

**CITY OF ONTARIO**  
**CITY COUNCIL / HOUSING AUTHORITY AND**  
**ONTARIO PUBLIC FINANCING AUTHORITY**  
**AGENDA**  
**SEPTEMBER 3, 2013**

**Paul S. Leon**  
Mayor

**Jim W. Bowman**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Debra Dorst-Porada**  
Council Member

**Paul Vincent Avila**  
Council Member



**Chris Hughes**  
City Manager

**John E. Brown**  
City Attorney

**Mary E. Wirtes, MMC**  
City Clerk

**James R. Milhiser**  
Treasurer

**WELCOME to a meeting of the Ontario City Council.**

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

**ORDER OF BUSINESS:** The regular City Council / Housing Authority and Ontario Public Financing 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***

Bowman, Wapner, 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 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: 1 case
- 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: Bowman, Wapner, Dorst-Porada, Avila, Mayor/Chairman Leon

***PLEDGE OF ALLEGIANCE***

Council Member Wapner

***INVOCATION***

Associate Pastor Andy Shoemaker, First Church of the Nazarene

**REPORT ON CLOSED SESSION**

City Attorney

**PUBLIC COMMENTS**

**6:30 p.m.**

The Public Comment portion of the Council / Housing Authority and Ontario Public Financing 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 August 6, 2013, and approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** July 28, 2013 through August 10, 2013 and **Payroll** July 28, 2013 through August 10, 2013, when audited by the Finance Committee.

**3. ENTERPRISE LICENSE AGREEMENT FOR GIS SOFTWARE/ESRI, INC.**

That the City Council authorize the City Manager to execute a three-year Enterprise License Agreement with ESRI, Inc., of Redlands, California, in the amount of \$100,000 per year for citywide GIS software.

**4. AN ORDINANCE APPROVING FILE NO. PDCA13-003, A DEVELOPMENT CODE AMENDMENT PREPARED PURSUANT TO THE STATE HOUSING ACCOUNTABILITY ACT AND SENATE BILL NO. 2, WHICH REVISES CERTAIN PROVISIONS OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING REVISIONS TO ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), ESTABLISHING PROVISIONS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND FARMWORKER HOUSING, AND THE ESTABLISHMENT OF ARTICLE 29 (EMERGENCY SHELTER OVERLAY DISTRICT), CREATING THE EMERGENCY SHELTER OVERLAY DISTRICT, AFFECTING APPROXIMATELY 36.05 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD, BETWEEN BENSON AND MAGNOLIA AVENUES, WITHIN THE M3 (GENERAL INDUSTRIAL) AND C3 (COMMERCIAL SERVICE) ZONING DISTRICTS**

That the City Council introduce and waive further reading of an ordinance amending certain provisions of Title 9, Chapter 1, of the Ontario Municipal Code, including revisions to Article 13 (Land Use and Special Requirements) and the establishment of Article 29 (Emergency Shelter Overlay District).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-003, A DEVELOPMENT CODE AMENDMENT PREPARED PURSUANT TO THE STATE HOUSING ACCOUNTABILITY ACT AND SENATE BILL NO. 2, WHICH REVISES CERTAIN PROVISIONS OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING REVISIONS TO ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), ESTABLISHING PROVISIONS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND FARMWORKER HOUSING, AND THE ESTABLISHMENT OF ARTICLE 29 (EMERGENCY SHELTER OVERLAY DISTRICT), CREATING THE EMERGENCY SHELTER OVERLAY DISTRICT, AFFECTING APPROXIMATELY 36.05 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD, BETWEEN BENSON AND MAGNOLIA AVENUES, WITHIN THE M3 (GENERAL INDUSTRIAL) AND C3 (COMMERCIAL SERVICE) ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1011-211-02, 03, 05, 06, 07, 09, 10 & 12 THROUGH 21; AND 1011-221-00 THROUGH 06, 08 THROUGH 13, 15, 16, 18, 19 & 20.

**5. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE)**

That the City Council take final action in the formation of Community Facilities District No. 21 of the City of Ontario (Parkside) by adopting an ordinance authorizing the levy of special taxes within the District.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE).

**COUNCIL MATTERS**

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

**STAFF MATTERS**

City Manager Hughes

**ADJOURNMENT**

**CITY OF ONTARIO**  
**CLOSED SESSION REPORT**  
City Council // Housing Authority  
Ontario Public Financing Authority // Other // (GC 54957.1)  
**September 3, 2013**

**ROLL CALL:** Bowman \_\_, Wapner \_\_, Dorst-Porada \_\_, Avila \_\_  
Mayor / Chairman Leon \_\_.

**STAFF:** City Manager / Executive Director \_\_, City Attorney \_\_

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

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: \_\_\_\_\_

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED 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*  
September 3, 2013

## SECTION: CONSENT CALENDAR

**SUBJECT: ENTERPRISE LICENSE AGREEMENT FOR GIS SOFTWARE**


**RECOMMENDATION:** That the City Council authorize the City Manager to execute a three-year Enterprise License Agreement with ESRI, Inc., of Redlands, California, in the amount of \$100,000 per year for citywide GIS software.

