. Approval of Amendment No. 3 will help bring noise relief to up to 100 households before new FAA sound insulation eligibility requirements become effective nationwide on October 1, 2015.

Since 2001, the Consultant has consistently provided a high level of professional services and brought extensive sound insulation experience to program staff and Ontario residents. The Consultant is very familiar with the neighborhoods and the housing stock impacted by aircraft noise within the program eligibility area. To date, the Consultant has provided services for 17 sound insulation construction projects involving approximately 1,127 homes. Currently, the Consultant is working on the design and bid documents for up to 60 homes. The Consultant's regional office is located in Ontario and has maintained a local presence for close to 14 years. The Ontario-based team is bilingual (English/Spanish).

To date, the program has sound insulated 1,434 homes, brought noise relief to approximately 5,000 residents and expended nearly \$35 million in neighborhoods eligible for sound insulation treatment.

The City Attorney's office has reviewed and approved, as to form and content, the proposed Amendment No. 3.

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: HOME SUBRECIPIENT AGREEMENT BETWEEN MERCY HOUSE LIVING CENTERS AND THE CITY OF ONTARIO FOR IMPLEMENTATION OF THE HOME TENANT-BASED RENTAL ASSISTANCE PROGRAM

RECOMMENDATION: That the City Council:

- (A) Approve the HOME Subrecipient Agreement ("Agreement") between Mercy House Living Centers, of Santa Ana, California, and the City of Ontario for the HOME Tenant-Based Rental Assistance Program, in the amount of \$204,662 (on file in the Records Management Department);
- (B) Approve the First Amendment to the 2010–2014 Consolidated Plan (on file in the Records Management Department);
- (C) Approve the First Amendment to the 2013-2014 One-Year Action Plan (on file in the Records Management Department);
- (D) Direct staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development ("HUD"); and
- (E) Authorize the City Manager to execute the Agreement and take all actions necessary or desirable to implement the Agreement.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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
Focus Resources in Ontario's Commercial and Residential Neighborhoods

STAFF MEMBER PRESENTING: Brent Schultz, Housing and Municipal Services Director

Prepared by: Julie Bjork
Department: Housing and Municipal Services

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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FISCAL IMPACT: The recommended Agreement amount is \$204,662. This project is funded from the U.S. Department of Housing and Urban Development HOME Investment Partnership Program (“HOME”). No General Fund monies will be used for this project.

BACKGROUND: On May 3, 2005 and January 28, 2011, the City Council approved and subsequently modified the Homeless Services Continuum of Care Program (“Continuum”) in partnership with Mercy House Living Centers (“Mercy House”). The Continuum is a multi-phased program that includes the following components: a homeless outreach service center; a 34-bed transitional housing facility; 62 permanent affordable housing units; and after care services.

HOME Tenant-Based Rental Assistance (“TBRA”) Program

The TBRA Program has been designed to build upon the successes that are occurring within the City’s Continuum and reduce the City’s chronically homeless population. This program will assist Ontario’s chronically homeless individuals and families secure permanent housing through temporary rental subsidies.

The TBRA Program will provide the following benefits to Ontario’s qualified chronically homeless individuals and families:

- Rental assistance for up to 12 months with a possible 12-month extension based upon funding availability;
- Participants will work with interested landlords to select a qualified unit within Ontario;
- Participants will pay approximately 30% of their adjusted gross income towards rent;
- Financial assistance may also be provided for security deposits and utility deposits; and
- Mercy House will provide case management to participants.

In an effort to focus homeless services resources, preferences for participation in this program have been created. The preferences are designed to target individuals participating in the Continuum in the following order: 1) Households that are currently permitted clients at the Ontario Access Center; 2) Households residing in transitional housing facilities funded by the City of Ontario; and 3) Households participating in other homeless services programs funded by permitted services providers at the Ontario Access Center or other homeless service providers funded by the City of Ontario. Within each of these preference categories, qualified U.S. veterans will receive priority.

It is estimated that approximately 10 households will be assisted through this program based upon the maximum rental subsidy of \$15,000 per household within a 12-month period. The program also provides for up to \$54,662 in project delivery and administrative costs from Mercy House.

First Amendment to the 2010–2014 Consolidated Plan and First Amendment to the 2013-2014 One-Year Action Plan

To implement the proposed TBRA Program, the City is required to amend the 2010–2014 Consolidated Plan and the 2013-2014 One-Year Action Plan. Listed below is a summary of the proposed changes made to both plans:

First Amendment to the 2010-2014 Consolidated Plan

The amendment to the Consolidated Plan allows for the proposed TBRA preferences along with U.S. veterans preference within each category.

The amendment also provides the required supporting documentation regarding the unmet housing needs for the chronically homeless to allow this program to be restricted to Ontario's chronically homeless population.

First Amendment to the 2013-2014 One-Year Action Plan

The amendment to the 2013-2014 One-Year Action Plan provides a description of the TBRA Program and reallocates \$104,565 to the TBRA Program for the Downpayment Assistance Loan Program.

These proposed amendments qualify as Substantial Amendments and require a 30-day public review period. The draft Substantial Amendments for both plans were available for public review from May 16, 2014 through June 16, 2014. No public comments were received during the public review period. Upon City Council approval, these plans will be submitted to the U.S. Department of Housing and Urban Development.

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AN AGREEMENT WITH INLAND EMPIRE UTILITIES AGENCY TRANSFERRING PROPOSITION 84 GRANT FUNDING AND GRANT IMPLEMENTATION RESPONSIBILITIES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Inland Empire Utilities Agency (IEUA) transferring \$750,000 of Proposition 84 Grant funding and all grant related implementation responsibilities from the City to IEUA.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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 proposed agreement will transfer \$750,000 of grant funding to offset the cost of a regional Chino Basin Watermaster (CBWM) groundwater recharge project, which is estimated at \$2,500,000. The City's portion of the project cost net of grant funding is approximately 20% or about \$350,000. If approved, funding will be included in the Proposed Fiscal Year 2014-15 Water Fund Budget. There is no impact to the General Fund.

BACKGROUND: On December 13, 2012, the Santa Ana Watershed Project Authority (SAWPA) approved \$750,000 of Proposition 84 Grant funding for Ontario's Francis Street Storm Drain and Ely Basin Flood Control and Aquifer Recharge Project (Ely Basin Project). The City was unsuccessful in obtaining additional Proposition 1E funding necessary to make the Ely Basin Project financially viable. Subsequently, the City gained approval from SAWPA to transfer the Proposition 84 Grant funding to another groundwater recharge project in coordination with the CBWM and IEUA.

As part of the court approved Optimum Basin Management Plan, CBWM completed an update to the Recharge Master Plan (RMP) defining a number of groundwater recharge projects necessary to protect

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw
Department: MU/Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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the safe yield of the aquifer. The individual projects and overall recharge basin operation are managed by IEUA. Project costs and benefits of the RMP are shared by the Appropriative Pool including the City of Ontario.

In May 2014, CBWM identified and approved funding to the Lower Day Basin Project (approved in the RMP) as a replacement project for the Proposition 84 Grant. The project is estimated to recharge approximately 800 acre-feet per year of stormwater. Per existing agreements, the City would receive groundwater supply or “pumping credits” for approximately 20%, or 160 acre-feet per year, of the total stormwater recharged in Lower Day Basin.

The City and IEUA gained approval from SAWPA to allow the funding to be used for the Lower Day Basin Project and allow the City to transfer the grant related responsibilities to IEUA as the project manager. This allows for more efficient administration of grant funds and a lower overall project cost.

CITY OF ONTARIO

Agenda Report
June 17, 2014

SECTION:
CONSENT CALENDAR

SUBJECT: AN AGREEMENT FOR A WATER SYSTEM INTERCONNECTION

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Fontana Water Company of Fontana, California, for a water system interconnection.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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 \$300,000 estimated cost of design and construction of the proposed interconnection will be shared equally by the Fontana Water Company and the City of Ontario. Funding for the City's share of the facilities (\$150,000) will be included in the Proposed Fiscal Year 2014-15 budget from the Water Capital Fund. There is no impact to the General Fund.

BACKGROUND: The Water Master Plan identifies the need for water system interconnections in order to achieve increased operational flexibility, service reliability and to provide emergency water supplies. The proposed interconnection between Ontario and the Fontana Water Company (a private utility agency) will allow the delivery between the two water systems. Either party may request future water deliveries through the proposed interconnection, but any such delivery of water shall be subject to mutual agreement on amounts and pricing at the time of the request.

The City currently has similar interconnections with the Water Facilities Authority, the Chino Basin Desalter Authority, Cucamonga Valley Water District, Jurupa Community Services District and the San Antonio Water Company. Interconnections are vital means of supply and system redundancy providing access to imported water as well as regional groundwater supplies, to meet water customer demand requirements for basic services, fire flow, and emergencies.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw
Department: MU/Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH AEGIS ENGINEERING MANAGEMENT

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute an amendment (on file with the Records Management Department) extending the existing Professional Services Agreement with Aegis Engineering Management of San Diego, California, one year for recycled water cross-connection and overspray testing at an estimated annual cost of \$90,000; and authorize the City Manager to execute future amendments extending the agreement for an additional year and modifying service locations on an as-needed basis consistent with City Council approved budgets.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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: If approved, appropriations will be included in the Proposed Fiscal Year 2014-15 budget from the Water Operations Fund for these services. Annual expenditures will be based on actual services provided in order to meet operational requirements at the contracted unit prices and are initially estimated at \$90,000. At the City's discretion, the agreement may be extended for one additional year consistent with City Council approved budgets, with an adjustment in the billing rates for the third year not to exceed 3%. There is no impact to the General Fund.

BACKGROUND: The City currently serves approximately 8,000 acre-feet of recycled water annually to about 230 customers. In order to make the best use of available water supplies, recycled water service continues to expand and is planned to meet over 20% of the City's ultimate water demand. The California Department of Public Health requires the City to perform annual cross-connection and overspray testing at every recycled water connection. In December 2013, the City entered into an agreement with Aegis Engineering Management for these state mandated recycled water cross-connection and overspray testing services under the same pricing, terms, and conditions. This amendment extends the term for the upcoming fiscal year.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw
Department: MU/Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE WATER MAIN REPLACEMENT PROJECT AT VARIOUS LOCATIONS

RECOMMENDATION: That the City Council:

- (A) Approve the plans and specifications;
- (B) Award Contract No. UT 1314-05 (on file with the Records Management Department) to T. E. Roberts, Inc. of Tustin, California for the construction of the Water Main Replacement Project at various locations in the amount of \$2,455,054 for the base bid plus two additive alternate bid schedules ("A" and "B") at a total cost of \$541,128, plus a 15% contingency of \$449,428, for a total amount of \$3,445,610 and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project; and
- (C) Approve and authorize the City Manager to execute a Professional Services Agreement (on file with the Records Management Department) with Albert A. Webb Associates of Riverside, California, in the amount of \$163,831 plus a 15% contingency of \$24,575 for a total amount of \$188,406 for providing construction management and inspection services for the Water Main Replacement Project at various locations.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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, Sewers, Streets, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2013-14 Capital Improvement Program includes sufficient appropriations from the Water Capital Fund for this project. The recommended contract awards to T. E. Roberts and Albert A. Webb Associates will total \$3,160,013 plus \$474,003 in contingencies for a total amount of \$3,634,016. There is no impact to the General Fund.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Fernando Cobos
Department: MU/Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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BACKGROUND: The City's Water Master Plan has identified the need to replace undersized and aging pipelines to maintain the reliability of water service to the community and to improve service pressure and fire flow availability. The Water Main Replacement Project at various locations consists of the installation of approximately 10,600 linear feet (Base Bid) of 12-inch and 8-inch water pipeline and appurtenances to replace existing 4-inch, 6-inch, and 8-inch diameter pipelines and over 200 existing water services. To maximize the opportunity to replace additional linear feet of undersized and aging pipelines within available budgets, two alternate bid schedules ("A" and "B") consisting of an additional 2,000 linear feet of 8-inch water pipeline and appurtenances were included in the Notice Inviting Bids. A location map is provided for reference.

On October 12, 2012, proposals were solicited for the preparation of plans and specifications for the design of the Water Main Replacement Project at various locations. Albert A. Webb Associates was awarded the contract based upon their qualifications and successful completion of similar projects. Award of the construction management and inspection services was deferred to coincide with the construction phase of the project. Approval of the professional services agreement will maintain continuity of the project and complete the award of this phase of the contract.

On May 8, 2014, 17 bids were received for the Water Main Replacement Project at various locations. The bids ranged from \$2,455,054 to \$3,678,960. The five lowest are summarized below.

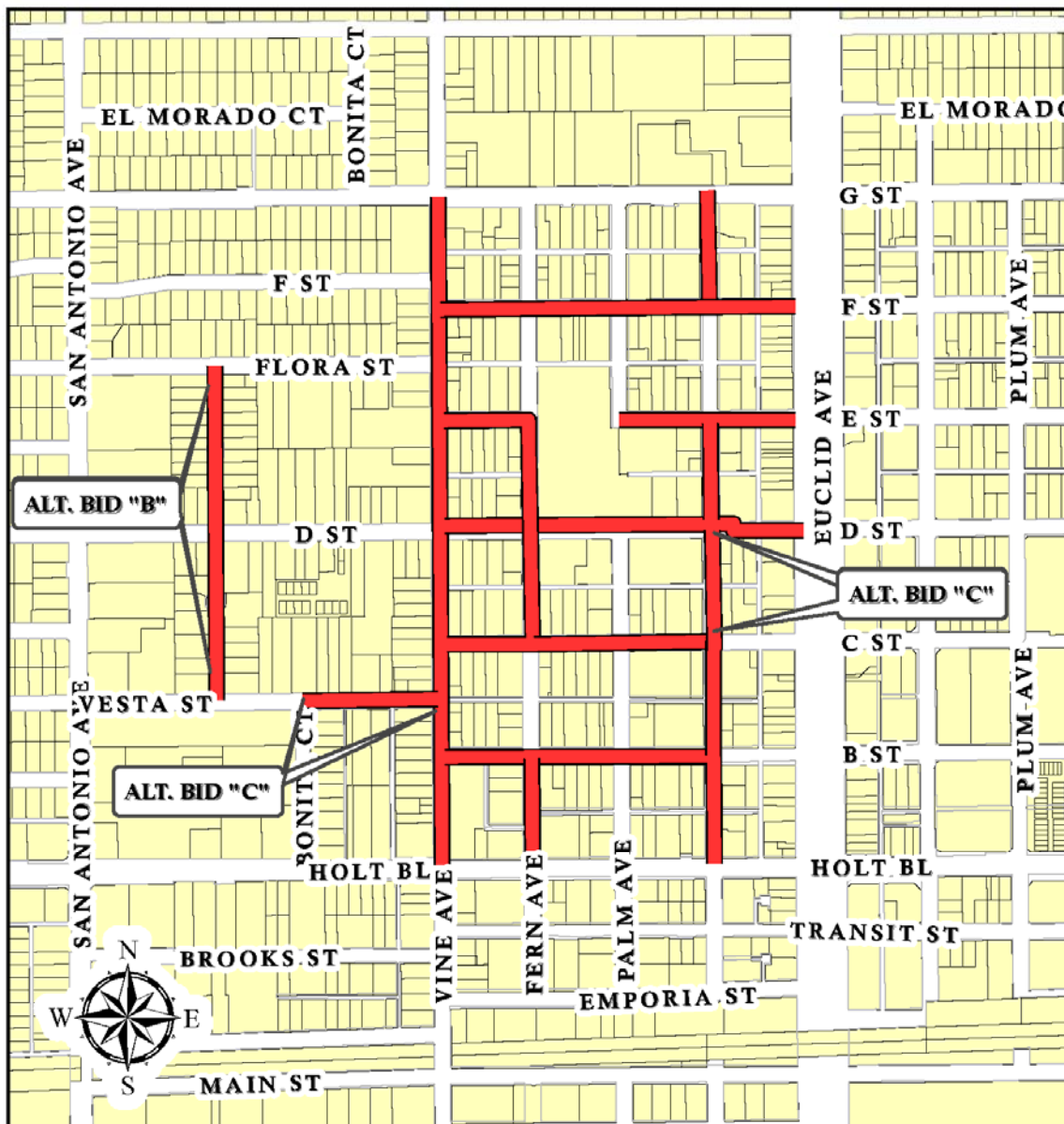
<u>Bidder</u>	<u>Location</u>	<u>Base Bid Amount</u>
T. E. Roberts, Inc.	Tustin, CA	\$2,455,054
Christensen Brothers General Engineering, Inc.	Apple Valley, CA	\$2,478,120
Sully Miller Contracting Company	Brea, CA	\$2,637,513
TBU, Inc.	Beaumont, CA	\$2,659,206
Ferreira Coastal Construction Company	Chino, CA	\$2,728,324

Staff recommends the award including the Base Bid and alternate bid schedules "A" and "B" to T. E. Roberts, Inc. of Tustin, California, based on their expertise and ability to perform the work in a timely manner and successful completion of this type of work in the past.

The project is a component of the 2012 Infrastructure Master Plans approved by the City Council on December 4, 2012. A Mitigated Negative Declaration was prepared and approved for the 2012 Infrastructure Master Plans pursuant to the provisions of CEQA. The Mitigated Negative Declaration addressed the drainage, sewer, water and recycled water master plans (2012 Infrastructure Master Plans) including their alignments, pipe sizes and installation for the City. An analysis of the project has determined that there is no deviation from the description of this component of the overall 2012 Infrastructure Master Plans. Thus, no further CEQA analysis is required.



CONTRACT NO. UT1314-05
WATER MAIN PIPELINE REPLACEMENT PROJECT
AT VARIOUS LOCATIONS



CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 5 (FISCAL YEAR 2014-15) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

RECOMMENDATION: That the City Council adopt a resolution approving an application for an estimated \$46,000 from the Used Oil Payment Program Cycle 5 (Fiscal Year 2014-15), from the State of California Department of Resources Recycling and Recovery (CalRecycle); and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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
Encourage, Provide or Support Enhanced Recreation, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The City is eligible to receive approximately \$46,000 in per capita funding through the Used Oil Payment Program. The City will receive funding for qualifying expenses made between July 1, 2014 through June 30, 2016 up to the per capita payment amount. There are no additional costs and no matching requirements for the City to participate in this grant program. There is no impact to the General Fund.

BACKGROUND: The California Oil Recycling Enhancement Act provides annual payments to local governments for the implementation of used oil and filter collection programs. The costs covered by this program include publicity, educational materials and collection facility operations that support used oil and filter recycling, including some of the costs associated with operation of the City's Household Hazardous Waste Collection Facility located at 1430 South Cucamonga Avenue. The payment program is intended to assist the City in achieving the goals set by the State of California to reduce the amount of waste sent to the landfills by 50%. Used oil recycling and hazardous waste collection are integral programs for attaining this goal.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Bonnie Butler
Department: MU/Solid Waste

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 5 (FISCAL YEAR 2014-15) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY.

WHEREAS, pursuant to Public Resources Code §48690 the Department of Resources Recycling and Recovery (CalRecycle) has established the Used Oil Payment Program to make payments to qualifying jurisdiction for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Programs; and

WHEREAS, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario authorizes the submittal of a Used Oil Payment Program application to CalRecycle.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized and empowered to execute in the name of the City of Ontario all documents, including but not limited to applications, agreements annual reports including expenditure reports and amendments necessary to secure said payments to support the Used Oil Payment Program.

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

PASSED, APPROVED, AND ADOPTED this 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: A PURCHASE OF A POWER MODULE MOBILE GENERATOR

RECOMMENDATION: That the City Council approve and authorize the purchase and delivery of one Caterpillar XQ800 Power Module Mobile Generator from Johnson Power Systems of Riverside, California, in the amount of \$406,784 consistent with the terms and conditions of the cooperative procurement process resulting in National Joint Powers Alliance Contract (NJPA) Invitation for Bids No. 080613 and Contract No. 080613-CAT.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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 Fiscal Year 2013-14 Capital Improvement budget includes appropriations from the Water Capital Fund for the purchase of the generator. The total cost is \$406,784. There is no impact to the General Fund.

BACKGROUND: The Water Master Plan recommends equipping a sufficient number of wells with backup power to ensure daily water demands are met in the event of a power outage. A sudden loss of power caused by an emergency, such as an earthquake, would limit the City's ability to pump water from its wells. Four of the City's 23 operating wells currently have stationary backup generators. The use of mobile generators for additional wells provides operational flexibility in responding to power outages.

Ontario Municipal Code Section 2-6.11(b) (3) allows for the purchase of supplies and equipment through cooperative purchasing when another governmental agency generally follows the provisions of Government Code Section 54201 through 54204. The cooperative purchase and delivery of this equipment is recommended from Johnson Power Systems, through the NJPA Contract Invitation for Bids No. 080613. The NJPA is a public agency serving as a national municipal contracting agency,

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Katie Gienger
Department: MU/Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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which facilitates a competitive bidding and contracting process on behalf of the needs of itself and its current and potential member agencies nationally.

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: A MAINTENANCE SERVICES AGREEMENT FOR TREE MAINTENANCE SERVICES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a three-year Service Agreement (on file with the Records Management Department) with West Coast Arborists, Inc. of Anaheim, California, to perform tree maintenance services at various City locations consistent with the terms, conditions and pricing of the agreement awarded in July 2009; and authorize the addition of future service areas, and the option to extend the agreement for up to seven additional years consistent with City Council approved budgets.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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 2014-15 Proposed Budget includes \$768,115 for tree maintenance services; however, expenditures in any year of the agreement will be based on actual work performed as directed by the City at the contracted rates. If approved, General Fund appropriations will be included in the Fiscal Year 2014-15 proposed budget.

At the City's discretion up to seven additional one-year extensions may be exercised with unit pricing increases based on CPI, but limited to 2.5% per year. Future contracting actions will be commensurate with City Council authorized work programs and approved budgets. Contracting for the multi-year period allows the City to limit the potential for yearly increase to the bid amounts, avoid the costs for re-bidding the contract annually, provide service continuity, and project future costs.

BACKGROUND: The City is responsible for the maintenance of approximately 62,000 trees throughout the parkways, parks and medians. The City contracts for tree maintenance services including tree trimming, tree and stump removal, tree planting, and 24-hour on-call emergency services. The City utilizes a five-year planned grid-trimming cycle throughout the City in order to reduce more expensive

STAFF MEMBER PRESENTING: Mark Chase, Community and Public Services Director

Prepared by: Dale Adcock
Department: Parks and Maintenance

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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emergency and service request responses. Since the five-year grid trimming cycle implementation, staff has been able to remove potential safety issues from diseased, dying or overgrown trees and continues to have a low number of monthly service request and emergency service responses.

In July 2009, the City entered into a cooperative purchasing agreement with West Coast Arborists, Inc., consistent with the terms, conditions, and pricing of the publicly bid City of Agoura Hills contract awarded in April 2008 to perform tree maintenance services. City of Ontario Municipal Code Section 2-6.11(b) (3) allows for the purchase of supplies and equipment through cooperative purchasing when another governmental agency generally follows the provisions of Government Code Section 54201 through 54204. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain prices lower than would otherwise be possible. Additionally, City staff has reviewed the tree maintenance services agreements and rates from a number of cities and finds that continuing with the current agreement pricing (\$55 per tree), to be the most advantageous for the City. For comparison purposes, staff reviewed contract rates from similar cities including Tustin, Rancho Cucamonga, Claremont, La Verne and their rates ranged from \$58 to \$195.

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: APPOINTMENT OF TWO AT-LARGE MEMBERS TO THE ONTARIO INTERNATIONAL AIRPORT – INTER AGENCY COLLABORATIVE MEDIATION BOARD

RECOMMENDATION: That the City Council appoint Mathew Slowik from the City of Fontana and Luis Munoz from the City of Rancho Cucamonga as the two At-Large Members to the Ontario International Airport – Inter Agency Collaborative Mediation Board.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: None.

BACKGROUND: The City Council adopted Ordinance No. 2935, approving the Airport Land Use Compatibility Plan (ALUCP) for Ontario International Airport (ONT) on April 19, 2011. The ALUCP requires participation by all jurisdictions affected by ONT within San Bernardino County. To implement the ALUCP, the City of Ontario entered into a Cooperative Agreement with the cities of Chino, Fontana, Montclair, Rancho Cucamonga, Upland and the County of San Bernardino. In July 2012, the Ontario International Airport – Inter Agency Collaborative (ONT- IAC) was officially created.

The purpose of the Cooperative Agreement and ONT-IAC is to maintain local jurisdictional control of land use planning for areas within the Airport Influence Area of ONT. The agreement established a collaborative process to implement the ALUCP and mediate disputes if they arise through the ONT-IAC Mediation Board. The composition of the Mediation Board includes:

- **City of Ontario** – Two members representing the City of Ontario;
- **LAWA** – One member representing LAWA;

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Lorena Mejia
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

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Denied: _____

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- **Public** – Two public representatives (at least one having aviation expertise) appointed by the Ontario City Council with recommendations from the other participating agencies.
- **Other Participating Agency** – Two members representing the participating agency within whose jurisdiction the disputed project is located, appointed by the participating agency's governing body.

Each participating agency and the City of Ontario have appointed their Mediation Board Members (*Attachment A – Participating Agency Mediation Board Members*). It is now appropriate for the Ontario City Council to appoint two at-large members to the ONT-IAC Mediation Board. Each of the participating agencies submitted applications with recommendations from their City Council's to be considered as a candidate to serve as an at-large member on the Mediation Board. Based on the criteria outlined in the Cooperation Agreement, staff is recommending that nominees Mathew Slowik from the City of Fontana and Luis Munoz from the City of Rancho Cucamonga serve as at-large members on the Mediation Board.

Attachment A – Participating Agency Mediation Board Members

Participating Agency	Mediation Board Member
City of Ontario	Council Airport Liaison Subcommittee (2 Members)
City of Chino	Council Member Eunice Ulloa
City of Chino	Planning Commissioner Harvey Luth
City of Fontana	Mayor pro Tem John Roberts
City of Fontana	Council Member Jesse Sandoval
City of Montclair	Mayor pro Tem Bill Ruh
City of Montclair	Planning Commission Chairperson Tenice Johnson
City of Rancho Cucamonga	Mayor L. Dennis Michael
City of Rancho Cucamonga	Council Member Diane Williams
City of Upland	Council Member Brendan Brandt
City of Upland	Planning Commissioner Ron King
County of San Bernardino	Fourth District Supervisor Gary Ovitt
County of San Bernardino	Chief Executive Officer Gregory C. Devereaux

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AUTHORIZATION TO DONATE A HISTORIC POLICE VEHICLE TO THE ONTARIO ROTARY POLICE MUSEUM

RECOMMENDATION: That the City Council authorize a no-cost transfer of title and donation of a 1950 Plymouth Deluxe 4-door Sedan to the Ontario Rotary Police Museum, a recognized 501 (c)(3) non-profit organization.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The Police Department currently spends approximately \$2,000 in annual maintenance costs for this vehicle. If approved, the Ontario Rotary Police Museum will assume responsibility for vehicle maintenance and appearance and make it available to the City of Ontario for public events.

BACKGROUND: The 1950 Plymouth Deluxe (California license number E348654, VIN# P20150335) was donated to the City of Ontario by retired Reserve Police Officer Bill Dye approximately 20 years ago. The car has been maintained as part of the Police Department fleet, incurring annual maintenance and repair costs. The Plymouth has been used exclusively as a showpiece for public events, such as the annual Fourth of July parade and the National Night Out, and does not support day-to-day operations.

Donating this vehicle to the Ontario Rotary Police Museum will help to ensure its continued preservation and provide improved access and visibility to our community. Members of the Ontario Rotary Police Museum serve as stewards of the Police Department's history, making the organization a logical successor to care for this representation of the City's long held commitment to public safety.

STAFF MEMBER PRESENTING: Eric V. Hopley, Chief of Police

Prepared by: Darryl Polk
Department: Police Department

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: A SERVICE AGREEMENT FOR SENIOR TRANSPORTATION SERVICES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a two-year Service Agreement (on file with the Records Management Department) with West End YMCA (Ontario/Montclair YMCA) of Rancho Cucamonga, California, for Senior Transportation Services for a cumulative amount not to exceed \$229,140, and authorize the option to extend the agreement for up to one additional year consistent with City Council approved budgets.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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: The estimated annual base cost of the proposed Service Agreement is \$113,268 and \$115,872 for FY 2014-15 and FY 2015-16, respectively. The agreement covers program costs for drivers, dispatching, customer service and administrative support, as well as vehicle operation and maintenance. If approved, General Fund appropriations will be included in the Fiscal Year 2014-15 proposed budget.

At the City's discretion, a one-year extension may be exercised with no increase for the third year and appropriations will be included in future year budgets for City Council consideration and approval. Contracting for the multi-year period allows the City to limit the potential for yearly increase to the bid amounts, avoid the costs for re-bidding the contract annually, provide service continuity, and project future costs.

BACKGROUND: For the last six years, the City has contracted with the Ontario/Montclair YMCA to provide a Senior Transportation Program that consists of door-to-door transport of Ontario's senior citizens to attend programs and activities at the Ontario Senior Center. The program operates Monday through Friday from 8:30 a.m. to 5:00 p.m. by reservation.

STAFF MEMBER PRESENTING: Mark Chase, Community and Public Services Director

Prepared by: Stacy Orton
Department: Recreation and Community Svcs

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

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Denied: _____

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Based on FY 2013-14 statistics through March 2014, the program provides an average of 1,338 one-way trips per month, or the equivalent of 669 round trips per month. Ridership averages 35+ per day with Thursdays increasing to 45+ persons due to high-demand programming at the Ontario Senior Center. Currently, the program ridership is approximately 176 individuals who use the Senior Transportation Program which is a 38% increase since the current agreement was initiated in 2011. The Ontario Senior Center continues to see growth in program participation due to accessibility provided by the Senior Transportation Program.

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING CHAPTER 3, TITLE 4, OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S EMERGENCY ORGANIZATION

RECOMMENDATION: That the City Council consider and adopt an ordinance amending Chapter 3, Title 4, of the Ontario Municipal Code related to the City's Emergency Organization.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The proposed Ontario Municipal Code (OMC) amendment will align the OMC with California's Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS), thus supporting the City's eligibility to receive State and Federal Emergency Assistance funds and Homeland Security Grant Program (HSGP) funding.

BACKGROUND: On June 3, 2014, the City Council introduced an ordinance amending Chapter 3, Title 4, of the Ontario Municipal Code relating to the City's Emergency Organization. Amending this section of the OMC will ensure consistency between the newly approved, updated Emergency Operations Plan and the legal parameters within which the Ontario City Council and Emergency Organization must operate. Furthermore, amending the Ontario Municipal Code satisfies the requirements of the California SEMS and the NIMS ensuring the City's eligibility to receive Emergency Assistance funds and HSGP funding.

The Emergency Organization for the City of Ontario is detailed in Chapter 3, Title 4, of the OMC and was last amended in 1999. This OMC chapter provides requirements for the preparation and implementation of disaster protocols for the protection of persons and property within the City. The OMC specifies the membership and associated responsibilities of the City of Ontario Disaster Council,

STAFF MEMBER PRESENTING: Jacob Green, Assistant City Manager

Prepared by: Paul G. Walker
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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creates a structure for oversight of the emergency organization, supports the City Emergency Management Working Committee, and empowers the elected body to enact various actions and enforcement protocols during emergencies. Formally establishing a Disaster Council and ensuring plans are created to meet conditions constituting a local emergency or state of emergency allows the City to meet requirements of California Office of Emergency Services accreditation set forth in California Government Code Title 2, Division 1, Chapter 7, Article 10, Section 8610.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, AMENDING CHAPTER 3 OF TITLE 4 OF THE ONTARIO
MUNICIPAL CODE RELATING TO EMERGENCY ORGANIZATION.

WHEREAS, the City Council of the City of Ontario has adopted provisions regarding the City's Emergency Organization, codified at Chapter 3, Title 4 of the City of Ontario Municipal Code; and

WHEREAS, those provisions were most recently updated through Ordinance 2706 in December 1999; and

WHEREAS, since 1999, there have been significant advancements in emergency planning and amendments to the California Emergency Services Act; and

WHEREAS, the City Council now desires to update its provisions relating to the City's Emergency Organization to ensure that they comply with the law, the California Emergency Services Act, Standardized Emergency Management System (SEMS), and National Incident Management System (NIMS) and better account for current circumstances.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 3 of Title 4 of the Ontario Municipal Code is hereby amended, in its entirety, to read as follows:

CHAPTER 3: EMERGENCY ORGANIZATION

- 4-3.01 Purpose
- 4-3.02 Definition
- 4-3.03 Disaster Council: Membership
- 4-3.04 Disaster Council: Powers, Duties, Meetings
- 4-3.05 Director and Assistant Director of Emergency Services, Emergency Manager
- 4-3.06 Powers of the Director of Emergency Services, Assistant Director of Emergency Services, and Emergency Manager
- 4-3.07 Emergency Management Working Committee
- 4-3.08 Emergency Organization
- 4-3.09 Emergency Plan
- 4-3.10 Expenditures
- 4-3.11 Violations of provisions: Penalties
- 4-3.12 Effective Date
- 4-3.13 Severability

Sec. 4-3.01 Purpose.

The declared purpose of this Chapter is to provide for the preparation and carrying out of plans for the protection of persons and property within the City of Ontario in the event of an emergency. This Chapter shall provide for the direction of the emergency organization and the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons.

Sec. 4-3.02 Definition.

As used in this Chapter, “emergency” shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City’s jurisdiction caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat.

Sec. 4-3.03 Disaster Council: Membership.

The City of Ontario Disaster Council is hereby created and shall consist of the following:

- (a) The Mayor, who shall be chair.
- (b) The Mayor pro Tem, who shall be vice chair.
- (c) All members of the Ontario City Council.
- (d) Staff, technical advisors, and community representatives as may be appointed by the Disaster Council Chair with the concurrence of a majority of the above Disaster Council members.

Sec. 4-3.04 Disaster Council Powers and Duties.

It shall be the duty of the City of Ontario Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Disaster Council chair or upon call of the Disaster Council vice chair in the absence of the chair.

Sec. 4-3.05 Director and Assistant Director of Emergency Services, Emergency Manager.

(a) There is hereby created the office of Director of Emergency Services. The City Manager of the City of Ontario shall be the Director of Emergency Services.

(b) There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director of Emergency Services. The Director of Emergency Services may appoint either the Assistant City Manager, Fire Chief, Police Chief, or Emergency Manager as the Assistant Director of Emergency Services.

(c) There is hereby created the office of Emergency Manager, who shall act at the will of the Director of Emergency Services. The Emergency Manager of the City of Ontario shall manage day-to-day affairs of the emergency management program and have certain other emergency management functions as specified.

Sec. 4-3.06 Powers and Duties of the Director and Assistant Director of Emergency Services.

(a) The Director of Emergency Services is hereby empowered to:

(1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director of Emergency Services, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect; and

(2) Request the City Council to review the need for continuing the local emergency at least once every 30 days until the City Council terminates the local emergency; and

(3) Request the Governor to proclaim a "state of emergency" when, in the opinion of the Director of Emergency Services, the locally available resources are inadequate to cope with the emergency; and

(4) Control and direct the effort of the Emergency Organization of the City for the accomplishment of the purposes of this Chapter; and

(5) Direct cooperation between and coordination of services and staff of the Emergency Organization of the City and resolve questions of authority and responsibility that may arise between them; and

(6) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined in this Chapter; and

(7) In the event of the proclamation of a "local emergency," the proclamation of a "state of emergency" by the Governor or the Secretary of the California Emergency Management Agency, or the existence of a "state of war emergency," the Director of Emergency Services is hereby empowered to:

(i) Promulgate written orders and regulations necessary to provide for the protection of life and property as affected by such emergency, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety; provided, however, such rules and regulations shall be widely publicized and noticed and shall be confirmed at the earliest practicable time by the City Council; and

(ii) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use; and

(iii) Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in the County of San Bernardino or the existence of a "state of war emergency," to command the aid of as many citizens of the community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster services workers; and

(iv) Requisition necessary personnel or material of any City departments or agencies; and

(v) Execute: all ordinary powers; all special powers conferred by this Chapter, by resolution, and by an adopted Emergency Plan; and all other powers conferred by statute, agreement approved by the City Council, or by any other lawful authority; and

(vi) Approve contracts as necessary to support the Emergency Organization and to protect the life and property of the citizens of Ontario.

(b) In the absence of the Director of Emergency Services, the Assistant Director of Emergency Services is empowered to take on the powers of the Director of Emergency Services under Section 4-3.06(a). In the absence of both the Director of Emergency Services and the Assistant Director of Emergency Services, the Emergency Manager is empowered to take on the powers of the Director of Emergency Services under Section 4-3.06(a). The Director of Emergency Services shall be deemed absent where he or she is unavailable to participate in meetings or otherwise is unable to perform his or her duties during an emergency.

(c) The Director of Emergency Services may supplement the order of succession to that office identified in Section 4-3.06(b), to take effect in the event the Director is absent. Such order of succession shall be approved by the Governing body.

(d) The Assistant Director of Emergency Services shall, under the supervision of the Director of Emergency Services, supervise the activities of the Emergency Manager and shall have such other powers and duties as may be assigned by the Director of Emergency Services.

Sec. 4-3.07 Emergency Management Working Committee.

(a) There is also created the Emergency Management Working Committee which shall consist of the following:

(1) The Emergency Manager who shall serve as chair and shall schedule meetings and projects as necessary.

(2) One representative from each agency or department with responsibilities assigned under the City of Ontario Emergency Plan.

(b) The Emergency Management Working Committee shall:

(1) Develop plans and procedures for the effective accomplishment of emergency management objectives, including the review and update of the City of Ontario Emergency Plan.

(2) Maintain the City's designated Emergency Operations Center (EOC) in a constant state of readiness so that it remains functional and meets the needs of all organizations with assignments and positions in the EOC.

(3) Review, recommend for purchase, and keep current emergency management automated systems so that they meet the needs of all organizations that may be represented in the Ontario EOC.

(4) Achieve a high level of knowledge about specific emergency management functions assigned to the various City departments.

(5) Training an adequate number of staff members from each department so as to ensure that personnel are available to respond to and perform in an EOC environment.

(6) Design and call emergency management exercises to test various components of the City of Ontario Emergency Plan as necessary; provided, however, that with respect to any such test exercise no one shall have the power to command the assistance of any private citizen, and the failure of a citizen to follow any orders or regulations pertaining to a test exercise shall not constitute a violation of this Chapter.

(7) Serve as a resource for trained exercise simulators and observers so that the learning value of such activities is maximized.

(8) Serve as a department contact for all emergency management issues such as the gathering of information for disaster assistance claims, circulation of pertinent legislation, notification of events and activities, and liaison with executive level managers.

