

CITY OF ONTARIO
CITY COUNCIL / HOUSING AUTHORITY AND
ONTARIO PUBLIC FINANCING AUTHORITY
AGENDA
SEPTEMBER 17, 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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1048-512-26, 114 North Campus Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: David Lozano; 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: Bowman, Wapner, Dorst-Porada, Avila, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Dorst-Porada

INVOCATION

Pastor David Horn, BCC Life Changing Ministries

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 20, 2013, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills August 11, 2013 through August 24, 2013 and **Payroll** August 11, 2013 through August 24, 2013, when audited by the Finance Committee.

3. RECOGNITION OF NATIONAL PREPAREDNESS MONTH

That the City Council recognize the month of September 2013 as National Preparedness Month in the City of Ontario.

4. ADOPTION OF 401(A) GOVERNMENTAL MONEY PURCHASE PLAN

That the City Council adopt a resolution establishing a 401(a) Governmental Money Purchase Plan (Money Purchase Plan) and authorizing the City Manager to execute agreements and related plan documents with ICMA Retirement Corporation (ICMA-RC), of Washington, D.C., and ING Life Insurance and Annuity Company (ING), of Windsor, Connecticut, necessary to implement and administer the Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ADOPTION OF ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST EFFECTIVE OCTOBER 1, 2013.

5. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18913-1 LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND MERRILL AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No 18913-1 located at the southeast corner of Archibald Avenue and Merrill Avenue within Subarea-29 Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 18913-1, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND MERRILL AVENUE.

6. A CONSTRUCTION CONTRACT FOR THE FY 2012-13 SLURRY SEAL PROGRAM, BRIDGE APPROACH IMPROVEMENT AND CDBG-FUNDED BEGONIA AVENUE STREET LIGHTING AND SLURRY SEAL PROJECT/AMERICAN ASPHALT SOUTH

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to American Asphalt South of Fontana, California, for the FY 2012-13 Slurry Seal Program, Bridge Approach Improvement and CDBG-Funded Begonia Avenue Street Lighting and Slurry Seal Project in the bid amount of \$805,199 plus a twenty five (25%) percent contingency of \$201,300 for a total authorized expenditure of \$1,006,499; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities for the project.

7. A MEMORANDUM OF UNDERSTANDING WITH UNIVERSITY OF LA VERNE FOR A SEWER RELOCATION PROJECT

That the City Council authorize the City Manager to execute, subject to non-substantive changes, a Memorandum of Understanding (on file with the Records Management Department) with the University of La Verne (ULV) related to a sewer relocation project encompassing a portion of the ULV College of Law campus.

8. A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR WELL NO. 41 WELLHEAD TREATMENT PROJECT IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

That the City Council adopt a resolution adopting the Mitigated Negative Declaration for Well No. 41 Wellhead Treatment Project in compliance with State CEQA guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, 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 OMUC FILE NO. WA1202.

9. RESOLUTIONS APPROVING TIME EXTENSIONS FOR VARIOUS TENTATIVE TRACT MAPS WITHIN THE SUBAREA 29 SPECIFIC PLAN IN THE NEW MODEL COLONY AREA

That the City Council adopt resolutions approving a five-year time extension for:

- (A) Tentative Tract Map 18065 (File No. PMTT06-011) to subdivide 13.1 acres of land into 67 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 20 of the Subarea 29 Specific Plan. (APN No. 0218-014-01)
- (B) Tentative Tract Map 18066 (File No. PMTT06-012) to subdivide 11.4 acres of land into 47 numbered lots and one lettered lot, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 21 of the Subarea 29 Specific Plan. (APN No. 0218-014-02)
- (C) Tentative Tract Map 18067 (File No. PMTT06-009) to subdivide 21.3 acres of land into 79 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 22 of the Subarea 29 Specific Plan. (APN No. 0218-014-03 and 04)
- (D) Tentative Tract Map 18068 (File No. PMTT06-010) to subdivide 14.4 acres of land into 82 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 23 of the Subarea 29 Specific Plan. (APN No. 0218-014-06 and 07)