**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  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The recurring baseline operating budget includes appropriations of \$60,000 in the Information Technology Fund for annual licensing and maintenance support for ESRI software. This agreement will enhance the City's ability to deploy ESRI's current GIS software to more users, accommodate growth in the use of the software, and will help ensure compliance with licensing agreements. If approved, additional annual appropriations of \$40,000 are required and will be included in the next quarterly budget report presented to the City Council.

**BACKGROUND:** Over the past several decades, the City has developed extensive Geographic Information Systems (GIS) using ESRI's ArcGIS-based software. This software documents and tracks changes to land data processed by the City; and it is a foundational data source for many of the software applications used by City staff including: computer aided dispatch (CAD), emergency operations, mobile data computers (MDCs), business licensing, Accela Automation used for permitting and land management, customer information system (CIS) used for utilities billing and collection, the CityWorks work order management system, trash truck routing, GeoViewer, Property Information Management System (PIMS), The Ontario Plan, and CityView for code enforcement case management.

**STAFF MEMBER PRESENTING:** Elliott Ellsworth, IT Director

Prepared by: Elliott Ellsworth  
Department: Information Technology  
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2013  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

3



The recommended Enterprise Licensing Agreement will allow for continuity of the City's test, development and production systems. It will also allow for expanded licensing to support Police crime analysis (using "CrimeView" dashboard), disaster planning, response and mitigation, fiber optic network management, and provide a planning and presentation tool (with "CityEngine" modeling).

# CITY OF ONTARIO

*Agenda Report*  
September 3, 2013

SECTION:  
CONSENT CALENDAR

**SUBJECT:** AN ORDINANCE APPROVING FILE NO. PDCA13-003, A DEVELOPMENT CODE AMENDMENT PREPARED PURSUANT TO THE STATE HOUSING ACCOUNTABILITY ACT AND SENATE BILL NO. 2, WHICH REVISES CERTAIN PROVISIONS OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING REVISIONS TO ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), ESTABLISHING PROVISIONS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND FARMWORKER HOUSING, AND THE ESTABLISHMENT OF ARTICLE 29 (EMERGENCY SHELTER OVERLAY DISTRICT), CREATING THE EMERGENCY SHELTER OVERLAY DISTRICT, AFFECTING APPROXIMATELY 36.05 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD, BETWEEN BENSON AND MAGNOLIA AVENUES, WITHIN THE M3 (GENERAL INDUSTRIAL) AND C3 (COMMERCIAL SERVICE) ZONING DISTRICTS

**RECOMMENDATION:** That the City Council introduce and waive further reading of an ordinance amending certain provisions of Title 9, Chapter 1, of the Ontario Municipal Code, including revisions to Article 13 (Land Use and Special Requirements) and the establishment of Article 29 (Emergency Shelter Overlay District).

**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:** None.

**STAFF MEMBER PRESENTING:** Jerry L. Blum, Planning Director

Prepared by: Charles Mercier  
Department: Planning

City Manager  
Approval: 

Submitted to Council/O.H.A. 09/03/2013

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

4

**BACKGROUND:** On August 20, 2013, the City Council held a public hearing to consider an amendment to the City’s Development Code relative to various housing programs and standards.

The proposed Development Code Amendment will revise certain provisions of Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), of the Ontario Municipal Code, including:

- (1) Revisions to Article 13 (Land Use and Special Requirements) establishing the “Emergency Shelter” and “Employee (Farmworker) Housing” land uses, and establishing land use standards for each use (see Attachment A: Emergency Shelter and Farmworker Housing Land Use Standards);
- (2) Revision to Table 13-1 (Permitted, Conditional and Ancillary Land Uses – All Zoning Districts), to permit farmworker housing by right within the Agricultural Overlay District and emergency shelters by right within the Emergency Shelter Overlay District; and
- (3) Rescind the current Article 29 (Airport Approach Zoning), which is no longer necessary as a result of adoption of the Ontario International Airport Land Use Compatibility Plan (ALUCP), and establishment of a new Article 29 (Emergency Shelter Overlay District), creating the Emergency Shelter Overlay District on approximately 36.05 acres of land located on the north side of Mission Boulevard, between Benson and Magnolia Avenues.

**COMPLIANCE WITH THE ONTARIO PLAN:** The proposed Development Code Amendment is consistent with the goals and policies contained within the components of The Ontario Plan. More specifically, the goals and policies of The Ontario Plan that are furthered by the proposed project are as follows:

## **LAND USE**

**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.

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

Policy LU2-4: Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.

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

## **HOUSING**

**Goal H5:** A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

Policy H5-4: Homeless People. We partner with non-profit partners to provide emergency shelters, transitional housing, permanent supportive housing, and supportive services for people who are homeless.

**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:** At the meeting on August 20, 2013, the City Council adopted an Addendum to The Ontario Plan Environmental Impact Report (SCH No. 2008101140), which was certified by the City Council on January 27, 2010. The Addendum found that the proposed Development Code Amendment introduces no new significant environmental impacts.