(9) Ensure that each of the five phases of emergency management (mitigation, planning, preparedness, response, and recovery) are addressed in a systematic fashion so as to provide a comprehensive, integrated, and effective emergency management program for the City of Ontario.

Sec. 4-3.08 Emergency Organization.

All officers and employees, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 4-3.06(a)(7)(iii), be charged with duties incident to the protection of life and property during such emergency, shall constitute the Emergency Organization of the City of Ontario.

Sec. 4-3.09 Emergency Plan.

The City of Ontario Disaster Council shall be responsible for the development of the Emergency Plan, which shall provide for the effective mobilization of all of the resources of this jurisdiction, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the

organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

Sec. 4-3.10 Expenditures.

Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Ontario. Under certain emergency conditions the Disaster Council, or any City staff member of the Emergency Organization, may enact conditional changes in procurement processes, spending limits, approval authorities, and allocation of City resources in order to support the City's required response activities.

Sec. 4-3.11 Violations of Provisions: Penalties.

It shall be a misdemeanor, punishable by fine of not to exceed five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of time not to exceed six (6) months, or both, for any person, during an emergency to:

(a) Willfully obstruct, hinder, or delay any member of the Emergency Organization in the enforcement of any lawful rule or regulation issued pursuant to the provisions of this Chapter or in the performance of any duty imposed upon him by virtue of said provisions; and

(c) Do any act forbidden by any lawful rule or regulation issued pursuant to the provisions of this Chapter if such act is of such a nature as to give, or be likely to give, assistance to the enemy or imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof; or

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

SECTION 3. CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

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

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

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

SECTION 8. Office of Emergency Services. The City Clerk shall submit a certified copy of the adopted Ordinance to the Office of Emergency Services not later than sixty (60) days following the passage of this Ordinance.

PASSED, APPROVED, AND ADOPTED this 17th day of June 2014.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held June 3, 2014 and adopted at the regular meeting held June 17, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014 and that Summaries of the Ordinance were published on June 10, 2014 and June 24, 2014, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION PROGRAM SECTIONS 8-13.201 AND 8-13.508 OF THE ONTARIO MUNICIPAL CODE

RECOMMENDATION: That the City Council consider and adopt an ordinance amending the Flood Damage Prevention Program Sections 8-13.201 and 8-13.508 of the Ontario Municipal Code relating to regulation of recreational vehicles.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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

FISCAL IMPACT: No fiscal impact. Costs involved in enforcing the new regulations will be recoverable through the collection of civil penalties for violations under Section 1-2.01 of the Ontario Municipal Code.

BACKGROUND: On June 3, 2014, the City Council introduced an ordinance amending the Flood Damage Prevention Program relating to regulation of recreational vehicles. The Federal Emergency Management Agency (FEMA) manages the National Flood Insurance Program and publishes maps with flood insurance related information. FEMA is preparing a Physical Map Revision (PMR) for San Sevaine Channel to update the Flood Insurance Rate Map (FIRM) panels for our area. Since the City is affected by the new PMR FIRM panels, FEMA automatically requires a review of the City's Flood Damage Prevention Program (Section 8-13 of the Ontario Municipal Code). Based on its review, FEMA notified the City that its Flood Damage Prevention Program needs to be updated to include a mandatory provision pertaining to recreational vehicles and adding "recreational vehicle" to the definitions. This ordinance has been reviewed and approved by the City Attorney.

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

Prepared by: Tricia Espinoza, P.E.
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014
Approved: _____
Continued to: _____
Denied: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, AMENDING THE FLOOD DAMAGE PREVENTION
PROGRAM SECTIONS 8-13.201 AND 8-13.508 OF THE ONTARIO
MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES

WHEREAS the City of Ontario by Ordinances 2109 (1980) and 2409 (1988) established the Flood Damage Prevention Program, which is codified in Chapter 8-13 of the Ontario Municipal Code;

WHEREAS the Federal Emergency Management Agency ("FEMA") manages the National Flood Insurance Program and publishes maps with flood insurance related information;

WHEREAS FEMA has undertaken the San Sevaine Channel Physical Map Revision ("PMR") to update flood insurance rate map panels ("FIRM panels");

WHEREAS as part of the PMR, FEMA reviewed the City's Flood Damage Prevention Program, because the City is affected by the new PMR FIRM panels;

WHEREAS FEMA requires the City to incorporate regulations relating to recreation vehicles into the Flood Damage Prevention Program; and

WHEREAS the City wishes to amend Sections 8-13.201 and 8-13.508 of the Municipal Code to comply with the direction provided by FEMA.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS
FOLLOWS:

SECTION 1. Those portions of Ordinances 2109 and 2409 adopting and amending Section 8-13.201 subdivision (v) is hereby deleted and Section 8-13.201 of the Ontario Municipal Code is hereby amended to add subdivision (jj), defining the term "Recreational Vehicle," and to revise the definition of "manufactured home" in subdivision (v) as follows:

Section 8-13.201 Definitions

(v) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. "Manufactured home" does not include a "recreational vehicle."

(jj) "Recreational vehicle" means a vehicle which is all of the following:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SECTION 2. Section 8-13.508 is hereby added to the Ontario Municipal Code to read in its entirety as follows:

Section 8-13.508 Standards for Recreational Vehicles

(a) All recreational vehicles placed in SFHA Zones A1-30, AH or AE must either:

- (1) Be on the site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use; or
- (3) Meet the permit requirements of Section 8-13.401 and the elevation and anchoring requirements for manufactured homes in Section 8-13.504.

(b) For purposes of this section, a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION 3. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

SECTION 4. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 5. This Ordinance shall become effective thirty (30) days from its adoption.

PASSED, APPROVED, AND ADOPTED this 17th day of June 2014.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held June 3, 2014 and adopted at the regular meeting held June 17, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014 and that Summaries of the Ordinance were published on June 10, 2014 and June 24, 2014, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE) TO M1 (LIMITED INDUSTRIAL) ON 3.82 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF MISSION BOULEVARD AND OAKS AVENUE

RECOMMENDATION: That the City Council consider and adopt an ordinance approving File No. PZC14-002, a Zone Change from C3 (Commercial Service) to M1 (Limited Industrial) on 3.82 acres of land located at the northeast corner of Mission Boulevard and Oaks Avenue (APN: 1011-211-06).

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

FISCAL IMPACT: The proposed Zone Change would facilitate the development of two industrial buildings totaling approximately 88,850 square feet, resulting in increased on-going property tax revenues to the City, and the one-time payment to the City of plan check fees and development impact fees.

BACKGROUND: On June 3, 2014, the City Council introduced an ordinance approving File No. PZC14-002, a Zone Change from C3 (Commercial Service) to M1 (Limited Industrial). The Planning Department has initiated a Zone Change on approximately 3.82 acres of land located at the northeast corner of Mission Boulevard and Oaks Avenue, from C3 (Commercial Service) to M1 (Limited Industrial). The application was initiated by staff in response to Tentative Parcel Map (File No. PMTT14-001/PM 19517) and Development Plan (File No. PDEV14-001) requests filed by Xebec Development Company for the development of the project site consistent with the site's current TOP Policy Plan (General Plan) land use designation of "Business Park."

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

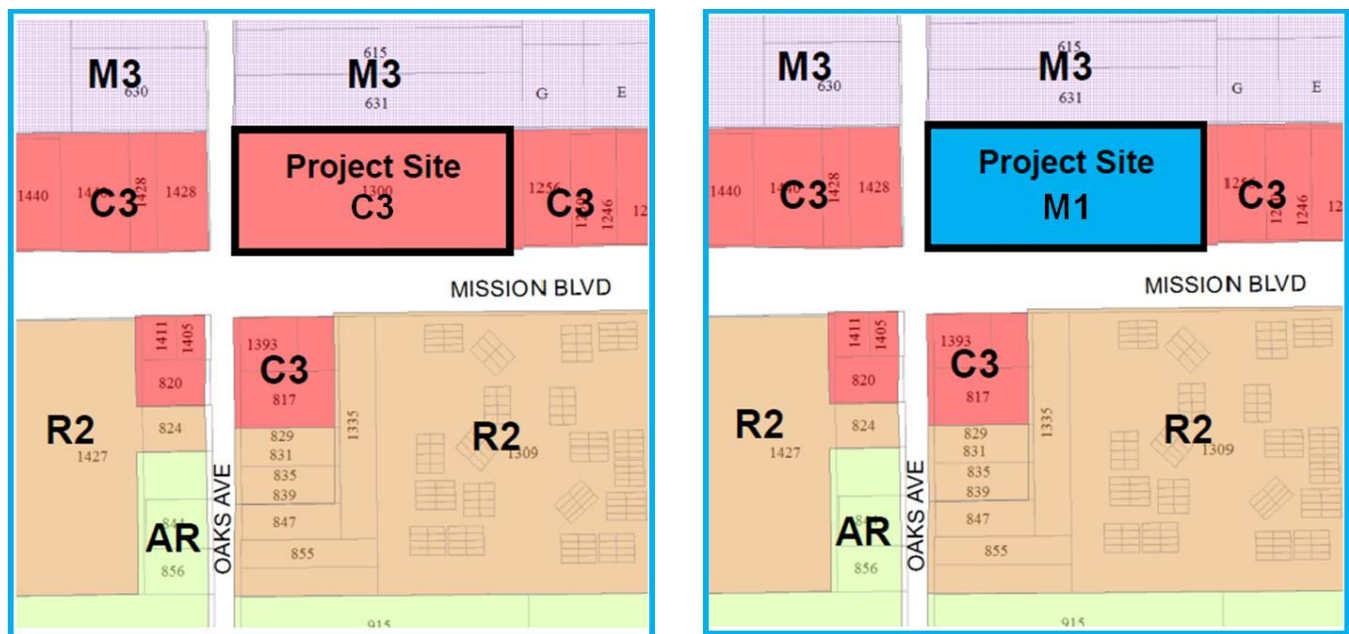
Denied: _____

19

The M1 zoning designation proposed is the existing zoning designation most consistent with the Business Park TOP land use designation. Staff is currently preparing an update to the City's Development Code (Ontario Municipal Code Title 9) that will establish zoning districts consistent with the TOP Policy Plan (General Plan) land use designations. Staff anticipates the Development Code amendment to go before the Planning Commission and City Council in the near future, to be followed by a Zone Change on the project site, changing the zoning designation on the project site to Business Park (BP). However, in the near term, staff is recommending the City Council adopt an ordinance changing the zoning designation on the project site to M1, Limited Industrial, which will allow the development on the project site to move forward.

On April 29, 2014, the Planning Commission voted unanimously (7-0) to recommend the City Council approve the proposed Zone Change. On the same date, the Planning Commission approved the development project proposed by Xebec Development Company, including Tentative Parcel Map No. 19517 (File No. PMTT14-001/PM19517) and a Development Plan (File No. PDEV14-001), subject to the approval of the proposed Zone Change by the City Council. The development project has been designed consistent with the Business Park zoning district development standards being proposed by staff.

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.







PLANNING COMMISSION STAFF REPORT

April 29, 2014

SUBJECT: A Zone Change from the C3 (Commercial Service) zoning district to the M1 (Limited Industrial) zoning district on 3.82 acres (gross) of land located at the northeast corner of Mission Boulevard and Oaks Avenue (APN: 1011-211-06); City Initiated.

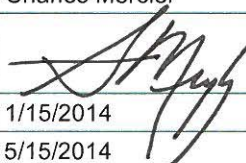
PROPERTY OWNER: Lynda Nicolson

RECOMMENDED ACTION: That the Planning Commission adopt a resolution recommending City Council approval of File No. PZC14-002, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is a single 3.82-acre (gross) parcel of land, which lies in the C3 (Commercial Service) zoning district. The property is largely undeveloped, and has been regularly used for the farming of food crops, such as strawberries. The project site is depicted in Figure 1 (Project Location Map), below.



Figure 1: Project Location Map

Case Planner: Charles Mercier	Hearing Body	Date	Decision	Action
Planning Director Approval: 	DAB	4/21/2014	Approval	Recommend
Submittal Date: 1/15/2014	ZA			
Hearing Deadline: 5/15/2014	PC	4/29/2014		Final
	CC			

The area surrounding the project site is characterized by automobile repair facilities on the property to north, which lies in the M3 (General Industrial) zoning district. The abutting property to the east is developed with single-family dwellings and lies in the C3 (Commercial Service) zoning district. Properties located south of the project site, across Mission Boulevard, are developed with a variety of land uses, including a single-family dwelling located in the C3 (Commercial Service) zoning district, and a small private school and a residential condominium project, which are both located in the R2 (Medium Density Residential) zoning district. The property located west of the project site, across Oaks Avenue, is developed with retail commercial land uses and lies in the C3 (Commercial Service) zoning district.

PROJECT BACKGROUND AND ANALYSIS:

The Planning Department has initiated a Zone Change on 3.82 acres (gross) of land located at the northeast corner of Mission Boulevard and Oaks Avenue. The Zone Change will change the zoning designation on the project site from the C3 (Commercial Service) zoning district to the M1 (Limited Industrial) zoning district.

The application was initiated by staff in response to Tentative Parcel Map (File No. PMTT14-001/PM 19517) and Development Plan (File No. PDEV14-001) requests to develop the project site consistent with the site's current Business Park land use designation, assigned to the property at the time of adoption of The Ontario Plan (TOP) in January 2010.

The M1 zoning designation proposed is the existing zoning designation most consistent with the Business Park land use district of TOP Land Use Plan (Exhibit LU-01). Staff is currently preparing an update to the City's Development Code (Title 9 of the Ontario Municipal Code) that, in part, is intended to establish a Business Park (BP) zoning district, which will be consistent with, and implement, the Business Park land use designation of TOP Land Use Plan. Staff anticipates the Development Code amendment to go before the Planning Commission and City Council in the near future. Upon establishment of the BP zoning district, staff will initiate a zone change on the project site, changing the zoning designation on the property to BP. However, in the near term, staff is recommending the Planning Commission adopt resolutions recommending the City Council approve the Zone Change to M1, Limited Industrial.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Priorities.

[a] *Primary Goal:* Develop Strategies and Take Actions, including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health.

[b] *Supporting Goals:* [1] Invest in the Growth and Evolution of the City's Economy; [2] Focus Resources in Ontario's Commercial and Residential Neighborhoods; and [3] Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities).

[2] Policy Plan (General Plan).

[a] *Land Use—Compatibility*

Goal: LU2 Compatibility between a wide range of uses.

Policies:

LU2-1 *Land Use Decisions.* We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

LU2-2 *Buffers.* We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.

LU2-5 *Regulation of Uses.* We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.

LU2-6 *Infrastructure Compatibility.* We require infrastructure to be aesthetically pleasing and in context with the community character.

[b] *Land Use—Flexibility*

Goal: LU3 Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

Policies: LU3-1 *Development Standards.* We maintain clear development standards which allow flexibility to achieve our Vision.

[c] *Community Design—Design Quality*

Goal: CD2 A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

CD2-13 *Entitlement Process.* We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

CD2-14 *Availability of Information.* We provide easy access to information for developers, builders and the public about design quality, construction quality, and sustainable building practices.

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The project site is located within the Airport Influence Area of LA/Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP).

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
Site	Vacant	Business Park	C3 (Commercial Service)
North	Automobile Repair	Business Park	M3 (General Industrial)
South	Residential, Vacant & School (K through 8)	Medium Density Residential (11.1 to 25.0 DUs/Acre)	C3 (Commercial Service) & R2 (Medium Density Residential)
East	Residential	Business Park	C3 (Commercial Service)
West	Retail Commercial	Business Park	C3 (Commercial Service)

Development Summary:

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
Project Area (acres):	3.82 (gross)	N/A	
Lot/Parcel Size:	Parcel 1: 1.93 acres (gross) Parcel 2: 1.87 acres (gross)	10,000 SF (0.22 acre) Min.	Y

RESOLUTION NO. PC14-028

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PZC14-002, A CHANGE IN THE ZONING DESIGNATION ON 3.82 GROSS ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF MISSION BOULEVARD AND OAKS AVENUE, AT 1320 AND 1380 WEST MISSION BOULEVARD, FROM C3 (COMMERCIAL SERVICE) TO M1 (LIMITED INDUSTRIAL), AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1011-211-06.

WHEREAS, the City of Ontario ("Applicant") has initiated a Zone Change, File No. PZC14-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 3.82 gross acres of land located at the northeast corner of Oaks Avenue and Mission Boulevard, which is largely undeveloped, and has been regularly used for the farming of food crops, such as strawberries; and

WHEREAS, the area surrounding the project site is characterized by automobile repair facilities on the abutting property to north, which lies in the M3 (General Industrial) zoning district. The property to the east is developed with single-family dwellings in the C3 (Commercial Service) zoning district. Properties located south of the project site, across Mission Boulevard, are developed with a variety of land uses, including a single-family dwelling located in the C3 (Commercial Service) zoning district and a small private school and a residential condominium project, which are both located in the R2 (Medium Density Residential) zoning district. The property located west of the project site, across Oaks Avenue, is developed with retail commercial land uses and lies in the C3 (Commercial Service) zoning district; and

WHEREAS, the proposed zone change was initiated by the City in response to Tentative Parcel Map (File No. PMTT14-001/PM 19517) and Development Plan (File No. PDEV14-001) requests to develop the project site consistent with the project site's current Business Park land use designation, assigned to the property at the time of adoption of The Ontario Plan in January 2010; and

WHEREAS, the M1 zoning designation proposed to be assigned to the project site is with the Business Park land use district of The Ontario Plan Land Use Plan (Exhibit LU-01); and

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

WHEREAS, the project site is located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

WHEREAS, on April 29, 2014, the Planning Commission 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 Planning Commission of the City of Ontario, as follows:

SECTION 1. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

- a. The Project is categorically exempt from environmental review pursuant to Section 15332 (Infill Development) of the CEQA Guidelines; and
- b. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and
- c. The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

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

- a. The proposed zone change is consistent with the goals and policies of the general plan.
- b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice.

c. The project sites are physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designations and anticipated developments.

d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses.

e. The proposed zone change will not have a significant adverse impact on the environment.

f. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the zoning designation of the subject property from C3 (Commercial Service) to M1 (Limited Industrial) 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.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby recommends approval of the requested Zone Change as shown on the attached Exhibit "A".

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

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

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

SECTION 7. The Secretary shall certify to the adoption of the Resolution.

Planning Commission Resolution
File No. PZC14-002
April 29, 2014

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a special meeting thereof held on the 29th day of April 2014, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Rick Gage, Planning Commission
Chairman

ATTEST:



Scott Murphy, Planning Director/
Secretary of Planning Commission

Planning Commission Resolution
File No. PZC14-002
April 29, 2014

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

I, Jeanina M. Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC14-028 was duly passed and adopted by the Planning Commission of the City of Ontario at their special meeting held on April 29, 2014 by the following roll call vote, to wit:

AYES: Delman, Downs, Gage, Gregorek, Mautz, Willoughby

NOES: None

ABSENT: Ricci

ABSTAIN: None


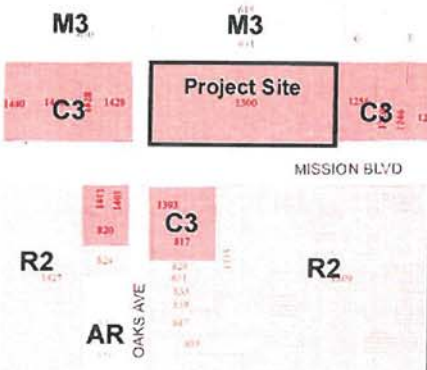
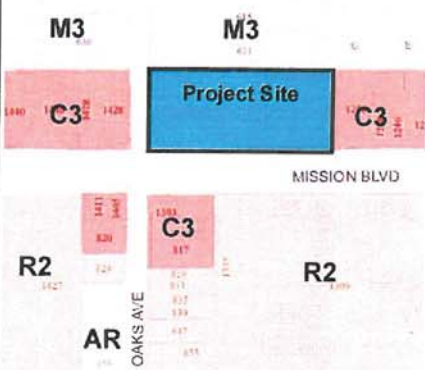

Jeanina M. Romero, Secretary Pro
Tempore

EXHIBIT A: Zone Change

Existing Zoning Designation	Assessor Parcel Number Involved	Proposed Zoning Designation
 <p>C3 (Commercial Service)</p>	<p>101121106 <i>(1 of 1 properties)</i></p> <p>Northeast Corner Mission Boulevard and Oaks Avenue</p>	 <p>M1 (Limited Industrial)</p>

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-002, A ZONE CHANGE ON 3.82 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF MISSION BOULEVARD AND OAKS AVENUE, FROM C3 (COMMERCIAL SERVICE) TO M1 (LIMITED INDUSTRIAL), AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1011-211-06.

WHEREAS, the City of Ontario ("Applicant") has initiated a Zone Change, File No. PZC14-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 3.82 acres of land located at the northeast corner of Oaks Avenue and Mission Boulevard, which is largely undeveloped, and has been regularly used for the farming of food crops, such as strawberries; and

WHEREAS, the area abutting the project site to the north is characterized by automobile repair facilities, which lies in the M3 (General Industrial) zoning district. The property to the east is developed with single-family dwellings in the C3 (Commercial Service) zoning district. Properties located south of the project site, across Mission Boulevard, are developed with a variety of land uses including a single-family dwelling located in the C3 (Commercial Service) zoning district, a small private school and a residential condominium project, both of which are located in the R2 (Medium Density Residential) zoning district. The property located west of the project site, across Oaks Avenue, is developed with retail commercial land uses and lies in the C3 (Commercial Service) zoning district; and

WHEREAS, the proposed zone change was initiated by the City in response to Tentative Parcel Map (File No. PMTT14-001/PM 19517) and Development Plan (File No. PDEV14-001) requests to develop the project site consistent with the project site's current Business Park land use designation; and

WHEREAS, the M1 zoning designation proposed to be assigned to the project site is consistent with the Business Park land use district of The Ontario Plan Land Use Plan (Exhibit LU-01); and

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

WHEREAS, the project site is located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

WHEREAS, on April 29, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC14-028, recommending the City Council approve the application; and

WHEREAS, on June 3, 2014, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The Project is categorically exempt from environmental review pursuant to Section 15332 (Infill Development) of the CEQA Guidelines; and

b. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

c. The determination of CEQA exemption reflects the independent judgment of the City Council.

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

a. The proposed zone change is consistent with the goals and policies of the Policy Plan component of The Ontario Plan.

b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice.

c. The project sites are physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designations and anticipated developments.

d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses.

e. The proposed zone change will not have a significant adverse impact on the environment.

f. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the zoning designation of the subject property from C3 (Commercial Service) to M1 (Limited Industrial) 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.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the requested Zone Change, as shown on the attached Exhibit A.

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

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

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

SECTION 7. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2014.

PAUL S. LEON, MAYOR

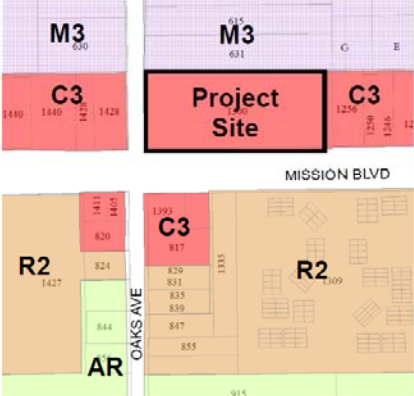
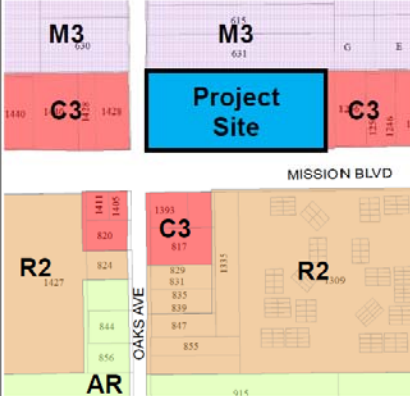
ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

EXHIBIT A: Zone Change

Existing Zoning Designation	Assessor Parcel Number Involved	Proposed Zoning Designation
 <p style="text-align: center;">101121106 (1 of 1 properties)</p> <p style="text-align: center;">C3 (Commercial Service)</p>	<p style="text-align: center;">101121106 (1 of 1 properties)</p> <p style="text-align: center;">Northeast Corner Mission Boulevard and Oaks Avenue</p>	 <p style="text-align: center;">M1 (Limited Industrial)</p>

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: PUBLIC HEARINGS

SUBJECT: RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES)

RECOMMENDATION: That City Council take the following actions:

- (A) Adopt a resolution establishing City of Ontario Community Facilities District No. 27 (New Haven Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 27 (New Haven Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 27 (New Haven Services).

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downtown on Ontario's Economy and the City's Fiscal Health
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: Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

20

FISCAL IMPACT: In accordance with the City Council's long standing direction that development in the New Model Colony generate sufficient revenues to fund its required City services without reliance on the existing financial resources of the Old Model Colony, the use of Mello-Roos financing in connection with the New Haven development is projected to generate approximately \$2,000,000 per year, at build-out, to fund City services. As proposed, the maximum annual tax rates to be assessed on the residences are \$1,387 for each single-family detached unit, \$1,202 for each multi-family unit, and \$1,008 for each gated apartment unit. The use of Mello-Roos financing for City services is critical in achieving the City Council's goal of **"Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony."** The use of Mello-Roos financing for the New Haven development will not generate funds for facilities, and bonds will not be issued as part of this formation

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides 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 finance various kinds of public infrastructure facilities and governmental services. Governmental 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 with an estimated useful life of five or more years that is owned by the governmental entity.

On May 6, 2014, the City Council approved Resolution No. 2014-035, a Resolution of Intention to establish City of Ontario Community Facilities District No. 27 (New Haven Services) and authorize the levy of special taxes within the district. The New Haven project addresses the residential development of approximately 179 acres located north of Edison Avenue, south of Schaefer Avenue, east of Archibald Avenue, and west of Haven Avenue. At build-out, the development is projected to include 1,247 residential units: 712 detached units, 352 attached units and 183 apartment units. Included, as part of the Resolution of Intention, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 27 (New Haven Services). 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 landowners. The CFD is being formed pursuant to the provisions of the New Haven project's Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

The Resolution of Intention set the public hearing on the establishment of the CFD for June 17, 2014. Pursuant to the requirements of the Resolution, the City Clerk has published a notice of the time and place of this hearing pursuant to Section 53322 of the California Government Code at least seven days before the hearing. Additionally, the City gave notice of the time and place of the meeting to each registered voter and to each landowner within the CFD's boundaries at least fifteen days before the hearing, and the district boundary map was recorded on May 12, 2014. The election will be held immediately after the close of the public hearing in order for the City Council to be presented with the results of the election during the meeting. The City Council may then adopt a resolution declaring the results of the election after receiving a statement from the City Clerk as to the canvass of ballots.

Attached are three resolutions and an ordinance. The first resolution establishes the CFD and the rate and method of apportionment of the special tax. The second resolution calls for a special landowner election to be held on June 17, 2014. The third resolution declares the results of the election and a

statement from the City Clerk as to the canvass of ballots. The ordinance authorizes the levying of special taxes. As noted, the issuance of bonds is not being contemplated for this project, so there is no resolution to issue bonds as part of this formation.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on May 6, 2014, 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"), adopted a 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" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 27 (New Haven Services), to authorize the levy of special taxes within the Community Facilities District to finance certain services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

WHEREAS, pursuant to the Resolution of Intention, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of services was 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 services by type that 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 such services; such officers were also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid;

WHEREAS, said report was so filed with the City Council and made a part of the record of said public hearing; and

WHEREAS, at the hearing, the testimony of all persons for or against the establishment of the Community Facilities District, the extent of the Community Facilities District and the furnishing of the specified types of services was heard; and

WHEREAS, written protests against the establishment of the Community Facilities District, the furnishing of any specified type or types of services within the

Community Facilities District or the levying of any specified special tax were not made or filed at or before said hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities District and not exempt from the special tax; and

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing.

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The Community Facilities District is hereby established pursuant to the Act.

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 27 (New Haven Services)."

SECTION 4. 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 described under the caption "Incidental Expenses" on Exhibit A hereto. No facilities are proposed to be financed by the Community Facilities District.

SECTION 5. The proposed special tax to be levied within the Community Facilities District has not been precluded by majority protest pursuant to Section 53324 of the Act.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all 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 obligation to pay the special tax may not be prepaid and permanently satisfied. 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.

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 name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, Management Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

SECTION 8. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 9. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 86 at Page 17 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2014-0170922).

SECTION 10. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$84,000,000.

SECTION 11. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 12. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 13. 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 14. 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 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

SERVICES AND INCIDENTAL EXPENSES

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 costs associated with the creation of the Community Facilities District, 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.

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 27 (New Haven Services) ("CFD No. 27") and collected each Fiscal Year commencing in Fiscal Year 2014-15, 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. All of the real property in CFD No. 27, 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 as may hereinafter be set forth have the following meanings:

"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. 27: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 27 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); 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. 27 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 27; and amounts estimated or advanced by the City or CFD No. 27 for any other administrative purposes of CFD No. 27, 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 on 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.

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

“CFD No. 27” means City of Ontario Community Facilities District No. 27 (New Haven Services).

“City” means the City of Ontario, California.

“City Council” means the City Council of the City, acting as the legislative body of CFD No. 27.

“County” means the County of San Bernardino.

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

“Gated Apartment Community Dwelling Unit” means a Multiple Family Dwelling Unit within a gated community that, within such community, is primarily served by private interior streets.

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

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

“Multiple Family Dwelling Unit” means a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Dwelling Units.

“Non-Residential” means any buildings that are for commercial lodging use, commercial retail use, institutional use (e.g., churches, private schools), commercial restaurant use, office use, or industrial use.

“Non-Residential Property” means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction was issued after January 1, 2014, and before May 1 of the prior Fiscal Year, for a Non-Residential use.

“Property Owner Association Property” means, for each Fiscal Year, property within the boundaries of CFD No. 27 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 that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property.

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 27 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 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. 27: 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.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 27 to be levied within the boundaries of CFD No. 27.

“Special Tax Requirement” means the amount necessary in any Fiscal Year to pay the cost of the Services, Administrative Expenses, and an amount equal to Special Tax delinquencies based on the historical delinquency rate for Special Taxes, as determined by the CFD Administrator.

“Single Family Detached Dwelling Unit” means any residential building containing only one Unit on one legal lot, including single family residences and single family detached residential condominium units.

“Square Footage” or **“Sq. Ft.”** means, with respect to a building, the gross floor area square footage reflected on the original construction building permit for such building, plus any square footage subsequently added to a building 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 Assessor’s Parcels of Residential Property and Non-Residential Property within the boundaries of CFD No. 27 which are not exempt from the Special Tax pursuant to law or Section E below.

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2014-15, all Taxable Property within CFD No. 27 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Apartment Community Dwelling Unit) or Non-Residential 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.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax for each Assessor's Parcel classified as Taxable Property shall be determined by reference to Table 1 below.

**TABLE 1
MAXIMUM SPECIAL TAX**

Land Use Class	Maximum Special Tax Fiscal Year 2014-15
Residential Property:	
Single Family Detached Dwelling Unit	\$1,387 per Unit
Multiple Family Dwelling Unit	\$1,202 per Unit
Gated Apartment Community Dwelling Unit	\$1,008 per Unit
Non-Residential Property	\$0.26 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2015, the Maximum Special Tax 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.

In some instances an Assessor's Parcel of Taxable Property may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Square Footage of Non-Residential Property (based on the applicable 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

Each Fiscal Year, beginning with Fiscal Year 2014-15, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for such Assessor's Parcel, until the Special Tax Requirement is satisfied. However, the Special Tax levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax levied in the prior Fiscal Year.

E. EXEMPTIONS

Notwithstanding anything in this Rate and Method of Apportionment to the contrary, no Special Tax shall be levied on Public Property or Property Owner Association Property.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 27 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 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. TERM OF SPECIAL TAX

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 27.

CLERK'S CERTIFICATE

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

I, Mary E. Wirtes, City Clerk of the City of Ontario, California, hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on June 17, 2014, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

An agenda of said meeting was posted at least 72 hours before said meeting at 303 East B Street, Ontario, California, a location freely accessible to members of the public, and a brief general description of said Resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing Resolution is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes; and that said Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: June 17, 2014

City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES).

WHEREAS, on this date, 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"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 27 (New Haven Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 27 (New Haven Services) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Act; and

WHEREAS, the City Council desires to designate the City Clerk of the City (the "City Clerk") as the election official for the special election provided for herein; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on June 17, 2014 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on June 17, 2014.

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

SECTION 1. Pursuant to Sections 53326 and 53325.7 of the Act, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

SECTION 2. The City Clerk is hereby designated as the official to conduct said election.

SECTION 3. As authorized by Section 53353.5 of the Act, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be combined into one ballot proposition.

SECTION 4. The City Council hereby finds and determines that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, (b) to the holding of said election on June 17, 2014, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on June 17, 2014.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, California, on June 17, 2014. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on June 17, 2014; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 7. Pursuant to Section 53326 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 *et. seq.* of the California Elections Code. Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election.

SECTION 8. The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, California, to and including 7:30 p.m. on June 17, 2014, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

SECTION 10. The City Council hereby determines that the services financed by the Community Facilities District are necessary to meet increased demands placed upon local agencies as a result of development occurring in the Community Facilities District.

SECTION 11. 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 12. 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 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO
JUNE 17, 2014

SPECIAL ELECTION

This ballot is for a special, landowner election. The number of votes to be voted pursuant to this ballot is ____.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Ontario and obtain another.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 27
(NEW HAVEN SERVICES)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 27 (New Haven Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$84,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 27 (New Haven Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District," adopted by the City Council of the City of Ontario on June 17, 2014?

Yes: ☐

No: ☐

CLERK'S CERTIFICATE

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

I, Mary E. Wirtes, City Clerk of the City of Ontario, California, hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on June 17, 2014, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

An agenda of said meeting was posted at least 72 hours before said meeting at 303 East B Street, Ontario, California, a location freely accessible to members of the public, and a brief general description of said Resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing Resolution is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes; and that said Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: June 17, 2014

City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND
DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

WHEREAS, on June 17, 2014, 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"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 27 (New Haven Services)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 27 (New Haven Services) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on June 17, 2014; and

WHEREAS, the City Clerk of the City (the "City Clerk") has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A.

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

SECTION 1. The City Council has received, reviewed and hereby accepts the Canvass.

SECTION 2. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328 and Section 53325.7 of the Act.

SECTION 3. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of San Bernardino a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

SECTION 4. 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 5. 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 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014-_____ duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 27
(NEW HAVEN SERVICES)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on June 17, 2014, I canvassed the returns of the special election held on June 17, 2014, for the City of Ontario Community Facilities District No. 27 (New Haven Services), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner Votes	Votes Cast	YES	NO
City of Ontario Community Facilities District No. 27 (New Haven Services) Special Election, June 17, 2014	179			

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 27 (New Haven Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$84,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 27 (New Haven Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District," adopted by the City Council of the City of Ontario on June 17, 2014?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 17th day of June 2014.

By: _____
Mary E. Wirtes, City Clerk

CLERK'S CERTIFICATE

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

I, Mary E. Wirtes, City Clerk of the City of Ontario, California, hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on June 17, 2014, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

An agenda of said meeting was posted at least 72 hours before said meeting at 303 East B Street, Ontario, California, a location freely accessible to members of the public, and a brief general description of said Resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing Resolution is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes; and that said Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: June 17, 2014

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES).

WHEREAS, on May 6, 2014, 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"), adopted a 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. 27 (New Haven Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on June 17, 2014, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 27 (New Haven Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 27 (New Haven Services)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on June 17, 2014, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS
FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2014-15 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption.

SECTION 8 The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2014.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held June 17, 2014 and adopted at the regular meeting held _____, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CLERK'S CERTIFICATE

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

I, Mary E. Wirtes, City Clerk of the City of Ontario, California, hereby certify that the foregoing is a full, true and correct copy of the Ordinance introduced at a regular meeting of the City Council of said City on June 17, 2014, and passed and adopted not less than five days later at a meeting of said City Council duly and regularly held at the regular meeting place thereof on July 1, 2014, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

An agenda of said meeting was posted at least 72 hours before said meeting at 303 East B Street, Ontario, California, a location freely accessible to members of the public, and a brief general description of said Ordinance appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing Ordinance is a full, true and correct copy of the original Ordinance adopted at said meeting and entered in said minutes; and that said Ordinance has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: July 1, 2014

City Clerk

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, ARTICLE 14 (RESIDENTIAL DISTRICT) OF THE ONTARIO MUNICIPAL CODE

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving File No. PDCA14-002, a Development Code Amendment revising Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Article 14 (Residential Districts), R2 (Medium Density Residential Zoning District), of the Ontario Municipal Code, revising the density range from 11.1-16 du/ac to 11.1-18 du/ac and increasing the maximum building and structure height from 35 feet to 45 feet consistent with Planning Commission Recommendation.

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

FISCAL IMPACT: None.

BACKGROUND: Under The Ontario Plan (TOP), the Medium Density Residential designation provides a range of 11.1 to 25 dwelling units per acre ("du/acre"). This density range anticipated accommodating two zoning designations – R2 and R3. The current R2 zone allows 11.1 to 16 du/acre and R3 allows 16.1 to 25 du/acre. The proposal would slide the scale up slightly to provide an R2 density range of 11.1 to 18 du/acre, splitting the General Plan density range down the middle. In reviewing various developments in the City, staff noted there are a number of properties designated R2 with densities in excess of 16 du/acre (16-17 du/acre range). The slight increase in density will bring these properties into conformance with the R2 standards, and eliminating the non-conforming status.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Diane Ayala
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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Currently, the R2 zone allows a maximum height of 35 feet, the same as the R1 and R1.5 zones. The R3 zone allows a maximum height of 55 feet. In order to provide a more gradual transition between zones, the R2 height limit is being requested to increase to 45 feet. This would accommodate three-story elements for single family residential, condos, and townhome units without constraining architectural design.

On May 27, 2014, the Planning Commission voted unanimously (6-0) to recommend approval of the Development Code Amendment, finding that the proposed changes would provide for the intended product housing types within the zone, address current market trends, establish the maximum density of the R2 zone at the mid-point of the Policy Plan Medium Density Residential, and provide consistency with existing R2 zoned properties.

ENVIRONMENTAL REVIEW: The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15061(b) (3) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.



PLANNING COMMISSION STAFF REPORT

May 27, 2014

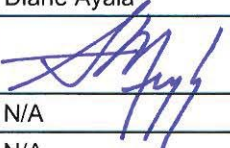
SUBJECT: An amendment to various provisions of Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), of the Ontario Municipal Code, including Part 3 (Zoning Districts and Land Use), Article 14 (Residential Districts), revising the density range in the R2 (Medium Density Residential) Zoning District from 11.1-16 du/acre to 11.1-18 du/acre, and increase the height restriction from 35 feet to 45 feet. City Council action is required for this Application. **City Initiated.**

RECOMMENDED ACTION: That the Planning Commission recommends the City Council approve File No. PDCA14-002 pursuant to the facts and reasons contained in the staff report and attached resolution.