- (E) Tentative Tract Map 18073 (File No. PMTT06-015) to subdivide 13.7 acres of land into 61 numbered lots and three lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 24 of the Subarea 29 Specific Plan. (APN No. 0218-033-01 and 02)
- (F) Tentative Tract Map 18074 (File No. PMTT06-016) to subdivided 15.8 acres of land into 63 numbered lots and three lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 25 of the Subarea 29 Specific Plan. (APN No. 0218-033-03 and 04)
- (G) Tentative Tract Map 18075 (File No. PMTT06-017) to subdivided 10.2 acres of land into 53 numbered lots and two lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 12 of the Subarea 29 Specific Plan. (APN No. 0218-052-02 and 03)
- (H) Tentative Tract Map 18076 (File No. PMTT06-018) to subdivide 9.5 acres of land into 46 numbered lots and one lettered lot, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 8 of the Subarea 29 Specific Plan. (APN No. 0218-042-01)
- (I) Tentative Tract Map 18077 (File No. PMTT06-024) to subdivide 18.2 acres of land into 65 numbered lots and one lettered lot, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 7 of the Subarea 29 Specific Plan. (APN No. 0218-042-03)
- (J) Tentative Tract Map 18078 (File No. PMTT06-020) to subdivide 16.9 acres of land into 67 numbered lots and two lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 6 of the Subarea 29 Specific Plan. (APN No. 0218-042-02)
- (K) Tentative Tract Map 18079 (File No. PMTT06-023) to subdivided 11.9 acres of land into 69 numbered lots and nine lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 10 of the Subarea 29 Specific Plan. (APN No. 0218-042-05)
- (L) Tentative Tract Map 18080 (File No. PMTT06-021) to subdivided 7.8 acres of land into 57 numbered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 11 of the Subarea 29 Specific Plan. (APN No. 0218-042-04)
- (M) Tentative Tract Map 18081 (File No. PMTT06-022) to subdivided 8.9 acres of land into 60 numbered lots and six lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 19 of the Subarea 29 Specific Plan. (APN No. 0218-014-05)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-011 (TT 18065), A REQUEST TO SUBDIVIDE 13.1 ACRES OF LAND INTO 67 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-01.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVES OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-012 (TT 18066), A REQUEST TO SUBDIVIDE 11.4 ACRES OF LAND INTO 47 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-02.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-009 (TT 18067), A REQUEST TO SUBDIVIDE 21.3 ACRES OF LAND INTO 79 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-03 AND 04.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-010 (TT 18068), A REQUEST TO SUBDIVIDE 14.4 ACRES OF LAND INTO 82 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-06 AND 07.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-015 (TT 18073), A REQUEST TO SUBDIVIDE 13.7 ACRES OF LAND INTO 61 NUMBERED LOTS AND THREE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-033-01 AND 02.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-016 (TT 18074), A REQUEST TO SUBDIVIDE 15.8 ACRES OF LAND INTO 63 NUMBERED LOTS AND THREE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-033-03 AND 04.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-017 (TT 18075), A REQUEST TO SUBDIVIDE 10.2 ACRES OF LAND INTO 53 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-052-02 AND 03.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-018 (TT 18076), A REQUEST TO SUBDIVIDE 9.5 ACRES OF LAND INTO 46 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-042-01.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-024 (TT 18077), A REQUEST TO SUBDIVIDE 18.2 ACRES OF LAND INTO 65 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-042-03.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-020 (TT 18078), A REQUEST TO SUBDIVIDE 16.9 ACRES OF LAND INTO 67 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-02.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-023 (TT 18079), A REQUEST TO SUBDIVIDE 11.9 ACRES OF LAND INTO 69 NUMBERED LOTS AND NINE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-05.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-021 (TT 18080), A REQUEST TO SUBDIVIDE 7.8 ACRES OF LAND INTO 57 NUMBERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-05.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-022 (TT 18081), A REQUEST TO SUBDIVIDE 8.9 ACRES OF LAND INTO 60 NUMBERED LOTS AND SIX LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-05.