**ATTACHMENT A:  
EMERGENCY SHELTER AND FARMWORKER HOUSING  
LAND USE STANDARDS**

**[1]     General Requirements.** Generally, the land use standards proposed by the Ordinance:

- Establishes concentration requirements, requiring that the facilities are located at least 300 FT from each another.
- No more than one parolee is allowed to live in a facility.
- Facilities must identify whether any boarders are parolees.
- All boarders must sign a Crime Free Lease Addendum as part of their lease or rental agreement.
- Facilities cannot be maintained as a nuisance.
- Facilities are prohibited within the ALUCP safety zones.
- Facilities must remain in compliance with all Development Code and Ontario Municipal Code requirements at all times.

**[2]     Emergency Shelters.**

- The maximum length of stay is 6 months.
- On-site management must be provided.
- On-site security must be provided.
- No more than 20 client beds are allowed
- An intake waiting area equal to a minimum of 10 SF for each client bed must be provided.
- The exterior of intake waiting areas must be screened from public view by a 6-FT high decorative masonry block wall and appropriate landscaping.
- A storage area for client use must be provided equal to a minimum of 7 SF for each client bed.
- At least one facility containing lavatories, toilets and showers must be provided for each 15 client beds.

**[3]     Farmworker Housing.**

- Farmworker housing for 6 or fewer employees, or for one employee and their respective household, are deemed a single-family use.
- Farmworker housing consisting of up to 36 beds in a group quarters, or 12 units or spaces designed for use by a single family or household, is deemed an agricultural use.
- The Planning Commission is granted the authority to authorize additional beds or units by issuance of a Conditional Use Permit, upon finding that the increase is necessary based upon employment demand.
- Farmworker housing is not required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.
- The minimum lot size for developing new farmworker housing in the Agricultural zone is 10 acres.

**[4] Farmworker Dwelling Units.**

- A dwelling, consisting of housing for up to 6 agricultural employees or one farm employee and their household, is subject to the requirements for single-family dwellings.
- A farmworker dwelling unit cannot be subdivided from the primary lot on which it is located.
- At least one off-street parking space must be provided for each farmworker dwelling unit.

**[5] Farmworker Housing Complex.**

- A minimum of 50 SF of floor area is required for sleeping purposes for each occupant of a group living quarters (barracks and bunkhouses).
- At least one off-street parking space must be provided for each dwelling unit, or one parking space for each 3 beds, whichever is greater, plus one parking space for each housing complex employee.

**[6] Farmworker Verification.**

- Farmworker housing requires the completion of a Farmworker Housing Verification Form prior to building permit submittal, or occupancy of a dwelling, whichever comes first.
- Farmworker housing for 5 or more employees is subject to the permitting requirements of HCD.
- A copy of the HCD permit must be provided to the Planning Department, along with the Verification Form, on an annual basis.

**[7] Location of Farmworker Housing.**

- Farmworker housing must be located at least 75 FT from structures that house livestock or poultry (barns and pens), and at least 200 FT from adjacent residential zoning districts.
- Farmworker housing should not locate on prime and productive agricultural land, unless no other alternative locations exist.

**[8] Maximum Floor Area of Farmworker Housing.** The maximum floor area allowed for a farmworker dwelling unit is 650 SF.

**[9] Removal of Farmworker Housing.** Farmworker housing is subject to removal (or conversion to another approved use) within 45 days following cessation of the agricultural employment for which the farmworker dwelling units are needed.

**[10] Facilities to Accommodate Recreational Vehicles, Tents or Other Mobile Camping Equipment for Farmworkers.**

- Permits for the installation of permanent facilities to accommodate mobilehomes and recreational vehicles must be obtained from the City prior to installation.
- The use of tents, recreational vehicles, or other mobile camping equipment by farmworkers is allowed for a maximum of 30 days within any 180-day period. A permit to operate from HCD is required for 5 or more workers.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-003, A DEVELOPMENT CODE AMENDMENT PREPARED PURSUANT TO THE STATE HOUSING ACCOUNTABILITY ACT AND SENATE BILL NO. 2, WHICH REVISES CERTAIN PROVISIONS OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING REVISIONS TO ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), ESTABLISHING PROVISIONS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND FARMWORKER HOUSING, AND THE ESTABLISHMENT OF ARTICLE 29 (EMERGENCY SHELTER OVERLAY DISTRICT), CREATING THE EMERGENCY SHELTER OVERLAY DISTRICT, AFFECTING APPROXIMATELY 36.05 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD, BETWEEN BENSON AND MAGNOLIA AVENUES, WITHIN THE M3 (GENERAL INDUSTRIAL) AND C3 (COMMERCIAL SERVICE) ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1011-211-02, 03, 05, 06, 07, 09, 10 & 12 THROUGH 21; AND 1011-221-00 THROUGH 06, 08 THROUGH 13, 15, 16, 18, 19 & 20.