BACKGROUND: In January 2010, the City Council adopted an update to the City's General Plan and Preferred Land Use Plan (File No. PGPA06-001), which requires the completion of numerous significant and comprehensive changes to the City's Development Code and Official Zoning Map. Over the past several years, staff has worked toward completing the necessary zoning and Development Code revisions.

PROJECT ANALYSIS: The central theme of The Ontario Plan (TOP) Vision is: A sustained, community-wide prosperity which continuously adds value and yields benefits. The Ontario Plan (TOP) envisions a community that, through the Distinctive Development component, has one of the most comprehensive and diverse housing stocks in the region that offers broad choices for its diverse workforce and their families, ranging from entry level housing to executive level development; from semi-rural to highly urban. As such, the Policy Plan and the Ontario Development Code regulations are designed to focus growth within the community. The Ontario Plan (TOP) Medium Density Residential land use designation allows between 11.1-25 dwelling units per acre and accommodates single-family attached residences, including townhomes, courtyard homes, stacked flats, and small lot single-family subdivisions.

The proposed changes to Article 14 of Chapter 1 (Zoning and Land Use Requirements) of the Development Code are: 1) Revise the density range in the R2 (Medium Density Residential) Zoning District from 11.1-16 du/acre to 11.1-18 du/acre; and 2) Increase the height restriction from 35 feet to 45 feet. The proposed changes are listed in Attachment No. 1 of this report. Deletions are identified by redlined text (~~abede~~) and additions are identified by double underlined text (abcde). The proposed changes would provide for the intended product housing types within the zone, address current market trends, establishes the maximum density of the R2 zone at the mid-point of the

Case Planner:	Diane Ayala	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB:			
		ZA:			
Submittal Date:	N/A	PC:	5/27/2014		Recommend
Hearing Deadline:	N/A	CC:			Final

Medium Density Residential land use range (11.1-25 dus/acre), and furthers Housing Element goals by allowing an increase of residential units within the R2 (Medium Density Residential) Zoning District.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed Development Code amendment is consistent with the principles, goals and policies contained in the following components of The Ontario Plan (TOP), including: (1) Vision, (2) Governance, and (3) Policy Plan (General Plan) Policies:

City Council Priorities:

a. *Primary Goal:* Develop Strategies and Take Actions, including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health.

b. *Supporting Goals:* [1] Invest in the Growth and Evolution of the City's Economy; [2] Focus Resources in Ontario's Commercial and Residential Neighborhoods; and [3] Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities).

Policy Plan (General Plan)-

a. *Land Use – Compatibility*

Goal: LU2: *Compatibility between a wide range of uses.*

Policy:

LU2-1: *Land Use Decisions.* We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

b. *Land Use – Flexibility*

Goal: LU3: *Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.*

Policy:

LU3-1: *Development Standards.* We maintain clear development standards which allow flexibility to achieve our Vision.

ENVIRONMENTAL REVIEW: The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15061(b) (3) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects that

have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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ATTACHMENT NO .1

Article 14:

Residential Districts

Sections:

- Sec. 9-1.1400: Purpose
- Sec. 9-1.1405: Conformity With District Regulations
- Sec. 9-1.1410: Development Standards
- Sec. 9-1.1415: Fences, Walls and Obstructions
- Sec. 9-1.1420: Residential Densities
- Sec. 9-1.1425: Open Space Requirements
- Sec. 9-1.1430: Planned Residential Developments
- Sec. 9-1.1435: General Provisions
- Sec. 9-1.1440: Special Requirements for Certain Residential Uses, Activities and Facilities
- Sec. 9-1.1445: Residential Design Guidelines

Sec. 9-1.1400: Purpose

- A. General Purposes.** The purpose of this Section is to ensure that development within residential zoning districts of the City will contribute toward an urban environment of stable, desirable character; which is harmonious with existing and future development; and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. These regulations are further established to:
1. Assist in implementing the goals and objectives of the General Plan;
 2. Reserve appropriate areas for residential living in a variety of dwelling types and tenures, at reasonable ranges of population densities;
 3. Encourage the continued vitality of existing neighborhoods, and, where appropriate, encourage the revitalization of neighborhoods by the use of appropriate standards and incentives;
 4. Promote stable neighborhoods that are well designed, safe, and pleasant places to live;
 5. Ensure adequate light, air, privacy, and open space for dwellings;
 6. Establish architectural and design guidelines to encourage a high quality appearance of new and remodeled structures;

7. Establish standards ensuring that new infill residential construction is consistent with the character and fabric of existing neighborhoods, including densities, design and exterior appearance;
8. Protect residential properties from the hazards of traffic congestion, noise, fire, explosion, noxious fumes, and other hazards;
9. Facilitate the provision of public utilities and services commensurate with their need; and
10. Allow for innovative and flexible methods of implementing the goals and policies of the General Plan.

B. Purpose of Residential Zoning Districts. The purpose of each residential zoning district is as follows:

1. **AR (Agricultural-Residential) Zoning District.** The AR zoning district is established to accommodate single family residential homes on larger lots, to allow the keeping of animals and other limited agricultural activities with reasonable provisions to maintain a proper environmental balance between rural and urban land uses, and to protect non-agricultural residential areas from incompatible impacts of agricultural activities.
2. **RE (Residential Estate) Zoning District.** The RE zoning district is established to provide for single family development on larger lots along with accessory uses and similar limited compatible uses, at densities in the range of one to 3.5 dwelling units per acre.
3. **R1 (Single Family Residential) Zoning District.** The R1 zoning district accommodates single family dwellings typically within subdivisions at densities in the range of one to 5 dwellings per acre, along with accessory uses and limited compatible uses.
4. **R1.5 (Low-Medium Density Residential) Zoning District.** The R1.5 zoning district is established to provide sites for a combination of single family, duplex, patio homes and limited low density residential developments at densities in the range of 5.1 to 11.0 dwellings per acre, along with accessory uses and limited compatible uses.
5. **R2 (Medium Density Residential) Zoning District.** The R2 zoning district is established to allow for the development of a mix of single family dwellings, duplexes, townhouses, condominiums, garden apartments and other types of residential development at densities in the range of 11.1 to ~~16.0~~ 18.0 dwellings per acre with an appropriate level of on-site amenities and open space.

6. **R3 (Medium Density Residential) Zoning District.** The R3 zoning district is established to accommodate the development of higher density multiple family dwellings, including apartments, townhouses and condominiums at densities ranging from 16.1 to 25 dwellings per acre with amenities and open spaces.
7. **HDR-45 (High Density Residential—25.1 to 45.0 DU/Acre) Zoning District.** The HDR-45 zoning district is intended to accommodate high-density multiple-family developments in an urban environment, generally located within 1/2-mile of a transit corridor or station, at a density range of 25.1 to 45.0 dwelling units per acre. The HDR-45 zoning district is consistent with and implements the High Density Residential land use designation of the Policy Plan component of The Ontario Plan.

Sec. 9-1.1405: Conformity with District Regulations

- A. No site or structure shall be used for any purpose or in any manner other than in conformity with the regulations of the zoning district in which the site or structure is located.
- B. No structure is to be erected and no existing structure is to be moved, altered or enlarged, except in conformity with the regulations of the zoning district in which the structure or use is located.
- C. No required yard or open space area related to any structure or use shall be used, encroached upon, or reduced in any manner, except in conformity with the regulations of the zoning district in which the yard or open space is located.
- D. No lot or parcel shall be reduced in area to less than the minimum area prescribed for the district in which the site is located, unless a Variance is granted pursuant to Article 10 (Variances and Administrative Exceptions) of this Chapter. Any lot that is shown on a recorded map prior to November 5, 1947, and that had a legal area, width, and frontage at the time the subdivision map was recorded or the lot was legally created, may be used for an allowed land use, and shall be subject to all other regulations applicable to the zoning district in which the site is located.

Sec. 9-1.1410: Development Standards

The design and development of residentially zoned property shall comply with the following:

- A. **Single-Family Residential Development Standards.** Single-family developments shall comply with the requirements of Table 14-1 (Single-Family Residential Development Standards), which specifies standards for the

development of single-family dwellings and related accessory structures within the AR, RE, R1, R1.5, R2 and R3 zoning districts.

- B. Multiple-Family Residential Development Standards.** Multiple-family developments shall comply with Table 14-2 (Multiple-Family Residential Development Standards), which specifies standards for the development of all multiple-family dwellings and related accessory structures within the R1.5, R2, R3, and HDR-45 zoning districts.

Table 14-1: Single-Family Residential Development Standards

Requirement	Residential Zoning Districts						Additional Regulations
	AR	RE	R1	R1.5	R2	R3	
A. SITE REQUIREMENTS							
1. Maximum lot coverage	30%	40%	50%	60%			
2. Minimum lot size (in SF)	18,000	10,000	7,200 min./ 8,000 avg.	5,000 min./6,000 avg.			Note 1
3. Maximum density (in dwelling units per net acre)							
a. Base density	2		5	8	13	20	
b. Maximum density	2		5	11	16.18	25	Note 2
4. Minimum lot dimensions (in FT)							
a. Lot width							
(i) Interior lots	100	70	60	50			Note 1
(ii) Corner lots	120	80	65	50			Note 1
(iii) Cul-de-sac lots							
(1) Measured along front property line	40						Note 1
(2) Measured at front building setback	70		60	40			Note 1
b. Lot depth	135	100	75	100			Note 1
5. Equestrian trails/facilities required	Yes	No					Sec. 9-1.1440.B
6. Off-street parking and circulation	Off-street parking facilities shall be provided pursuant to Article 30 (Off-Street Parking and Loading Requirements) of this Chapter.						
7. Landscaping	Landscaping shall be provided pursuant to Sec. 9-1.3205 (Landscape Design Guidelines) of this Chapter.						
B. BUILDING REQUIREMENTS							
1. Front yard setback (in FT)							
a. From public streets (measured from property line)	30	20 min./25 avg.					Note 3
b. From private streets (measured from back of sidewalk)	30	20 min./25 avg.					Note 4
2. Street side yard setback (in FT)							
a. From public streets (measured from property line)	20	10					Note 5 & 11

Table 14-1: Single-Family Residential Development Standards

Requirement	Residential Zoning Districts						Additional Regulations
	AR	RE	R1	R1.5	R2	R3	
b. Private streets (measured from back of sidewalk)	20	10					Note 4
3. Interior side yard setback (in FT)	10		5/10		5		Note 5 & 11
4. Rear yard setback (in FT)	25		20		15		
5. Maximum structure height (in FT)			35			55	
C. DETACHED ACCESSORY STRUCTURE REQUIREMENTS							
1. Maximum height (in FT)							
a. Without conditional use permit approval			14				
b. With conditional use permit approval			35				Note 6
2. Maximum building size (in SF)							
a. Without conditional use permit approval			650/1050 GFA				Note 7
b. With conditional use permit approval			As deemed appropriate by the Zoning Administrator or Historic Preservation Commission, as applicable				Note 7
c. Guesthouses			650 GFA				Sec. 9-1.1440.A.2
d. Second units/granny flats			650 GFA				Sec. 9-1.1440.A.3
3. Street side setback			10				Note 8
4. Interior side setback							
a. 25 FT or less in structure depth	10			0/3/5			Note 9
b. Greater than 25 FT in structure depth		10		0/3/5			Note 10
5. Rear setback							
a. 25 FT or less in structure width	5			3			
b. Greater than 25 FT in structure width			10				
6. Rear alley setback (alley facing garages only)			6				
7. Minimum building separations (in FT)							
a. Habitable to habitable structures			15				
b. Habitable to non-habitable structures			6				
c. Non-habitable to non-habitable			6				

Notes:

1. Reductions in the minimum lot size and dimensions may be permitted in conjunction with a "planned residential development" designed pursuant to Sec. 9-1.1430 (Planned Residential Development) of this Chapter.
2. Residential projects in the R1.5, R2 and R3 zones, which exceed the base density, must comply with the requirements contained in Sec. 9-1.1420 (Residential Densities) of this Chapter.
3. Within the RE zone, when 50% or more of the existing dwellings on a single block exceed the 30-FT minimum setback, the minimum front yard setback required for new dwellings shall be equal to the dwelling with the smallest front yard setback exceeding 30 FT. In no case, however, shall a setback greater than 35 FT be required.
4. Garages fronting a private street shall be setback a minimum of 20 FT, measured from the back-of-sidewalk to the face of the garage, to provide sufficient depth for driveway parking.

5. The minimum side yard setback for legally established lots with a width less than 50 FT, shall be 10% of the lot width or 3 FT, whichever is greater, excepting small lot single family planned residential developments, approved and developed pursuant to Sec. 9-1.1430 (Planned Residential Development) of this Chapter.
6. Detached accessory structures in excess of 14 FT in height shall require Conditional Use Permit approval, processed pursuant to the requirements of Article 9 (Conditional Use Permits) of this chapter, or Certificate of Appropriateness approval, processed pursuant to Sec. 9-1.2625 (Certificate of Appropriateness) of this Chapter, as applicable.
7. Detached accessory structures in excess of 650 SF in area shall require Conditional Use Permit approval, processed pursuant to the requirements of Article 9 (Conditional Use Permits) of this chapter, or Certificate of Appropriateness approval, processed pursuant to Sec. 9-1.2625 (Certificate of Appropriateness) of this Chapter, as applicable, except that the maximum area allowed without benefit of Conditional Use Permit or Certificate of Appropriateness approval may be increased to 1,050 SF for detached accessory structures containing parking required pursuant to Sec. 9-1.3010 of this Chapter.
8. Garages with vehicle doors facing a public street shall be setback a minimum of 20 FT behind the street property line.
9. Within the R1, R1.5, R2 and R3 zoning districts, the interior side yard setback for detached accessory structures shall be 5 FT for structures located within 75 FT of the front property line and 3 FT for structures located greater than 75 FT from the front property line. A detached accessory structure may adjoin a side property line (zero setback) if: (a) the structure is located a minimum of 75 FT behind the front property line; (b) a maintenance easement is provided on the adjacent lot; (c) adequate access is provided for fire safety; and (d) all Building Code requirements are been met.
10. Within the R1.5, R2 and R3 zoning districts, the interior side yard setback for detached accessory structures shall be 5 FT for structures located within 75 FT of the front property line and 3 FT for structures located greater than 75 FT from the front property line. A detached accessory structure may adjoin a side property line (zero setback) if: (a) the structure is located a minimum of 75 FT behind the front property line; (b) a maintenance easement is provided on the adjacent lot; (c) adequate access is provided for fire safety; and (d) all Building Code requirements are been met.
11. Refer to Paragraph G.2 (Continuation of a Nonconforming Setback) of Sec. 9-1.0710 for provisions pertaining to the continuation of nonconforming setbacks.

Table 14-2: Multiple Family Residential Development Standards

Requirement	Zoning Districts				Additional Regulations
	R1.5	R2	R3	HDR-45	
A. SITE REQUIREMENTS					
1. Maximum Lot Coverage	60%			100%	
2. Minimum Lot Size (in SF)	8,000	7,200		20,000	Note 1
3. Maximum Density (in dwelling units per net acre)					
a. Base Density	8	13	20	N/A	
b. Maximum Density	11	16-18	25	45	Note 2
4. Minimum Lot Dimensions (in FT)					
a. Lot Width					
(i) Interior Lots	50			100	Note 1
(ii) Corner Lots	50			100	Note 1
(iii) Cul-De-Sac Lots					
(1) Measured Along Front Property Line	40				Note 1
(2) Measured At Front Building Setback	40				Note 1
b. Lot Depth	100			200	Note 1
5. Minimum Drive Aisle, Driveway, and Parking Space Setbacks					
a. Drive Aisle, Driveway or Parking Space to Front Property Line	20			10	
b. Drive Aisle, Driveway or Parking Space to Street Side Property Line					
(i) Arterial Streets	20	20	20	20	
(ii) Other Streets	10	10	10	10	

Table 14-2: Multiple Family Residential Development Standards

Requirement	Zoning Districts				Additional Regulations
	R1.5	R2	R3	HDR-45	
c. Drive Aisle, Driveway or Parking Space to Interior Side Property Line	5	5	5	5	
d. Drive Aisle, Driveway or Parking Space to Rear Property Line	10	10	10	5	
6. Off-Street Parking and Circulation	Off-street parking facilities shall be provided pursuant to Article 30 (Off-Street Parking and Loading Requirements) of this Chapter.				
7. Landscaping	Landscaping shall be provided pursuant to Sec. 9-1.3205 (Landscape Design Guidelines) and Sec. 9-1.3040 (Landscaping of Parking Facilities) of this Chapter.				
B. BUILDING REQUIREMENTS					
1. Front Yard Setback (in FT)					
a. From Public Streets (measured from property line)	20 minimum/25 average			5	
b. From Private Streets (measured from back of sidewalk)	20 minimum/25 average			15	
2. Street Side Yard Setback (in FT)					
a. Arterial Streets (measured from property line)	20			5	
b. Other Public Streets (measured from property line)	10			5	
c. Private Streets (measured from back of sidewalk)	10			15	
3. Interior Side Yard Setback (in FT)					
a. First Floor	5			10	Note 3
b. Second or More Floors	5			10	Note 3
c. Adjacent to R1 Zone	10			10	Note 3
4. Rear Yard Setback (in FT)	20	15		10	
5. Building to Parking Space Setback (in FT)					
a. From Living Area and Other Habitable Space	10			3	
b. From Garage and Other Similar Non-Habitable Space	5			3	
6. Building to Drive Aisle Setback (in FT)					
a. From Living Area and Other Habitable Space	15			3	
b. From Garage and Other Similar Non-Habitable Space	10			3	
7. Building to Driveway Setback					
a. From living area and other habitable space	10			3	
b. From garage and other similar non-habitable space	3			3	
8. Freeway Setback (in FT)	20			20	
9. Maximum Structure Height (in FT)	35	45	55	75	
10. Minimum Building Separations (in FT)					
a. Habitable Structures					
(i) Front to Front	25			30	

Table 14-2: Multiple Family Residential Development Standards

Requirement	Zoning Districts				Additional Regulations
	R1.5	R2	R3	HDR-45	
(ii) Front to Rear	25			30	
(iii) Front to Side	15			25	
(iv) Side to Side	15			10	
(v) Side to Rear	15			20	
(vi) Rear to Rear	15			20	
b. Non-Habitable Structures	10				
11. Open Space	Open space shall be provided pursuant to Sec. 9-1.1425 (Open Space Requirements)				
12. Minimum Setback From Major Pipelines (habitable structures only) (in FT)	50				
13. Maximum No. Dwelling Units Per Building	4	6	12	N/A	Note 4

Notes:

1. Reductions in the minimum lot size and dimensions may be permitted in conjunction with a "planned residential development" designed pursuant to Sec. 9-1.1430 (Planned Residential Development) of this Chapter.
2. Residential projects in the R1.5, R2 and R3 zones, which exceed the base density, must comply with the "bonus requirements" contained in Sec. 9-1.1420 (Residential Densities) of this Chapter.
3. The minimum side yard setback for legally established lots with a width less than 50 FT, shall be 10 percent of the lot width or 3 FT, whichever is greater.
4. Within the R1.5 and R2 zoning districts, no dwelling unit shall occupy space above another dwelling unit.

RESOLUTION NO. PC14-039

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING APPROVAL OF A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA14-002) REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, ARTICLE 14 (RESIDENTIAL DISTRICTS), TO CHANGE THE DENSITY RANGE IN THE R2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT FROM 11.1-16 DU/ACRE TO 11.1-18 DU/ACRE, AND INCREASE THE HEIGHT RESTRICTION FROM 35 FEET TO 45 FEET, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, City of Ontario ("Applicant") has a proposed Development Code Amendment, File No. PDCA14-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, an amendment is proposed to the provisions of Ontario Municipal Code Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Article 14 (Residential Districts), which regulates the development of properties within each residential zoning district of the City; and

WHEREAS, in January 2010, the City Council adopted an update to the City's General Plan and Preferred Land Use Plan (File No. PGPA06-001), which requires the completion of numerous significant and comprehensive changes to the City's Development Code and Official Zoning Map, and over the past four years, staff has worked toward completing the necessary zoning and Development Code revisions; and

WHEREAS, the proposed changes to Article 14 of Chapter 1 (Zoning and Land Use Requirements) of the Development Code are a revision to the density range in the R2 (Medium Density Residential) Zoning District from 11.1-16 dwelling units per acre of land to 11.1-18 dwelling units per acre of land, and an increase in height limitation from 35 feet to 45 feet; and

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

WHEREAS, The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15061(b) (3) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

a. The Project is exempt from environmental review pursuant to Section 15061(b) (3) general rule of the CEQA Guidelines; and

b. The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

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

(a) The proposed Development Code Amendment is consistent with the goals and policies of the Policy Plan component of The Ontario Plan;

(b) The proposed Development Code Amendment is reasonable and beneficial, and in the interest of good zoning practice; and

(c) The proposed development code amendment will not have a significant adverse impact on the environment.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission recommends the City Council approve the Project.

SECTION 4. 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 5. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of May 2014, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Rick Gage, Planning Commission
Chairman

ATTEST:



Scott Murphy, Planning Director/
Secretary of Planning Commission

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

I, Jeanina M. Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC14-039 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on May 27, 2014 by the following roll call vote, to wit:

AYES: Delman, Downs, Gage, Gregorek, Mautz, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None



Jeanina M. Romero, Secretary Pro
Tempore

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA14-002, A DEVELOPMENT CODE AMENDMENT FOR REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 14 (RESIDENTIAL DISTRICTS), R2 (MEDIUM DENSITY RESIDENTIAL), OF THE ONTARIO MUNICIPAL CODE, ZONING DISTRICT TO CHANGE THE DENSITY RANGE FROM 11.1-16 DU/ACRE TO 11.1-18 DU/ACRE, AND INCREASE THE HEIGHT RESTRICTION FROM 35 FEET TO 45 FEET, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of a Development Code Amendment, File No. PDCA14-002, as described in the title of this ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, an amendment is proposed to the provisions of Ontario Municipal Code Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Article 14 (Residential Districts), which regulates the development of properties within each residential zoning district of the City; and

WHEREAS, in January 2010, the City Council adopted an update to the City's General Plan and Preferred Land Use Plan (File No. PGPA06-001), which requires the completion of numerous significant and comprehensive changes to the City's Development Code and Official Zoning Map, and over the past four years, staff has worked toward completing the necessary zoning and Development Code revisions; and

WHEREAS, the proposed changes to Article 14 of Chapter 1 (Zoning and Land Use Requirements) of the Development Code are a revision to the density range in the R2 (Medium Density Residential) Zoning District from 11.1-16 dwelling units per acre of land to 11.1-18 dwelling units per acre of land, and an increase in height limitation from 35 feet to 45 feet; and

WHEREAS, The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15061(b) (3) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on May 27, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC14-039, recommending the City Council approve the application; and

WHEREAS, on June 17, 2014, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as that the Project is exempt from environmental review pursuant to Section 15061(b) (3) general rule of the CEQA Guidelines.

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 Development Code Amendment is consistent with the goals and policies of the Policy Plan component of The Ontario Plan; and

(b) The proposed Development Code Amendment is reasonable and beneficial, and in the interest of good zoning practice; and

(c) The proposed development code amendment will not have a significant adverse impact on the environment.

SECTION 3. Amend Article 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, revising Paragraph 9-1.1400.B.5 to the read as read as follows:

“R2 (Medium Density Residential) Zoning District. The R2 zoning district is established to allow for the development of a mix of single family dwellings, duplexes, townhouses, condominiums, garden apartments and other types of residential development at densities in the range of 11.1 to 18 dwellings per acre with an appropriate level of on-site amenities and open space.”

SECTION 4. Amend Table 14-1: Single Family Residential Development Standards of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, revising the maximum density to read as follows:

Table 14-1: Single-Family Residential Development Standards

Requirement	Residential Zoning Districts						Additional Regulations
	AR	RE	R1	R1.5	R2	R3	
A. SITE REQUIREMENTS							
1. Maximum lot coverage	30%	40%	50%	60%			
2. Minimum lot size (in SF)	18,000	10,000	7,200 min./8,000 avg.	5,000 min./6,000 avg.			Note 1
3. Maximum density (in dwelling units per net acre)							
a. Base density	2		5	8	13	20	
b. Maximum density	2		5	11	18	25	Note 2

SECTION 5. Amend Table 14-2: Multiple Family Residential Development Standards of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, revising the maximum density and maximum structure height to read as follows:

Table 14-2: Multiple Family Residential Development Standards

Requirement	Zoning Districts				Additional Regulations
	R1.5	R2	R3	HDR-45	
A. SITE REQUIREMENTS					
1. Maximum Lot Coverage	60%			100%	
2. Minimum Lot Size (in SF)	8,000	7,200		20,000	Note 1
3. Maximum Density (in dwelling units per net acre)					
a. Base Density	8	13	20	N/A	
b. Maximum Density	11	18	25	45	Note 2
4. Maximum Structure Height (in FT)	35	45	55	75	

SECTION 6. Based upon the findings and conclusions set forth in Sections 1 through 5 above, the City Council hereby approves File No. PDCA14-002, amending Chapter I, Article 14 of the City of Ontario Development Code.

SECTION 7. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

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

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

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2014.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held June 17, 2014 and adopted at the regular meeting held _____, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR 5.1 ACRES OF LAND AND AN ORDINANCE APPROVING A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE) TO R2 (MEDIUM DENSITY RESIDENTIAL 11.1-16 DU/AC) ON 7.8 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60

RECOMMENDATION: That the City Council adopt a resolution approving a Mitigated Negative Declaration; adopt a resolution approving a General Plan Amendment (File No. PGPA13-006) revising Exhibit LU-03 (Future Build Out) and Land Use Plan contained within the Policy Plan component of The Ontario Plan; and introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC13-004) from C3 (Commercial Service) to R2 (Medium Density Residential) for 7.8 acres of land located at the northwest corner of Euclid Avenue and State Highway Route 60.

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

FISCAL IMPACT: The General Plan designation for this site is split between Neighborhood Commercial and Medium Density Residential. Over the years, several attempts have been made to develop the eastern portion as commercial but these have been unsuccessful due to access constraints. The configuration of the site further limits commercial opportunities and square footage, making the long-term viability of the center questionable. The proposal for residential development will bring increased property tax to the City. Adjacency to existing commercial development may also increase sales tax generation from the center. While residential does tend to have an impact on services (e.g. fire, police), the extent is anticipated to be minor and will likely result in fewer impacts than marginal commercial properties.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Diane Ayala
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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BACKGROUND: South Coast Communities, LLC, of Irvine, California, is requesting the approval of a General Plan Amendment (GPA) and a Zone Change to facilitate the development of a multi-family residential project on approximately 7.8 acres of land at the northwest corner of Euclid Avenue and State Highway Route 60, located at 2324 South Euclid Avenue.



The western portion of the site is designated as Medium Density Residential (11.1 to 25 dwelling units per acre) and the eastern portion is General Commercial. The commercial portion of the site is not conducive to commercial development because of its access limitations to Euclid Avenue (due to the limited street frontage and close proximity to State Route Highway 60). Additionally, potential developers have been unable to obtain access easements through the commercial property to the north.

The General Plan Amendment would convert the eastern portion to Medium Density Residential. The associated zone change would change the entire site from C3 to R2 (11.1 to 16 dwelling units per acre). The General Plan Amendment and zone change will provide for a comprehensive development opportunity over the entire site, providing access from both Euclid and Fern Avenues. The proposed project will allow for residential development consistent with the existing multi-family residential development to the north.

On May 27, 2014, the Planning Commission voted unanimously (5-0) to recommend the City Council adoption of a Mitigated Negative Declaration for the project and approval of the proposed GPA and Zone Change.

ENVIRONMENTAL REVIEW: Staff recommends adoption of the Mitigated Negative Declaration prepared for the project. The initial study identified potential impacts resulting from the project in the area of utilities (water and sewer), noise, air quality, and traffic. With the proposed mitigation measures, the potential impacts identified in the initial study will be reduced to a level of less than significant. To ensure that the all mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the Project pursuant to CEQA Guidelines § 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures.

Existing General Plan	Assessor Parcel Numbers Involved	Proposed General Plan
 <p>Medium Density Residential and General Commercial</p>	<p>1051-061-01</p> <p><i>(1 property)</i></p> <p>NEC Euclid Ave. & SR-60</p>	 <p>Medium Density Residential</p>

Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Change
 <p>C3 (Commercial Service)</p>	<p>1051-061-01</p> <p><i>(1 property)</i></p> <p>NEC Euclid Ave. & SR-60</p>	 <p>R2 (Medium Density Residential)</p>

ATTACHMENT 1: PROPOSED REVISION TO THE ONTARIO PLAN FUTURE BUILDOUT
TABLE



LU-03 Future Buildout

Note: Deletions to the table are shown in ~~striketthrough text~~, and additions are shown in **red text**

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	458	2.0 du/ac	916	3,660		
Low Density ⁶	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium ⁶ Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,931 1,937	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,002 39,094	136,318 136,668		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	10,923 10,928		86,743 86,835	321,771 322,121		
Retail/Service						
Neighborhood ⁶ General	265	0.30 FAR			3,466,679	8,388
General Commercial	609 604	0.30 FAR			7,955,798 7,889,152	7,391 7,329
Office/Commercial	414	0.75 FAR			13,534,854	30,015
Hospitality	145	1.00 FAR			6,316,200	7,241
<i>Subtotal</i>	1,433 1,428				31,273,532 31,206,885	53,036 52,974

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR FILE NOS. PGPA13-006 & PZC13-004, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR 7.8 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 1051-061-01).

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for Planning File Nos. PGPA13-006 and PZC13-004 (the "Initial Study/Mitigated Negative Declaration"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, Planning File Nos. PGPA13-006 and PZC13-004 analyzed under the Initial Study/Mitigated Negative Declaration consists of a General Plan Amendment and Zone Change to amend the General Plan designation from General Commercial to Medium Density Residential (11.1 – 25 du/ac) on approximately 5.1 acres of land (eastern portion of the total 7.8 acre site) and to change the zoning classification from Commercial Services District (C3) to Medium Density Residential (R2), for property located at the northwest corner of Euclid Avenue and State Route 60, at 2324 South Euclid Avenue ("Project"); and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of Ontario as lead agency for the Project ("MMRP"); and

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

WHEREAS, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration for the Project and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, 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 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for File Nos. PGPA13-006 and PZC13-004 and supporting documentation. Based upon the facts and information contained in the Mitigated Negative Declaration and supporting documentation, the City Council finds as follows:

a. The Initial Study/Mitigated Negative Declaration and other information in the record has been independently reviewed and analyzed, and the information contained therein has been thoroughly considered prior to acting upon or approving the Project; and

b. The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; and

c. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

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

e. All environmental impacts of the Project are either insignificant or can be mitigated to a level of less than significance pursuant to the mitigation measures outlined in the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program and the initial study.

SECTION 2. The City Council does hereby find that based upon the entire record of proceedings before it and all information received, and pursuant to State CEQA Guidelines Section 15162 and 15164, upon the specific findings and conclusions set forth in Section 1 above, the City Council hereby approves and adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the Project, which is included as Exhibit A of this Resolution.

SECTION 3. 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 4. 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 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit "A"
Mitigation Monitoring and Reporting Program

(see attached)

California Environmental Quality Act Environmental Checklist Form

City of Ontario
Planning Department
303 East "B" Street
Ontario, California
Phone: (909) 395-2036
Fax: (909) 395-2420



MITIGATION MONITORING PROGRAM

Project File No.: PGPA13-006 and PZC13-004

Project Sponsor: South Coast Communities, LLC, c/o David Hutchins, 100 Pacifica, Suite 360, Irvine, CA 92618

Lead Agency/Contact Person: Richard Ayala, City of Ontario, Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
1. AIR QUALITY						
(1) Use of dust control during clearing, grading and construction. Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures. If freshwater resources are too precious to waste on dust control, availability of brackish or reclaimed water sources shall be investigated. Soil disturbance shall be terminated when high winds (25 mph or greater) make dust control extremely difficult.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
(2) Minimization of construction interference with regional non-project traffic movement. Impacts shall be reduced to below a level of significance by the following mitigation measures: (a) Scheduling receipt of construction materials to non-peak travel periods. (b) Routing construction traffic through areas of least impact sensitivity. (c) Limiting lane closures and detours to off-peak travel periods. (d) Providing rideshare incentives for contractor and subcontractor personnel.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
(3) After clearing, grading or earth moving:	Building Dept &	Throughout	As necessary	On-site		Stop work order;

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
(a) Seed and water until plant cover is established. (b) Spread soil binders. (c) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind. (d) Reduce "spill-over" effects by washing vehicles entering public roadways from dirt off road project areas, and washing/sweeping project access to public roadways on an adequate schedule.	Planning Dept	construction		inspection		or withhold grading permit; or withhold building permit
(4) Emissions control from on-site equipment through a routine, mandatory program of low-emission tune-ups.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
(5) Achieve a minimum 5% efficiency beyond current California Building Code Title 24 requirements.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
(6) All condominiums within the project site shall include the installation and maintenance of air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 16 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2 (2). All triplex buildings within the project site shall include the installation and maintenance of air filtration systems	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
with efficiencies equal to or exceeding a MERV 14 as defined by the ASHRAE Standard 52.2 ² .						
2. GEOLOGY & SOILS						
(1) The applicant shall submit an erosion control plan to reduce wind erosion impacts.	Building Dept, Planning Dept & Engineering Dept	Grading issuance Plan	Prior to issuance of grading permits	Plan check		Withhold grading permit
(2) Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures.	Building Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
(3) After clearing, grading, or earth moving: (a) Seed and water until plant cover is established. (b) Spread soil binders. (c) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind. (d) Sweep streets if silt is carried to adjacent public thoroughfares.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
(4) Obtain authorization to discharge storm water under an NPDES construction storm water permit and pay appropriate fees.	Engineering Dept	Grading issuance Plan	Prior to issuance of grading permits	Plan check		Withhold grading permit
3. GREENHOUSE GAS EMISSIONS						
(1) All new landscaping irrigation systems installed by the Project shall be automated, high efficiency systems to reduce water use, including bubbler	Building Dept & Planning Dept	Throughout construction	As necessary	Plan check/On-site inspection		Stop work order; or withhold building permit

² The use of MERV filtration systems to reduce DPM and particulates has been successfully implemented by several lead agencies, including, but not limited to: City of Los Angeles, City of Claremont, City of Irvine, City of Glendale, City of Berkley, City of Oakland, and the Los Angeles Unified School District (LAUSD).

The average particle size efficiency (PSE) removal based on ASHRAE Standard 52.2 for MERV 16 is approximately 95% for 0.3 to 1.0 µg/m³(DPM) and 95% for 1.0 to 10 µg/m³(PM₁₀ and PM_{2.5}) (2). The average particle size efficiency (PSE) removal based on ASHRAE Standard 52.2 for MERV 14 is approximately 75% for 0.3 to 1.0 µg/m³(DPM) and 90% for 1.0 to 10 µg/m³(PM₁₀ and PM_{2.5}) (2).