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

10. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE DESIGNATION OF THE HANSEN HOUSE, LOCATED AT 324 EAST I STREET, AS A LOCAL LANDMARK

That the City Council adopt a resolution approving File No. PHP13-004 designating 324 East I Street (APN: 1048-251-15) as Local Landmark No. 93.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING FILE NO. PHP13-004, THE DESIGNATION OF THE HANSEN HOUSE, LOCATED AT 324 EAST I STREET, AS LOCAL HISTORIC LANDMARK NO. 93, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1048-251-15.

11. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDED DEVELOPMENT AGREEMENT BETWEEN SL ONTARIO DEVELOPMENT CORPORATION, LLC, AND THE CITY OF ONTARIO TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN THE PHASED TRACT MAP

That the City Council introduce and waive further reading of an ordinance approving the second amendment (File No. PDA13-003) to the Development Agreement between SL Ontario Development Corporation, LLC, and the City of Ontario to update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure as provided in the phased Tract Map No. 18913-1.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT CORPORATION, LLC. FILE NO. PDA13-003, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT TO CONFORM WITH THE CONSTRUCTION AGREEMENT AMENDMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN THE PHASED TRACT MAP NO. 18913-1, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-014-01 THROUGH 07; 0218-022-01 THROUGH 04 AND 10 THROUGH 12; 0218-033-01 THROUGH 06; 0218-042-01 THROUGH 05 AND 13; AND 0218-052-02 THROUGH 05).

12. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, AMENDING VARIOUS SECTIONS OF TITLE 9 (DEVELOPMENT CODE) OF THE ONTARIO MUNICIPAL CODE RELATIVE TO MEDICAL MARIJUANA DISPENSARIES

That the City Council introduce and waive further reading of an ordinance approving File No. PDCA13-004, amending various sections of Title 9 (Development Code) of the Ontario Municipal Code to expressly define and clarify the City's existing prohibition of medical marijuana dispensaries in all zoning districts, including mobile medical marijuana dispensaries.

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 SECTIONS 9-1.0200 AND 9-1.1300 OF TITLE 9 OF THE ONTARIO DEVELOPMENT CODE TO CLARIFY THE DEFINITION AND EXISTING PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES, INCLUDING MOBILE MEDICAL MARIJUANA DISPENSARIES, IN ANY ZONE OF THE CITY.

13. A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2012-2013 FISCAL YEAR

That the City Council:

- (A) Hold a public hearing to receive testimony on the draft Consolidated Annual Performance Evaluation Report (CAPER) for the 2012-2013 Fiscal Year (on file in the Records Management Department);
- (B) Direct staff to prepare and transmit to the U.S. Department of Housing and Urban Development (HUD) the final CAPER, which will address all public comments received on the draft CAPER; and
- (C) Authorize the City Manager to execute any and all documents necessary and/or desirable to transmit CAPER to HUD.

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.

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 17, 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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1048-512-26, 114 North Campus Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: David Lozano; Under negotiation: Price and terms of payment.

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 17, 2013

**SECTION:
CONSENT CALENDAR**

SUBJECT: RECOGNITION OF NATIONAL PREPAREDNESS MONTH

RECOMMENDATION: That the City Council recognize the month of September 2013 as National Preparedness Month in the City of Ontario.

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: None.

BACKGROUND: For the ninth consecutive year, the Federal Emergency Management Agency (FEMA) has announced September as National Preparedness Month (NPM). The goal of NPM is to build awareness and encourage Americans to prepare for emergencies in their homes, businesses, schools, and communities. NPM is managed and sponsored by FEMA's Ready Campaign. The Ready Campaign works closely with Citizen Corps and the Ad Council to increase national emergency preparedness awareness across the nation.