WHEREAS, the City ("Applicant") has initiated Application for the approval of a Development Code Amendment, File No. PDCA13-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, State of California Planning and Zoning Law requires the Housing Element of the General Plan to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the City is undertaking, or intends to undertake, to implement the goals and objectives of the Housing Element. This program is also required to identify one or more zones where emergency shelters and employee housing, (including farmworker housing) are allowed as a permitted use, without a requirement for approval of a conditional use permit, or any other discretionary permit; and

WHEREAS, State of California Planning and Zoning Law requires that a city shall not deny a housing development project, including supportive housing, transitional housing, emergency shelters, and farmworker housing, for very low, low, or moderate income households, or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible, unless certain findings are clearly established, based upon substantial evidence in the record; and

WHEREAS, with the Employee Housing Act (commencing with California Health and Safety Code Section 17000) declares that it is the policy of the State that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities, intended to serve agricultural



employees, as are commensurate with local need. Furthermore, the State standards relating to employee housing and labor camps supersede any ordinance or regulations enacted by any city or county; and

WHEREAS, an amendment is proposed to the provisions of Ontario Municipal Code Title 9, Chapter 1, Part 5 (Overlay District Regulations), establishing Article 29 (ES (Emergency Shelter) Overlay District) of the Ontario Development Code, which creates the ES Overlay District and establishes its purpose, applicability, and allowed land uses, and the development standards and guidelines of the district; and

WHEREAS, an amendment is proposed to the provisions of Ontario Municipal Code Title 9, Chapter 1, Part 3, Article 13 (Land Use and Special Requirements), which establishes provisions for employee housing intended to serve agricultural workers. The proposed amendment establishes the land use, and prescribes the standards that may be applied pursuant to California Health and Safety Code Sections 17021.5 and 17021.6; and

WHEREAS, the proposed ES Overlay District affects approximately 36.05 acres of land located on the north side of Mission Boulevard, between Benson and Magnolia Avenues, and is presently occupied with a mix of detached single-family dwellings, motels, automotive retail uses, warehouse/distribution and storage facilities, trailer sales, interim agricultural uses (field crops), a batch plant, truck/trailer parking and dispatching, contractors yards, and vacant properties; and

WHEREAS, the zoning and land use on properties surrounding the area affected by the proposed ES Overlay District is as follows:

- The area north of the proposed Emergency Shelter Overlay District is within the M3 (General Industrial) zoning district and includes a mix of industrial and nonconforming single-family residential land uses, and vacant properties;
- The area south of the proposed Emergency Shelter Overlay District, across Mission Boulevard, is within the C3 (General Commercial) and R2 (Medium Density Residential) zoning districts, and includes a mix of single-family and multi-family residential land uses, commercial land uses, and vacant properties;
- The area to the east of the proposed Emergency Shelter Overlay District is within the C1 (Shopping Center Commercial) and C3 (General Commercial) zoning districts, and is developed with a mix of single-family residential land uses, self storage facilities, and a retail shopping center; and
- The area to the west of the proposed Emergency Shelter Overlay District is within an unincorporated area of San Bernardino County, which is zoned CS (Commercial Service) and IC (Industrial Commercial), and includes a mix of heavy commercial and light industrial land uses, and vacant properties.

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

WHEREAS, the environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (SCH No. 2008101140), which was certified by the Ontario City Council on January 27, 2010. The Addendum finds that the subject Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local 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; and

WHEREAS, on July 23, 2013, the Ontario Planning Commission conducted a duly noticed public hearing and issued Resolution No. PC13-033 recommending the City Council approve the subject Development Code Amendment; and

WHEREAS, on August 20, 2013, the Ontario City Council conducted a hearing to consider the subject Development Code Amendment, 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 subject Development Code Amendment, the City Council has reviewed and considered the information contained in the Addendum to The Ontario Plan Environmental Impact Report (SCH No. 2008101140), which was certified by the Ontario City Council on January 27, 2010, 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 subject Development Code Amendment; 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. All previously adopted mitigation measures that are applicable to the subject Development Code Amendment are incorporated herein 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 subject Development Code Amendment is consistent with the goals, policies, plans, and exhibits of the Policy Plan (General Plan) component of The Ontario Plan; and

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

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

SECTION 4. Repeal and replace Ontario Municipal Code Title 9, Chapter 1, Part 5, Article 29 (Airport Approach Zoning), to read as shown in Exhibit 1.

SECTION 5. The following definitions shall be added to Ontario Municipal Code Section 9-1.0200 (Definitions), in correct alphabetical order:

“Emergency Shelter. Has the same meaning as defined in HSC § 50801(e).”

“Employee (Farmworker) Housing. Has the same meaning as defined in HSC § 17008.”

“Supportive Housing. Has the same meaning as defined in HSC § 50675.14(b).”

“Transitional Living Centers. A facility for homeless persons, which varies by program and facility. The length of stay and services provided vary by program. Some transitional living facilities are simply shared houses with minimal supervision, while others may provide meals, medical care, employment assistance, case management, and other similar homeless services.”

SECTION 6. Section 9-1.1305, Transitional Shelter Housing, shall be amended to read as follows:

**“Transitional Shelter Housing.** The following standards shall govern the establishment and operation of Transitional Shelter Housing facilities, including Emergency Shelters, Employee (Farmworker) Housing, Supportive Housing, Transitional Housing, and Transitional Living Centers:

**A. General Requirements.**

**1.** No portion of any Transitional Shelter Housing facility shall be located within 300 FT of another such facility that is constructed, or that is approved for construction.

**2.** Transitional Shelter Housing facilities shall observe State and Federal Fair Housing regulations and standards.

**3.** No more than one Federal, State, or Youth Authority parolee shall be allowed to live in a Transitional Shelter Housing facility.