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
<p>irrigation, low-angle and/or low-flow spray heads, moisture sensors, or the equivalent;</p> <p>(2) The Project shall provide safe and convenient access for pedestrians and bicyclists to, across, and along the Project site's circulation system;</p> <p>(3) The Project shall provide vehicle access to properly wired outdoor receptacles to accommodate zero emission vehicles (ZEV) and/or plug-in electric hybrids (PHEV) or the equivalent;</p> <p>(4) The Project shall provide outdoor electrical outlets on buildings to support the use, where practical, of electric lawn and garden equipment, and other tools that would otherwise be run with small gas engines or portable generators;</p> <p>(5) The Project shall, where feasible, incorporate passive solar design features, such as daylighting, and passive solar heating;</p> <p>(6) Site buildings shall take advantage of shade, prevailing winds, landscaping, and sun screening, to reduce energy required for cooling.</p> <p>(7) The Project shall adopt energy efficiency performance standards for buildings that achieve a greater reduction in energy and water use than other wise required by current state law</p> <p>(8) Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Ontario;</p> <p>(9) Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings;</p> <p>(10) All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.</p>						

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
(11) Evaluate Existing landscaping and options to convert reflective and impervious surfaces to landscaping, and will install or replace vegetation with drought tolerant, low maintenance native species or edible landscaping that can also provide shade and reduce heat island effects.						
4. NOISE						
<ul style="list-style-type: none"> <u>Exterior walls (Sec. 8-15.201)</u> <p>(1) New walls that form the exterior portion of habitable rooms shall be constructed as follows:</p> <ul style="list-style-type: none"> (a) Studs shall be at least four (4) inches in nominal depth; (b) Exterior finish shall be stucco, minimum seven-eighths () inch thickness, brick veneer, masonry, or any siding material allowed by this Code. Wood or metal siding shall be installed over one-half (½) inch solid sheathing; (c) Masonry walls with a surface weight of less than forty (40) pounds per square foot will require an interior supporting studwall that is finished as required by subsection (a)(6) of this section; (d) Wall insulation shall be at least R-11 glass fiber or mineral wool and shall be installed continuously throughout the stud space; (e) Exterior solid sheathing shall be covered with overlapping asphalt felt; (f) Interior wall finish shall be at least five-eighths (5/8) inch thick gypsum wallboard or plaster. <ul style="list-style-type: none"> <u>Exterior windows (Sec. 8-15.202)</u> <p>(1) Openable windows. An openable windows in the exterior walls of habitable rooms shall have a laboratory sound transmission class rating of at least STC forty</p>	Building Dept & Planning Dept	Throughout construction	As necessary	Plan check/On-site inspection		Stop work order; or withhold building permit

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
<p>(40) dB and shall have an air infiltration rate of no more than 5 cubic feet per minute when tested according to ASTM E-283.</p> <p>(2) Fixed windows in the exterior walls of habitable rooms shall:</p> <p>(a) Have a sound transmission class rating of at least STC forty (40) dB; or</p> <p>(b) Shall be five-eighths (5/8) inch laminated glass with an STC rating of forty (40) dB and shall be set in nonhardening glazing materials.</p> <p>(c) Shall be glass block at least three and one-half (3½) inches thick.</p> <p>(3) The total areas of glazing in rooms used for sleeping shall not exceed twenty (20) percent of the floor area.</p> <p>• <u>Exterior doors (Sec. 8-15.203)</u></p> <p>(1) Exterior hinged doors to habitable rooms that are directly exposed to aircraft noise and are facing the source of the noise shall be a door and edge seal assembly that has a laboratory sound transmission class of at least STC forty (40) dB.</p> <p>(2) Exterior hinged doors to habitable rooms that are not directly exposed to aircraft noise and do not face the source of the noise shall have a minimum STC rating of thirty-five (35) dB.</p> <p>(3) Sliding glass doors at habitable rooms shall not be allowed in walls that are directly exposed to aircraft noise. Sliding glass doors in walls that are not directly exposed shall have an STC rating of at least forty (40) dB.</p> <p>(4) Access doors from a garage to a habitable room shall have an STC rating of at least thirty (30) dB.</p> <p>• <u>Roof/ceiling construction (Sec. 8-15.204)</u></p> <p>(1) Roof rafters shall have a minimum slope of 4:12 and shall be covered on their top surface with one-half (½) inch solid sheathing and any roof covering allowed by</p>						

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
<p>this Code.</p> <p>(2) Attic insulation shall be batt or blown-in glass fiber or mineral wool with a minimum R-30 rating applied between the ceiling joists.</p> <p>(3) Attic ventilation shall be:</p> <p>(a) Gable vents or vents that penetrate the roof surface that are fitted with transfer ducts at least six (6) feet in length that are insulating flexible ducting or metal ducts containing internal one (1) inch thick coated fiberglass sound-absorbing duct liner. Each duct shall have a lined ninety (90) degree bend in the duct so that there is no direct line-of-sight from the exterior through the duct into the attic; or</p> <p>(b) Noise control louver vents; or</p> <p>(c) Eave vents that are located under the cave overhang.</p> <p>(4) Ceilings shall be finished with gypsum board or plaster that is at least five-eighths (5/8) inch thick. Ceiling materials shall be mounted on resilient channels.</p> <p>(5) Skylights shall penetrate the ceiling by means of a completely enclosed light well that extends from the roof opening to the ceiling opening. A secondary openable glazing panel shall be mounted at the ceiling line or at a point that provides at least a four (4) inch space between the skylight glazing and the secondary glazing and shall be glazed with at least three-sixteenths (3/16) inch plastic or laminated glass. The weather-side skylight shall be any type that is permitted by the Building Code. The size of skylights shall be no more than twenty (20) percent of the roof area of the room.</p> <ul style="list-style-type: none"> • <u>Floors (Sec. 8-15.205)</u> <p>The floor of the lowest habitable rooms shall be concrete slab on grade. Wood framed floors for habitable rooms will be allowed when they are directly above another habitable room, a basement, garage, workshop, utility room or other nonhabitable rooms that are completely enclosed with wall</p>						

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
<p>materials allowed by this Code.</p> <ul style="list-style-type: none"> <u>Ventilation (Sec. 8-15.206)</u> <p>(1) A ventilation system shall be provided that will provide at least the minimum air circulation and fresh air supply requirements of this Code in each habitable room without opening any window, door or other opening to the exterior. All concealed ductwork shall be insulated flexible glass fiber ducting that is at least ten (10) feet long between any two points of connection.</p> <p>(2) Kitchen cooktop vent hoods shall be the nonducted recirculating type with no ducted connection to the exterior.</p> <ul style="list-style-type: none"> <u>Fireplaces (Sec. 8-15.207)</u> <p>Each fireplace shall be fitted with a damper at the top of the chimney that is operated from the firebox and shall have glass doors across the front of the firebox.</p> <ul style="list-style-type: none"> <u>Wall and ceiling openings (Sec 8-15.208)</u> <p>Openings in the shell of the residence which degrade its ability to achieve an interior CNEL rating of forty-five (45) dB or less when all doors and windows are closed are prohibited unless access panels, pet doors, mail delivery drops, air- conditioning, or other openings are designed to maintain the forty-five (45) CNEL (or less) standard in the room to which they provide access.</p> <p>Standard windows with a minimum STC rating of 32 is acceptable for the remaining buildings that are not directly exposed to the SR-60 Freeway traffic noise levels. With the recommended interior noise mitigation measures provided in this study, the proposed 2324 S. Euclid Avenue Project is expected to meet the City of Ontario and the LA/Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) 45 dBA CNEL interior noise level standards for residential development.</p>						

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified(Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
5. TRANSPORTATION/TRAFFIC						
<p>The proposed project shall be required to pay its fair-share towards the following mitigation measure:</p> <p>(1) Installation of a traffic signal</p>	Building Dept & Planning Dept	Throughout construction	As necessary	Plan check/On-site inspection		Stop work order; or withhold building permit
6. UTILITIES AND SERVICE SYSTEMS						
<p><u>Water Service:</u></p> <p>(1) Prior to any water service connection, the existing water mains along the frontages on Fern Avenue (from SR-60 Right-of-way to connect to the existing 8-inch main at the intersection of Monticello Ct) and Euclid Avenue (from near the SR-60 Right-of-way at Valve P13SV198 to connect to the existing 8-inch main at Valve P13SV170) shall be upsized to 8-inch mains.</p> <p>(2) The water main upsizing required for Water Service above is necessary to meet Fire Protection requirements.</p> <p><u>Sewer Service:</u></p> <p>(1) Prior to any sewer connection to the sewer main in Fern Avenue, the deficient sewer mains downstream in Riverside Drive between Sultana Avenue and Campus Avenue shall be upsized from 12-inch mains to 15-inch mains, in accordance with the Sewer Master Plan Update 2012 (SMP2012 CIP#11).</p>	Building Dept & Planning Dept	Throughout construction	As necessary	Plan check/On-site inspection		Stop work order; or withhold building permit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-006, A GENERAL PLAN AMENDMENT REVISING THE LAND USE ELEMENT OF THE POLICY PLAN, INCLUDING CHANGES TO FIGURE LU-01 (OFFICIAL LAND USE PLAN) AND FIGURE LU-03 (FUTURE BUILDOUT) TO CHANGE THE LAND USE CHANGE ON 5.1 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60, FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (11.1-25.0 DWELLING UNITS PER ACRE), AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-061-01.

WHEREAS, South Coast Communities, LLC, (“Applicant”) has filed an Application for the approval of a General Plan Amendment, File No. PGPA13-006, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 5.1 acres located on the northwest corner of Euclid Avenue and State Route 60 and has been regularly used for the farming of food crops, such as strawberries; and

WHEREAS, the project site is surrounded by single-family residential dwellings to the west across Fern Avenue, a retail-commercial center and multi-family residential dwellings to the north, commercial to the east across Euclid Avenue, and State Highway Route 60 to the south; and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan (“TOP”), the City has evaluated Figures LU-01: Official Land Use Plan and LU-03: Future Buildout further and is proposing modifications; and

WHEREAS, the proposed changes to Exhibit LU-01 (Land Use Plan) include changes to land use designations of certain properties shown on Exhibit “A” (TOP Land Use Changes) to make the land use designations of the project site consistent with adjacent properties; and

WHEREAS, Figure LU-03 (Future Buildout) specifies the likely buildout for Ontario with the adopted land use designations. The proposed changes to Figure LU-01 (Land Use Plan) will require Figure LU-03 (Future Buildout) be modified to be consistent with LU-01, as shown on Exhibit “B” (Amended Figure LU-03 - Future Buildout); and

WHEREAS, the project sites are located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

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

WHEREAS, on May 1, 2014, the City of Ontario conducted a community meeting to gain input from the surrounding property owners; and

WHEREAS, on May 27, 2014, 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 (5-0) to adopt a resolution (PC13-037) recommending City Council approval of the proposed General Plan Amendment; and

WHEREAS, as the first action on the Project, on June 17, 2014, the City Council approved a Resolution adopting a Mitigated Negative Declaration. The Mitigated Negative Declaration finds that all environmental impacts of the Project are either insignificant or can be mitigated to a level of less than significance pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program and the initial study; and

WHEREAS, on June 17, 2014, 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 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for File Nos. PGPA13-006 and PZC13-004, and supporting documentation. Based upon the facts and information contained in the Mitigated Negative Declaration and supporting documentation, the City Council finds as follows:

a. The Initial Study/Mitigated Negative Declaration and other information in the record has been independently reviewed and analyzed, and the information contained therein has been thoroughly considered prior to acting upon or approving the Project;

b. The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; and

c. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of less than significance pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program and the initial study.

SECTION 2. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council and the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan;

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

c. The Land Use Element is a mandatory element and, as such, is allowed four General Plan Amendments per calendar year and this General Plan Amendment is the first amendment to the Land Use Element of the 2013 calendar year consistent with California Government Code Section 65358;

d. During the amendment of the General Plan, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 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.

e. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the land use designation of the subject property from Medium Density (11.1 to 25 du/ac) and General Commercial to Medium Density (11.1 to 16 du/ac) will not negatively 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.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves File No. PGPA13-006, an amendment to revise the Land Use Element of the Policy Plan, including Exhibit LU-01 (Land Use Plan), as shown in Exhibit A, attached, and Exhibit LU-03 (Future Buildout), as shown in Exhibit B, attached.

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 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 17th day of June 2014.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014, 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 Resolution No.2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A: TOP Exhibit LU-1 (Land Use Map) Changes



Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
	1051-061-01 (1 property)	
General Commercial	NEC Euclid Ave. & SR-60	Medium Density Residential

EXHIBIT B: TOP Exhibit LU-03 (Future Buildout) Changes

Note: Deletions to the table are shown in ~~strike through text~~, and additions are shown in **red text**.

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	458	2.0 du/ac	916	3,660		
Low Density ⁶	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium ⁶ Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,934 1,937	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,002 39,094	136,318 136,668		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	10,923 10,928		86,743 86,835	321,771 322,121		
Retail/Service						
Neighborhood ⁶ General	265	0.30 FAR			3,466,679	8,388
General Commercial	609 604	0.30 FAR			7,955,798 7,889,152	7,391 7,329
Office/ Commercial	414	0.75 FAR			13,534,854	30,015
Hospitality	145	1.00 FAR			6,316,200	7,241
<i>Subtotal</i>	1,433 1,428				31,273,532 31,206,885	53,036 Q1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A ZONE CHANGE, FILE NO. PZC13-004, TO CHANGE THE ZONING DESIGNATION FROM C3 (COMMERCIAL SERVICE) TO R2 (MEDIUM DENSITY RESIDENTIAL 11.1-16 DU/AC) FOR 7.8 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60, FROM, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-061-01.

WHEREAS, South Coast Communities, LLC. ("Applicant") has initiated a Zone Change, File No. PZC13-004, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 7.8 acres of land located at the northwest corner of Euclid Avenue and State Highway Route 60, which is largely undeveloped, and has been regularly used for the farming of food crops, such as strawberries; and

WHEREAS, the properties north of the project site are characterized by multifamily residential dwellings and commercial retail and are located within the R2 (Medium Density Residential 11.1-16 du/ac) and C3 (Commercial Service) zoning districts. The properties to the west are developed with single-family dwellings in the RR (Rural Residential) zoning district. Properties located east of the project site, across Euclid Avenue are developed with commercial retail land uses and are within the C1 (Shopping Center) zone. The project site abuts State Highway Route 60 to the south; and

WHEREAS, the project site is currently within the C3 (Commercial Service) zoning district. The Applicant is requesting a Zone Change, on the project site to Medium Density Residential (11.1- 16 dwellings units per acre) as shown in Exhibit A; and

WHEREAS, the Application will allow for residential development consistent with the existing multi-family residential development to the north (15.5 dwelling units per acre) and the Project site is not conducive to commercial development because it cannot accommodate adequate vehicular access due to the lot configuration and close proximity to the freeway (within 300 feet). The primary access to the site is Fern Avenue since the California Department of Transportation (CalTrans) is limiting access from Euclid Avenue due to the proximity of State Highway Route 60 westbound onramp; and

WHEREAS, the project site is located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

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

WHEREAS, on May 1, 2014, the City of Ontario conducted a community meeting to gain input from the surrounding property owners; and

WHEREAS, on May 27, 2014, 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 (6-0) to recommend (Resolution PC14-038) City Council adoption of a Resolution approving the Zone Change (PZC13-004); and

WHEREAS, as the first action on the Project, on June 17, 2014, the City Council approved a Resolution adopting a Mitigated Negative Declaration. The Mitigated Negative Declaration finds that all environmental impacts of the Project are either insignificant or can be mitigated to a level of less than significance pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program and the initial study; and

WHEREAS, on June 17, 2014, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for File Nos. PGPA13-006 and PZC13-004, and supporting documentation. Based upon the facts and information contained in the Mitigated Negative Declaration and supporting documentation, the City Council finds as follows:

a. The Initial Study/Mitigated Negative Declaration and other information in the record has been independently reviewed and analyzed, and the information contained therein has been thoroughly considered prior to acting upon or approving the Project;

b. The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; and

c. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of less than significance pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program and the initial study.

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 zone change is consistent with the goals and policies of the Policy Plan component of The Ontario Plan.

b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice.

c. The project sites are physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designations and anticipated developments.

d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses.

e. The proposed zone change will not have a significant adverse impact on the environment.

f. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the zoning designation of the subject property from C3 (Commercial Service) to R2 (Medium Density Residential 11.1-16 du/ac) will not negatively 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.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the requested Zone Change, as shown on the attached Exhibit A.

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

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

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

SECTION 7. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2014.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held June 17, 2014, and adopted at the regular meeting held _____, 2014, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK


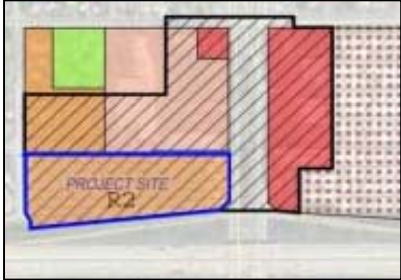
(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A
Zone Change

Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Change
 <p>C3 (Commercial Service)</p>	1051-061-01 <i>(1 property)</i> NEC Euclid Ave. & SR-60	 <p>R2 (Medium Density Residential)</p>

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (FILE NO. PGPA13-004) TO CHANGE THE LAND USE DESIGNATION FOR 14 ACRES OF LAND AT NORTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL AND TO CHANGE THE LAND USE DESIGNATION FOR 10 ACRES OF LAND AT THE SOUTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL

RECOMMENDATION: That the City Council adopt a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109) analyzing the environmental effects of the project, pursuant to State CEQA Guidelines section 15164, and adopt a resolution approving General Plan Amendment File No. PGPA13-004, revising the Land Use Element of the Policy Plan (General Plan), Exhibit LU-01 Official Land Use Plan and Figure LU-03 Future Buildout Table.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
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: Adoption of the General Plan Amendment (GPA) would result in long term fiscal impacts to the City. Fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property and sales tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the development will be required to form and/or

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Rudy Zeledon

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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join a Community Facilities District (CFD) to cover the additional public service costs. No Original Model Colony dollars will be used to fund the New Model Colony development.

BACKGROUND: The Ontario Plan (TOP) identifies a 14-acre commercial site at the northwest corner of Edison and Haven Avenues. The southwest corner of Edison and Haven Avenue is designated as Medium Density Residential (11.1 to 25 dwelling units per acre). The applicant is proposing to swap land uses on the corners, moving the Neighborhood Commercial to the southwest corner and the Medium Density Residential to the northwest corner. Additionally, the commercial site will be reduced from 14 acres to 10 acres and the Medium Density Residential site will increase from 10 acres to 14 acres.

TOP designates areas at key arterial intersections throughout the New Model Colony for Neighborhood Commercial Districts. These Neighborhood Commercial areas are located within predominantly residential neighborhoods and intended for local serving retail, personal service, office, and dining uses. The site is of sufficient size to provide services for the surrounding neighborhood. The 10 acres of Neighborhood Commercial will accommodate approximately 130,680 square feet of retail commercial uses and may include a grocery market, retail shops, personal services, office uses, and dining uses. The proposed GPA is consistent with TOP's Policy Plan which encourages and envisions "Neighborhood Commercial" centers to be surrounded by higher density housing and amenities that would be integrated with the centers to create a cohesive district.

The relocation of the Medium Density Residential allows for the ability to provide multi-family housing along the north side of the Edison Avenue corridor (between Haven Avenue and Turner Avenue) and provide a buffer and transition area from the high density residential uses to low density residential areas of the Specific Plan. The slight increase in acreage (from 10 to 14 acres) will provide additional units along a major transit corridor, consistent with TOP.

The proposed GPA will also include revisions to Exhibits LU-01: *Land Use Plan* and LU-03: *Future Buildout Table* to include the proposed land use changes and adjusted Neighborhood Commercial and Medium Density acreages.

On May 27, 2014, the Planning Commission voted unanimously (6-0) to recommend City Council adoption of a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109) analyzing the environmental effects of the Project and adoption of a resolution approving General Plan Amendment File No. PGPA13-004.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed in conjunction with an Addendum to The Avenue Specific Plan (SCH# 2005071109). 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.

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



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



CITY OF ONTARIO

ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE AVENUE SPECIFIC PLAN

A. PROJECT INFORMATION

1. **Project Title:** Amendment to the Policy Plan (General Plan), Amendment to The Avenue Specific Plan and a tentative tract map request (TT 18922) to subdivide 178.66 acres of land into 13 numbered lots and 22 lettered lots.
2. **Lead Agency Name and Address:** City of Ontario
303 East "B" Street
Ontario, CA 91764
3. **Contact Person(s) and Phone** Rudy Zeledon, Senior Planner
4. **Project Location:** City of Ontario, 178.66 acres of land located south of Schaefer Avenue and north of Edison Avenue, between Turner and Haven Avenues. APN: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45).

2. **PROJECT DESCRIPTION:** A request for certain entitlements that include: 1.) Amendment to the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) of The Ontario Plan (File No. PGPA13-004), to include: (1) The relocation of the General Commercial land use designation from the northwest corner of Edison Avenue and Haven Avenue to the southwest corner of Edison Avenue and Haven Avenue; and 2) The relocation of the Medium Density Residential land use designation from the southwest corner of Edison Avenue and Haven Avenue to the northwest corner of Edison Avenue and Haven Avenue; and

2.) Amendment to the Avenue Specific Plan (File No. PSPA13-003) to: 1) Amend the Specific Plan Land Use Plan to relocate the Neighborhood Commercial land use designation from the northwest corner of the Edison Avenue and Haven Avenue to the south west corner of Edison Avenue and Haven Avenue; 2) Relocate the Medium Density Residential from the southwest of Edison Avenue and Haven Avenue to northwest corner of Edison Avenue and Haven Avenue; 3) Change the land use designation for 19.9 acres, located at the southwest corner of Archibald Avenue and Schaefer Avenue, from Retail Commercial to Medium Density Residential consistent with the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01), and 4) Revise and update housing product, exhibits and language to reflect the proposed changes; and

3.) A Tentative Tract Map (File No. PMTT13-010) and Development Agreement (File No. PDA10-002) to subdivide 178.66 acres of land into 13 numbered lots and 22 lettered lots, within the Planning Areas 9A, 9B, 10A, 10B and 11, of the Avenue Specific Plan, located south of Schaefer Avenue and north of Edison Avenue, between Turner and Haven Avenues.

BACKGROUND: On December 29, 2006, the City Council approved The Avenue Specific Plan (File No. PSP05-003). The Specific Plan established the land use designations, development standards, and design guidelines for 569.4 acres of land, located south of Schaefer Avenue, North Edison Avenue, East of Carpenter Avenue and west of Haven Avenue.

An Environmental Impact Report (EIR) was prepared for The Avenue Specific Plan and certified (SCH# 2005071109) by the City Council with a Statement of Overriding Considerations. The EIR analysis identified the potential environmental impacts associated with the Specific Plan. The significant unavoidable adverse impacts that were identified in the EIR included air quality, agriculture, traffic, biological resources and noise.

In February 2010, the Ontario City Council certified the Ontario Plan (TOP) Final Environmental Impact Report (SCH # 2008101140), ("TOP EIR") adopted an update on the Ontario Policy Plan (General Plan) and the Preferred Land Use Plan, made Mitigation Findings and adopted a Statement of Overriding Considerations pursuant to CEQA. The Ontario Plan EIR contains an analysis of the environmental setting of the entire City at the time of its certification.

Following City Councils approval of the update to the Policy Plan (General Plan) the project proponent of The Avenue Specific Plan requested modifications to the Specific Plan to include a larger number of residences and commercial space as a result of a rearrangement of some roadways and land uses within the Avenue Specific Plan area. The City of Ontario (City) coordinated the preparation of Supplemental Environmental Impact Report (SEIR) for The Avenue Specific Plan Amendment (File No. PSAP07-004) to address the potential environmental impacts associated with proposed modifications resulting in construction of 2,606 residences, 250,000 square feet of commercial space, and two schools on 569.4 acres of land. The proposed land use changes of the Amendment were consistent with The Ontario Plan (TOP) Policy Plan (General Plan). On February 2, 2010, the City Council approved The Avenue Specific Plan Amendment and Certified the Supplemental Environmental Impact Report (SEIR) and adopted a Statement of Overriding Considerations for environmental impacts.

CEQA REQUIREMENTS FOR AN ADDENDUM:

If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines § 15162(a) are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the negative declaration are necessary and none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or negative declaration is required only when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been

known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the Project does not result in any of the circumstances listed in section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to the TOP EIR.

ANALYSIS:

The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

CONCLUSION:

Accordingly, and based on the findings and information contained in the previously certified TOP EIR, The Avenue Specific Plan EIR and The Avenue Specific Plan Supplemental EIR the analysis above, the attached Initial Study, and the CEQA statute and State CEQA Guidelines, including sections 15164 and 15162, the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in those EIR documents. No changes or additions to TOP EIR, The Avenue Specific Plan EIR and The Avenue Specific Plan Supplemental EIR analyses are necessary, nor is there a need for any additional mitigation measures.

The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

California Environmental Quality Act Environmental Checklist Form

City of Ontario
Planning Department
303 East "B" Street
Ontario, California
Phone: (909) 395-2036
Fax: (909) 395-2420



Project Title/File No.: File No. PGPA13-004, PSPA13-003, PDA10-002 and PMTT13-010 (TT18922)

Lead Agency: City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

Contact Person: Rudy Zeledon, (909) 395-2422

Project Sponsor: City of Ontario, 303 E. B Street, Ontario, CA 91764

Project Location: Approximately 178.66 acres of land located south of Schaefer Avenue and north of Edison Avenue, between Turner and Haven Avenues (APN: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45) within the City of Ontario, County of San Bernardino.

Figure 1—REGIONAL LOCATION MAP

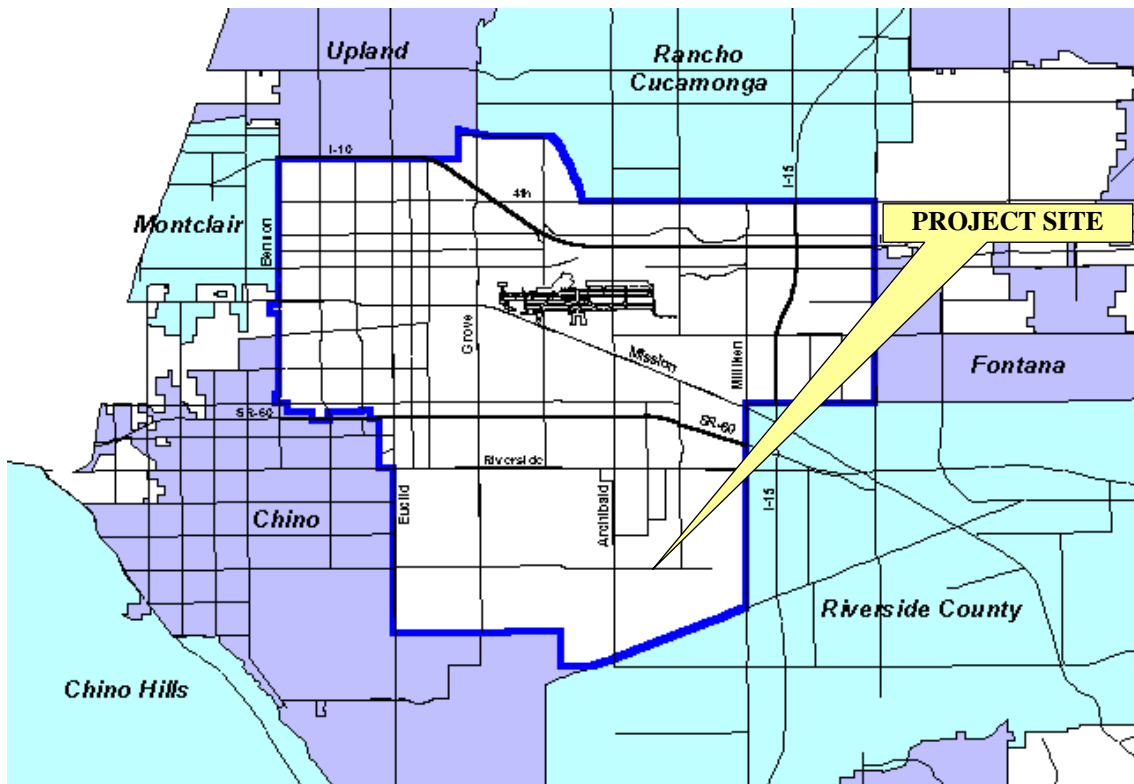
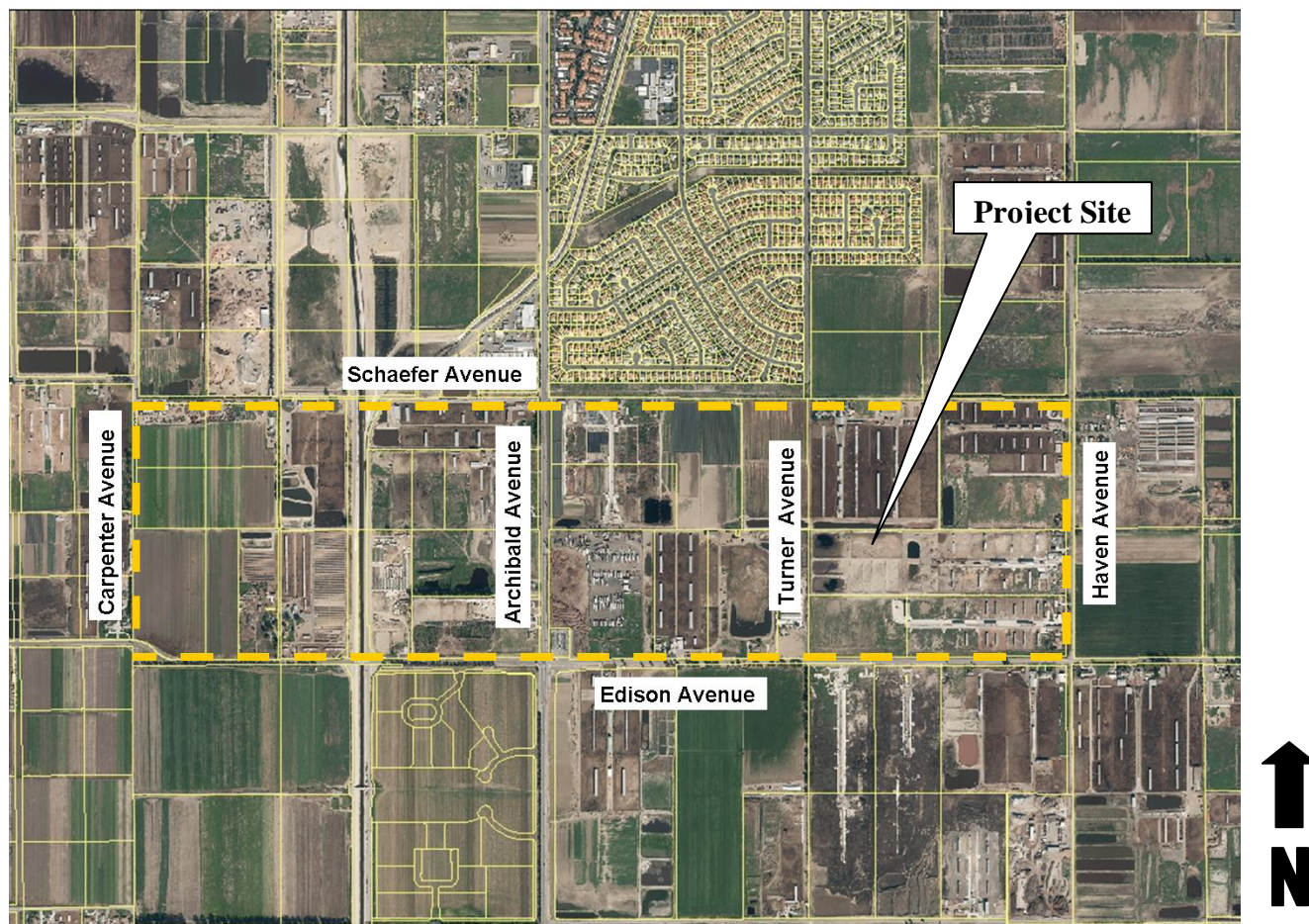


Figure 2—VICINITY MAP



Figure 3—AERIAL PHOTOGRAPH



 The Avenue Specific Plan Boundary

General Plan Designation: Low Density Residential (2.1 – 5 du/ac), Medium Density Residential (11.1- 25 du/ac) and Neighborhood Commercial.

Zoning: The Avenue Specific Plan – Planning Areas 4 (Retail Commercial), 10A (Low Density and Medium Residential), 10B (Retail Commercial), and PA 11 (Low Density and Medium Residential).

Description of Project: Request for certain entitlements that include: 1.) Amendment to the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) of The Ontario Plan (File No. PGPA13-004), to include: (1) The relocation of the General Commercial land use designation from the northwest corner of Edison Avenue and Haven Avenue to the southwest corner of Edison Avenue and Haven Avenue; and 2) The relocation of the Medium Density Residential land use designation from the southwest corner of Edison Avenue and Haven Avenue to the northwest corner of Edison Avenue and Haven Avenue; and

2.) Amendment to the Avenue Specific Plan (File No. PSPA13-003) to: 1) Amend the Specific Plan Land Use Plan to relocate the Neighborhood Commercial land use designation from the northwest corner of the Edison Avenue and Haven Avenue to the south west corner of Edison Avenue and Haven Avenue; 2) Relocate the Medium Density Residential from the southwest of Edison Avenue and Haven Avenue to northwest corner of Edison Avenue and Haven Avenue; 3) Change the land use designation for 19.9 acres, located at the southwest corner of Archibald Avenue and Schaefer Avenue, from Retail Commercial to Medium Density Residential consistent with the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01), and 4) Revise and update housing product, exhibits and language to reflect the proposed changes; and

3.) A Tentative Tract Map (File No. PMTT13-010) and Development Agreement (File No. PDA10-002) to subdivide 178.66 acres of land into 13 numbered lots and 22 lettered lots, within the Planning Areas 10A, 10B and 11, of the Avenue Specific Plan, located south of Schaefer Avenue and north of Edison Avenue, between Turner and Haven Avenues.

Project Setting: As illustrated in Figure 1, the project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County.

As illustrated in Figure 2, 178.66 acres of land located south of Schaefer Avenue and north of old Edison Avenue, between Turner and Haven Avenues (APN: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45) within the City of Ontario, County of San Bernardino. The site is developed dairy and agricultural uses.

Regional access is provided by the 60 freeway, which is located directly north of the project site. Access to 60 freeway is provided from Archibald Avenue and Haven Avenue.

Surrounding Land Uses:

	<u>Zoning</u>	<u>Current Land Use</u>
▪ North—	Low Density Residential (2.1 -5. du\ac)	Archibald Ranch Community
▪ South—	Grand Park Specific Plan	Dairy/Agricultural uses
▪ East—	Agriculture Preserve\Specific Plan	Dairy/Agricultural uses
▪ West—	Rich Haven Specific Plan	Dairy/Agricultural uses

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Certified The Avenue Specific Plan Environmental Impact Report (EIR) pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Certified The Avenue Specific Plan EIR, including revisions or mitigation measures that are imposed upon the proposed project, the analysis from the Certified The Avenue Specific Plan EIR prepared for this project was used as a basis for this Addendum, nothing further is required.

Rudy Zeledon

Signature

March 17, 2014

Date

Rudy Zeledon, Principal Planner

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

EVALUATION OF ENVIRONMENTAL IMPACTS

Issues:		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
I.	AESTHETICS. Would the project:				
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
II.	AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
III.	AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV.	BIOLOGICAL RESOURCES. Would the project:				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. **CULTURAL RESOURCES.** Would the project:

a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. **GEOLOGY AND SOILS.** Would the project:

a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18.1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

a)	Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XI. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XII. NOISE. Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
e)	For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING. Would the project:

a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. PUBLIC SERVICES. Would the project:

a)	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XVI. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Issues:					
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

EXPLANATION OF ISSUES

The Avenue Specific Plan Environmental Impact Report, certified in 2006, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Avenue Specific Plan. Consequently, the EIR focused on impacts from the proposed land use associated with buildout of the Specific Plan Land Use Plan, and impacts from the resultant population and employment growth from the Specific Plan.

The Ontario Plan Environmental Impact Report (TOP EIR), certified in 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the EIR focused on impacts from changes to land use associated with buildout of the City's Land Use Plan, within the Policy Plan, and impacts from the resultant population and employment growth in the City. The Ontario Plan's Land Use Plan for the

ultimate development of the City is not linked to a timeline. However, for the purpose of the EIR's environmental analysis, buildout of the Land Use Plan was forecast for the year 2035.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document needs to be prepared. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (Guidelines Section 15168[c]). When a Program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities (Guidelines Section 15168[c][1]). If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

Here, an initial study has been prepared to determine if the project is within the scope of The Avenue and TOP EIR's such that additional environmental review is not required. As discussed below, the City has concluded that no additional environmental review is required, such that this initial study can serve as an addendum to the Avenue Specific Plan and TOP EIR's.

1. **AESTHETICS.** Would the project:

a) **Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The Policy Plan (General Plan) does not identify scenic vista within the City. However, the Policy Plan (Policy CD1-5) requires all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountain. The project site is not located on a major north-south as identified in the Functional Roadway Classification Plan (Figure M-2) of the Mobility Element within the Policy Plan. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: No additional mitigation measures are required.

b) **Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?**

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east-west direction. I-15 traverses the northeastern portion of the City in a north-south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. In addition, there are no historic buildings or any scenic resources identified on or in the vicinity of the project site. Therefore, it will not result in adverse environmental impacts.

Mitigation: No additional mitigation measures are required.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Discussion of Effects: The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by agriculture development and is surrounded by urban land uses.

It was shown in The Avenue FEIR (2006) that the extensive design guidelines that are required to be followed for the implementation of The Avenue Specific Plan will ensure that future construction will incorporate aesthetically-pleasing design elements for the approved uses. It was concluded that the visual character of the project vicinity would change but that it would not substantially degrade the existing visual character or quality of the project site. The changes to the project do not substantially change this conclusion since The Avenue Specific Plan Amendment will remain consistent with these previously established design guidelines. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation measures are required.

d) **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

Discussion of Effects: New lighting will be introduced to the site with the development of the project. Pursuant to the requirements of the City's Development Code, project on-site lighting will be shielded, diffused or indirect, to avoid glare to pedestrians or motorists. In addition, lighting fixtures will be selected and located to confine the area of illumination to within the project site and minimize light spillage.

Site lighting plans will be subject to review by the Planning Department and Police Department prior to issuance of building permits (pursuant to the City's Building Security Ordinance). Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation measures are required.

2. **AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006), a considerable portion of the site is presently used for dairy farming. The project will convert this land, which is considered to be Prime Farmland and identified by the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. The conversion of farmland to urban uses was determined to be a potentially significant impact that is unavoidable. The changes to the Project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Discussion of Effects: As shown in the previous Avenue Specific Plan FEIR (2006) the project site is currently zoned for agricultural use and had ten (10) Williamson Act Contracted properties for a total of 273.9 acres of the project site. As of the date of the FEIR, notices of nonrenewal had been filed for three of the ten Williamson Act Contracts, but there were still six active Williamson Act Contracts. It was determined that the proposed development would be in conflict with these contracts and this was a significant unavoidable impact. The changes to the Project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Discussion of Effects: The project is zoned "Avenue Specific Plan". The City of Ontario does not have any land zoned for forest, timberland, or timberland production.

Mitigation: No additional mitigation measures are available or proposed.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No additional mitigation measures are available or proposed.

- e) **Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006), a considerable portion of the site is presently used for dairy farming. The project will convert this land, which is considered to be Prime Farmland and identified by the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. The conversion of farmland to urban uses was determined to be a potentially significant impact that is unavoidable. The changes to the project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

3. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial from 250,000 square feet to 130,000 square feet (from 14 acres to 10 acres). The residential buildout for the Avenue Specific Plan is 1,264 residential which is less than the buildout assumed by TOP EIR (4,010 residential units), which is within SCAG population projections for the project area. Therefore, the project is consistent with the land use designations and growth projections that were assumed in the current AQMP.

Mitigation: No additional mitigation measures are available or proposed.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial from 250,000 square feet to 130,000 square feet (from 14 acres to 10 acres). The residential buildout for the Avenue Specific Plan is 1,264 residential which is less than the buildout assumed by TOP EIR (4,010 residential units). Development from the previously approved Avenue Specific Plan, in addition to the Amendment would result in significant and unavoidable impacts. Project impacts would remain significant and unavoidable even with additional mitigation measures proposed by the 2008 Air Quality Impact Analysis. In addition, TOP EIR, which analyzed a residential buildout of 4,010 for the Avenue Specific Plan Area, determined that a significant and unavoidable air quality impacts due to the magnitude of emissions that would be generated by the buildout of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial from 250,000 square feet to 130,000 square feet (from 14 acres to 10 acres). The residential buildout for the Avenue Specific Plan is 1,264 residential which is less than the buildout assumed by TOP EIR (4,010 residential units). Development from the previously approved Avenue Specific Plan, in addition to the Amendment would result in significant and unavoidable impacts. Project impacts would remain significant and unavoidable even with additional mitigation measures proposed by the 2008 Air Quality Impact Analysis. In addition, TOP EIR, which analyzed a residential buildout of 4,010 units and 10 acres of commercial for the Avenue Specific Plan Area, determined that a **significant and unavoidable** air quality impacts due to the magnitude of emissions that would be generated by the buildout of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed.

d) Expose sensitive receptors to substantial pollutant concentrations?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the impacts of the project on the air quality pollutants in the region of the project and if the project would contribute to an existing air quality problem. . The SCAQMD identifies the following as sensitive receptors: long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, child care centers, and athletic facilities. According to the SCAQMD, projects have the potential to create significant impacts if they are located within one-quarter mile of sensitive receptors and would emit toxic air contaminants identified in SCAQMD Rule 401 and 403. The proposed project includes the increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial acres by 4 (from 14 acres to 10 acres) acres. The increase in 269 residential units would not greatly increase traffic to and from the site. The reduction in commercial to 130, 000 square feet would reduce traffic to and from the site. Therefore the project would in a less than significant impact on sensitive receptors as determined by the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). In addition TOP EIR, which analyzed a residential buildout of 4,010 residential units and 250, 000 square feet of commercial for the Avenue Specific Plan Area, determined that a significant and unavoidable air quality impacts due to the magnitude of emissions that would be generated by the buildout of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed.

e) Create objectionable odors affecting a substantial number of people?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated that the Specific Plan would result in less than significant impact. The Project is not expected to substantially increase the potential for objectionable odors due to the changes proposed. Rather the project would remove daily dairy operations from the site, which are existing sources of potential odors.