During NPM residents can take a few simple steps to plan for an emergency by making a family emergency plan, become informed about the different types of emergencies/disasters that could occur in their community, build an emergency supply kit, and get involved. All residents are encouraged to visit the City of Ontario's website for additional information regarding emergency plans, hazard mitigation, family emergency kits, and general emergency preparedness guidance.

STAFF MEMBER PRESENTING: Jacob Green, Deputy City Manager

Prepared by: Charity Hernandez
Department: Economic Development

City Manager Approval:  _____

Submitted to Council/O.H.A. 09/17/2013

Approved: _____

Continued to: _____

Denied: _____

3

CITY OF ONTARIO

Agenda Report
September 17, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: ADOPTION OF 401(A) GOVERNMENTAL MONEY PURCHASE PLAN

RECOMMENDATION: That the City Council adopt a resolution establishing a 401(a) Governmental Money Purchase Plan (Money Purchase Plan) and authorizing the City Manager to execute agreements and related plan documents with ICMA Retirement Corporation (ICMA-RC), of Washington, D.C., and ING Life Insurance and Annuity Company (ING), of Windsor, Connecticut, necessary to implement and administer the Plan.

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: There is no direct fiscal impact to the City associated with the adoption of the Money Purchase Plan. Terms and conditions of the recently adopted Memorandum of Understanding for the Management Group and the Compensation and Benefit Profiles for unrepresented full-time employees include provisions whereby the current employer contributions to the 457 Deferred Compensation Plan (Deferred Compensation Plan) will instead be made to a Money Purchase Plan.

BACKGROUND: Employees in the Confidential, Management, Department Head and Executive Management groups receive an employer contribution on a pre-tax basis to the City's Deferred Compensation Plan for the purpose of retirement savings. The Deferred Compensation Plan also allows for voluntary employee contributions. The maximum annual amount of contributions allowed is set by the Federal Government. Establishing the Money Purchase Plan for employer contributions will allow employees to voluntarily contribute more of their own money pre-tax into the Deferred Compensation Plan without any direct cost to the City.

The City currently uses two providers for the administration of the Deferred Compensation Plan: ICMA-RC and ING. For consistency, it is recommended that the City enter into agreements with both ICMA-RC and ING for administration of the Money Purchase Plan.

STAFF MEMBER PRESENTING: Linda Matthews, Human Resources Director

Prepared by: Christine Lowe
Department: Human Resources
City Manager Approval: 

Submitted to Council/O.H.A. 09/17/2013
Approved: _____
Continued to: _____
Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ADOPTION OF ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST EFFECTIVE OCTOBER 1, 2013.

WHEREAS, the City of Ontario ("City") values its employees and desires to establish a qualified retirement plan for the benefit of certain employees in order to provide funds for their retirement or for their beneficiaries in the event of death; and

WHEREAS, the City has reviewed the proposed terms and provisions for the adoption of a money purchase plan and trust which meets the requirements of Section 401(a) of the Internal Revenue Code; and

WHEREAS, the City Council has reviewed a copy of the proposed Adoption Agreement to establish the ICMA retirement Corporation Governmental Money Purchase Plan and Trust effective October 1, 2013 (the "Money Purchase Plan"), a copy of which is attached hereto as Exhibit "A," for the benefit of certain employee groups as specified in the City Profiles and Memoranda of Understanding currently in effect; and

WHEREAS, the City is required to hold the funds of the Money Purchase Plan in trust for the benefit of the participants and their beneficiaries and the City desires to contract with ICMA-RC to provide administrative services for the Money Purchase Plan and to invest contributions in the VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans; and

WHEREAS, the City also desires to contract with ING Life Insurance and Annuity Company ("ING") to invest contributions under a group annuity contract which satisfies the trust requirements of the Internal Revenue Code Section 401(f); and

WHEREAS, it is recommended that the City Council appoint the Human Resources Director to be responsible for the administration of the Money Purchase Plan and be the primary contact with ICMA-RC and ING.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct, and are incorporated into this Resolution by reference as though fully set forth herein.