**4.** An application submitted for approval of a Transitional Shelter Housing facility shall identify whether any boarders are currently Federal, State, or Youth Authority parolees. Owners and/or operators of Transitional Shelter Housing shall update the information required by this Section anytime a person that is a Federal, State, or Youth Authority parolee is provided accommodations at the facility.

**5.** All Transitional Shelter Housing facilities shall require boarders to sign a Crime Free Lease Addendum as part of their lease or rental agreement, which provides that any criminal violations perpetrated by boarders shall be grounds for termination of the written or oral lease, sublease, or agreement under which they reside at the temporary/transitional shelter or housing.

**6.** Transitional Shelter Housing facilities shall be operated in full compliance with all applicable requirements of this Development Code. Violation of any local, State, or Federal laws by individual boarders while on the premises shall be grounds for Conditional Use Permit (if applicable pursuant to Table 13-1 of this Development Code) and/or business license revocation, including but not limited to, violations of PC § 3003.5.

**7.** No Transitional Shelter Housing facility shall be maintained as a nuisance. The conduct of any temporary/transitional shelter or housing within the City in violation of any of the terms of this Article or other applicable provisions of this Development Code found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such temporary/transitional shelter or housing, and restrain and enjoin any person from conducting, operating or maintaining an temporary/transitional shelter or housing contrary to the provisions of this Article or Development Code.

**8.** Any owner, operator, manager, employee or independent contractor of a Transitional Shelter Housing facility violating or permitting, counseling, or assisting the violation of any of the provisions of this Article or applicable provisions of this Development Code regulating Transitional Shelter Housing facilities shall be subject to any and all civil and criminal penalties pursuant to OMC Title 1, Chapter 2 (Penalty Provisions), and/or administrative citations pursuant to OMC Title 1, Chapter 5 (Administrative Citations). All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

**9.** For those Transitional Shelter Housing facilities that require Conditional Use Permit approval pursuant to Table 13-1 of this Development Code, violation of any of provision of this Section, or the Conditional Use Permit authorizing the Transitional Shelter Housing facility, shall be grounds for revocation of the Conditional Use Permit. In revoking a Conditional Use Permit, the procedures contained in § 9-1.0955 (Revocation: Termination of Use) of this Development Code shall be followed.

**10.** Transitional Shelter Housing facilities, excepting farmworker housing in compliance with Subsection C (Farmworker Housing) of this Section, shall be prohibited within the ALUCP safety zones.

**11.** Transitional Shelter Housing facilities shall be in compliance with all requirements of this Development Code at all times, as well as any applicable provisions of the Ontario Municipal Code, including obtaining any other permits or licenses, such as building permits or a business license, required before establishing, expanding or maintaining the use.

**B.** Emergency Shelters. When allowed by Table 13-1 (Permitted, Conditional and Ancillary Land Uses—All Zoning Districts) of this Development Code, Emergency Shelters shall be subject to the following standards:

**1.** The maximum length of stay for an Emergency Shelter client shall be 6 months.

**2.** On-site management shall be provided during the hours that the Emergency Shelter is in operation.

**3.** On-site security shall be provided during the hours that the Emergency Shelter is in operation.

**4.** No more than 20 client/tenant beds shall be allowed within any Emergency Shelter.

**5.** An intake waiting area equal to a minimum of 10 SF for each client/tenant bed shall be provided.

**6.** The exterior of the intake waiting areas shall be screened from public view by a 6-FT high decorative masonry block wall and appropriate landscaping.

**7.** A storage area for use by clients/tenants shall be provided at a rate of 7 SF for each client/tenant bed. A storage area is not required to be provided adjacent to the respective client/tenant bed.

**8.** An emergency shelter shall provide lavatory, toilet and shower facilities adequate for the number of clients/tenants served; however, a minimum of one such facility shall be provided for each 15 client/tenant beds.

**C.** Employee (Farmworker) Housing. When allowed by Table 13-1 (Permitted, Conditional and Ancillary Land Uses—All Zoning Districts) of this Development Code, farmworker dwelling units and farmworker housing complexes shall be subject to the requirements of this Subsection.

**1. General Requirements.**

**a.** Every person, or agent, or officer thereof, which constructs, operates, or maintains Farmworker Housing, shall comply with the requirements of this Section, and all applicable health, safety, and building codes and standards.

**b.** Farmworker Housing shall be designed, constructed and maintained in conformance with the Employee Housing Act (commencing with HSC § 17000), CCR Tiles 24 and 25, and the California Building Code.

**c.** A Farmworker Housing unit providing accommodations for 6 or fewer employees, or for one employee and their respective household, shall be deemed a single-family structure.

**d.** A Farmworker Housing Complex consisting of up to 36 beds in a group quarters, or 12 units or spaces designed for use by a single family or household, shall be deemed an agricultural use.

**e.** Farmworker Housing shall not include hotels, motels, boarding houses, bed and breakfast inns, rooming houses, dormitories, or other similar uses that would imply that the employee housing is a business run for profit, or differs in any way from a single-family dwelling or an agricultural use.

**f.** Farmworker housing provided by the employer and maintained in connection with the work, or place where work is being performed, shall comply with all provisions of California Health and Safety Code Section 17008(a). Farmworker housing not maintained in connection with any workplace, and provided by someone other than an agricultural employer, shall comply with all provisions of California Health and Safety Code Section 17008(b).