Mitigation: No additional mitigation measures are available or proposed.

4. BIOLOGICAL RESOURCES. Would the project:

1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), the project site has historically had the potential to support a variety of species of plants and animals that are identified as a candidate, sensitive, or special status species; however the project site is heavily altered from its natural state. It was shown that for close to fifty years, the operation of dairy farms on a considerable portion of the site has substantially degraded the potential of the site to serve as native habitat. The FEIR discussed that changing the land use from the existing agricultural uses to suburban development could further reduce the viability of the site as habitat for these species.

During the biological surveys, it was found that Burrowing Owls were present on the site. Mitigation was included for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present. This reduced the impact to less than significant. In addition, extensive surveys were completed for the Delhi Sands Flower-Loving Fly and its habitat, but no evidence of the fly or its habitat was found. There were still several areas that had not been surveyed as of the writing of the FEIR, but it was stated that surveys would be completed prior to the granting of discretionary entitlements and any further approvals would be withheld until surveys could be completed and any necessary permits were obtained. It was expected that suitable habitat does not exist in these remaining areas. This mitigation reduced the potential impact to the Delhi Sands Flower-Loving Fly to less than significant.

On January 10, 2013, a biological survey on the Project site was conducted by Glen Lukos Associates, Inc., to update the prior studies for the burrowing owls and Delhi Sands flower-loving fly (DSF). The survey detected one unpaired burrowing owls during three visits to the site (November 6th, 7th, 20th and 25th of 2013). Mitigation from the previous Avenue Specific Plan FEIR (2006) for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present will be required for this Project.

As part of the updated surveys, GLA re-evaluated the Project site for the Delhi Sands flower loving fly (DSF). As referenced by the FEIR and SEIR, previous biological studies conducted for the Project site included habitat assessments for the DSF.

The majority of the Project site was previously determined to be unsuitable for DSF as a result of the site disturbance and lack of appropriate vegetation. However, protocol focused surveys were previously conducted for 2 portions of the Project site with some potential to support DSF, including the northeast portion of the site (Planning Area 11 of the overall Specific Plan) and a strip of land in the southeast portion of the site (Planning Area 10 of the Specific Plan). The results of both protocol surveys were negative, i.e. the DSF was not detected onsite. Based on the current field surveys, GLA biologists determined that none of the Project site provides suitable habitat for the DSF, including the areas previously surveyed for DSF. The northeastern and southeastern portions of site have been further disturbed, and no longer represent suitable habitat for the DSF. As such, updated focused surveys for the DSF are not required.

In summary, the proposed Project will not result in new or increased significant impacts to special-status biological resources, and with the implementation of mitigation measures identified in the FEIR and SEIR, impacts to special-status species (i.e., the burrowing owl) are reduced to below a level of significance.

Mitigation: Additional mitigation measures are not necessary or proposed.

- 2) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), the site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Also, as discussed above, the FEIR evaluated the potential loss of Delhi Sands Flower-Loving Fly habitat and determined the impacts to be less than significant with the mitigation proposed. The changes to the project do not change these conclusions since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- 3) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: TOP EIR does not identify any federally protected wetlands within the NMC, including The Avenue Specific Plan. The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyzed the effects to any potential resources and proposed appropriate mitigation. The changes to the project will not substantially change the impacts already evaluated.

Mitigation: Additional mitigation measures are not proposed or necessary.

- 4) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), the project site is part of an area which is identified as important to several migratory bird species. The site has many characteristics resulting from agricultural development which makes it attractive to several bird species. Mitigation measures were included in the FEIR to reduce the potential impacts to any existing migratory bird habitat to less than significant. The changes to the Project do not change the conclusions of the previous FEIR since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or necessary.

- 5) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the City of Ontario does not have any ordinances protecting biological resources. The previous New Model Colony General Plan identified a series of policies to protect natural resources. These policies were incorporated into The Avenue Specific Plan

and they will continue to be an important part of the amendment. It was concluded that this would result in less than significant impacts. The changes to the Project do not substantially change the previously evaluated impacts since the boundary of the project has not changed.

Mitigation: No additional mitigation measures are required.

6) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the site is not part of an adopted HCP, NCCP, or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated and no changes to the previously evaluated impacts are expected due to the changes in the project.

Mitigation: No additional mitigation measures are proposed or required.

CULTURAL RESOURCES. Would the project:

1) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

Discussion of Effects: City records do not reflect the presence of a historic resource as defined in CEQA Guideline section 15064.5 at, or in the vicinity of the project site. The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) concluded that, with the incorporation of the proposed mitigation, the effects of the project on cultural resources would be less than significant. The proposed changes to the Project will not substantially change the impacts to the cultural resources since the boundary of the project is not changing.

Mitigation: Additional mitigation measures are not proposed or required.

2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) concluded that, with the incorporation of the proposed mitigation, the effects of the project on cultural resources would be less than significant. The proposed changes to the Project will not substantially change the impacts to the cultural resources since the boundary of the project is not changing.

Mitigation: Additional mitigation measures are not proposed or required.

3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the potential to uncover significant paleontological resources and found that there was a possibility that resources could be uncovered during the grading phase of the project. Mitigation measures were proposed that reduced this impact to less than significant. The changes to the Project will not result in a substantial change to the previously evaluated impact since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

4) Disturb any human remains, including those interred outside of formal cemeteries?

Discussion of Effects: As discussed in the previous Specific Plan FEIR (2006) and Supplemental EIR (2010), the City of Ontario Policy Plan (General Plan) indicates that there are no known native sites located in the area of the project site. However, since a large amount of excavation is required to prepare the site for development, it is possible that through this extensive excavation, human remains could be discovered. This potential to uncover human remains was previously evaluated in the FEIR and mitigation measures were proposed that reduced the impact to a less than significant level. The changes to the Project will not result in a substantial change to the previously evaluated impact since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

5. **GEOLOGY & SOILS.** Would the project:

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

- (i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), there are no known active faults on the site and there are no Alquist-Priolo Earthquake Fault Zone Areas within the City of Ontario. TOP Policy Plan (General Plan) identifies six active or potentially active fault zones near the City. Given that the closest fault zone is located approximately six miles from the project site; it was shown that fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. This was previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), and it was found that there were less than significant impacts due to faulting. The changes in the Project will not substantially change the impacts expected since the project boundaries have not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- (ii) **Strong seismic ground shaking?**

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), there are no known active faults on the site and there are no Alquist-Priolo Earthquake Fault Zone Areas within the City of Ontario. TOP Policy Plan (General Plan) identifies six active or potentially active fault zones near the City. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. Ground Accelerations in the project area can be expected in the range of 0.4 to 0.5 g. with the possibility of even higher accelerations. The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the potential impacts due to seismic shaking and proposed mitigation measures to reduce the potential impacts to less than significant. The changes to the project will not result in a substantial change in the impacts since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- (iii) **Seismic-related ground failure, including liquefaction?**

Discussion of Effects: As previously discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the greatest geological risk to the project area is liquefaction resulting from severe ground shaking by local and regional faults. However, the previously completed Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the potential for liquefaction and found that the depth to groundwater was large enough that the liquefaction potential could be considered low. The changes to the Project do not change this conclusion since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- (iv) **Landslides?**

Discussion of Effects: As previously discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation the Uniform Building Code and Ontario Municipal Code would

reduce impacts to a less than significant level. The proposed changes to the Project do not substantially change these conclusions and recommendations.

Mitigation: Additional mitigation measures are not proposed or required.

b) Result in substantial soil erosion or the loss of topsoil?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), due to the high manure content of the current topsoil as a result of heavy agricultural use for dairy farming and grazing, it will be necessary for three feet of the current layer of soil to be removed. It was determined that after removal the project site will be backfilled with fresh topsoil. Replacement of topsoil is a beneficial impact to the project site. The changes to the Project do not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Discussion of Effects: As previously discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), because of the relatively flat topography of the project site it is unlikely that the project will result in the geologic unit or soil becoming unstable. It was determined that any impacts are anticipated to be less than significant. The changes in the Project do not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Discussion of Effects: As evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the majority of Ontario, including the project site, is located on alluvial soil deposits; however some of the soils in the project area are susceptible to expansion, and settlement. A site-specific soils analysis was completed for the project site and it was concluded that the soils onsite had a low potential for expansion. The changes to the project do not substantially change the impacts previously evaluated since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Discussion of Effects: No impact- As a master planned community; the proposed Project would use sewer systems and would not include the use of the septic systems or alternative wastewater treatment systems. As a result, no impact relating to septic or alternative wastewater systems would occur, and no further analysis of this issue is required.

Mitigation: Additional mitigation measures are not proposed or required.

6. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) did not address Global Climate Change impacts as required by Assembly Bill 32, passed in August of 2006. However, the impact of buildout of The Ontario Plan (TOP) on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). The proposed buildout of The Avenue Specific Plan was previously analyzed in The Ontario Plan EIR, which was certified by the City.

Discussion of Effects: The impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

As part of the City's certification of The Ontario Plan EIR and its adoption of The Ontario Plan, the City adopted mitigation measures 6-1 through 6-6 with regard to the significant and unavoidable impact relating to GHG emissions. These mitigation measures, in summary, required:

- MM 6-1. The City is required to prepare a Climate Action Plan (CAP).
- MM 6-2. The City is required to consider for inclusion in the CAP a list of emission reduction measures.
- MM 6-3. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.
- MM 6-4. The City is required to consider the emission reduction measures and concepts contained in MMs 6-2 and 6-3 when reviewing new development prior to adoption of the CAP.
- MM 6-5. The City is required to evaluate new development for consistency with the Sustainable Communities Strategy, upon adoption by the Southern California Association of Governments.
- MM 6-6. The City is required to participate in San Bernardino County's Green Valley Initiative.

While Public Resources Code section 21083.3 requires that relevant mitigation measures from a General Plan EIR be imposed on a project that is invoking that section's limited exemption from CEQA, these mitigation measures impose obligations on the City, not applicants, and hence are not directly relevant. However, the mitigation proposed below carries out, on a project-level, the intent of The Ontario Plan's mitigation on this subject.

Mitigation Required: The following mitigation measures shall be required:

1. The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by the applicant in connection with the project:
 - a. Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant, low-maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects;
 - b. Require all new landscaping irrigation systems installed to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors;
 - c. Reduce heat gain from pavement and other similar hardscaping;
 - d. The City is required to consider for inclusion in the CAP a list of emission reduction measures.
 - e. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance

with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City's contribution of greenhouse gas emissions at build-out by fifteen (15%), because the project is upholding the applicable City's adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation Required: Additional mitigation measures are not proposed or required.

7. HAZARDS & HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Discussion of Effects: As discussed in the previous Specific Plan FEIR (2006) and Supplemental EIR (2010), before the project construction can begin, disposal of hazardous or potentially hazardous materials from the project site may be necessary. The current and historical uses of the site included the use of underground storage tanks, above-ground storage tanks, and potentially hazardous chemicals such as fertilizers. However, the risks of exposure of the public to hazardous materials were previously evaluated in the existing Specific Plan FEIR (2006) and Supplemental EIR (2010). Mitigation measures were incorporated into the FEIR that reduced these impacts to a less than significant level. The changes to the Project do not substantially change the previously-evaluated impacts.

Mitigation Required: Additional mitigation measures are not proposed or required.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Discussion of Effects: As discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the initial stages of the project may include the disposal of hazardous materials, such as underground storage tanks, generators, asbestos, and lead based paint. It was determined that the removal and disposal of these materials are routine and require only minor precautions, and even if an accident was to occur it is unlikely the impact on the environment would be significant. In addition, the proposed changes to the Project do not substantially change the previously-evaluated impacts.

Mitigation Required: Additional mitigation measures are not proposed or required

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) found that the project schools are located adjacent to residential and park uses by a radius of more than one quarter mile. The existence of any significant hazardous emissions or the handling of hazardous or acutely hazardous materials is unlikely. Household chemicals are the most likely hazardous materials in residential areas, and the materials used in the maintenance of parkland are similar to those used on school sites. The proposed changes to the Project do not substantially change the previously evaluated impacts. Therefore, a less than significant impact is anticipated.

Mitigation Required: Additional mitigation measures are not proposed or required

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Discussion of Effects: A total of 15 Phase I Environmental Site Assessments (ESA) were completed for the project as part of the previous Specific Plan FEIR (2006). One of these ESA's resulted in the preparation of a Phase II ESA. The Phase I ESA's showed that there are several sites that are registered as having both active and inactive underground storage tanks, waste discharge permits, and hazardous materials (mostly due to the agricultural operations onsite). The Phase II evaluation concluded that the soils in two settling ponds on the Del Amo Dairy property were not contaminated and no further action was necessary. The FEIR proposed several mitigation measures to prevent release of hazardous materials from the underground storage tanks onsite during the demolition phase of the project. The proposed changes to the Project do not substantially change these previously evaluated impacts.

Mitigation Required: Additional mitigation measures are not proposed or required

- e) **For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The proposed site is located within the influence area of the LA/ONT International Airport Land Use Compatibility Plan (ALUCP). In addition, the project site is located outside the Safety, Noise Impact and Airspace Protection Zones. However, the proposed site is located within two miles of Chino Airport. It was shown in the previous Specific Plan FEIR (2006) that the southwestern most corner of the project site lies within Referral Area "C" which is defined in the Chino Airport Comprehensive Land Use Plan (1-14) as being an area at low risk of aircraft accidents. Generally no restrictions are placed on residential or light commercial uses within this area. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: No Impact – The project site is approximately 2.5 miles northeast of the Chino Airport. In addition, the project is within 2 miles of the Ontario International Airport and outside the Safety, Noise Impact and Airspace Protection Zones. Therefore, the project will not result in adverse impacts.

Mitigation Required: Additional mitigation measures are not proposed or required

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: As evaluated in the previous Specific Plan FEIR (2006), the City's Disaster Preparedness Plan, as contained within the Policy Plan (General Plan) includes policies and procedures to be administered in the event of a disaster. The proposed project site is not located adjacent to any emergency evacuation routes as identified in the Policy Plan. The Policy Plan indicates that in an emergency, all residents and workers in the project area would proceed as directed by public officials. It was determined that the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access and any impacts would be reduced to a less than significant level. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed

Mitigation Required: Additional mitigation measures are not proposed or required

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands. Therefore, the project will not result in adverse impacts. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed

Mitigation Required: Additional mitigation measures are not proposed or required

8. **HYDROLOGY & WATER QUALITY.** Would the project:

- a) **Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: The previous evaluation in the Specific Plan FEIR (2006) and Supplemental EIR (2010) showed that the current agricultural uses of the project site are already violating water quality standards and waste discharge requirements. High levels of salt and nitrates due to the high manure content of the land are substantially degrading groundwater quality in the region. The tendency of the area to flood during heavy rains also results in the overflow of manure retention basins which adversely effects runoff water. The FEIR showed that the project will convert the project site from agricultural to urban uses, thereby resulting in a change in the type of pollutants in surface runoff. It was concluded that this change will actually contribute to the improvement of water quality both on and off site and no significant adverse impacts are anticipated. The proposed changes do not substantially change this conclusion.

Mitigation Required: Additional mitigation measures are not proposed or required.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), Inland Empire Utilities Agency has plans for the construction and improvements to the water supply system in the project area. These new and improved facilities will ensure that development of the project site will not deplete groundwater supplies. The development of the site will require the grading of the site and excavation is expected to be up to 15 feet below the surface and is not anticipated to affect the existing aquifer, estimated to be about 530 to 590 feet below the ground surface. It was concluded that no adverse impacts are anticipated and the proposed changes do not substantially change these conclusions.

Mitigation Required: Additional mitigation measures are not proposed or required.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the drainage onsite, while it will be redirected, will not result in substantial erosion or siltation. Any potential impacts were previously mitigated for and were reduced to a level less than significant. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: As discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), current agricultural uses of the project site employ a sheet drainage system, which allows water to collect in fields and retention basins. After completion of the project, the drainage system will change from a sheet drainage system to an urban storm drain system. This new system will channel water down street gutters into storm drains and into large flood channels and retention basins. It was shown in the FEIR that the modifications to the drainage pattern and the planned work to increase the capacity of the reservoir behind the Prado Dam would reduce any potential impacts to a less than significant level. The changes to the site plan proposed do not substantially change these conclusions. This will not be discussed further in the supplemental EIR.

Mitigation: No additional mitigation measures are proposed or necessary.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010), showed that the current agricultural uses of the project site do not result in a large amount of surface runoff, however, urban development of the project site will likely result in a substantial increase in surface runoff. The increased flow of floodwaters into the Prado Basin would more than likely result in significant cumulative impacts related to flooding. In the 1997 Sphere of Influence EIR, the San Bernardino Flood Control District (SBCFD) concluded that the existing storm water collection system is less than adequate to prevent periodic flooding of some streets and areas adjacent to those streets. The FEIR evaluated these potential impacts and found that through the future planned facilities identified in The Avenue Specific Plan Storm Drain Master Plan will be sufficient for the expected runoff from the site. In addition, since these facilities have a long-term build-out plan, interim facilities are planned that will also be sufficient until the facilities are complete. Impacts from the project were determined to be less than significant. The proposed changes to Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?

Discussion of Effects: Currently dairy farming operations have a negative effect on these water sources. After the completion of the project, the nature of the runoff is expected to shift from agricultural to urban. In addition, runoff will be regulated under an NPDES permit, the impact of development is likely to produce a net beneficial impact on water quality. This was also concluded in the previous FEIR. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Discussion of Effects: As shown in the previous Specific Plan FEIR (2006) and Supplemental EIR (2010), the site is not within the boundaries of a 100-year flood zone as shown on Flood Insurance Rate Maps published by the Federal Emergency Management Agency. It was shown there would be no impacts. The changes to the Project do not change the boundaries of the project, and therefore do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

Discussion of Effects: No Impact. As stated above, this was previously evaluated and shown to have no impact. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Discussion of Effects: As shown in the previous Specific Plan FEIR (2006) and Supplemental EIR (2010), there are no dams or levees within or adjacent to the project site. The nearest dam, the San Antonio Dam located 11 miles northwest of the project site, is primarily used for flood control purposes and does not typically contain significant amounts of water. It was determined since the dam does not contain large amounts of water that the impacts were less than significant associated with exposure due to flooding from the failure of a levee or dam.

Mitigation: No additional mitigation measures are proposed or necessary.

j) Expose people or structures to inundation by seiche, tsunami or mudflow?

Discussion of Effects: It was shown in the Specific Plan FEIR (2006) and Supplemental EIR (2010), that the impacts related to exposure to seiche, tsunami, or mudflow were less than significant since the project site is not located near the coast or any confined bodies of water. In addition, the project is at the same elevation as the surrounding areas, making the potential for mudflow very low. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

9. **LAND USE & PLANNING.** Would the project:

a) Physically divide an established community?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), and according to the TOP Policy Plan (General Plan), the project site is located in an area that will be developed with urban land uses. This project will be of similar design and size to adjacent development to the north. The project site is sparsely populated; with land use being predominately agricultural. Adjacent land uses to the south, east, and west are also sparsely populated with no strong spatial community pattern. The project will become an integrated part of the part of the New Model Colony; a series of planned communities. It was determined that the impacts would be less than significant. The changes to the Project will remain consistent with the TOP Policy Plan (General Plan), and therefore would not substantially change the conclusions reached in the previous FEIR.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?

Discussion of Effects The proposed general plan and specific plan amendment is included to make the changes as specified above. With regard to The Avenue SPA, the change increases the number of units allowed by 269 units (from 2,606 to 2,875), a 10% increase. The commercial acres is decreased by 119,320 square feet (from 250,000 to 130,680 square feet), a 4.77% decrease. The potential impacts for topics such as traffic, air quality, and noise will be discussed elsewhere in this section. Concerning the entire NMC area, the increase of the 269 units is 0.5% of the total number of units anticipated (46,566 Units at buildout) giving The Avenue SPA about 6.17% of the total as compared to 5.59 currently allowed. However, the TOP EIR assumed a buildout of 4,010 residential units for the Avenue SP area, which actually gives The Avenue an 8.61 % of the total.

The reduction in commercial to 130,680 square feet is a decrease 4.6% of the NMC total for all commercial development. However, the reduction in the commercial square footage to 130,680 square feet (10 acres) is consistent with TOP Policy Plan minimum for a commercial development. The proposed land use change will offer developers the flexibility to provide a variety of multi-family products along the Edison Avenue corridor, between Haven Avenue and Turner Avenue. Subsequently, it will provide for the ability to intensify the residential land uses surrounding the commercial center and provide a transition and integration between residential and commercial uses consistent with the vision of the TOP Policy Plan goals and policies. Development regulation and design guidelines have been incorporated into the Specific Plan to ensure an appropriate integration between residential and commercial uses. At buildout, the proposed Project amendment will result in a mix of residential, commercial, educational, recreational, and open space uses that are comparable to the uses currently allowed in The Avenue SP and are consistent TOP uses planned in the NMC. Implementation of the Project will not significantly impact land use.

Mitigation: No additional mitigation measures are proposed or necessary.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Discussion of Effects: As stated in the certified Specific Plan FEIR (2006), the Project site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. Therefore, the Project will have no impact or conflict with any habitat or natural community conservation plans.

Mitigation: No additional mitigation measures are proposed or necessary.

10. **MINERAL RESOURCES.** Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project site is located within a mostly developed area surrounded by agricultural land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), there are no known mineral resources in the area. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

11. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Discussion of Effects: The Project proposes the addition of 269 residential units and a reduction of commercial square footage to 130,680, in addition to the previously approved Project, would result in significant and unavoidable impacts and would expose persons to excessive noise levels. The Project would also result in cumulatively considerable impacts with regard to excessive noise levels generated. The previous Specific Plan FEIR (2006) and Supplemental EIR (2010), analysis concluded that the construction activities associated with the Specific Plan could generate substantial temporary or periodic noise levels and considered the impact to be significant and unavoidable. The EIR analysis concluded that project specific mitigation measures required would further reduce the impact to less than significant. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the uses proposed by the specific plan, i.e. residential, neighborhood commercial, and schools, normally do not induce groundborne vibrations. The changes to the Project are consistent with these land uses and therefore do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion of Effects: The Project would result in a permanent increase in existing ambient noise levels in the Project vicinity. In order to properly identify mitigation measures for future development to meet the City's exterior standard of 65 dBA CNEL and the interior standard of 45 dBA CNEL, an acoustical analysis will be required to address once individual residential development plans are completed. As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010) construction activities associated with the Specific Plan could expose existing and proposed residential uses to noise in excess of City standards and considered the impact significant and unavoidable. The EIR analysis concluded that project specific mitigation measures required would further reduce the impact to less than significant. The changes to the Project do not substantially change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the short-term impacts of the project's construction on the surrounding community. It was determined that through the incorporation of

mitigation measures, such as limiting the hours of construction and requiring properly operating mufflers on all construction vehicles, the short-term impacts could be mitigated to a less than significant level. The changes to the Project do not substantially change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?

Discussion of Effects: According to Map 2-3 of the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP), the proposed site is located outside the 60-65 CNEL noise contour. Pursuant to Table 2-3 of the ALUCP, residential uses are compatible within these noise contours. In addition, the proposed site is located within two miles of the Chino Airport. However, the Project is located outside of the 65 CNEL noise contour. The southwestern corner of the Project area is located within Referral Area "C", an area described in the Chino Airport Comprehensive Land Use plan as averaging 55/60 CNEL, which, while not exceeding standards, may be an annoyance. There would be no impacts.

Mitigation: No additional mitigation measures are proposed or necessary.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Discussion of Effects: No Impact – As previously shown, the project site is not located within the vicinity of a private airstrip. It was determined that there would be no impacts. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

12. POPULATION & HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?

Discussion of Effects: As previously discussed within the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project is located in a very lightly populated area and California will most likely induce a substantial amount of population growth both directly and indirectly. It was concluded that the growth expected was within estimates from the Southern California Association of Governments. With the proposed changes to the Project, the overall number of residential units has increased by 269 units. At buildout, the proposed Project will include approximately 1,511 single family units and 1,364 multi-family units resulting in 2,875 total new housing units. However TOP EIR assumed a buildout of 4,010 residential units for The Avenue Specific Plan area. The estimated population growth of TOP is within the estimates from the Southern California Association of Governments. The Project impact with the increase of 269 residential units would remain less than significant.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Discussion of Effects: It was previously shown within the Specific Plan FEIR (2006) and Supplemental EIR (2010) that the Project site is currently used for agricultural purposes, and there are approximately 15 housing structures located on the Project site. It was determined that the displacement of this small number of houses was not a significant impact. The changes to the Project do not change this conclusion. Additionally, the proposed increase in residential units and the decrease in commercial space do not affect or substantially alter the number of people being displaced by The Avenue Project. It was determined that the displacement of these people in the existing residences is not substantial. The changes to the Project do not change this.

Mitigation: No additional mitigation measures are proposed or necessary.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion of Effects: As stated above, it was previously shown within the Specific Plan FEIR (2006) and Supplemental EIR (2010) that the Project site is currently used for agricultural purposes, and there are approximately 15 housing structures located on the Project site. It was determined that the displacement of this small number of houses was not a significant impact. The changes to the Project do not change this conclusion. Additionally, the proposed increase in residential units and the decrease in commercial space do not affect or substantially alter the number of people being displaced by The Avenue Project. It was determined that the displacement of these people in the existing residences is not substantial. The changes to the Project do not change this.

Mitigation: No additional mitigation measures are proposed or necessary.

13. **PUBLIC SERVICES.** Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

(i) **Fire protection?**

Discussion of Effects: Implementation of the Project includes the addition of 269 new residences and a decrease in 119,320 square feet of retail space in addition to those already proposed by the previously approved Avenue Specific Plan. These additional units, while they will increase demand on existing facilities, will also provide additional funds through development impact fees that will contribute to the expansion and/or construction of new fire protection facilities to meet the increased demands. The mitigation measures listed in Section 4.6.6 of the Specific Plan FEIR (2006) also identify specific requirements pertaining to fire protection which will be implemented prior to development of the Project and will reduce impacts with regard to fire protection to less than significant. In the previously certified Specific Plan FEIR (2006), there was a concern regarding an increased demand for fire related water supply. However, the Project will be required to meet standards for the quantity of water provided and available to the Ontario Fire Department in order to adequately respond to any future incidents. In addition, the Project will be subject to requirements of the Ontario Municipal Code regarding circulation and design features that allow adequate emergency vehicle access. Impacts to fire protection services will remain at a less than significant level and no additional mitigation measures beyond those previously included in the FEIR are required.

Mitigation: No additional mitigation measures are proposed or necessary.

(ii) **Police protection?**

Discussion of Effects: As discussed above, the additional residential units and retail space will increase the demand on the police protection services provided by the City of Ontario. Again, the additional units and retail space reduction will also provide additional development impact fees to offset these demands and provide funding to expand existing services. The addition of the residential units and the reduction in retail space is not significant enough to cause the need for the Ontario Police Department to change their plans for future police protection in the area of the NMC. No additional mitigation measures will be necessary for this change in the Project.

Mitigation: No additional mitigation measures are proposed or necessary.

(iii) **Schools?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the construction of new schools will be required, as stated in TOP. New elementary, middle, and high schools will need to be constructed to serve the project area. The project proposes a middle school and an elementary school. However, the project proposes additional residences that could generate additional school-aged children above what was previously evaluated.

Mitigation: No additional mitigation measures are proposed or necessary.

(iv) Parks?

Discussion of Effects: The Specific Plan FEIR (2006) and Supplemental EIR (2010), analysis concluded that the implementation of the Specific Plan would contribute to a shortage of parkland, which could result in the need for new or altered facilities and considered this impact as less than significant. However, the Avenue Specific Plan includes network of paseos, parks and bicycle trails for its residents and therefore the impacts the project would have would be less than significant.

Mitigation: No additional mitigation measures are proposed or necessary.

(v) Other public facilities?

Discussion of Effects: Additional units will provide an increased demand on the City's library facilities; however the additional units will provide an increased amount of development impact fees to apply towards the construction of a new library to accommodate the NMC area and the anticipated increased population at build-out of the entire area. The collection of these funds will be sufficient to mitigate for the increase in population.

Mitigation: No additional mitigation measures are proposed or necessary.

14. RECREATION. Would the project:

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The Project proposes an additional 269 residential units above what was previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010). However, the Project still plans to construct a number of new parks which will ease the burden that will be placed on the existing parks. Additionally, fees paid by developers to the City in lieu of parks will be utilized to offset increases of existing neighborhood and regional parks in order to meet the City standard of five acres of parkland per thousand residents. With payment of park fees, the Project would result in a less than significant impact.

Mitigation: No additional mitigation measures are proposed or necessary.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), this Project will result in the construction of new parks within the residential planning areas, and in designated park areas. Given the location of these facilities, any impacts are not likely to have a significant adverse physical effect on the environment. The proposed changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary

TRANSPORTATION/TRAFFIC. Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: The previous the Specific Plan FEIR (2006) and Supplemental EIR (2010), evaluated the effects of the project on local traffic and proposed mitigation measures to reduce the impacts. It was determined that a statement of overriding considerations would be necessary since the impacts could not be reduced to a level less than significant. The proposed changes to the Project (increasing the number of residential and therefore increasing the number of trips) may have the potential to increase these impacts further.

A Traffic Impact Assessment was prepared for the Project (Linscott Law & Greenspan, December 5, 2013). The Traffic Impact Assessment concluded that the Project is forecast to operate at acceptable service levels during the AM peak hour and PM peak hour with the addition of Project traffic and recommended phasing. In addition, the queue lengths can be accommodated with minimal adjustments to the medians. Based on the above finding it is recommended that Edison Avenue

provide a minimum storage length of 100 feet for the eastbound left turn approach along with a 90 foot transition. The westbound approach should provide a minimum storage length 300 feet along with a 90 foot transition. "A" Street should provide 60 foot minimum transitions and 100 feet of storage for the northbound left-turn approach and 160 feet of storage for the southbound left-turn approach. It should be noted that any increase in the number of lanes or pocket lengths will benefit the overall delays and/or queuing results. These recommendations have been incorporated into the design of the Tentative Tract 18922 and into the Conditions of Approval.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Discussion of Effects: In October 2008, the NOP of an EIR for the City's General Plan update was circulated, thus establishing the baseline environmental conditions. The Subarea 29 Specific Plan and the traffic associated with the use of the site were included in the baseline conditions. The Project (2,875 units) does not exceed the maximum amount of residential units established by TOP Policy Plan (4,010 units) for the Specific Plan area. Therefore the project will not introduce new traffic beyond those previously analyzed in TOP EIR.

Mitigation: No additional mitigation measures are proposed or necessary.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location those results in substantial safety risks?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the Project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport or Chino Airport. It was determined that no impacts were anticipated. The changes to the project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Discussion of Effects: As previously evaluated Specific Plan FEIR (2006) and Supplemental EIR (2010), the Project is required to comply with the City of Ontario's right of way design standards. It was determined that the project will, therefore, not create a substantial increase in hazards due to a design feature and no impacts were anticipated. The changes to the project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

e) Result in inadequate emergency access?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project will be designed to provide access for all emergency vehicles and will therefore not result in inadequate emergency access. It was determined that no impacts were anticipated. The changes to the project do not change this conclusion

Mitigation: No additional mitigation measures are proposed or necessary.

f) Result in inadequate parking capacity?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project is required to meet parking standards established by the Ontario Development Code and will therefore not create an inadequate parking capacity. It was determined that no impacts are anticipated. The same parking standards apply to the changes to the project, and therefore the changes do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion of Effects: As previously shown the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project does not conflict with any transportation policies, plans or programs supporting alternative transportation, therefore, no impacts were anticipated. The changes to the project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

15. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the proposed Project is served by both the City of Ontario sewer system and Inland Empire Utilities Agency. Wastewater generated by the Project will be treated by the Inland Empire Utilities Agency (under contract with the City) at Regional Plant 5 (RP5). RP5 is a relatively new treatment facility which was designed to replace the aging Regional Plant 2 (RP2). While RP2 will still operate at a limited capacity, all liquid treatment will now occur at the RP5. The previously certified FEIR stated that RP5 would have adequate capacity to serve the entire NMC, of which the Project is a part. The changes to the Project would not change this determination and would not exceed wastewater treatment requirements of the RWQCB

Mitigation: No additional mitigation measures are proposed or necessary.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Discussion of Effects: As previously shown in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the proposed Project area is served by both the City of Ontario sewer system and Inland Empire Utilities Agency which has waste treated by the Inland Empire Utilities Agency at Regional Plant 5 (RP5). In order to serve the Project with water or wastewater service, the construction of new facilities, such as water and sewer lines would be necessary. The construction of these facilities would not result in significant environmental impacts. In addition, the previously certified FEIR stated that RP5 would be of adequate capacity to serve the entire NMC, of which the proposed Project is a part.

Mitigation: No additional mitigation measures are proposed or necessary.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Discussion of Effects: As previously discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), due to the high frequency of flooding and lack of existing storm water drainage facilities in the Project area, the construction of new facilities as well as the expansion of existing facilities will be required. It was shown that the construction of these new facilities would not cause significant environmental effects. The changes to the Project will not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. Seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010), estimated water consumption of the Project using the estimated consumption rate of 19,000 AFY (acre feet per year) for the entire NMC area, divided by the total acreage of the NMC (8,200), which results in a generation factor of 2.3 AFY per acre. Using this factor, the estimated water consumption for the Project site is 1,306.63 AFY (568.1 acres total Project area x 2.3 AFY/acre = 1,306.63 AFY). The changes in the Project would not add any acreage; therefore, the same estimated water consumption applies for the currently proposed Project.

Mitigation: No additional mitigation measures are proposed or necessary.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010), states that the existing wastewater treatment system has the capacity to accept the projected wastewater flows from the entire NMC. Since the proposed Project is a part of the NMC and has been planned for in TOP Policy Plan (General Plan), less than significant impacts would result from Project implementation

Mitigation: No additional mitigation measures are proposed or necessary.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Discussion of Effects: As previous discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the Project will be required to comply with Section 6.3 of the City's Municipal Code; therefore, demolition and construction debris resulting from the proposed Project would result in less than significant direct impacts regarding solid waste. The Project would also participate in residential recycling programs in accordance with Section 6.3 of the City's Municipal Code, reducing the amount of solid waste being disposed of in landfills. The City also offers composting workshops for residents and a household hazardous waste program for residents to dispose of their hazardous waste including paints, batteries, or pesticides.

Mitigation: No additional mitigation measures are proposed or necessary.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), this Project complies with federal, state, and local statutes and regulations regarding solid waste. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed in the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), the project site has historically had the potential to support a variety of species of plants and animals that are identified as a candidate, sensitive, or special status species; however the project site is heavily altered from its natural state. It was shown that for close to fifty years, the operation of dairy farms on a considerable portion of the site has substantially degraded the potential of the site to serve as native habitat. The FEIR discussed that changing the land use from the existing agricultural uses to suburban development could further reduce the viability of the site as habitat for these species.

During the biological surveys, it was found that Burrowing Owls were present on the site. Mitigation was included for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present. This reduced the impact to less than significant. In addition, extensive surveys were completed for the Delhi Sands Flower-Loving Fly and its habitat, but no evidence of the fly or its habitat was found. There were still several areas that had not been surveyed as of the writing of the FEIR, but it was stated that surveys would be completed prior to the granting of discretionary entitlements and any further approvals would be withheld until surveys could be completed and any necessary permits were obtained. It was expected that suitable habitat does not exist in these remaining areas. This mitigation reduced the potential impact to the Delhi Sands Flower-Loving Fly to less than significant.

On January 10, 2013, a biological survey on the Project site was conducted by Glen Lukos Associates, Inc., to update the prior studies for the burrowing owls and Delhi Sands flower-loving fly (DSF). The survey detected one unpaired burrowing owls during three visits to the site (November 6th, 7th, 20th and 25th of 2013). Mitigation from the previous Avenue Specific

Plan FEIR (2006) for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present will be required for this Project.

As part of the updated surveys, GLA re-evaluated the Project site for the Delhi Sands flower loving fly (DSF). As referenced by the FEIR and SEIR, previous biological studies conducted for the Project site included habitat assessments for the DSF. The majority of the Project site was previously determined to be unsuitable for DSF as a result of the site disturbance and lack of appropriate vegetation. However, protocol focused surveys were previously conducted for 2 portions of the Project site with some potential to support DSF, including the northeast portion of the site (Planning Area 11 of the overall Specific Plan) and a strip of land in the southeast portion of the site (Planning Area 10 of the Specific Plan). The results of both protocol surveys were negative, i.e. the DSF was not detected onsite. Based on the current field surveys, GLA biologists determined that none of the Project site provides suitable habitat for the DSF, including the areas previously surveyed for DSF. The northeastern and southeastern portions of site have been further disturbed, and no longer represent suitable habitat for the DSF. As such, updated focused surveys for the DSF are not required.

In summary, the proposed Project will not result in new or increased significant impacts to special-status biological resources, and with the implementation of mitigation measures identified in the FEIR and SEIR, impacts to special-status species (i.e., the burrowing owl) are reduced to below a level of significance.

It was previously determined in the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), that there would be less than significant impacts to the Biological Resources on site with incorporation of design techniques and mitigation measures from both the TOP EIR and the project-specific mitigation measures proposed. The changes to the project do not change these conclusions.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyses are necessary, nor is there a need for any additional mitigation measures.

b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

The Project does not have impacts beyond those identified in the original Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). The proposed Project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial square footage from 250, 000 square feet to 130,000 square feet. The residential buildout for the Avenue Specific Plan is 1,264 residential less than the buildout assumed by TOP EIR (4,010 residential units). Therefore the project will not introduce any impacts beyond those previously analyzed in the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). Thus, the project will not disadvantage long-term environmental goals.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyses are necessary, nor is there a need for any additional mitigation measures.

c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)

The Project does not have impacts beyond those identified in the original Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). The proposed Project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial square footage from 250, 000 square feet to 130,000 square feet. The residential buildout for the Avenue Specific Plan is 1,264 residential less than the buildout assumed by TOP EIR (4,010 residential units). Therefore the project will not introduce any impacts beyond those previously analyzed in the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). Thus, the project will not have incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase

in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyses are necessary, nor is there a need for any additional mitigation measures.

d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The project does not have impacts beyond those identified in the original Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) and will not cause substantial adverse effects on human beings, either directly or indirectly. The project will not involve a more intensive land use than the currently entitled project. The proposed Project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial square footage from 250, 000 square feet to 130,000 square feet. The residential buildout for the Avenue Specific Plan is 1,264 residential less than the buildout assumed by TOP EIR (4,010 residential units). Therefore the project will not introduce any impacts beyond those previously analyzed in the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). Thus, the Project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyses are necessary, nor is there a need for any additional mitigation measures.