SECTION 2. Adoption. That the City hereby adopts the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust, effective October 1, 2013, pursuant to the specific provisions selected in the Adoption Agreement heretofore considered and discussed.

SECTION 3. Authorization to Establish Plan and Trust. The City Council hereby

authorizes the City Manager to duly execute the Adoption Agreement on behalf of the City, including any and all documents required to establish the Money Purchase Plan with ICMA Retirement Corporation and invest trust assets in the VantageTrust. The City Manager is further authorized to execute and subsequent agreements and contracts, including amendments and other documents which are incidental and necessary to the ongoing administration of the Money Purchase Plan and Trust.

SECTION 4. Authorization for Group Annuity Contract. That the City Council further hereby authorizes the City Manager to contract with ING Life Insurance and Annuity Company to establish a group annuity contract for the purposes of holding contributions to the Money Purchase Plan and satisfying the trust requirements of the Internal Revenue Code Section 401(f).

SECTION 5. Designation of Administrative Responsibility. That the Human Resources Director, and or his/her designees, shall be the coordinator for the Money Purchase Plan; shall receive reports, notices, etc. from the appointed plan administrator and custodian; shall cast, on behalf of the City, any votes which may be required in connection with plan investments; to take such other actions deemed appropriate and necessary to administer said plan; and may delegate any administrative duties relating to the Plan to appropriate departments.

SECTION 6. Effective Date. This Resolution shall take effect upon adoption.

SECTION 7. Certification. 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 September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 17, 2013

**SECTION:
CONSENT CALENDAR**

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18913-1 LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND MERRILL AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No 18913-1 located at the southeast corner of Archibald Avenue and Merrill Avenue within Subarea-29 Specific Plan area.

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

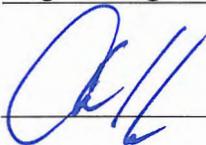
FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

BACKGROUND: Final Tract Map No. 18913-1 is the first phase of the approved three-phase Tentative Tract Map No. 18913. It is comprised of 7 numbered lots and 14 lettered lots and was submitted for approval by the developer, SL Ontario Development Company, LLC, a Delaware Limited Liability Company (Mr. John Snell , Vice President of Lewis Operating Corporation). The 102.17 gross acreage site is located on the southeast corner of Archibald Avenue and Merrill Avenue, as shown in Exhibit A. Final maps for phase 2 and phase 3 will be submitted in the future.

Tentative Tract Map No. 18913 was approved by the Planning Commission on August 27, 2013 and is consistent with the adopted Subarea 29 Specific Plan.