**g.** Farmworker Housing for agricultural employees and their families shall be allowed subject to the same fees applicable to any other agricultural use. In the event the Farmworker Housing is converted to another use, the units shall be subject to all applicable Development Code standards in existence at the time of conversion.

**h.** All Farmworker Housing shall comply with all City regulations and permitting requirements, including, but not limited to, building construction, sewage disposal, water supply, NPDES, and storm water quality control, prior to occupancy of the housing units.

**i.** No person shall construct, reconstruct, erect, install, relocate, or alter any building used for human habitation, building accessory thereto, or other housing accommodations, intended to be used for Farmworker Housing, or any electrical, mechanical, or plumbing equipment installed in Farmworker Housing, without first obtaining all necessary City permits.

j. Farmworker housing is not required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.

k. The minimum lot size for Farmworker Housing shall be 10 acres.

**2. Farmworker Dwelling Unit.**

a. Housing for up to 6 agricultural employees or one farm employee and his or her household is an allowed use in the AG Overlay District.

b. A farmworker dwelling unit is subject to all requirements relevant to this Development Code, which are applicable to single-family dwellings, including, but not limited to, site and building development standards, off-street parking requirements, security standards, wall and fencing requirements, and landscaping requirements. At least one off-street parking space, shall be provided for each dwelling unit.

c. A farmworker dwelling unit provided pursuant to Subparagraph C.1.c of this Section shall not be required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.

d. A farmworker dwelling unit shall meet the standards for single-family dwellings contained in Section 6.01.010 (Residential Zoning Districts) of this Development Code, and applicable requirements of the Ontario Building Code.

e. A farmworker dwelling unit shall not be subdivided from the primary lot on which it is located.

f. At least one off-street parking space shall be provided for each farmworker dwelling unit.

**3. Farmworker Housing Complex.**

a. A farmworker housing complex, with up to 36 beds in group quarters or 12 units designed for use by single families or households, which comply to the standards for single-family dwellings contained in Section 6.01.010 (Residential Zoning Districts) of this Development Code, is an allowed use in the AG Overlay District.

b. A minimum of 50 SF of floor area shall be provided for sleeping purposes for each occupant of group living quarters, such as barracks and bunkhouses, within a farmworker housing complex.

c. At least one off-street parking space shall be provided for each dwelling unit, or one parking space for each 3 beds, whichever is greater, plus one off-street parking space for each farmworker housing complex employee.



#### **4. Farmworker Verification.**

**a.** All new permanent farmworker dwelling units and farmworker housing complexes shall require the completion of a Farmworker Housing Verification Form prior to building permit application submittal.

**b.** The Farmworker Housing Verification Form shall include information regarding the housing type, number of dwelling units or beds, length of occupancy, number of occupants, occupants' employment information, and, for farmworker housing for 5 or more workers, proof that a permit to operate from the California Department of Housing and Community Development (HCD) has been obtained and maintained (see Paragraph C.8 of this Section).

**c.** The verification form shall be submitted annually, by May 15th of each year, to the Planning Director, in a form acceptable to the Planning Director, that all the dwelling units or sleeping quarters are being rented to, and occupied by, persons who meet the following agricultural employee employment criteria:

**(1)** Tilling and cultivation of the soil associated with commercial crop production;

**(2)** Raising, production, and cultivation of commercial livestock for the production of food and/or fiber;

**(3)** Growing and harvesting of any commercial agricultural or horticultural commodities;

**(4)** Commercial raising of bees, fur-bearing animals or poultry;

**(5)** Preparation and processing of farm products for market; or

**(6)** Timber or forestry operations.

For the purposes of this Subsection, the term "agricultural employee" shall mean a person who works full or part-time (24 or more hours per week) in the service of bona fide commercial agricultural operations, in any of the branches of farming, which includes, but is not limited to:

**d.** At a minimum, the verification form shall contain the following information:

**(1)** Entity responsible for housing maintenance and upkeep;

**(2)** Description of whether the housing will be based on a permanent, temporary, and/or seasonal basis;

**(3)** Total number of people to be housed on-site at any one time;

(4) Description of the housing, including, whether the structures will be permanent and/or temporary, intended as units for families, one person or several persons, and cost of the units and utilities to the workers;

(5) Location(s) where the employees will work;

(6) Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing and how the water system complies with all applicable state and local potable water supply requirements; and

(7) Description of the sewage disposal method, such as septic systems, to be used to service the housing, and how the sewage disposal method complies with all applicable state and local potable water supply requirements.

**5. Location of Housing.**

a. Farmworker housing shall be located no less than 75 FT from barns, pens, or other structures that house livestock or poultry.

b. Farmworker housing must be located off prime and productive agricultural land, unless no other alternative locations exist on-site.

c. Farmworker housing shall be set back a minimum of 200 FT from the property line of any adjacent residential zoning district.

**6. Maximum Floor Area for Farmworker Dwelling Units.** The maximum floor area allowed for a farmworker dwelling unit shall be 650 SF. As used in this Paragraph, the term “floor area” shall mean the living area of a dwelling, exclusive of any garage or carport, which is measured from the outside surfaces of exterior walls or walls between living areas and a garage.