ANALYSES REFERENCED (Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):

EARLIER ANALYZES (Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):

1. Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.

- (a) The Avenue Specific Plan EIR
- (b) The Avenue Specific Plan EIR Mitigation Monitoring and Reporting Program
- (c) The Avenue Specific Plan
- (d) The Avenue Specific Plan EIR Supplemental EIR (2006)
- (e) The Ontario Plan Final EIR
- (f) The Ontario Plan
- (g) The Ontario Land Use Plan
- (h) The Ontario Plan Mitigation Monitoring and Reporting Program
- (i) The Ontario Plan CEQA Findings and Statement of Overriding Consideration
- (j) General Biological Report, Glenn Lukos Associates, January 10, 2013
- (k) Supplemental Traffic Impact Assessment, Linscott Law & Greenspan, December 5, 2013

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

2. Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.

The previously certified Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated several of the topics and those topics that will not be evaluated in this Addendum were noted above.

MITIGATION MEASURES (For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project):

As the project does not have any adverse environmental impacts beyond those identified in the original EIR, as modified by the, no mitigation beyond that previously imposed is required.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE AVENUE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2005071109), ADOPTED FOR FILE NO.PSP05-003, PREPARED FOR FILE NO. PGPA13-004 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF APNS: 0218-201-19, 0218-201-39 and 0218-201-42.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and an Addendum to The Avenue Specific Plan Environmental Impact Report (EIR) (File No. PSP05-003) for Planning File No. PGPA13-004 (the "Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, the Application applies to 24 acres of properties located on the northwest and southwest corners of Edison Avenue and Haven Avenue within The Avenue Specific Plan and is presently vacant and mass graded; and

WHEREAS, File No. PGPA13-004 (the "Project") analyzed under the Addendum proposes to: 1) change the land use designation for 14 acres of land at northwest corner of Edison Avenue and Haven Avenue from Neighborhood Commercial to Medium Density Residential, and 2) change the land use designation for 10 acres of land at the southwest corner of Edison Avenue and Haven Avenue from Medium Density Residential to Neighborhood Commercial; and

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

WHEREAS, on December 9, 2006, the City Council certified an EIR (SCH#2005071109) for The Avenue Specific Plan File No. PSP05-003 and a related Mitigation Monitoring and Reporting Program; and

WHEREAS, on February 2, 2010, the City Council approved an Amendment to The Avenue Specific Plan (File No. PSPA07-004) and certified a Supplemental EIR (SCH#2005071109) and a related Mitigation Monitoring and Reporting Program for File No. PSPA10; and

WHEREAS, on May 25, 2014, the Planning Commission voted unanimously (6-0) to recommend (Resolution PC14-040) City Council adoption of a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109) analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines Section 15164; and

WHEREAS, pursuant to Public Resources Code Section 21166 and Sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to The Avenue Specific Plan EIR for File No. PSP05-003 was prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the certified EIR and related Mitigation Monitoring and Reporting Program for File No's. PSP05-003 and PSPA07-004 and addresses only those issues specific to the Project. The Addendum concludes that the Project will not result in impacts beyond what was previously analyzed in the certified EIR, because the Project does not have new or substantially more severe significant environmental impacts, either directly or indirectly; and

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

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

WHEREAS, the Addendum for the Project and the certified EIR for File No. PSP05-002 are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, and are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings: (1) it has independently reviewed and analyzed the Addendum/Initial Study and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 2. That the City Council does hereby find that based upon the entire record of proceedings before it and all information received and pursuant to State CEQA Guidelines Section 15162 and 15164, that there is no substantial evidence that the Project will result in any new, increased, or substantially different significant impacts, other than those previously considered and addressed in The Avenue Specific Plan EIR for File No. PSP05-002 and that no changes or additions to the adopted EIR analyses are necessary, nor is there a need for any additional mitigation measures, and that none of the conditions described in State CEQA Guidelines Section 15162 that would require subsequent or supplemental CEQA review for the Project otherwise exist.

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

SECTION 4. 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 17th day of June 2014.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-004, A GENERAL PLAN AMENDMENT REVISING THE LAND USE ELEMENT OF THE POLICY PLAN, INCLUDING CHANGES TO FIGURE LU-01 (OFFICIAL LAND USE PLAN) AND FIGURE LU-03 (FUTURE BUILDOUT) TO: 1) CHANGE THE LAND USE DESIGNATION FOR 14 ACRES OF LAND AT NORTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (11.1 DWELLING UNITS PER ACRE), AND 2) CHANGE THE LAND USE DESIGNATION FOR 10 ACRES OF LAND AT THE SOUTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM MEDIUM DENSITY RESIDENTIAL (11.1 DWELLING UNITS PER ACRE) TO NEIGHBORHOOD COMMERCIAL AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 0218-201-19, 0218-201-39 AND 0218-201-42.

WHEREAS, Brookfield Residential ("Applicant") has filed an Application for the approval of the General Plan Amendment, File No. PGPA13-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 24 acres of properties located on the northwest and southwest corners of Edison Avenue and Haven Avenue within The Avenue Specific Plan and is presently vacant and mass graded; and

WHEREAS, the areas to the north of the project site are located within Planning Area 9 of the West Haven Specific Plan and are currently vacant and mass graded. The areas to the south of the project site are located within Planning Areas 1, 2, 3, 4, 5, 6, and 9 of the Grand Park Specific Plan and are developed with dairy and agriculture uses. The areas to the east of the project site are located within Planning Areas 14, 15 and 19 of the Rich Haven Specific Plan and developed with dairy and agriculture uses. The areas to the west of the project site are located within Planning Areas 6A, 8A, and 8B of The Avenue Specific Plan and developed with dairy and agriculture uses; and

WHEREAS, the General Plan Amendment proposes to: 1) change the land use designation for 14 acres of land at northwest corner of Edison Avenue and Haven Avenue from Neighborhood Commercial to Medium Density Residential' and 2) change the land use designation for 10 acres of land at the southwest corner of Edison Avenue and Haven Avenue from Medium Density Residential to Neighborhood Commercial; and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan, the City has evaluated Figures LU-01 Official Land Use Plan and LU-03 Future Buildout further and is proposing modifications; and

WHEREAS, the proposed changes to Figure LU-01 Official Land Use Plan include changes to land use designations of certain properties shown on Exhibit A. These land use changes will allow higher density housing and amenities to be integrated with the retail commercial center to create a cohesive district. In addition, the Application allows for the ability to provide higher density multi-family products along the north side Edison Avenue corridor (between Haven Avenue and Turner Avenue) to buffer and provide a transition area from the high density residential uses to low density residential areas of The Avenue Specific Plan; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for Ontario with the adopted land use designations. The proposed changes to Figure LU-01 Official Land Use Plan will require Figure LU-03 Future Buildout be modified to be consistent with LU-01 Official Land Use Plan as shown on Exhibit B; and

WHEREAS, the project sites are located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

WHEREAS, the General Plan Amendment will promote the goals and policies 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

WHEREAS, on May 19, 2014, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No.14-24, recommending Planning Commission approval of the Application; and

WHEREAS, on May 27, 2014, 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 (6-0) to recommend (Resolution PC14-041) City Council adoption of a Resolution approving the General Plan Amendment (File No. PGPA13-004); and

WHEREAS, as the first action on the Project, on June 17, 2014, the City Council approved a Resolution adopting an Addendum to The Avenue Specific Plan Environmental Impact Report (SCH# 2005071109). 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 June 17, 2014, 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 Avenue Specific Plan Environmental Impact Report (SCH# 2005071109) 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# 2005071109) adopted for The Avenue Specific Plan File No. PSP05-003 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 General Plan Amendment is consistent with the goals and policies of The Ontario Plan;
- b. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
- c. The Land Use Element is a mandatory element and, as such, is allowed four general plan amendments per calendar year and this general plan amendment is the first amendment to the Land Use Element of the 2014 calendar year consistent with California Government Code Section §65358;
- d. The proposed project is consistent with the adopted Housing Element. The site is one of the properties listed in the Available Land Inventory in the Housing Element and the proposed project is consistent with the number of dwelling units of 532 and density range of 2 to 12 du\ac per acre specified in the Available Land Inventory in the Housing Element. The proposed project is increasing the number of dwelling units by 51. The Avenue Specific Plan proposes a maximum development of 2,875 residential units at a density range of 4.6 to 11.4 dwelling units per acre;
- e. During the amendment of the General Plan, 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 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit "A"

General Plan Amendment Proposed Changes to Figure LU-01 Official Land Use Plan

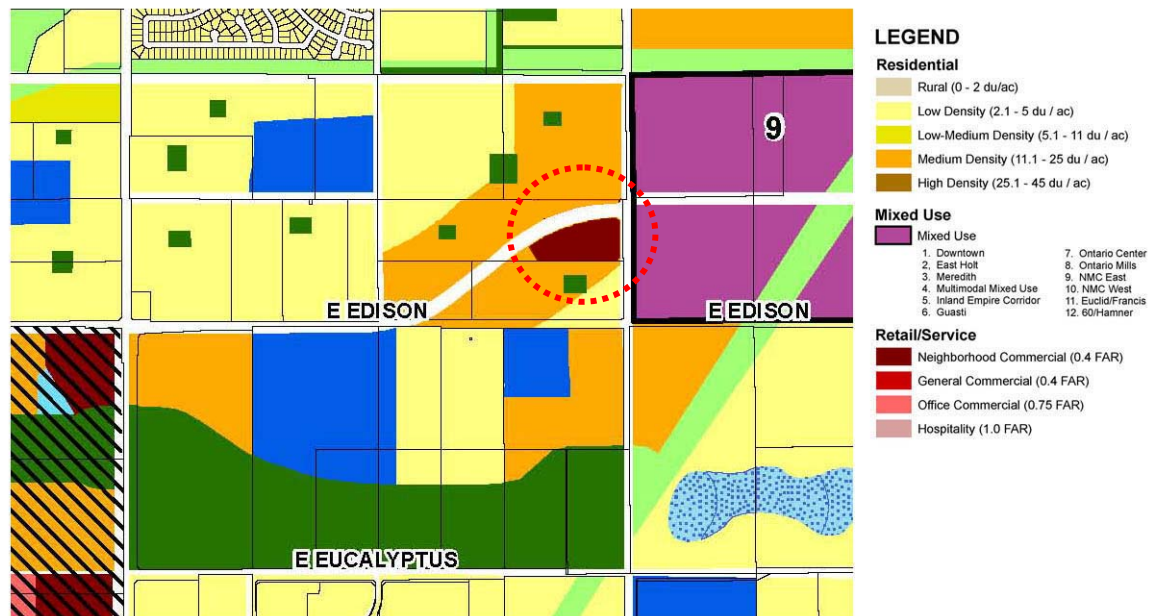


Exhibit “B”
Figure LU-03 Future Buildout Modification

LU-03 Future Buildout Table

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	458	2.0 du/ac	916	3,660		
Low Density ⁶	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium ⁶ Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,934 1,935	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,002 39,090	136,318 136,606		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	10,923 10,927		86,743 86,831	321,771 322,059		
Mixed Use						
• Downtown	112	• 60% of the area at 35 du/ac • 40% of the area at 0.80 FAR for office and retail	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	• 25% of the area at 30 du/ac • 50% of the area at 1.0 FAR office • 25% of area at 0.80 FAR retail	428	856	1,740,483	3,913
• Meredith	247	• 30% of the area at 40 du/ac • 70% at 1.0 FAR for office and retail uses	2,958	5,916	7,516,278	16,897
• Transit Center	76	• 10% of the area at 60 du/ac • 90% of the area at 1.0 FAR office and retail	457	913	2,983,424	5,337
• Inland Empire Corridor	37	• 50% of the area at 20 du/ac • 30% of area at 0.50 FAR office • 20% of area at 0.35 FAR retail	368	736	352,662	768
• Guasti	77	• 20% of the area at 30 du/ac • 30% of area at 1.0 FAR retail • 50% of area at .70 FAR office	500	1,001	2,192,636	4,103
• Ontario Center	345	• 30% of area at 40 du/ac • 50% of area at 1.0 FAR office • 20% of area at 0.5 FAR retail	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	• 5% of area at 40 du/ac • 20% of area at 0.75 FAR office • 75% of area at 0.5 FAR retail	479	958	5,477,126	7,285
• NMC West/South	315	• 30% of area at 35 du/ac • 70% of area at 0.7 FAR office and retail	3,311	6,621	6,729,889	17,188
• NMC East	264	• 30% of area at 25 du/ac • 30% of area at 0.35 FAR for office • 40% of area at 0.3 FAR for retail uses	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	• 50% of the area at 30 du/ac • 50% of area at 0.8 FAR retail	156	312	181,210	419
• SR-60/ Hamner Tuscan Village	41	• 18% of the area at 25 du/ac • 57% of the area at 0.25 FAR retail • 25% of the area at 1.5 FAR office	185	369	924,234	2,098
<i>Subtotal</i>	1,821		17,274	34,549	41,258,102	87,803

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood ⁶	265	0.30 FAR			3,466,679	8,388
General	261				3,414,407	8,262
General Commercial	609	0.30 FAR			7,955,798	7,391
Office/Commercial	414	0.75 FAR			13,534,854	30,015
Hospitality	145	1.00 FAR			6,316,200	7,241
Subtotal	1,433 1,429				31,273,532 31,221,260	53,036 52,909
Employment						
Business Park	1,490	0.40 FAR			25,962,980	45,551
Industrial	6,561	0.55 FAR			157,179,094	138,101
Subtotal	8,051				183,142,074	183,652
Other						
Open Space–Non-Recreation	1,252	Not applicable				
Open Space–Parkland ⁶	982	Not applicable				
Open Space–Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
Subtotal	9,697					
Total	31,924		104,018 104,106	356,319 356,608	255,673,708 255,621,436	324,494 324,364

Notes

- Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, click here to access the [Methodology](#) report.
- Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, click here to access the [Methodology](#) report.
- To view the factors used to generate the number of employees by land use category, click here to access the [Methodology](#) report.
- Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE AVENUE SPECIFIC PLAN (FILE NO. PSPA13-003) TO (1) CHANGE THE LAND USE DESIGNATION FOR 14 ACRES OF LAND AT THE NORTHWEST CORNER OF EDISON AND HAVEN AVENUES FROM RETAIL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; (2) CHANGE THE LAND USE DESIGNATION FOR 10 ACRES OF LAND AT THE SOUTHWEST CORNER OF EDISON AND HAVEN AVENUES FROM MEDIUM DENSITY RESIDENTIAL TO RETAIL COMMERCIAL; (3) CHANGE THE LAND USE DESIGNATION FOR 19.9 ACRES OF LAND AT THE SOUTHWEST CORNER OF ARCHIBALD AND SCHAEFER AVENUES FROM RETAIL COMMERCIAL TO LOW MEDIUM DENSITY RESIDENTIAL; (4) INCREASE THE RESIDENTIAL UNIT COUNT BY 269 UNITS AND REDUCE THE COMMERCIAL SQUARE FOOTAGE BY 120,000 SQUARE FEET; (5) ELIMINATE THE LIVE/WORK OVERLAY ZONE; AND (6) REVISE AND UPDATE HOUSING PRODUCT TYPES, EXHIBITS AND LANGUAGE CONSISTENT WITH TOP POLICY PLAN, FOR PROPERTY LOCATED SOUTH OF SCHAEFER AVENUE, NORTH OF EDISON AVENUE, BETWEEN CARPENTER AVENUE AND HAVEN AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109) analyzing the environmental effects of the project, pursuant to State CEQA Guidelines section 15164 and adopt a resolution approving an amendment to The Avenue Specific Plan (File No. PSPA13-003).

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

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Rudy Zeledon

Department: Planning

City Manager

Approval:



Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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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: Adoption of The Avenue Specific Plan Amendment would result in both short and long term fiscal impacts to the City. Short term impacts include infrastructure improvements to serve the new development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fee (DIF) associated with the various improvements. Long term fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property and sales tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the development will be required to form and/or join a Community Facilities District (CFD) to cover the additional public service costs. No Original Model Colony dollars will be used to fund the New Model Colony (NMC) development.

BACKGROUND: The applicant is proposing an Amendment to The Avenue Specific Plan (SPA) to address several aspects of the specific plan as follows:

- 1) *Swap the Retail Commercial designation at the northwest corner of Edison and Haven Avenues with the Medium Density Residential at the southwest corner of Edison and Haven Avenues. The retail site will be reduced in size from 14 to 10 acres and the Residential site will be increased from 10 to 14 acres (See Exhibit "A": The Avenue Specific Plan Land Use Plan).*

Comment: TOP designates areas at key arterial intersections throughout the NMC for Neighborhood Commercial Districts. These Neighborhood Commercial areas are located within predominantly residential neighborhoods and intended for local serving retail, personal service, office, and dining uses. The site is of sufficient size to provide services for the surrounding neighborhood. The 10 acres of Neighborhood Commercial will accommodate approximately 130,680 square feet of retail commercial uses and may include a grocery market, retail shops, personal services, office uses, and dining uses. The request to change the land use designation for 14 acres of land at the northwest corner of Edison and Haven Avenues from Retail Commercial to Medium Density Residential allows for the ability to provide multi-family products along the north side of the Edison Avenue corridor and provide a buffer and transition area from the high density residential uses to low density residential areas of the Specific Plan.

- 2) *Change the land use designation for 19.9 acres of land within of Planning Area PA-4, located at the southwest corner of Archibald Avenue and Schaefer Avenue, from Retail Commercial to Low Medium Density Residential consistent with the Policy Plan (General Plan) Land Use Plan Exhibit LU-01 (See Exhibit "A": The Avenue Specific Plan Land Use Plan).*

Comment: The proposed land use change updates the Specific Plan Land Use Plan to be consistent with the Policy Plan (General Plan) Land Use Plan.

- 3) *Increase the residential unit count by 269 units (from 2,606 to 2,875) and reduce the commercial square footage from 250,000 square feet to 130,000 square feet.*

Comment: With the proposed SPA land use changes, as discussed in items 1 and 2 above, there will be an increase in 269 residential units and a reduction of 120,000 square feet of commercial (See Exhibit “B”: Changes to the Commercial Sq. Ft. and Residential Units). The maximum residential units allowed for the Specific Plan increases from 2,206 to 2,875 (Exhibit “C”: Specific Plan Land Use Plan, Table 2 - Statistical Analysis), The 2,875 residential units allowed by the Specific Plan is in compliance with the Policy Plan (General Plan) and less than the development capacity of 4,010 residential units established by the Policy Plan for The Avenue Specific Plan land use area.

4) *Eliminate the Live/Work overlay zone.*

Comment: The Avenue Specific Plan allowed for the creation of a “Live/Work Overlay Zone” at key locations along The Avenue and adjacent to the commercial center (Exhibit “D”: Live/Work Overlay Zones). Introducing Live/Work along The Avenue would create a need for customer parking for the Live/Work businesses creating potential parking impacts on the availability of parking for residents and guest. The Avenue will include a center median, limited access (north/south) and limited street parking limiting the marketability of Live/Work units.

5) *Revise and update housing product types, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency.*

Comment: The Avenue Specific Plan provides for the development of eleven distinctive single family and multi-family products types to address varying housing needs. The SPA proposes to add an additional single family detached 4/6-pack cluster product that introduces a different configuration, utilizing standard driveways to provide additional parking for these products.

In addition, all language within the Specific Plan referring to the previous NMC General Plan has been changed to reflect consistency with TOP Policy Plan. *Table 9-1, “Policy Plan Consistency,”* of the Specific Plan has been updated and describes the manner in which The Avenue 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 May 27, 2014, the Planning Commission voted unanimously (6-0) to recommend City Council adoption of a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109) analyzing the environmental effects of the Project and adoption of a resolution approving an amendment to The Avenue Specific Plan File No. PSPA13-003.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed in conjunction with an Addendum to The Avenue Specific Plan (SCH# 2005071109). 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” The Avenue Specific Plan Land Use Plan



Exhibit “B”

Changes to Commercial Sq. Ft. and Residential Units

Proposed Land Use Changes	Commercial	Medium Density Residential
Reduction of 4 acres of Retail Commercial	-33,000 Sq. Ft. (Based on FAR of 0.19)	
Increase in 4 acres of Medium Density Residential		+ 51 Units (12.8 du/ac)
Compliance with Policy Plan: 19.9 acres of land at the southwest corner of Archibald Avenue and Schaefer Avenue, from Retail Commercial to Low Medium Density Residential consistent with the Policy Plan (General Plan) Land Use Plan Exhibit LU-01.	-87,000 Sq. Ft.	+ 218 Units
Total	-120,000	+ 269

Exhibit “C”
The Avenue Specific Plan Land Use Plan
Table 2- Statistical Analysis

3-4

Land Use Plan

Table 2 - Statistical Analysis

[UPDATED](#)
[05-12-14](#)

Former Subarea	Planning Area	Gross Acres	Excluded from Gross	Net Res. Acres	Homes	Density (5)	Comm. SF	Use
17	1A	11.1	-	11.1	51	4.6		LDR
17	1B	33.5	5.4 (1)	28.1	127	4.5		LDR
17	1C	2.2	-	2.2	5	2.3		LDR
17	2A	32	-	32	147	4.6		LDR
17	2B	12.5	-	12.5	58	4.6		LDR
17	3A	21.7	2.6 (1)	19.1	86	4.5		LDR
17	3B	21.5	-	21.5	97	4.5		LDR
18	4	19.9	10 (21)	9.9 <u>19.9</u>	n/a <u>89,218</u>	9.9 <u>11</u>	87,000	Retail <u>MDR</u>
18	5	82.6	10 (3)	72.6	334	4.6		LDR/ O.S./ Elem. School
18	6A	49.9		49.9	230	4.6		LDR
18	6B	10	10 (4)	n/a				Middle School (4)
18	7	28.9		28.9	134 <u>81</u>	4.6		LDR
		n/a		n/a	41			Units
18	8A	39.9		39.9	180	4.5		LDR
18	8B	9.7		9.7	44	4.5		LDR
18	9A	10.6		10.6	48 <u>20</u>	4.6 <u>2.0</u>		LDR
18	9B	10.0	10.0 (4)	n/a				School (4)
12	10A	66.3 <u>114.7</u>		66.3 <u>114.7</u>	305 <u>766</u>	4.6 <u>6.7</u>		LDR/ <u>MDR</u>
		34.4		34.4	412	42.0		MDR
	10B	<u>10</u> 44 (2)	<u>10</u> 44 (2)	n/a			163,000 <u>130,680</u>	Retail
24	11	28.9		28.9	133	4.6		LDR
		44.5 <u>33.4</u>		44.5 <u>33.4</u>	174 <u>380</u>	42.0 <u>11.4</u>		MDR
Cucamonga Creek		12.8	12.8	n/a				
SCE	7	1.2	1.2	n/a				
TOTAL		568.1	76.1 <u>62</u>	492.1 <u>506.1</u>	2,606 <u>2,875</u>		250,000 <u>130,680</u>	

- (1) SCE Easement
(2) Retail Site
(3) Elementary School
(4) Half of 20-acre Middle School
(5) Density is measured to c/l of arterial streets per City standard for NMC entitlements

Note: All acreages approximate - exact acreages will be defined through tract map surveys.

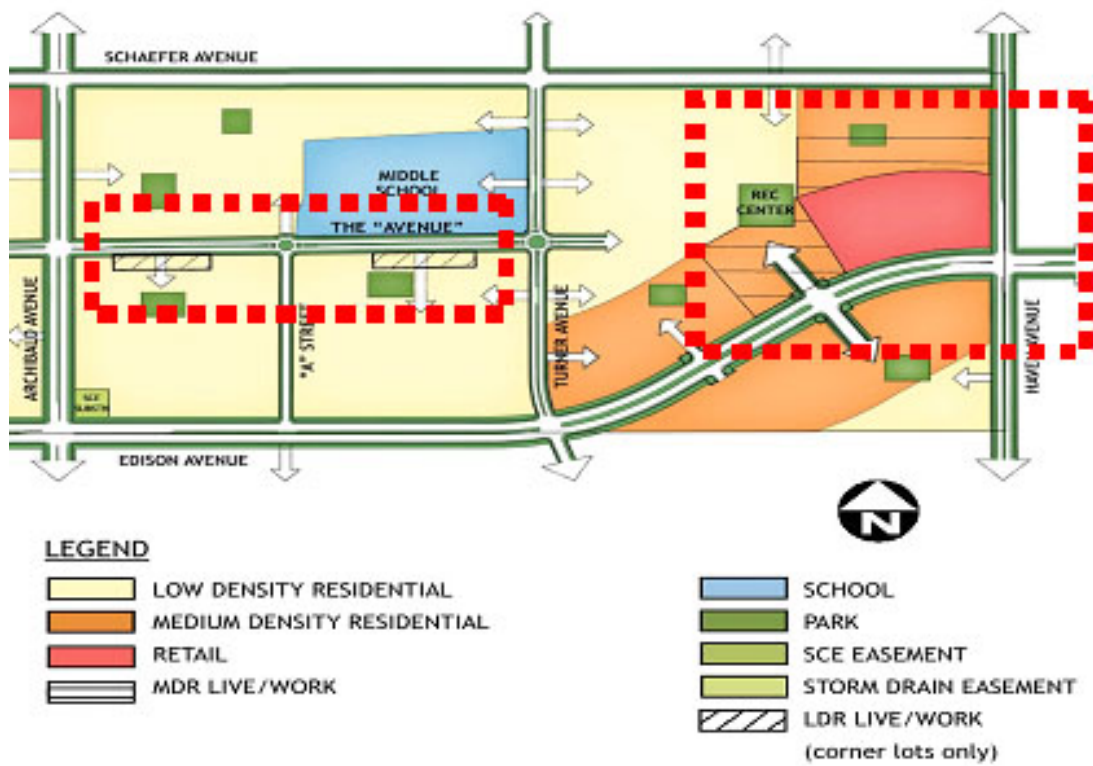
The Avenue
SPECIFIC PLAN

ONTARIO, CALIFORNIA

The New Model Colony

Exhibit "D"

Live/Work Overlay Zones



CITY OF ONTARIO

ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE AVENUE SPECIFIC PLAN

A. PROJECT INFORMATION

1. **Project Title:** Amendment to the Policy Plan (General Plan), Amendment to The Avenue Specific Plan and a tentative tract map request (TT 18922) to subdivide 178.66 acres of land into 13 numbered lots and 22 lettered lots.
2. **Lead Agency Name and Address:** City of Ontario
303 East "B" Street
Ontario, CA 91764
3. **Contact Person(s) and Phone** Rudy Zeledon, Senior Planner
4. **Project Location:** City of Ontario, 178.66 acres of land located south of Schaefer Avenue and north of Edison Avenue, between Turner and Haven Avenues. APN: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45).

2. **PROJECT DESCRIPTION:** A request for certain entitlements that include: 1.) Amendment to the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) of The Ontario Plan (File No. PGPA13-004), to include: (1) The relocation of the General Commercial land use designation from the northwest corner of Edison Avenue and Haven Avenue to the southwest corner of Edison Avenue and Haven Avenue; and 2) The relocation of the Medium Density Residential land use designation from the southwest corner of Edison Avenue and Haven Avenue to the northwest corner of Edison Avenue and Haven Avenue; and

2.) Amendment to the Avenue Specific Plan (File No. PSPA13-003) to: 1) Amend the Specific Plan Land Use Plan to relocate the Neighborhood Commercial land use designation from the northwest corner of the Edison Avenue and Haven Avenue to the south west corner of Edison Avenue and Haven Avenue; 2) Relocate the Medium Density Residential from the southwest of Edison Avenue and Haven Avenue to northwest corner of Edison Avenue and Haven Avenue; 3) Change the land use designation for 19.9 acres, located at the southwest corner of Archibald Avenue and Schaefer Avenue, from Retail Commercial to Medium Density Residential consistent with the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01), and 4) Revise and update housing product, exhibits and language to reflect the proposed changes; and

3.) A Tentative Tract Map (File No. PMTT13-010) and Development Agreement (File No. PDA10-002) to subdivide 178.66 acres of land into 13 numbered lots and 22 lettered lots, within the Planning Areas 9A, 9B, 10A, 10B and 11, of the Avenue Specific Plan, located south of Schaefer Avenue and north of Edison Avenue, between Turner and Haven Avenues.

BACKGROUND: On December 29, 2006, the City Council approved The Avenue Specific Plan (File No. PSP05-003). The Specific Plan established the land use designations, development standards, and design guidelines for 569.4 acres of land, located south of Schaefer Avenue, North Edison Avenue, East of Carpenter Avenue and west of Haven Avenue.

An Environmental Impact Report (EIR) was prepared for The Avenue Specific Plan and certified (SCH# 2005071109) by the City Council with a Statement of Overriding Considerations. The EIR analysis identified the potential environmental impacts associated with the Specific Plan. The significant unavoidable adverse impacts that were identified in the EIR included air quality, agriculture, traffic, biological resources and noise.

In February 2010, the Ontario City Council certified the Ontario Plan (TOP) Final Environmental Impact Report (SCH # 2008101140), ("TOP EIR") adopted an update on the Ontario Policy Plan (General Plan) and the Preferred Land Use Plan, made Mitigation Findings and adopted a Statement of Overriding Considerations pursuant to CEQA. The Ontario Plan EIR contains an analysis of the environmental setting of the entire City at the time of its certification.

Following City Councils approval of the update to the Policy Plan (General Plan) the project proponent of The Avenue Specific Plan requested modifications to the Specific Plan to include a larger number of residences and commercial space as a result of a rearrangement of some roadways and land uses within the Avenue Specific Plan area. The City of Ontario (City) coordinated the preparation of Supplemental Environmental Impact Report (SEIR) for The Avenue Specific Plan Amendment (File No. PSAP07-004) to address the potential environmental impacts associated with proposed modifications resulting in construction of 2,606 residences, 250,000 square feet of commercial space, and two schools on 569.4 acres of land. The proposed land use changes of the Amendment were consistent with The Ontario Plan (TOP) Policy Plan (General Plan). On February 2, 2010, the City Council approved The Avenue Specific Plan Amendment and Certified the Supplemental Environmental Impact Report (SEIR) and adopted a Statement of Overriding Considerations for environmental impacts.

CEQA REQUIREMENTS FOR AN ADDENDUM:

If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines § 15162(a) are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the negative declaration are necessary and none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or negative declaration is required only when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been

known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the Project does not result in any of the circumstances listed in section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to the TOP EIR.

ANALYSIS:

The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

CONCLUSION:

Accordingly, and based on the findings and information contained in the previously certified TOP EIR, The Avenue Specific Plan EIR and The Avenue Specific Plan Supplemental EIR the analysis above, the attached Initial Study, and the CEQA statute and State CEQA Guidelines, including sections 15164 and 15162, the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in those EIR documents. No changes or additions to TOP EIR, The Avenue Specific Plan EIR and The Avenue Specific Plan Supplemental EIR analyses are necessary, nor is there a need for any additional mitigation measures.

The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

California Environmental Quality Act Environmental Checklist Form

City of Ontario
Planning Department
303 East "B" Street
Ontario, California
Phone: (909) 395-2036
Fax: (909) 395-2420



Project Title/File No.: File No. PGPA13-004, PSPA13-003, PDA10-002 and PMTT13-010 (TT18922)

Lead Agency: City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

Contact Person: Rudy Zeledon, (909) 395-2422

Project Sponsor: City of Ontario, 303 E. B Street, Ontario, CA 91764

Project Location: Approximately 178.66 acres of land located south of Schaefer Avenue and north of Edison Avenue, between Turner and Haven Avenues (APN: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45) within the City of Ontario, County of San Bernardino.

Figure 1—REGIONAL LOCATION MAP

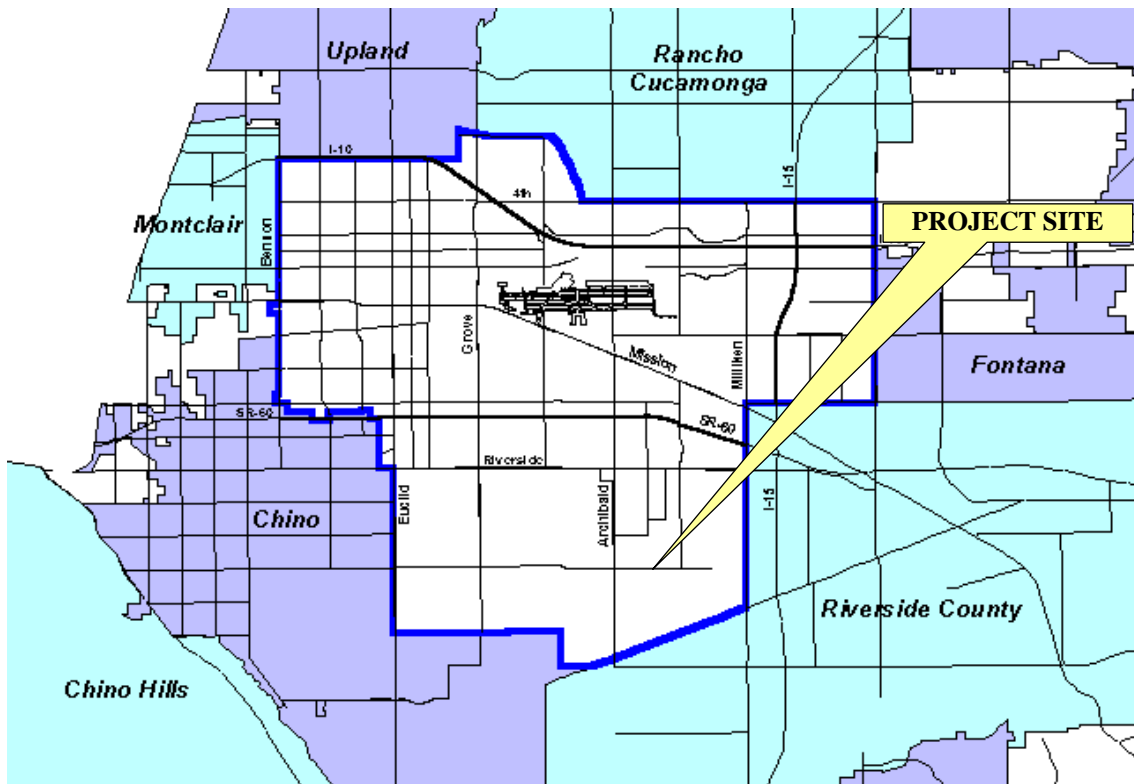
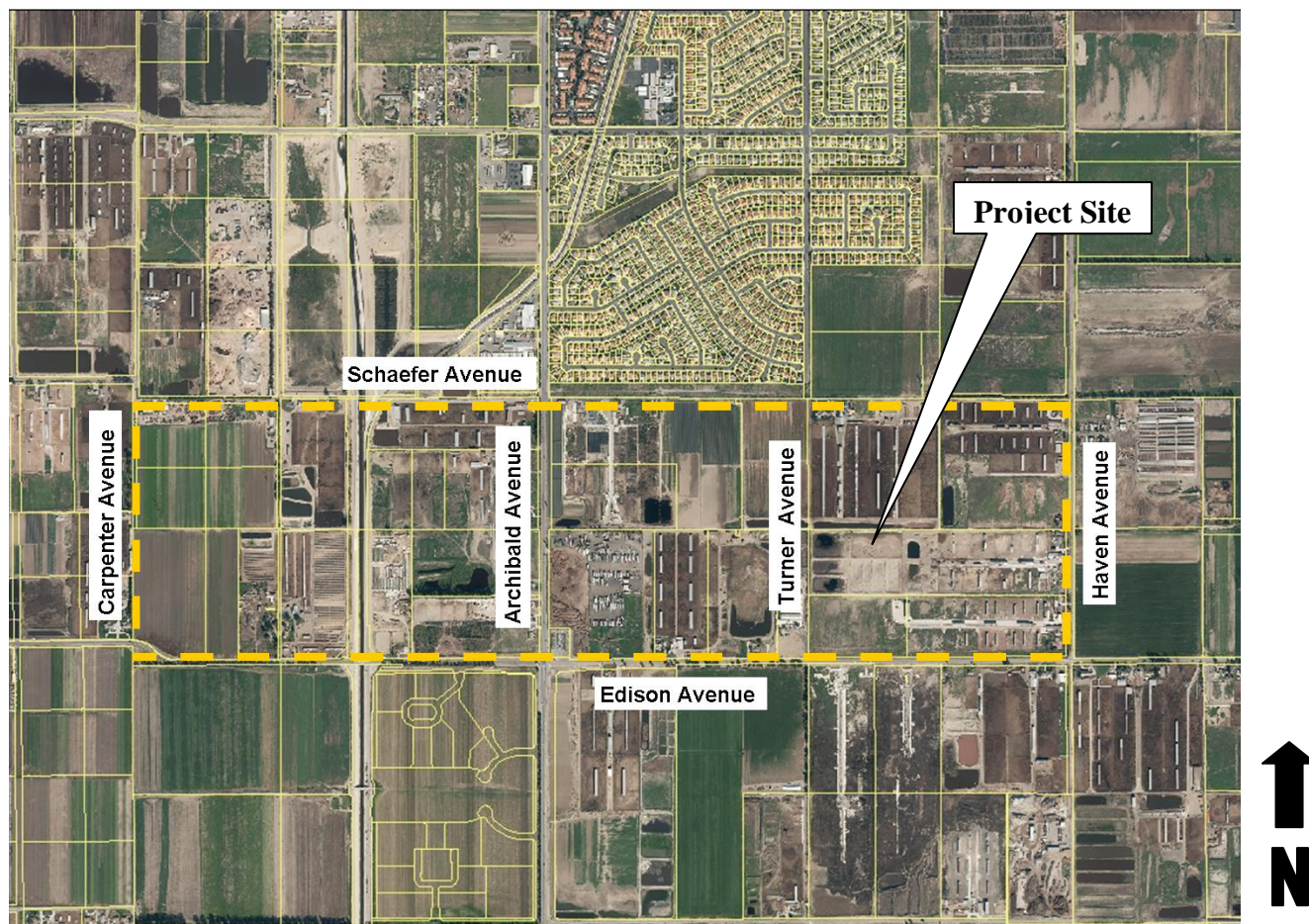


Figure 2—VICINITY MAP



Figure 3—AERIAL PHOTOGRAPH



 The Avenue Specific Plan Boundary

General Plan Designation: Low Density Residential (2.1 – 5 du/ac), Medium Density Residential (11.1- 25 du/ac) and Neighborhood Commercial.