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

Prepared by: Mike Eskander, PE
Department: Engineering

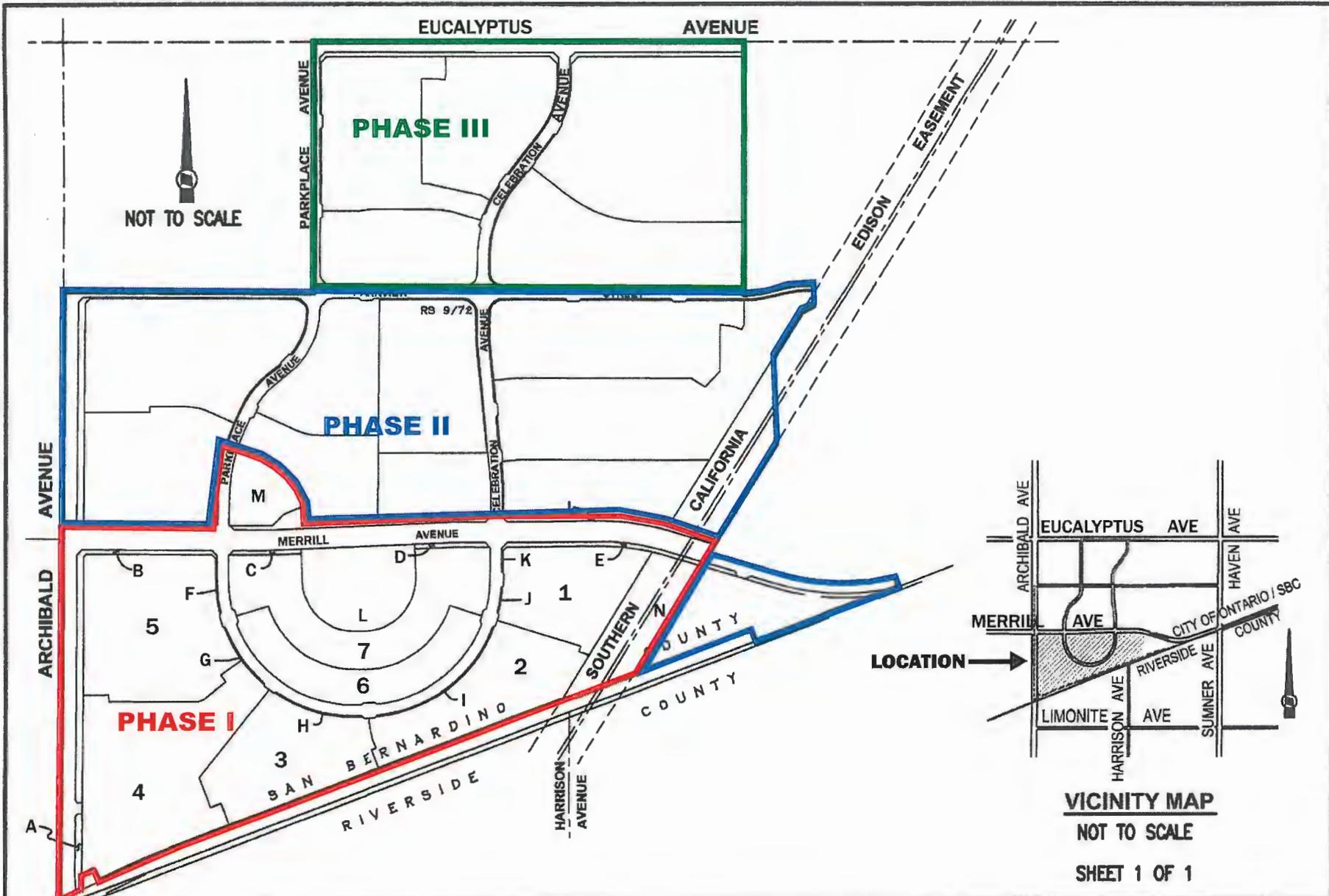
City Manager Approval: 

Submitted to Council/O.H.A. 09/17/2013
Approved: _____
Continued to: _____
Denied: _____

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Improvements will include AC pavement, curb, gutter, sidewalk, fire hydrants, sewer, water and recycled water mains, storm drain, street lights and a traffic signal. The developer has entered into an improvement agreement with the City and has posted adequate security to ensure construction of the required public improvements.

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



CITY OF ONTARIO
ENGINEERING DEPARTMENT
 FILE No. TM 18913-1

EXHIBIT A
 APPLICANT:
 APPLICANT: SL ONTARIO DEVELOPMENT COMPANY, LLC, A DELAWARE LIMITED LIABILITY COMPANY
 PROJECT 7 NUMBERED LOTS, 14 LETTERED LOTS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 18913-1, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND MERRILL AVENUE.