**7. Removal of Housing.** Farmworker housing is subject to removal (or conversion to another approved use) within 45 days following cessation of the agricultural employment for which the farmworker dwelling units are needed. This provision shall not apply if it can be shown that elimination of the agricultural use for no more than 24 months is related to the long-term functioning of agriculture on the site(s) used to establish the farmworker housing need (e.g., crop rotation, disease, replanting, etc.).

**8. State Reporting Requirements.** Farmworker housing for 5 or more employees is subject to permitting requirements of the California Employee Housing Act. The property owner shall obtain and maintain all required permits from the State Department of Housing and Community Development (HCD), pursuant to the Employee Housing Act and CCR, Title 25, Division 1, Chapter 1, § 600 through § 940, prior to the occupancy of the farmworker housing units. A copy of the HCD permit shall be provided to the Planning Director within 14 days following permit issuance, or at the time of building permit application submittal, whichever is earlier.

**9. Maximum Number of Housing Units Allowed.** No more than 36 beds in a group quarters or 12 farmworker dwelling units or spaces designed for use by a single family or household shall be allowed on a single lot of record. The Planning Commission may authorize additional beds or units, or a combination thereof, by issuance of a Conditional Use Permit pursuant to Article 9 (Conditional Use Permits) of this Development Code, based upon specific findings that document the necessity for the number of approved beds and/or farmworker dwelling units requested.

**10. Facilities to Accommodate Recreational Vehicles, Tents or Other Mobile Camping Equipment.**

**a.** Permits for the installation of appropriate permanent facilities to accommodate mobilehomes and recreational vehicles shall be obtained from the City prior to installation.

**b.** The use of tents, recreational vehicles, or other mobile camping equipment by farmworkers shall not occur for a period of more than 30 days within any 180 day period. Incidental camping shall be conducted so as not to create any health, fire or other safety hazards. For 5 or more workers, a permit to operate from HCD must be obtained and maintained pursuant to Paragraph C.8 of this Section.

**SECTION 7.** Table 13-1 (Permitted, Conditional and Ancillary Land Uses—All Zoning Districts), Residential Uses, K. Temporary Shelters, shall be amended pursuant to Exhibit 2.

**SECTION 8.** 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 9.** 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 10.** 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 11.** The City Clerk shall certify to the adoption of this ordinance.

SECTION 12. 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 3<sup>rd</sup> day of September 2013.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

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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. 2965 was duly introduced at a regular meeting of the City Council of the City of Ontario held August 20, 2013 and adopted at the regular meeting held September 3, 2013 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. 2965 duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2013 and that Summaries of the Ordinance were published on August 27, 2013 and \_\_\_\_\_, in the Inland Valley Daily Bulletin newspaper.

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MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

## EXHIBIT 1

### Article 29:

## ES (Emergency Shelter) Overlay District

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#### Sections:

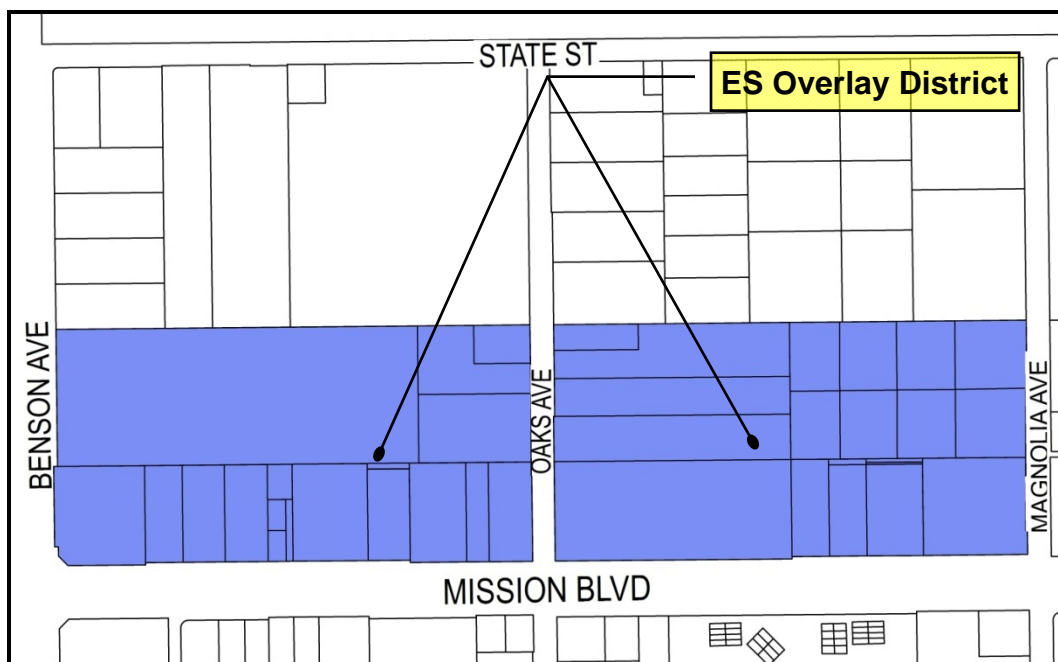
- Sec. 9-1.2900: Purpose
- Sec. 9-1.2905: Applicability
- Sec. 9-1.2910: Allowed Land Uses
- Sec. 9-1.2915: Development Standards and Guidelines

#### Sec. 9-1.2900: Purpose

The purpose of the ES Overlay District is to accommodate Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers pursuant to the Housing Element of the Policy Plan (General Plan) component of the Ontario Plan.