Zoning: The Avenue Specific Plan – Planning Areas 4 (Retail Commercial), 10A (Low Density and Medium Residential), 10B (Retail Commercial), and PA 11 (Low Density and Medium Residential).

Description of Project: Request for certain entitlements that include: 1.) Amendment to the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) of The Ontario Plan (File No. PGPA13-004), to include: (1) The relocation of the General Commercial land use designation from the northwest corner of Edison Avenue and Haven Avenue to the southwest corner of Edison Avenue and Haven Avenue; and 2) The relocation of the Medium Density Residential land use designation from the southwest corner of Edison Avenue and Haven Avenue to the northwest corner of Edison Avenue and Haven Avenue; and

2.) Amendment to the Avenue Specific Plan (File No. PSPA13-003) to: 1) Amend the Specific Plan Land Use Plan to relocate the Neighborhood Commercial land use designation from the northwest corner of the Edison Avenue and Haven Avenue to the south west corner of Edison Avenue and Haven Avenue; 2) Relocate the Medium Density Residential from the southwest of Edison Avenue and Haven Avenue to northwest corner of Edison Avenue and Haven Avenue; 3) Change the land use designation for 19.9 acres, located at the southwest corner of Archibald Avenue and Schaefer Avenue, from Retail Commercial to Medium Density Residential consistent with the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01), and 4) Revise and update housing product, exhibits and language to reflect the proposed changes; and

3.) A Tentative Tract Map (File No. PMTT13-010) and Development Agreement (File No. PDA10-002) to subdivide 178.66 acres of land into 13 numbered lots and 22 lettered lots, within the Planning Areas 10A, 10B and 11, of the Avenue Specific Plan, located south of Schaefer Avenue and north of Edison Avenue, between Turner and Haven Avenues.

Project Setting: As illustrated in Figure 1, the project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County.

As illustrated in Figure 2, 178.66 acres of land located south of Schaefer Avenue and north of old Edison Avenue, between Turner and Haven Avenues (APN: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45) within the City of Ontario, County of San Bernardino. The site is developed dairy and agricultural uses.

Regional access is provided by the 60 freeway, which is located directly north of the project site. Access to 60 freeway is provided from Archibald Avenue and Haven Avenue.

Surrounding Land Uses:

	<u>Zoning</u>	<u>Current Land Use</u>
▪ North—	Low Density Residential (2.1 -5. du\ac)	Archibald Ranch Community
▪ South—	Grand Park Specific Plan	Dairy/Agricultural uses
▪ East—	Agriculture Preserve\Specific Plan	Dairy/Agricultural uses
▪ West—	Rich Haven Specific Plan	Dairy/Agricultural uses

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Certified The Avenue Specific Plan Environmental Impact Report (EIR) pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Certified The Avenue Specific Plan EIR, including revisions or mitigation measures that are imposed upon the proposed project, the analysis from the Certified The Avenue Specific Plan EIR prepared for this project was used as a basis for this Addendum, nothing further is required.

Rudy Zeledon

Signature

March 17, 2014

Date

Rudy Zeledon, Principal Planner

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

EVALUATION OF ENVIRONMENTAL IMPACTS

Issues:		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
I.	AESTHETICS. Would the project:				
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Issues:					
II.	AGRICULTURE AND FOREST RESOURCES.				
	In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
III.	AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV.	BIOLOGICAL RESOURCES. Would the project:				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. **CULTURAL RESOURCES.** Would the project:

a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. **GEOLOGY AND SOILS.** Would the project:

a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18.1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

a)	Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XI. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XII. NOISE. Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
e)	For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING. Would the project:

a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. PUBLIC SERVICES. Would the project:

a)	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XVI. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

EXPLANATION OF ISSUES

The Avenue Specific Plan Environmental Impact Report, certified in 2006, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Avenue Specific Plan. Consequently, the EIR focused on impacts from the proposed land use associated with buildout of the Specific Plan Land Use Plan, and impacts from the resultant population and employment growth from the Specific Plan.

The Ontario Plan Environmental Impact Report (TOP EIR), certified in 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the EIR focused on impacts from changes to land use associated with buildout of the City's Land Use Plan, within the Policy Plan, and impacts from the resultant population and employment growth in the City. The Ontario Plan's Land Use Plan for the

ultimate development of the City is not linked to a timeline. However, for the purpose of the EIR's environmental analysis, buildout of the Land Use Plan was forecast for the year 2035.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document needs to be prepared. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (Guidelines Section 15168[c]). When a Program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities (Guidelines Section 15168[c][1]). If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

Here, an initial study has been prepared to determine if the project is within the scope of The Avenue and TOP EIR's such that additional environmental review is not required. As discussed below, the City has concluded that no additional environmental review is required, such that this initial study can serve as an addendum to the Avenue Specific Plan and TOP EIR's.

1. **AESTHETICS.** Would the project:

a) **Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The Policy Plan (General Plan) does not identify scenic vista within the City. However, the Policy Plan (Policy CD1-5) requires all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountain. The project site is not located on a major north-south as identified in the Functional Roadway Classification Plan (Figure M-2) of the Mobility Element within the Policy Plan. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: No additional mitigation measures are required.

b) **Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?**

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east-west direction. I-15 traverses the northeastern portion of the City in a north-south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. In addition, there are no historic buildings or any scenic resources identified on or in the vicinity of the project site. Therefore, it will not result in adverse environmental impacts.

Mitigation: No additional mitigation measures are required.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Discussion of Effects: The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by agriculture development and is surrounded by urban land uses.

It was shown in The Avenue FEIR (2006) that the extensive design guidelines that are required to be followed for the implementation of The Avenue Specific Plan will ensure that future construction will incorporate aesthetically-pleasing design elements for the approved uses. It was concluded that the visual character of the project vicinity would change but that it would not substantially degrade the existing visual character or quality of the project site. The changes to the project do not substantially change this conclusion since The Avenue Specific Plan Amendment will remain consistent with these previously established design guidelines. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation measures are required.

d) **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

Discussion of Effects: New lighting will be introduced to the site with the development of the project. Pursuant to the requirements of the City's Development Code, project on-site lighting will be shielded, diffused or indirect, to avoid glare to pedestrians or motorists. In addition, lighting fixtures will be selected and located to confine the area of illumination to within the project site and minimize light spillage.

Site lighting plans will be subject to review by the Planning Department and Police Department prior to issuance of building permits (pursuant to the City's Building Security Ordinance). Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation measures are required.

2. **AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006), a considerable portion of the site is presently used for dairy farming. The project will convert this land, which is considered to be Prime Farmland and identified by the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. The conversion of farmland to urban uses was determined to be a potentially significant impact that is unavoidable. The changes to the Project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Discussion of Effects: As shown in the previous Avenue Specific Plan FEIR (2006) the project site is currently zoned for agricultural use and had ten (10) Williamson Act Contracted properties for a total of 273.9 acres of the project site. As of the date of the FEIR, notices of nonrenewal had been filed for three of the ten Williamson Act Contracts, but there were still six active Williamson Act Contracts. It was determined that the proposed development would be in conflict with these contracts and this was a significant unavoidable impact. The changes to the Project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Discussion of Effects: The project is zoned "Avenue Specific Plan". The City of Ontario does not have any land zoned for forest, timberland, or timberland production.

Mitigation: No additional mitigation measures are available or proposed.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No additional mitigation measures are available or proposed.

- e) **Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006), a considerable portion of the site is presently used for dairy farming. The project will convert this land, which is considered to be Prime Farmland and identified by the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. The conversion of farmland to urban uses was determined to be a potentially significant impact that is unavoidable. The changes to the project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

3. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial from 250,000 square feet to 130,000 square feet (from 14 acres to 10 acres). The residential buildout for the Avenue Specific Plan is 1,264 residential which is less than the buildout assumed by TOP EIR (4,010 residential units), which is within SCAG population projections for the project area. Therefore, the project is consistent with the land use designations and growth projections that were assumed in the current AQMP.

Mitigation: No additional mitigation measures are available or proposed.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial from 250,000 square feet to 130,000 square feet (from 14 acres to 10 acres). The residential buildout for the Avenue Specific Plan is 1,264 residential which is less than the buildout assumed by TOP EIR (4,010 residential units). Development from the previously approved Avenue Specific Plan, in addition to the Amendment would result in significant and unavoidable impacts. Project impacts would remain significant and unavoidable even with additional mitigation measures proposed by the 2008 Air Quality Impact Analysis. In addition, TOP EIR, which analyzed a residential buildout of 4,010 for the Avenue Specific Plan Area, determined that a significant and unavoidable air quality impacts due to the magnitude of emissions that would be generated by the buildout of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial from 250,000 square feet to 130,000 square feet (from 14 acres to 10 acres). The residential buildout for the Avenue Specific Plan is 1,264 residential which is less than the buildout assumed by TOP EIR (4,010 residential units). Development from the previously approved Avenue Specific Plan, in addition to the Amendment would result in significant and unavoidable impacts. Project impacts would remain significant and unavoidable even with additional mitigation measures proposed by the 2008 Air Quality Impact Analysis. In addition, TOP EIR, which analyzed a residential buildout of 4,010 units and 10 acres of commercial for the Avenue Specific Plan Area, determined that a **significant and unavoidable** air quality impacts due to the magnitude of emissions that would be generated by the buildout of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed.

d) Expose sensitive receptors to substantial pollutant concentrations?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the impacts of the project on the air quality pollutants in the region of the project and if the project would contribute to an existing air quality problem. . The SCAQMD identifies the following as sensitive receptors: long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, child care centers, and athletic facilities. According to the SCAQMD, projects have the potential to create significant impacts if they are located within one-quarter mile of sensitive receptors and would emit toxic air contaminants identified in SCAQMD Rule 401 and 403. The proposed project includes the increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial acres by 4 (from 14 acres to 10 acres) acres. The increase in 269 residential units would not greatly increase traffic to and from the site. The reduction in commercial to 130, 000 square feet would reduce traffic to and from the site. Therefore the project would in a less than significant impact on sensitive receptors as determined by the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). In addition TOP EIR, which analyzed a residential buildout of 4,010 residential units and 250, 000 square feet of commercial for the Avenue Specific Plan Area, determined that a significant and unavoidable air quality impacts due to the magnitude of emissions that would be generated by the buildout of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed.

e) Create objectionable odors affecting a substantial number of people?

Discussion of Effects: The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated that the Specific Plan would result in less than significant impact. The Project is not expected to substantially increase the potential for objectionable odors due to the changes proposed. Rather the project would remove daily dairy operations from the site, which are existing sources of potential odors.

Mitigation: No additional mitigation measures are available or proposed.

4. BIOLOGICAL RESOURCES. Would the project:

1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), the project site has historically had the potential to support a variety of species of plants and animals that are identified as a candidate, sensitive, or special status species; however the project site is heavily altered from its natural state. It was shown that for close to fifty years, the operation of dairy farms on a considerable portion of the site has substantially degraded the potential of the site to serve as native habitat. The FEIR discussed that changing the land use from the existing agricultural uses to suburban development could further reduce the viability of the site as habitat for these species.

During the biological surveys, it was found that Burrowing Owls were present on the site. Mitigation was included for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present. This reduced the impact to less than significant. In addition, extensive surveys were completed for the Delhi Sands Flower-Loving Fly and its habitat, but no evidence of the fly or its habitat was found. There were still several areas that had not been surveyed as of the writing of the FEIR, but it was stated that surveys would be completed prior to the granting of discretionary entitlements and any further approvals would be withheld until surveys could be completed and any necessary permits were obtained. It was expected that suitable habitat does not exist in these remaining areas. This mitigation reduced the potential impact to the Delhi Sands Flower-Loving Fly to less than significant.

On January 10, 2013, a biological survey on the Project site was conducted by Glen Lukos Associates, Inc., to update the prior studies for the burrowing owls and Delhi Sands flower-loving fly (DSF). The survey detected one unpaired burrowing owls during three visits to the site (November 6th, 7th, 20th and 25th of 2013). Mitigation from the previous Avenue Specific Plan FEIR (2006) for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present will be required for this Project.

As part of the updated surveys, GLA re-evaluated the Project site for the Delhi Sands flower loving fly (DSF). As referenced by the FEIR and SEIR, previous biological studies conducted for the Project site included habitat assessments for the DSF.

The majority of the Project site was previously determined to be unsuitable for DSF as a result of the site disturbance and lack of appropriate vegetation. However, protocol focused surveys were previously conducted for 2 portions of the Project site with some potential to support DSF, including the northeast portion of the site (Planning Area 11 of the overall Specific Plan) and a strip of land in the southeast portion of the site (Planning Area 10 of the Specific Plan). The results of both protocol surveys were negative, i.e. the DSF was not detected onsite. Based on the current field surveys, GLA biologists determined that none of the Project site provides suitable habitat for the DSF, including the areas previously surveyed for DSF. The northeastern and southeastern portions of site have been further disturbed, and no longer represent suitable habitat for the DSF. As such, updated focused surveys for the DSF are not required.

In summary, the proposed Project will not result in new or increased significant impacts to special-status biological resources, and with the implementation of mitigation measures identified in the FEIR and SEIR, impacts to special-status species (i.e., the burrowing owl) are reduced to below a level of significance.

Mitigation: Additional mitigation measures are not necessary or proposed.

- 2) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), the site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Also, as discussed above, the FEIR evaluated the potential loss of Delhi Sands Flower-Loving Fly habitat and determined the impacts to be less than significant with the mitigation proposed. The changes to the project do not change these conclusions since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- 3) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: TOP EIR does not identify any federally protected wetlands within the NMC, including The Avenue Specific Plan. The previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyzed the effects to any potential resources and proposed appropriate mitigation. The changes to the project will not substantially change the impacts already evaluated.

Mitigation: Additional mitigation measures are not proposed or necessary.

- 4) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: As discussed in the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), the project site is part of an area which is identified as important to several migratory bird species. The site has many characteristics resulting from agricultural development which makes it attractive to several bird species. Mitigation measures were included in the FEIR to reduce the potential impacts to any existing migratory bird habitat to less than significant. The changes to the Project do not change the conclusions of the previous FEIR since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or necessary.

- 5) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the City of Ontario does not have any ordinances protecting biological resources. The previous New Model Colony General Plan identified a series of policies to protect natural resources. These policies were incorporated into The Avenue Specific Plan

and they will continue to be an important part of the amendment. It was concluded that this would result in less than significant impacts. The changes to the Project do not substantially change the previously evaluated impacts since the boundary of the project has not changed.

Mitigation: No additional mitigation measures are required.

6) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the site is not part of an adopted HCP, NCCP, or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated and no changes to the previously evaluated impacts are expected due to the changes in the project.

Mitigation: No additional mitigation measures are proposed or required.

CULTURAL RESOURCES. Would the project:

1) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

Discussion of Effects: City records do not reflect the presence of a historic resource as defined in CEQA Guideline section 15064.5 at, or in the vicinity of the project site. The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) concluded that, with the incorporation of the proposed mitigation, the effects of the project on cultural resources would be less than significant. The proposed changes to the Project will not substantially change the impacts to the cultural resources since the boundary of the project is not changing.

Mitigation: Additional mitigation measures are not proposed or required.

2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) concluded that, with the incorporation of the proposed mitigation, the effects of the project on cultural resources would be less than significant. The proposed changes to the Project will not substantially change the impacts to the cultural resources since the boundary of the project is not changing.

Mitigation: Additional mitigation measures are not proposed or required.

3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the potential to uncover significant paleontological resources and found that there was a possibility that resources could be uncovered during the grading phase of the project. Mitigation measures were proposed that reduced this impact to less than significant. The changes to the Project will not result in a substantial change to the previously evaluated impact since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

4) Disturb any human remains, including those interred outside of formal cemeteries?

Discussion of Effects: As discussed in the previous Specific Plan FEIR (2006) and Supplemental EIR (2010), the City of Ontario Policy Plan (General Plan) indicates that there are no known native sites located in the area of the project site. However, since a large amount of excavation is required to prepare the site for development, it is possible that through this extensive excavation, human remains could be discovered. This potential to uncover human remains was previously evaluated in the FEIR and mitigation measures were proposed that reduced the impact to a less than significant level. The changes to the Project will not result in a substantial change to the previously evaluated impact since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

5. **GEOLOGY & SOILS.** Would the project:

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

- (i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), there are no known active faults on the site and there are no Alquist-Priolo Earthquake Fault Zone Areas within the City of Ontario. TOP Policy Plan (General Plan) identifies six active or potentially active fault zones near the City. Given that the closest fault zone is located approximately six miles from the project site; it was shown that fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. This was previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), and it was found that there were less than significant impacts due to faulting. The changes in the Project will not substantially change the impacts expected since the project boundaries have not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- (ii) **Strong seismic ground shaking?**

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), there are no known active faults on the site and there are no Alquist-Priolo Earthquake Fault Zone Areas within the City of Ontario. TOP Policy Plan (General Plan) identifies six active or potentially active fault zones near the City. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. Ground Accelerations in the project area can be expected in the range of 0.4 to 0.5 g. with the possibility of even higher accelerations. The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the potential impacts due to seismic shaking and proposed mitigation measures to reduce the potential impacts to less than significant. The changes to the project will not result in a substantial change in the impacts since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- (iii) **Seismic-related ground failure, including liquefaction?**

Discussion of Effects: As previously discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the greatest geological risk to the project area is liquefaction resulting from severe ground shaking by local and regional faults. However, the previously completed Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the potential for liquefaction and found that the depth to groundwater was large enough that the liquefaction potential could be considered low. The changes to the Project do not change this conclusion since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- (iv) **Landslides?**

Discussion of Effects: As previously discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation the Uniform Building Code and Ontario Municipal Code would

reduce impacts to a less than significant level. The proposed changes to the Project do not substantially change these conclusions and recommendations.

Mitigation: Additional mitigation measures are not proposed or required.

b) Result in substantial soil erosion or the loss of topsoil?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), due to the high manure content of the current topsoil as a result of heavy agricultural use for dairy farming and grazing, it will be necessary for three feet of the current layer of soil to be removed. It was determined that after removal the project site will be backfilled with fresh topsoil. Replacement of topsoil is a beneficial impact to the project site. The changes to the Project do not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Discussion of Effects: As previously discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), because of the relatively flat topography of the project site it is unlikely that the project will result in the geologic unit or soil becoming unstable. It was determined that any impacts are anticipated to be less than significant. The changes in the Project do not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Discussion of Effects: As evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the majority of Ontario, including the project site, is located on alluvial soil deposits; however some of the soils in the project area are susceptible to expansion, and settlement. A site-specific soils analysis was completed for the project site and it was concluded that the soils onsite had a low potential for expansion. The changes to the project do not substantially change the impacts previously evaluated since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Discussion of Effects: No impact- As a master planned community; the proposed Project would use sewer systems and would not include the use of the septic systems or alternative wastewater treatment systems. As a result, no impact relating to septic or alternative wastewater systems would occur, and no further analysis of this issue is required.

Mitigation: Additional mitigation measures are not proposed or required.

6. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) did not address Global Climate Change impacts as required by Assembly Bill 32, passed in August of 2006. However, the impact of buildout of The Ontario Plan (TOP) on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). The proposed buildout of The Avenue Specific Plan was previously analyzed in The Ontario Plan EIR, which was certified by the City.

Discussion of Effects: The impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

As part of the City's certification of The Ontario Plan EIR and its adoption of The Ontario Plan, the City adopted mitigation measures 6-1 through 6-6 with regard to the significant and unavoidable impact relating to GHG emissions. These mitigation measures, in summary, required:

- MM 6-1. The City is required to prepare a Climate Action Plan (CAP).
- MM 6-2. The City is required to consider for inclusion in the CAP a list of emission reduction measures.
- MM 6-3. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.
- MM 6-4. The City is required to consider the emission reduction measures and concepts contained in MMs 6-2 and 6-3 when reviewing new development prior to adoption of the CAP.
- MM 6-5. The City is required to evaluate new development for consistency with the Sustainable Communities Strategy, upon adoption by the Southern California Association of Governments.
- MM 6-6. The City is required to participate in San Bernardino County's Green Valley Initiative.

While Public Resources Code section 21083.3 requires that relevant mitigation measures from a General Plan EIR be imposed on a project that is invoking that section's limited exemption from CEQA, these mitigation measures impose obligations on the City, not applicants, and hence are not directly relevant. However, the mitigation proposed below carries out, on a project-level, the intent of The Ontario Plan's mitigation on this subject.

Mitigation Required: The following mitigation measures shall be required:

1. The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by the applicant in connection with the project:
 - a. Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant, low-maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects;
 - b. Require all new landscaping irrigation systems installed to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors;
 - c. Reduce heat gain from pavement and other similar hardscaping;
 - d. The City is required to consider for inclusion in the CAP a list of emission reduction measures.
 - e. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance

with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City's contribution of greenhouse gas emissions at build-out by fifteen (15%), because the project is upholding the applicable City's adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation Required: Additional mitigation measures are not proposed or required.

7. HAZARDS & HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Discussion of Effects: As discussed in the previous Specific Plan FEIR (2006) and Supplemental EIR (2010), before the project construction can begin, disposal of hazardous or potentially hazardous materials from the project site may be necessary. The current and historical uses of the site included the use of underground storage tanks, above-ground storage tanks, and potentially hazardous chemicals such as fertilizers. However, the risks of exposure of the public to hazardous materials were previously evaluated in the existing Specific Plan FEIR (2006) and Supplemental EIR (2010). Mitigation measures were incorporated into the FEIR that reduced these impacts to a less than significant level. The changes to the Project do not substantially change the previously-evaluated impacts.

Mitigation Required: Additional mitigation measures are not proposed or required.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Discussion of Effects: As discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the initial stages of the project may include the disposal of hazardous materials, such as underground storage tanks, generators, asbestos, and lead based paint. It was determined that the removal and disposal of these materials are routine and require only minor precautions, and even if an accident was to occur it is unlikely the impact on the environment would be significant. In addition, the proposed changes to the Project do not substantially change the previously-evaluated impacts.

Mitigation Required: Additional mitigation measures are not proposed or required

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) found that the project schools are located adjacent to residential and park uses by a radius of more than one quarter mile. The existence of any significant hazardous emissions or the handling of hazardous or acutely hazardous materials is unlikely. Household chemicals are the most likely hazardous materials in residential areas, and the materials used in the maintenance of parkland are similar to those used on school sites. The proposed changes to the Project do not substantially change the previously evaluated impacts. Therefore, a less than significant impact is anticipated.

Mitigation Required: Additional mitigation measures are not proposed or required

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Discussion of Effects: A total of 15 Phase I Environmental Site Assessments (ESA) were completed for the project as part of the previous Specific Plan FEIR (2006). One of these ESA's resulted in the preparation of a Phase II ESA. The Phase I ESA's showed that there are several sites that are registered as having both active and inactive underground storage tanks, waste discharge permits, and hazardous materials (mostly due to the agricultural operations onsite). The Phase II evaluation concluded that the soils in two settling ponds on the Del Amo Dairy property were not contaminated and no further action was necessary. The FEIR proposed several mitigation measures to prevent release of hazardous materials from the underground storage tanks onsite during the demolition phase of the project. The proposed changes to the Project do not substantially change these previously evaluated impacts.

Mitigation Required: Additional mitigation measures are not proposed or required

- e) **For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The proposed site is located within the influence area of the LA/ONT International Airport Land Use Compatibility Plan (ALUCP). In addition, the project site is located outside the Safety, Noise Impact and Airspace Protection Zones. However, the proposed site is located within two miles of Chino Airport. It was shown in the previous Specific Plan FEIR (2006) that the southwestern most corner of the project site lies within Referral Area "C" which is defined in the Chino Airport Comprehensive Land Use Plan (1-14) as being an area at low risk of aircraft accidents. Generally no restrictions are placed on residential or light commercial uses within this area. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: No Impact – The project site is approximately 2.5 miles northeast of the Chino Airport. In addition, the project is within 2 miles of the Ontario International Airport and outside the Safety, Noise Impact and Airspace Protection Zones. Therefore, the project will not result in adverse impacts.

Mitigation Required: Additional mitigation measures are not proposed or required

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: As evaluated in the previous Specific Plan FEIR (2006), the City's Disaster Preparedness Plan, as contained within the Policy Plan (General Plan) includes policies and procedures to be administered in the event of a disaster. The proposed project site is not located adjacent to any emergency evacuation routes as identified in the Policy Plan. The Policy Plan indicates that in an emergency, all residents and workers in the project area would proceed as directed by public officials. It was determined that the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access and any impacts would be reduced to a less than significant level. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed

Mitigation Required: Additional mitigation measures are not proposed or required

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands. Therefore, the project will not result in adverse impacts. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed

Mitigation Required: Additional mitigation measures are not proposed or required

8. **HYDROLOGY & WATER QUALITY.** Would the project:

- a) **Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: The previous evaluation in the Specific Plan FEIR (2006) and Supplemental EIR (2010) showed that the current agricultural uses of the project site are already violating water quality standards and waste discharge requirements. High levels of salt and nitrates due to the high manure content of the land are substantially degrading groundwater quality in the region. The tendency of the area to flood during heavy rains also results in the overflow of manure retention basins which adversely effects runoff water. The FEIR showed that the project will convert the project site from agricultural to urban uses, thereby resulting in a change in the type of pollutants in surface runoff. It was concluded that this change will actually contribute to the improvement of water quality both on and off site and no significant adverse impacts are anticipated. The proposed changes do not substantially change this conclusion.

Mitigation Required: Additional mitigation measures are not proposed or required.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), Inland Empire Utilities Agency has plans for the construction and improvements to the water supply system in the project area. These new and improved facilities will ensure that development of the project site will not deplete groundwater supplies. The development of the site will require the grading of the site and excavation is expected to be up to 15 feet below the surface and is not anticipated to affect the existing aquifer, estimated to be about 530 to 590 feet below the ground surface. It was concluded that no adverse impacts are anticipated and the proposed changes do not substantially change these conclusions.

Mitigation Required: Additional mitigation measures are not proposed or required.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the drainage onsite, while it will be redirected, will not result in substantial erosion or siltation. Any potential impacts were previously mitigated for and were reduced to a level less than significant. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: As discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), current agricultural uses of the project site employ a sheet drainage system, which allows water to collect in fields and retention basins. After completion of the project, the drainage system will change from a sheet drainage system to an urban storm drain system. This new system will channel water down street gutters into storm drains and into large flood channels and retention basins. It was shown in the FEIR that the modifications to the drainage pattern and the planned work to increase the capacity of the reservoir behind the Prado Dam would reduce any potential impacts to a less than significant level. The changes to the site plan proposed do not substantially change these conclusions. This will not be discussed further in the supplemental EIR.

Mitigation: No additional mitigation measures are proposed or necessary.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010), showed that the current agricultural uses of the project site do not result in a large amount of surface runoff, however, urban development of the project site will likely result in a substantial increase in surface runoff. The increased flow of floodwaters into the Prado Basin would more than likely result in significant cumulative impacts related to flooding. In the 1997 Sphere of Influence EIR, the San Bernardino Flood Control District (SBCFD) concluded that the existing storm water collection system is less than adequate to prevent periodic flooding of some streets and areas adjacent to those streets. The FEIR evaluated these potential impacts and found that through the future planned facilities identified in The Avenue Specific Plan Storm Drain Master Plan will be sufficient for the expected runoff from the site. In addition, since these facilities have a long-term build-out plan, interim facilities are planned that will also be sufficient until the facilities are complete. Impacts from the project were determined to be less than significant. The proposed changes to Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?

Discussion of Effects: Currently dairy farming operations have a negative effect on these water sources. After the completion of the project, the nature of the runoff is expected to shift from agricultural to urban. In addition, runoff will be regulated under an NPDES permit, the impact of development is likely to produce a net beneficial impact on water quality. This was also concluded in the previous FEIR. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Discussion of Effects: As shown in the previous Specific Plan FEIR (2006) and Supplemental EIR (2010), the site is not within the boundaries of a 100-year flood zone as shown on Flood Insurance Rate Maps published by the Federal Emergency Management Agency. It was shown there would be no impacts. The changes to the Project do not change the boundaries of the project, and therefore do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

Discussion of Effects: No Impact. As stated above, this was previously evaluated and shown to have no impact. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Discussion of Effects: As shown in the previous Specific Plan FEIR (2006) and Supplemental EIR (2010), there are no dams or levees within or adjacent to the project site. The nearest dam, the San Antonio Dam located 11 miles northwest of the project site, is primarily used for flood control purposes and does not typically contain significant amounts of water. It was determined since the dam does not contain large amounts of water that the impacts were less than significant associated with exposure due to flooding from the failure of a levee or dam.

Mitigation: No additional mitigation measures are proposed or necessary.

j) Expose people or structures to inundation by seiche, tsunami or mudflow?

Discussion of Effects: It was shown in the Specific Plan FEIR (2006) and Supplemental EIR (2010), that the impacts related to exposure to seiche, tsunami, or mudflow were less than significant since the project site is not located near the coast or any confined bodies of water. In addition, the project is at the same elevation as the surrounding areas, making the potential for mudflow very low. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

9. **LAND USE & PLANNING.** Would the project:

a) Physically divide an established community?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), and according to the TOP Policy Plan (General Plan), the project site is located in an area that will be developed with urban land uses. This project will be of similar design and size to adjacent development to the north. The project site is sparsely populated; with land use being predominately agricultural. Adjacent land uses to the south, east, and west are also sparsely populated with no strong spatial community pattern. The project will become an integrated part of the part of the New Model Colony; a series of planned communities. It was determined that the impacts would be less than significant. The changes to the Project will remain consistent with the TOP Policy Plan (General Plan), and therefore would not substantially change the conclusions reached in the previous FEIR.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?

Discussion of Effects The proposed general plan and specific plan amendment is included to make the changes as specified above. With regard to The Avenue SPA, the change increases the number of units allowed by 269 units (from 2,606 to 2,875), a 10% increase. The commercial acres is decreased by 119,320 square feet (from 250,000 to 130,680 square feet), a 4.77% decrease. The potential impacts for topics such as traffic, air quality, and noise will be discussed elsewhere in this section. Concerning the entire NMC area, the increase of the 269 units is 0.5% of the total number of units anticipated (46,566 Units at buildout) giving The Avenue SPA about 6.17% of the total as compared to 5.59 currently allowed. However, the TOP EIR assumed a buildout of 4,010 residential units for the Avenue SP area, which actually gives The Avenue an 8.61 % of the total.

The reduction in commercial to 130,680 square feet is a decrease 4.6% of the NMC total for all commercial development. However, the reduction in the commercial square footage to 130,680 square feet (10 acres) is consistent with TOP Policy Plan minimum for a commercial development. The proposed land use change will offer developers the flexibility to provide a variety of multi-family products along the Edison Avenue corridor, between Haven Avenue and Turner Avenue. Subsequently, it will provide for the ability to intensify the residential land uses surrounding the commercial center and provide a transition and integration between residential and commercial uses consistent with the vision of the TOP Policy Plan goals and policies. Development regulation and design guidelines have been incorporated into the Specific Plan to ensure an appropriate integration between residential and commercial uses. At buildout, the proposed Project amendment will result in a mix of residential, commercial, educational, recreational, and open space uses that are comparable to the uses currently allowed in The Avenue SP and are consistent TOP uses planned in the NMC. Implementation of the Project will not significantly impact land use.

Mitigation: No additional mitigation measures are proposed or necessary.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Discussion of Effects: As stated in the certified Specific Plan FEIR (2006), the Project site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. Therefore, the Project will have no impact or conflict with any habitat or natural community conservation plans.

Mitigation: No additional mitigation measures are proposed or necessary.

10. **MINERAL RESOURCES.** Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project site is located within a mostly developed area surrounded by agricultural land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), there are no known mineral resources in the area. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

11. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Discussion of Effects: The Project proposes the addition of 269 residential units and a reduction of commercial square footage to 130,680, in addition to the previously approved Project, would result in significant and unavoidable impacts and would expose persons to excessive noise levels. The Project would also result in cumulatively considerable impacts with regard to excessive noise levels generated. The previous Specific Plan FEIR (2006) and Supplemental EIR (2010), analysis concluded that the construction activities associated with the Specific Plan could generate substantial temporary or periodic noise levels and considered the impact to be significant and unavoidable. The EIR analysis concluded that project specific mitigation measures required would further reduce the impact to less than significant. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the uses proposed by the specific plan, i.e. residential, neighborhood commercial, and schools, normally do not induce groundborne vibrations. The changes to the Project are consistent with these land uses and therefore do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion of Effects: The Project would result in a permanent increase in existing ambient noise levels in the Project vicinity. In order to properly identify mitigation measures for future development to meet the City's exterior standard of 65 dBA CNEL and the interior standard of 45 dBA CNEL, an acoustical analysis will be required to address once individual residential development plans are completed. As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010) construction activities associated with the Specific Plan could expose existing and proposed residential uses to noise in excess of City standards and considered the impact significant and unavoidable. The EIR analysis concluded that project specific mitigation measures required would further reduce the impact to less than significant. The changes to the Project do not substantially change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated the short-term impacts of the project's construction on the surrounding community. It was determined that through the incorporation of

mitigation measures, such as limiting the hours of construction and requiring properly operating mufflers on all construction vehicles, the short-term impacts could be mitigated to a less than significant level. The changes to the Project do not substantially change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?

Discussion of Effects: According to Map 2-3 of the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP), the proposed site is located outside the 60-65 CNEL noise contour. Pursuant to Table 2-3 of the ALUCP, residential uses are compatible within these noise contours. In addition, the proposed site is located within two miles of the Chino Airport. However, the Project is located outside of the 65 CNEL noise contour. The southwestern corner of the Project area is located within Referral Area "C", an area described in the Chino Airport Comprehensive Land Use plan as averaging 55/60 CNEL, which, while not exceeding standards, may be an annoyance. There would be no impacts.

Mitigation: No additional mitigation measures are proposed or necessary.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Discussion of Effects: No Impact – As previously shown, the project site is not located within the vicinity of a private airstrip. It was determined that there would be no impacts. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

12. POPULATION & HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?

Discussion of Effects: As previously discussed within the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project is located in a very lightly populated area and California will most likely induce a substantial amount of population growth both directly and indirectly. It was concluded that the growth expected was within estimates from the Southern California Association of Governments. With the proposed changes to the Project, the overall number of residential units has increased by 269 units. At buildout, the proposed Project will include approximately 1,511 single family units and 1,364 multi-family units resulting in 2,875 total new housing units. However TOP EIR assumed a buildout of 4,010 residential units for The Avenue Specific Plan area. The estimated population growth of TOP is within the estimates from the Southern California Association of Governments. The Project impact with the increase of 269 residential units would remain less than significant.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Discussion of Effects: It was previously shown within the Specific Plan FEIR (2006) and Supplemental EIR (2010) that the Project site is currently used for agricultural purposes, and there are approximately 15 housing structures located on the Project site. It was determined that the displacement of this small number of houses was not a significant impact. The changes to the Project do not change this conclusion. Additionally, the proposed increase in residential units and the decrease in commercial space do not affect or substantially alter the number of people being displaced by The Avenue Project. It was determined that the displacement of these people in the existing residences is not substantial. The changes to the Project do not change this.

Mitigation: No additional mitigation measures are proposed or necessary.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion of Effects: As stated above, it was previously shown within the Specific Plan FEIR (2006) and Supplemental EIR (2010) that the Project site is currently used for agricultural purposes, and there are approximately 15 housing structures located on the Project site. It was determined that the displacement of this small number of houses was not a significant impact. The changes to the Project do not change this conclusion. Additionally, the proposed increase in residential units and the decrease in commercial space do not affect or substantially alter the number of people being displaced by The Avenue Project. It was determined that the displacement of these people in the existing residences is not substantial. The changes to the Project do not change this.

Mitigation: No additional mitigation measures are proposed or necessary.

13. **PUBLIC SERVICES.** Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

(i) **Fire protection?**

Discussion of Effects: Implementation of the Project includes the addition of 269 new residences and a decrease in 119,320 square feet of retail space in addition to those already proposed by the previously approved Avenue Specific Plan. These additional units, while they will increase demand on existing facilities, will also provide additional funds through development impact fees that will contribute to the expansion and/or construction of new fire protection facilities to meet the increased demands. The mitigation measures listed in Section 4.6.6 of the Specific Plan FEIR (2006) also identify specific requirements pertaining to fire protection which will be implemented prior to development of the Project and will reduce impacts with regard to fire protection to less than significant. In the previously certified Specific Plan FEIR (2006), there was a concern regarding an increased demand for fire related water supply. However, the Project will be required to meet standards for the quantity of water provided and available to the Ontario Fire Department in order to adequately respond to any future incidents. In addition, the Project will be subject to requirements of the Ontario Municipal Code regarding circulation and design features that allow adequate emergency vehicle access. Impacts to fire protection services will remain at a less than significant level and no additional mitigation measures beyond those previously included in the FEIR are required.

Mitigation: No additional mitigation measures are proposed or necessary.

(ii) **Police protection?**

Discussion of Effects: As discussed above, the additional residential units and retail space will increase the demand on the police protection services provided by the City of Ontario. Again, the additional units and retail space reduction will also provide additional development impact fees to offset these demands and provide funding to expand existing services. The addition of the residential units and the reduction in retail space is not significant enough to cause the need for the Ontario Police Department to change their plans for future police protection in the area of the NMC. No additional mitigation measures will be necessary for this change in the Project.

Mitigation: No additional mitigation measures are proposed or necessary.

(iii) **Schools?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the construction of new schools will be required, as stated in TOP. New elementary, middle, and high schools will need to be constructed to serve the project area. The project proposes a middle school and an elementary school. However, the project proposes additional residences that could generate additional school-aged children above what was previously evaluated.

Mitigation: No additional mitigation measures are proposed or necessary.

(iv) Parks?

Discussion of Effects: The Specific Plan FEIR (2006) and Supplemental EIR (2010), analysis concluded that the implementation of the Specific Plan would contribute to a shortage of parkland, which could result in the need for new or altered facilities and considered this impact as less than significant. However, the Avenue Specific Plan includes network of paseos, parks and bicycle trails for its residents and therefore the impacts the project would have would be less than significant.

Mitigation: No additional mitigation measures are proposed or necessary.

(v) Other public facilities?

Discussion of Effects: Additional units will provide an increased demand on the City's library facilities; however the additional units will provide an increased amount of development impact fees to apply towards the construction of a new library to accommodate the NMC area and the anticipated increased population at build-out of the entire area. The collection of these funds will be sufficient to mitigate for the increase in population.

Mitigation: No additional mitigation measures are proposed or necessary.

14. RECREATION. Would the project:

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The Project proposes an additional 269 residential units above what was previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010). However, the Project still plans to construct a number of new parks which will ease the burden that will be placed on the existing parks. Additionally, fees paid by developers to the City in lieu of parks will be utilized to offset increases of existing neighborhood and regional parks in order to meet the City standard of five acres of parkland per thousand residents. With payment of park fees, the Project would result in a less than significant impact.