WHEREAS, Final Tract Map No. 18913-1 is the first phase of the three-phase Tentative Tract Map No. 18913; and

WHEREAS, Tentative Tract Map No. 18913 was submitted for approval by the developer, SL Ontario Development Company, LLC, a Delaware Limited Liability Company, consisting of 7 numbered lots and 14 lettered lots, being a subdivision of Tract Map 17821 as recorded in book 333 of maps, pages 64 through 77, official records, in the County of San Bernardino, State of California, was approved by the Planning Commission of the City of Ontario on August 27, 2013; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 18913-1, said subdivider has offered the improvement agreement together with good and sufficient improvement security, in conformance with City Attorney's approved format , for approval and execution by the City; and

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

1. That said Improvement Agreement be, and the same is, approved, and the City Manager is authorized to execute same on behalf of said City, and City Clerk is authorized to attest thereto; and
2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 18913-1, be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.
4. The City Clerk shall certify to the adoption of the resolution.

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 September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 17, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE FY 2012-13 SLURRY SEAL PROGRAM, BRIDGE APPROACH IMPROVEMENT AND CDBG-FUNDED BEGONIA AVENUE STREET LIGHTING AND SLURRY SEAL PROJECT

RECOMMENDATION: That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to American Asphalt South of Fontana, California, for the FY 2012-13 Slurry Seal Program, Bridge Approach Improvement and CDBG-Funded Begonia Avenue Street Lighting and Slurry Seal Project in the bid amount of \$805,199 plus a twenty five (25%) percent contingency of \$201,300 for a total authorized expenditure of \$1,006,499; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities for the project.

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 FY 2012-13 Budget includes appropriations of \$70,594 from CDBG funds, \$600,000 from Measure "I" funds and \$579,000 from Gas Tax funds for a total of \$1,249,594 related to this project. The total recommended expenditure authorization of \$1,006,499 consists of the bid amount of \$805,199 plus a 25% contingency of \$201,300.

BACKGROUND: The scope of services for this project includes crack-sealing, removal and replacement of existing thermoplastic striping and markings, and placement of Rubber Polymer Modified Slurry Seal (RPMSS) on various collector, arterial (see Exhibit "A") and local streets (see Exhibit "B"). Also included in the scope of work is the rehabilitation of the asphalt concrete approaches for two bridge decks (see Exhibit "C") and the installation of three street lights on Begonia Avenue south of "D" Street.

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

Prepared by: Gary Harms
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 09/17/2013
Approved: _____
Continued to: _____
Denied: _____

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This project will extend the lifespan of the streets by six to eight years and prevent aging bridge structures from needing more costly future repairs. In August 2013, the City solicited bids for this project, and 4 bids were received. The bid results are:

COMPANY	LOCATION	BASE BID (Schedule A)	OPTION 1 (Schedule B)	OPTION 2 (Schedule C)	TOTAL (Reference Only)
American Asphalt South, Inc.	Fontana	\$408,291	\$396,908	\$327,052	\$1,132,251
VSS International, Inc.	Sacramento	\$365,184	\$520,322	\$492,257	\$1,377,763
Pavement Coatings, Inc.	Mira Loma	\$574,102	\$466,764	\$415,960	\$1,456,825
All American Asphalt, Inc.	Corona	\$665,720	\$539,795	\$476,289	\$1,681,804

The total bid amounts shown above provide for alternative awards allowing staff to choose between two different slurry seal materials. Alternate Bid Schedule B includes RPMSS Slurry and was chosen due to its higher quality and longer life-cycle combined with favorable bid prices. American Asphalt South, Inc. has submitted the lowest responsible bid; and is recommended at a project cost of \$805,199 (Base Bid of \$408,291 plus Option 1- Schedule B of \$396,908). American Asphalt South, Inc. has performed similar work for the City of Ontario in a satisfactory manner.

The requested 25% contingency will permit staff to take advantage of the low unit-price for RPMSS and allow additional streets, as identified by staff and the City's Pavement Management System, to be slurry sealed.