#### Sec. 9-1.2905: Applicability

The ES Overlay District established by this Article shall apply to properties generally located on the north side of Mission Boulevard, between Benson and Magnolia Avenues, as shown on Figure 29-1 (ES Overlay District Boundaries), below.



*Figure 29-1: ES Overlay District Boundaries*

#### Sec. 9-1.2910: Allowed Land Uses

Within the ES Overlay District, Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers are permitted by right of being within the correct zoning district.

**Sec. 9-1.2915: Development Standards and Guidelines**

Within the ES Overlay District, all land uses shall be subject to the development standards and guidelines applicable to the underlying zoning district, and the special requirements contained in Sec. 9-1.1305, Transitional Shelter Housing, of this Development Code, as applicable.



## EXHIBIT 2

Amendments to Table 13-1 (Permitted, Conditional and Ancillary Land Uses—All Zoning Districts):

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR	RE	R1	R1.5	R2	R3	HDR 45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
RESIDENTIAL USES																						
K. Transitional Housing Shelters																						
1. Emergency Shelters	---	---	---	C	C	C	---	---	---	---	C	C	---	---	P	C	C	---	C	---	C	See Sec. 9-1.1305; Transitional Shelter Housing
2. Employee (Farmworker) Housing																						
(i) Farmworker Dwelling Units (for 6 or fewer employees)	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
(ii) Farmworker Housing Complex (up to 36 beds or 12 units or spaces)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
3. Supportive Housing	P	P	P	P	P	P	---	---	---	---	C	C	---	---	P	C	C	---	C	---	P	
4. Transitional Housing	P	P	P	P	P	P	---	---	---	---	C	C	---	---	P	C	C	---	C	---	P	
5. Transitional Living Centers	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	

# CITY OF ONTARIO

*Agenda Report*  
September 3, 2013

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE)**

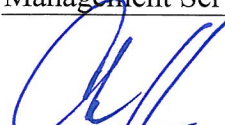
**RECOMMENDATION:** That the City Council take final action in the formation of Community Facilities District No. 21 of the City of Ontario (Parkside) by adopting an ordinance authorizing the levy of special taxes within the District.

**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  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** The use of Mello-Roos financing for the residential development of CFD No. 21 is projected to generate approximately \$50,000 per year for funding City services. The proposed maximum annual tax rates to be assessed on the residences are \$210 for each detached unit and \$164 for each attached unit. The use of Mello-Roos financing for CFD No. 21 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 governments, 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 government services. The subject project addresses the residential development of approximately 19.6 acres located on north of Inland Empire Boulevard, south of 4<sup>th</sup> Street, east of Archibald Avenue and west of Turner Avenue. The services proposed to be financed, in whole or in part, by Community Facilities District No. 21 of the City of Ontario are as follows: (1) the operation and maintenance of the public street lighting facilities and appurtenances that serve the property, and whose installation is identified in the Parkside Development's Conditions of Approval; and (2) the maintenance

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

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

Submitted to Council/O.H.A. 09/03/2013  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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and servicing of the landscaping and appurtenant improvements of the raised, landscaped median to be constructed by the landowners on Inland Empire Boulevard.

On July 2, 2013, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 21 with the adoption of Resolution No. 2013-071, declaring the City's intention to establish the district and to authorize the levying of special taxes in the district. The resolutions set the public hearing date for the regularly scheduled City Council meeting of August 20, 2013, to consider formation matters. On that date, the City Council conducted the public hearing, adopted the resolutions of formation for the District, and introduced and waived further reading of the ordinance authorizing the levy of special taxes within Community Facilities District No. 21 of the City of Ontario (Parkside). Adoption of the ordinance will conclude the formation process for the District.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE COMMUNITY  
FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE).

WHEREAS, on July 2, 2013, the City Council (the "City Council") of the City of Ontario, California (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, to Establish Community Facilities District No. 21 of the City of Ontario and to Authorize the Levy of Special Taxes" stating its intention to establish Community Facilities District No. 21 of the City of Ontario (the "Community Facilities District") and to finance certain public services (the "Services"); and

WHEREAS, on August 20, 2013, 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 Community Facilities District No. 21 of the City of Ontario (Parkside), 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 Community Facilities District No. 21 of the City of Ontario (Parkside)," 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; and

WHEREAS, on August 20, 2013, 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 2014-2015 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 and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Inland Valley Daily Bulletin*, a newspaper of general circulation, printed and published in the City of Ontario, State of California, together with the names of the City Council members voting for and against the same.

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 3<sup>rd</sup> day of September 2013.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

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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. 2966 was duly introduced at a regular meeting of the City Council of the City of Ontario held August 20, 2013 and adopted at the regular meeting held September 3, 2013 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. 2966 duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2013 and that Summaries of the Ordinance were published on August 27, 2013 and \_\_\_\_\_, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)