Mitigation: No additional mitigation measures are proposed or necessary.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), this Project will result in the construction of new parks within the residential planning areas, and in designated park areas. Given the location of these facilities, any impacts are not likely to have a significant adverse physical effect on the environment. The proposed changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary

TRANSPORTATION/TRAFFIC. Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: The previous the Specific Plan FEIR (2006) and Supplemental EIR (2010), evaluated the effects of the project on local traffic and proposed mitigation measures to reduce the impacts. It was determined that a statement of overriding considerations would be necessary since the impacts could not be reduced to a level less than significant. The proposed changes to the Project (increasing the number of residential and therefore increasing the number of trips) may have the potential to increase these impacts further.

A Traffic Impact Assessment was prepared for the Project (Linscott Law & Greenspan, December 5, 2013). The Traffic Impact Assessment concluded that the Project is forecast to operate at acceptable service levels during the AM peak hour and PM peak hour with the addition of Project traffic and recommended phasing. In addition, the queue lengths can be accommodated with minimal adjustments to the medians. Based on the above finding it is recommended that Edison Avenue

provide a minimum storage length of 100 feet for the eastbound left turn approach along with a 90 foot transition. The westbound approach should provide a minimum storage length 300 feet along with a 90 foot transition. "A" Street should provide 60 foot minimum transitions and 100 feet of storage for the northbound left-turn approach and 160 feet of storage for the southbound left-turn approach. It should be noted that any increase in the number of lanes or pocket lengths will benefit the overall delays and/or queuing results. These recommendations have been incorporated into the design of the Tentative Tract 18922 and into the Conditions of Approval.

Mitigation: No additional mitigation measures are proposed or necessary.

b) Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Discussion of Effects: In October 2008, the NOP of an EIR for the City's General Plan update was circulated, thus establishing the baseline environmental conditions. The Subarea 29 Specific Plan and the traffic associated with the use of the site were included in the baseline conditions. The Project (2,875 units) does not exceed the maximum amount of residential units established by TOP Policy Plan (4,010 units) for the Specific Plan area. Therefore the project will not introduce new traffic beyond those previously analyzed in TOP EIR.

Mitigation: No additional mitigation measures are proposed or necessary.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location those results in substantial safety risks?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the Project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport or Chino Airport. It was determined that no impacts were anticipated. The changes to the project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Discussion of Effects: As previously evaluated Specific Plan FEIR (2006) and Supplemental EIR (2010), the Project is required to comply with the City of Ontario's right of way design standards. It was determined that the project will, therefore, not create a substantial increase in hazards due to a design feature and no impacts were anticipated. The changes to the project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

e) Result in inadequate emergency access?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project will be designed to provide access for all emergency vehicles and will therefore not result in inadequate emergency access. It was determined that no impacts were anticipated. The changes to the project do not change this conclusion

Mitigation: No additional mitigation measures are proposed or necessary.

f) Result in inadequate parking capacity?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project is required to meet parking standards established by the Ontario Development Code and will therefore not create an inadequate parking capacity. It was determined that no impacts are anticipated. The same parking standards apply to the changes to the project, and therefore the changes do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion of Effects: As previously shown the Specific Plan FEIR (2006) and Supplemental EIR (2010), the project does not conflict with any transportation policies, plans or programs supporting alternative transportation, therefore, no impacts were anticipated. The changes to the project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

15. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the proposed Project is served by both the City of Ontario sewer system and Inland Empire Utilities Agency. Wastewater generated by the Project will be treated by the Inland Empire Utilities Agency (under contract with the City) at Regional Plant 5 (RP5). RP5 is a relatively new treatment facility which was designed to replace the aging Regional Plant 2 (RP2). While RP2 will still operate at a limited capacity, all liquid treatment will now occur at the RP5. The previously certified FEIR stated that RP5 would have adequate capacity to serve the entire NMC, of which the Project is a part. The changes to the Project would not change this determination and would not exceed wastewater treatment requirements of the RWQCB

Mitigation: No additional mitigation measures are proposed or necessary.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Discussion of Effects: As previously shown in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the proposed Project area is served by both the City of Ontario sewer system and Inland Empire Utilities Agency which has waste treated by the Inland Empire Utilities Agency at Regional Plant 5 (RP5). In order to serve the Project with water or wastewater service, the construction of new facilities, such as water and sewer lines would be necessary. The construction of these facilities would not result in significant environmental impacts. In addition, the previously certified FEIR stated that RP5 would be of adequate capacity to serve the entire NMC, of which the proposed Project is a part.

Mitigation: No additional mitigation measures are proposed or necessary.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Discussion of Effects: As previously discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), due to the high frequency of flooding and lack of existing storm water drainage facilities in the Project area, the construction of new facilities as well as the expansion of existing facilities will be required. It was shown that the construction of these new facilities would not cause significant environmental effects. The changes to the Project will not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. Seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010), estimated water consumption of the Project using the estimated consumption rate of 19,000 AFY (acre feet per year) for the entire NMC area, divided by the total acreage of the NMC (8,200), which results in a generation factor of 2.3 AFY per acre. Using this factor, the estimated water consumption for the Project site is 1,306.63 AFY (568.1 acres total Project area x 2.3 AFY/acre = 1,306.63 AFY). The changes in the Project would not add any acreage; therefore, the same estimated water consumption applies for the currently proposed Project.

Mitigation: No additional mitigation measures are proposed or necessary.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Discussion of Effects: The previous Specific Plan FEIR (2006) and Supplemental EIR (2010), states that the existing wastewater treatment system has the capacity to accept the projected wastewater flows from the entire NMC. Since the proposed Project is a part of the NMC and has been planned for in TOP Policy Plan (General Plan), less than significant impacts would result from Project implementation

Mitigation: No additional mitigation measures are proposed or necessary.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Discussion of Effects: As previous discussed in the Specific Plan FEIR (2006) and Supplemental EIR (2010), the Project will be required to comply with Section 6.3 of the City's Municipal Code; therefore, demolition and construction debris resulting from the proposed Project would result in less than significant direct impacts regarding solid waste. The Project would also participate in residential recycling programs in accordance with Section 6.3 of the City's Municipal Code, reducing the amount of solid waste being disposed of in landfills. The City also offers composting workshops for residents and a household hazardous waste program for residents to dispose of their hazardous waste including paints, batteries, or pesticides.

Mitigation: No additional mitigation measures are proposed or necessary.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Discussion of Effects: As previously evaluated in the Specific Plan FEIR (2006) and Supplemental EIR (2010), this Project complies with federal, state, and local statutes and regulations regarding solid waste. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed in the previous Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), the project site has historically had the potential to support a variety of species of plants and animals that are identified as a candidate, sensitive, or special status species; however the project site is heavily altered from its natural state. It was shown that for close to fifty years, the operation of dairy farms on a considerable portion of the site has substantially degraded the potential of the site to serve as native habitat. The FEIR discussed that changing the land use from the existing agricultural uses to suburban development could further reduce the viability of the site as habitat for these species.

During the biological surveys, it was found that Burrowing Owls were present on the site. Mitigation was included for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present. This reduced the impact to less than significant. In addition, extensive surveys were completed for the Delhi Sands Flower-Loving Fly and its habitat, but no evidence of the fly or its habitat was found. There were still several areas that had not been surveyed as of the writing of the FEIR, but it was stated that surveys would be completed prior to the granting of discretionary entitlements and any further approvals would be withheld until surveys could be completed and any necessary permits were obtained. It was expected that suitable habitat does not exist in these remaining areas. This mitigation reduced the potential impact to the Delhi Sands Flower-Loving Fly to less than significant.

On January 10, 2013, a biological survey on the Project site was conducted by Glen Lukos Associates, Inc., to update the prior studies for the burrowing owls and Delhi Sands flower-loving fly (DSF). The survey detected one unpaired burrowing owls during three visits to the site (November 6th, 7th, 20th and 25th of 2013). Mitigation from the previous Avenue Specific

Plan FEIR (2006) for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present will be required for this Project.

As part of the updated surveys, GLA re-evaluated the Project site for the Delhi Sands flower loving fly (DSF). As referenced by the FEIR and SEIR, previous biological studies conducted for the Project site included habitat assessments for the DSF. The majority of the Project site was previously determined to be unsuitable for DSF as a result of the site disturbance and lack of appropriate vegetation. However, protocol focused surveys were previously conducted for 2 portions of the Project site with some potential to support DSF, including the northeast portion of the site (Planning Area 11 of the overall Specific Plan) and a strip of land in the southeast portion of the site (Planning Area 10 of the Specific Plan). The results of both protocol surveys were negative, i.e. the DSF was not detected onsite. Based on the current field surveys, GLA biologists determined that none of the Project site provides suitable habitat for the DSF, including the areas previously surveyed for DSF. The northeastern and southeastern portions of site have been further disturbed, and no longer represent suitable habitat for the DSF. As such, updated focused surveys for the DSF are not required.

In summary, the proposed Project will not result in new or increased significant impacts to special-status biological resources, and with the implementation of mitigation measures identified in the FEIR and SEIR, impacts to special-status species (i.e., the burrowing owl) are reduced to below a level of significance.

It was previously determined in the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010), that there would be less than significant impacts to the Biological Resources on site with incorporation of design techniques and mitigation measures from both the TOP EIR and the project-specific mitigation measures proposed. The changes to the project do not change these conclusions.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyses are necessary, nor is there a need for any additional mitigation measures.

b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

The Project does not have impacts beyond those identified in the original Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). The proposed Project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial square footage from 250, 000 square feet to 130,000 square feet. The residential buildout for the Avenue Specific Plan is 1,264 residential less than the buildout assumed by TOP EIR (4,010 residential units). Therefore the project will not introduce any impacts beyond those previously analyzed in the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). Thus, the project will not disadvantage long-term environmental goals.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyses are necessary, nor is there a need for any additional mitigation measures.

c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)

The Project does not have impacts beyond those identified in the original Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). The proposed Project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial square footage from 250, 000 square feet to 130,000 square feet. The residential buildout for the Avenue Specific Plan is 1,264 residential less than the buildout assumed by TOP EIR (4,010 residential units). Therefore the project will not introduce any impacts beyond those previously analyzed in the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). Thus, the project will not have incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase

in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyses are necessary, nor is there a need for any additional mitigation measures.

d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The project does not have impacts beyond those identified in the original Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) and will not cause substantial adverse effects on human beings, either directly or indirectly. The project will not involve a more intensive land use than the currently entitled project. The proposed Project includes increasing the residential unit count by 269 units (from 2,606 to 2,875) and reducing the commercial square footage from 250, 000 square feet to 130,000 square feet. The residential buildout for the Avenue Specific Plan is 1,264 residential less than the buildout assumed by TOP EIR (4,010 residential units). Therefore the project will not introduce any impacts beyond those previously analyzed in the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010). Thus, the Project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Avenue Specific Plan FEIR (2006) and Supplemental EIR (2010) analyses are necessary, nor is there a need for any additional mitigation measures.

ANALYSES REFERENCED (Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):

EARLIER ANALYZES (Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):

1. Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.

- (a) The Avenue Specific Plan EIR
- (b) The Avenue Specific Plan EIR Mitigation Monitoring and Reporting Program
- (c) The Avenue Specific Plan
- (d) The Avenue Specific Plan EIR Supplemental EIR (2006)
- (e) The Ontario Plan Final EIR
- (f) The Ontario Plan
- (g) The Ontario Land Use Plan
- (h) The Ontario Plan Mitigation Monitoring and Reporting Program
- (i) The Ontario Plan CEQA Findings and Statement of Overriding Consideration
- (j) General Biological Report, Glenn Lukos Associates, January 10, 2013
- (k) Supplemental Traffic Impact Assessment, Linscott Law & Greenspan, December 5, 2013

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

2. Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.

The previously certified Specific Plan FEIR (2006) and Supplemental EIR (2010) evaluated several of the topics and those topics that will not be evaluated in this Addendum were noted above.

MITIGATION MEASURES (For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project):

As the project does not have any adverse environmental impacts beyond those identified in the original EIR, as modified by the, no mitigation beyond that previously imposed is required.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE AVENUE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2005071109), ADOPTED FOR FILE NO.PSP05-003, PREPARED FOR FILE NO. PSPA13-003 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-201-19, 0218-201-39 and 0218-201-42.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and an Addendum to The Avenue Specific Plan Environmental Impact Report (EIR) (File No. PSP05-003) for Planning File No. PSPA13-003 (the “Addendum”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

WHEREAS, the Application applies to 568 acres of land located within The Avenue Specific Plan and generally located south of Schaefer Avenue, north of Edison Avenue, between Carpenter Avenue and Haven Avenue; and

WHEREAS, File No. PSPA13-003 (the “Project”) analyzed under the Addendum proposes to: 1) change the land use designation for 14 acres of land at northwest corner of Edison Avenue and Haven Avenue from Retail Commercial to Medium Density Residential; 2) change the land use designation for 10 acres of land at the southwest corner of Edison Avenue and Haven Avenue from Medium Density Residential to Retail Commercial; 3) change the land use designation for 19.9 acres of land within of Planning Area PA-4, located at the southwest corner of Archibald Avenue and Schaefer Avenue, from Retail Commercial to Low Medium Density Residential consistent with the Policy Plan (General Plan) Land Use Plan Exhibit LU-01; 4) increase the residential unit count by 269 units (from 2,606 to 2,875) and reduce the commercial square footage from 250,000 square feet to 130,000 square feet; 5) eliminate the Live/Work Overlay zone; and 6) revise and update housing product types, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency; and

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

WHEREAS, on December 9, 2006, the City Council certified an EIR (SCH#2005071109) for The Avenue Specific Plan File No. PSP05-003 and a related Mitigation Monitoring and Reporting Program; and

WHEREAS, on February 2, 2010, the City Council approved an Amendment to The Avenue Specific Plan (File No. PSPA07-004) and certified a Supplemental EIR (SCH#2005071109) and a related Mitigation Monitoring and Reporting Program for File No. PSPA10; and

WHEREAS, on May 25, 2014, the Planning Commission voted unanimously (6-0) to recommend (Resolution PC14-XXX) City Council adoption of a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH #2005071109) analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines Section 15164; and

WHEREAS, pursuant to Public Resources Code Section 21166 and Sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to The Avenue Specific Plan EIR for File No. PSP05-003 was prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the certified EIR and related Mitigation Monitoring and Reporting Program for File No's. PSP05-003 and PSPA07-004 and addresses only those issues specific to the Project. The Addendum concludes that the Project will not result in impacts beyond what was previously analyzed in the certified EIR, because the Project does not have new or substantially more severe significant environmental impacts, either directly or indirectly; and

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

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

WHEREAS, the Addendum for the Project and the certified EIR for File No. PSP05-002 are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, and are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings: (1) it has independently reviewed and analyzed the Addendum/Initial Study and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 2. That the City Council does hereby find that based upon the entire record of proceedings before it and all information received and pursuant to State CEQA Guidelines Section 15162 and 15164, that there is no substantial evidence that the Project will result in any new, increased, or substantially different significant impacts, other than those previously considered and addressed in The Avenue Specific Plan EIR for File No. PSP05-002 and that no changes or additions to the adopted EIR analyses

are necessary, nor is there a need for any additional mitigation measures, and that none of the conditions described in State CEQA Guidelines Section 15162 that would require subsequent or supplemental CEQA review for the Project otherwise exist.

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

SECTION 4. 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 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA13-003, AN AMENDMENT TO THE AVENUE SPECIFIC PLAN TO: 1) CHANGE THE LAND USE DESIGNATION FOR 14 ACRES OF LAND AT NORTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM RETAIL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; 2) CHANGE THE LAND USE DESIGNATION FOR 10 ACRES OF LAND AT THE SOUTHWEST CORNER OF EDISON AVENUE AND HAVEN AVENUE FROM MEDIUM DENSITY RESIDENTIAL TO RETAIL COMMERCIAL; 3) CHANGE THE LAND USE DESIGNATION FOR 19.9 ACRES OF LAND WITHIN OF PLANNING AREA PA-4, LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE, FROM RETAIL COMMERCIAL TO LOW MEDIUM DENSITY RESIDENTIAL CONSISTENT WITH THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN EXHIBIT LU-01; 4) INCREASE THE RESIDENTIAL UNIT COUNT BY 269 UNITS (FROM 2,606 TO 2,875) AND REDUCE THE COMMERCIAL SQUARE FOOTAGE FROM 250,000 SQUARE FEET TO 130,000 SQUARE FEET; 5) ELIMINATE THE LIVE/WORK OVERLAY ZONE; AND 6) REVISE AND UPDATE HOUSING PRODUCT TYPES, EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED CHANGES AND TOP POLICY PLAN CONSISTENCY FOR PROPERTY LOCATED SOUTH OF SCHAEFER AVENUE, NORTH OF EDISON AVENUE, BETWEEN CARPENTER AVENUE AND HAVEN AVENUE AND MAKING FINDINGS IN SUPPORT THEREOF – APNS0218-191-20, 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 AND 0218-201-45.

WHEREAS, Brookfield Residential ("Applicant") has filed an Application for the approval of the General Plan Amendment, File No. PSPA13-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 568 acres of land located within The Avenue Specific Plan and generally located south of Schaefer Avenue, north of Edison Avenue, between Carpenter Avenue and Haven Avenue; and

WHEREAS, the Applicant has submitted a General Plan Amendment (File No. PGPA13-004) in conjunction with this application to: 1) change the land use designation for 14 acres of land at northwest corner of Edison Avenue and Haven Avenue from Neighborhood Commercial to Medium Density Residential (11.1-25 dwelling units/acre), and 2) change the land use designation for 10 acres of land at the southwest corner of Edison Avenue and Haven Avenue from Medium Density Residential (11.1-25 dwelling units/acre) to Neighborhood Commercial; and

WHEREAS, the properties to the north of The Avenue Specific Plan are zoned R1 (Low Density Residential), SP/AG (Specific Plan/Agriculture Preserve) and West Haven Specific Plan and developed with the Archibald Ranch residential community

and dairy/agriculture uses. The properties to the south of The Avenue Specific Plan are zoned Parkside Specific Plan and Grand Park Specific Plan and are developed with dairy and agriculture uses. The properties to the east of The Avenue Specific Plan are zoned Rich Haven Specific Plan and are developed with dairy and agriculture uses. The properties to the west of The Avenue Specific Plan are zoned SP/AG (Specific Plan/Agriculture Preserve) and are developed with dairy and agriculture uses; and

WHEREAS, the Amendment to The Avenue Specific Plan proposes to change the land use designation for 14 acres of land at northwest corner of Edison Avenue and Haven Avenue from Retail Commercial to Medium Density Residential. In addition, change the land use designation for 10 acres of land at the southwest corner of Edison Avenue and Haven Avenue from Medium Density Residential to Retail Commercial as shown on Exhibit A. These proposed land use change will implement the requested GPA land use changes. The proposed SPA land use changes are consistent with TOP goals and policies for residential and commercial development. Though independent from the "Residential Neighborhoods," TOP's Policy Plan encourages and envisions the "Neighborhood Commercial" centers to be surrounded by higher density housing and amenities that would be integrated with the centers to create a cohesive district. The proposal to designate 10 acres of land at the southwest corner of Edison Avenue and Haven Avenue to Retail Commercial continues to implement TOP's vision of integrating commercial and residential uses into cohesive districts. In addition, this change implements TOP's Mobility Land Use Policy (LU1-4) goal of placing multi-family residential areas adjacent to commercial land uses and transit corridors. The 10 acres of Neighborhood Commercial will accommodate approximately 130,680 (based on a Floor Area Ratio of 0.30) square feet of retail commercial uses. The relocation of 14 acres of Medium Density Residential to the northwest corner of Edison Avenue and Haven Avenue will allow for the ability to provide multi-family products along the north side Edison Avenue corridor (between Haven Avenue and Turner Avenue). Providing higher density multi-family units along the north side of Edison provide a buffer from Edison Avenue and a transition area from the high density residential uses into low density residential areas of the Specific Plan; and

WHEREAS, with the approval of TOP in 2010, the land use designation for 19.9 acres of property at the southwest corner of Archibald Avenue and Schaefer Avenue, changed from Retail Commercial to Low Medium Density Residential (5.1 to 11 du/ac). The Amendment to The Avenue Specific Plan proposes to change the land use designation for 19.9 acres of land within of Planning Area PA-4, located at the southwest corner of Archibald Avenue and Schaefer Avenue, from Retail Commercial to Low Medium Density Residential consistent with the Policy Plan (General Plan) Land Use Plan Exhibit LU-01; and

WHEREAS, the Amendment to The Avenue Specific Plan proposes to increase the residential unit count by 269 units (from 2,606 to 2,875) and reduce the commercial square footage from 250,000 square feet to 130,000 square feet. The 2,875 residential units allowed by the Specific Plan is in compliance with the Policy Plan (General Plan) and less than the development capacity of 4,010 residential units established by the Policy Plan (General Plan) for The Avenue Specific Plan land use area as shown on Exhibit B; and

WHEREAS, the Amendment to The Avenue Specific Plan proposes to eliminate the Live/Work overlay zone. The Avenue Specific Plan allowed for the creation of a “Live/Work Overlay Zone” at key locations along the Avenue in the Low Density Residential (LDR) district and within the Medium Density Residential (MDR) district adjacent to the commercial center (Exhibit “D”: Live/Work Overlay Zones). In re-evaluating the “Live/Work Overlay Zone” along the Avenue Street in the Low Density Residential (LDR) District, it was determined that it was not the most adequate location for Live/Work to function and be successful. The Live/Work areas along The Avenue Street will be developed with alley loaded products, which require street frontage parking to accommodate residents and guest parking. Introducing Live/Work along The Avenue would create a need for customer parking for the Live/Work businesses creating potential parking impacts on the availability of parking for residents and guest. Along the Avenue Street which will have a center median, limited access (north/south) and limited street parking, Live/Work does not make sense. Therefore, staff requested the elimination of the Live/Work Overlay Zone; and

WHEREAS, the Amendment to The Avenue Specific Plan proposes to revise and update housing product types, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency. The Avenue Specific Plan provides for the development of eleven (11) distinctive single family and multi-family products types to address varying housing needs. The SPA proposes to add an additional single family detached 4/6 pack cluster product that introduces a different configuration that utilizes the use of standard driveways on. 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 *Table 9-1, “Policy Plan Consistency,”* of the Specific Plan has been updated and describes the manner in which The Avenue Specific Plan complies with the Policy Plan goals and policies applicable to The Avenue Specific Plan. 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. All changes to the Specific Plan are outlined in red with a strikethrough and all additions have been heightened in blue; and

WHEREAS, as the first action on the Project, on June 17, 2014, the City Council approved a Resolution adopting an Addendum to The Avenue Specific Plan Environmental Impact Report (SCH# 2005071109). 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, the project sites are located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

WHEREAS, the approval of the Amendment to The Avenue Specific Plan is contingent on the City Council approval of the related General Plan Amendment (File No. PGPA13-004); and

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

WHEREAS, on May 27, 2014, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and voted unanimously (6-0) to recommend (Resolution PC14-043) City Council adoption of a resolution approving the Amendment to The Avenue Specific Plan File No. PSPA13-003; and

WHEREAS, on June 17, 2014, 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 Avenue Specific Plan Environmental Impact Report (SCH# 2005071109) 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# 2005071109) adopted for The Avenue Specific Plan File No. PSP05-003 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 TOP Land Use Policy (LU1-1). TOP Policy Plan (Generalized and Growth Areas – Figure LU-4) provides for the intensification of certain strategic growth areas within the City.

These mixed-use areas include the I-10 corridor (Meredith Specific Plan, Festival Specific Plan, The Ontario Center, and Ontario Mills) and three locations along Edison Avenue in the New Model Colony (Euclid/ Edison and Vineyard/Edison intersections and Edison Avenue between Haven and Milliken Avenues). These locations will provide horizontal and vertical mixed use developments that are oriented toward pedestrian interaction. The intensification of these areas also provides opportunities for transit, through enhancements to existing systems or introduction of bus rapid transit, to serve the NMC and connect it to employment centers and multi-model transit nodes in the Original Model Colony (LA-Ontario Airport Metro Center). In addition to these growth areas and to ensure for the development of residential communities designed around commercial nodes, the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) designated areas at key arterial intersections throughout the NMC for Neighborhood Commercial Districts. These Neighborhood Commercial areas are located within predominantly residential neighborhoods and intended for local serving retail, personal service, office, and dining uses. To implement TOP's Job-Housing Balance Land Use Plan Policy (LU1-5) and ensure for the development of residential communities designed around commercial nodes, the Specific Plan Amendment proposes the intensification of the northwest and southwest corners of Edison Avenue and Haven Avenue with commercial uses and a higher density residential neighborhood consistent the Policy Plan;

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 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 Avenue Specific Plan provides for the development of eleven (11) distinctive single family and multi-family products types to address varying housing needs caused by the different lifestyles of young families, growing families, students, executives, retirees and empty nesters;

d. The proposed project is consistent with the adopted Housing Element. The project site is one of the properties listed in the Available Land Inventory in the Housing Element and the proposed project is consistent with the number of dwelling units of 532 and density range of 2 to 12 dwelling units per acre specified in the Available Land Inventory in the Housing Element. The proposed project is increasing the number of dwelling units by 51. The Avenue Specific Plan proposes a maximum development of 2,875 residential units at a density range of 4.6 to 11.4 dwelling units per acre;

e. During the amendment of the Specific Plan, 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 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 17th day of June 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 17, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held June 17, 2014.

MARY E. WIRTES, MMC, CITY CLERK

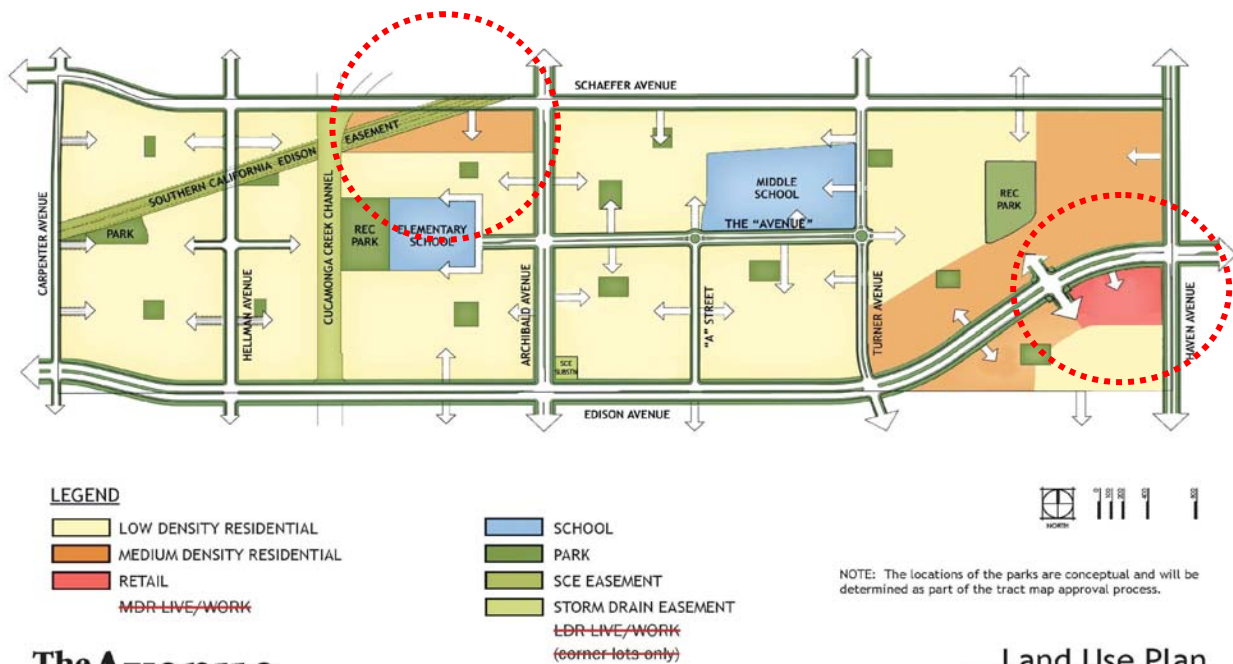
(SEAL)

Exhibit "A"

Specific Plan Amendment Proposed Changes to the Avenue Land Use Plan

Land Use Plan

Exhibit 8



TheAvenue
SPECIFIC PLAN

The New Model Colony • Ontario, California

Land Use Plan

3-3

Exhibit "B"
The Avenue Specific Plan Land Use Plan
Proposed Changes to Table 2 – Statistical Analysis Table

3-4

Land Use Plan

Table 2 - Statistical Analysis

UPDATED
05-12-14

Former Subarea	Planning Area	Gross Acres	Excluded from Gross	Net Res. Acres	Homes	Density (5)	Comm. SF	Use
17	1A	11.1	-	11.1	51	4.6		LDR
17	1B	33.5	5.4 (1)	28.1	127	4.5		LDR
17	1C	2.2	-	2.2	5	2.3		LDR
17	2A	32	-	32	147	4.6		LDR
17	2B	12.5	-	12.5	58	4.6		LDR
17	3A	21.7	2.6 (1)	19.1	86	4.5		LDR
17	3B	21.5	-	21.5	97	4.5		LDR
18	4	19.9	10 (21)	9.9 <u>19.9</u>	n/a <u>89</u> <u>218</u>	9.0 <u>11</u>	87,000	Retail <u>MDR</u>
18	5	82.6	10 (3)	72.6	334	4.6		LDR/ O.S./ Elem. School
18	6A	49.9		49.9	230	4.6		LDR
18	6B	10	10 (4)	n/a				Middle School (4)
18	7	28.9		28.9	134 <u>81</u> <u>132</u>	4.6		LDR
		n/a		n/a	41			Units
18	8A	39.9		39.9	180	4.5		LDR
18	8B	9.7		9.7	44	4.5		LDR
18	9A	10.6		10.6	48 <u>20</u>	4.6 <u>2.0</u>		LDR
18	9B	10.0	10.0 (4)	n/a				School (4)
12	10A	66.3 <u>114.7</u>		66.3 <u>114.7</u>	305 <u>766</u>	4.6 <u>6.7</u>		LDR/ <u>MDR</u>
		34.4		34.4	412	12.0		<u>MDR</u>
	10B	<u>10</u> 44 (2)	<u>10</u> 44 (2)	n/a			163,000 <u>130,680</u>	Retail
24	11	20.0		20.0	130	4.6		LDR
		44.5 <u>33.4</u>		44.5 <u>33.4</u>	174 <u>380</u>	12.0 <u>11.4</u>		<u>MDR</u>
Cucamonga Creek		12.8	12.8	n/a				
SCE	7	1.2	1.2	n/a				
TOTAL		568.1	76.4 <u>62</u>	492.4 <u>506.1</u>	2,606 <u>2,875</u>		250,000 <u>130,680</u>	

- (1) SCE Easement
(2) Retail Site
(3) Elementary School
(4) Half of 20-acre Middle School
(5) Density is measured to c/i of arterial streets per City standard for NMC entitlements

Note: All acreages approximate - exact acreages will be defined through tract map surveys.

The Avenue
SPECIFIC PLAN

ONTARIO, CALIFORNIA

The New Model Colony

CITY OF ONTARIO

Agenda Report

June 17, 2014

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND SECTION 2-2.101 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE APPOINTMENT, NUMBER, REMOVAL, TERMS AND VACANCIES OF REGULAR AND AT-LARGE MEMBERS OF CITY COMMISSIONS, COMMITTEES, AND BOARDS

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance relating to Section 2-2.101 of the Ontario Municipal Code relating to the appointment, number, removal, terms and vacancies of regular and at-large members of City Commissions, Committees, and Boards to gain consistency between practices and protocols outlined in the Ontario Municipal Code and the Ontario City Boards, Commissions, and Committees Handbook.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: None.

BACKGROUND: At the April 15 and May 6, 2014 meetings of the Ontario City Council, staff received direction to review the existing practices and processes for the appointment and removal of appointees to City Commissions, Committees, and Boards to ensure consistency between practice and protocols.

The City's current policy and practices are outlined in Section 2-2.101 of the Ontario Municipal Code and the Ontario City Boards, Commissions and Committees Handbook (January 2012) ("Handbook"). The Handbook contains relevant policy and protocol statements adopted by the City Council and

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: Al C. Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____

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incorporates pertinent sections of the Ontario Municipal Code. The Handbook is issued to all City Council Members and each appointee upon the commencement of their respective positions.

The City's policies for removing an appointee are inconsistent and lack details on a process to be followed, which has led to a more abbreviated practice for removal of appointees. In practice, the vast majority of appointees serve their full terms and are often reappointed to serve multiple terms. In instances where a City Council Member that previously appointed an individual to a board, commission, or committee desires to remove an appointee, past practice included a written notice by the Council Member to the appointee thanking that individual for their service and a statement that their term has ended. No further action was taken by the Mayor, the full City Council, nor was the action typically reflected in the minutes of any Council meeting.

Currently, the Ontario Municipal Code and the Handbook permit an appointee to be removed by the individual City Council Member who nominated him or her; by a majority vote of the City Council; or by operation of fact in the case of an appointee's own actions relative to absenteeism. The methods by which those removals could take place range from no action required by the City Council, a letter initiated by an individual Council Member or the vote of the full City Council as an agenda item in a duly noticed public meeting and documented by the minutes of the City Clerk.

Staff has reviewed options and determined in consultation with the City Attorney's Office that in order to establish a more consistent practice for the appointment and removal of appointees, the City Council could consider for adoption an ordinance amending the Ontario Municipal Code to clarify and simplify the process for removal of appointees prior to their end of term.

The recommended ordinance includes language consistent with the process used for appointments. It is suggested that each of the five City Council Members submit to the Mayor the name of one person proposed for appointment or removal to a committee, commission or board and upon approval of such name by the Mayor and concurrence of the City Council, the action shall be recorded in the minutes of the City Council meeting. If the City Council Member responsible for the original nomination fails to make a successful nomination within sixty days following the beginning of that City Council Member's term, the City Council may itself appoint an individual to fill that position.

The recommended ordinance also includes language to address the potential of a mid-term vacancy. The suggested language advises that the City Council Member who made the original nomination shall have the ability to nominate a person to fill the vacancy subject to the approval of the Mayor and the concurrence of the City Council. If the City Council Member who made the original nomination fails to make a successful nomination to fill a vacancy, the City Council may itself appoint an individual to fill that position.

The recommended ordinance also discusses the process for removal of an appointee to a commission, committee or board. It is suggested that a City Council Member submit to the Mayor the name of an appointee proposed for removal from a commission, committee or board. Upon approval of such name by the Mayor and concurrence of the City Council, the appointee's removal shall be recorded in the minutes of the City Council meeting.

If the recommended ordinance is approved by the City Council, the City's Commissions, Committees, and Boards will update their respective bylaws and the Handbook will be updated and distributed to City Council Members and all regular and at-large members of the City's Commission, Committees, and Boards.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-2.101 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE APPOINTMENT, NUMBER, REMOVAL, TERMS AND VACANCIES OF REGULAR AND AT-LARGE MEMBERS OF COMMISSIONS, COMMITTEES AND BOARDS.

WHEREAS, the general provisions governing the members of commissions, committees and boards are set forth in Chapter 2 of Title 2 of the Ontario Municipal Code; and

WHEREAS, at the April 15, 2014 meeting of the Ontario City Council, City staff received direction to review the existing practices and processes for the appointment and removal of appointees to City Commissions, Committees and Boards to ensure consistency between practices and protocols; and

WHEREAS, on May 6, 2014, the Ontario City Council voted to update Section 2-2.101 of the Ontario Municipal Code to implement a more standardized and consistent process for all City Commissions, Committees and Boards.

WHEREAS, on June 17, 2014, the City Council conducted a public hearing to introduce and waive further reading of an ordinance relating to the appointment and removal of appointees to City Commissions, Committees and Boards; and

WHEREAS, the City Council desires to establish a more consistent practice, clarify and simplify the process for the appointment and removal of appointees included within the Ontario Municipal Code; and

WHEREAS, the updated appointment and removal process of appointees to City Commissions, Committees and Boards will become effective within thirty (30) days upon approval by the City Council.

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

SECTION 1. Section 2-2.101(d)(3)-(5) of Chapter 2, of Title 2 of the Ontario Municipal Code is hereby amended, in its entirety, to read as follows:

(3) Each of the five (5) City Council members shall submit to the Mayor the name of one (1) person proposed for appointment to a committee, commission or board; said nominees shall be eligible for appointment only if a formal application is on file with the City Clerk, and upon approval of such appointment by the Mayor and concurrence of the City Council, the name of the appointee shall be recorded in the minutes of the City Council meeting. If the City Council member responsible for the original nomination fails to make a successful nomination within sixty days following the beginning of that City Council member's term, the City Council may itself appoint an individual to fill that position.

(4) The City Council, by a majority vote, shall appoint two (2) of its members to serve as a Nominations Committee to bring forward nominees from the applicant pool to serve as the at-large members on committees, commissions or boards. These nominees must be approved by the Mayor and the concurrence of the City Council.

(5) In the case of a vacancy on committees, commissions or boards, the City Council member who made the original nomination shall have the right to nominate a person to fill the vacancy subject to the approval of the Mayor and the concurrence of the City Council in accordance with subsection (d)(3). If the City Council member who made the original nomination fails to make a successful nomination following the vacancy, the City Council may itself appoint an individual to fill that position. If the vacancy occurs by an at-large member appointed through the process in subsection (d)(4), then the nomination of a replacement shall be made in accordance with that subsection.

SECTION 2. Section 2-2.101(e) of Chapter 2, of Title 2 of the Ontario Municipal Code is hereby amended, in its entirety, to read as follows:

(e) A City Council member may submit to the Mayor the name of an appointee proposed for removal from a commission, committee or board, and upon approval of such name by the Mayor and concurrence of the City Council, such appointee's removal shall be recorded in the minutes of the City Council meeting.

SECTION 3. This updated amendment to the ordinance shall become effective thirty (30) days following its adoption.

SECTION 4. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2014.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 17, 2014

**SECTION:
ADMINISTRATIVE REPORTS/
DISCUSSION/ACTION**

SUBJECT: CITY COUNCIL MEMBER AVILA'S REQUEST FOR INDEPENDENT COUNSEL AND AN INDEPENDENT INVESTIGATOR

RECOMMENDATION: That the City Council receive and consider the request of City Council Member Paul Vincent Avila for independent counsel and an independent investigator.

FISCAL IMPACT: Undetermined.

BACKGROUND: On June 10, 2014, the City Manager received Council Member Paul Vincent Avila's letter dated June 6, 2014, requesting independent counsel and an independent investigator. A copy of that letter is attached for City Council consideration and direction.

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: Al C. Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 06/17/2014

Approved: _____

Continued to: _____

Denied: _____