EXHIBIT "A"

CITY OF ONTARIO

Collector / Arterial Slurry Seal 2013 (Area "A" - "I")

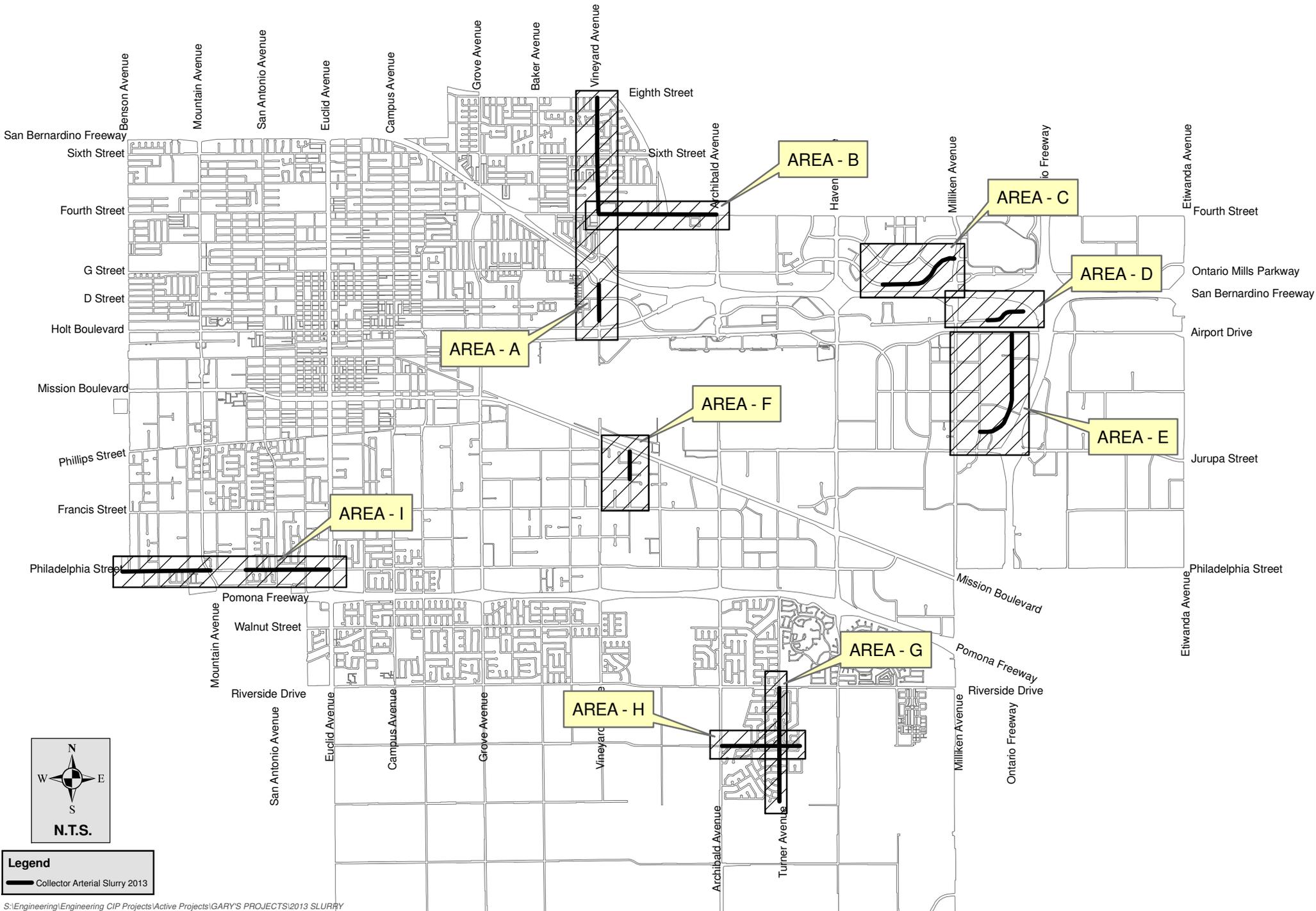


EXHIBIT "A"

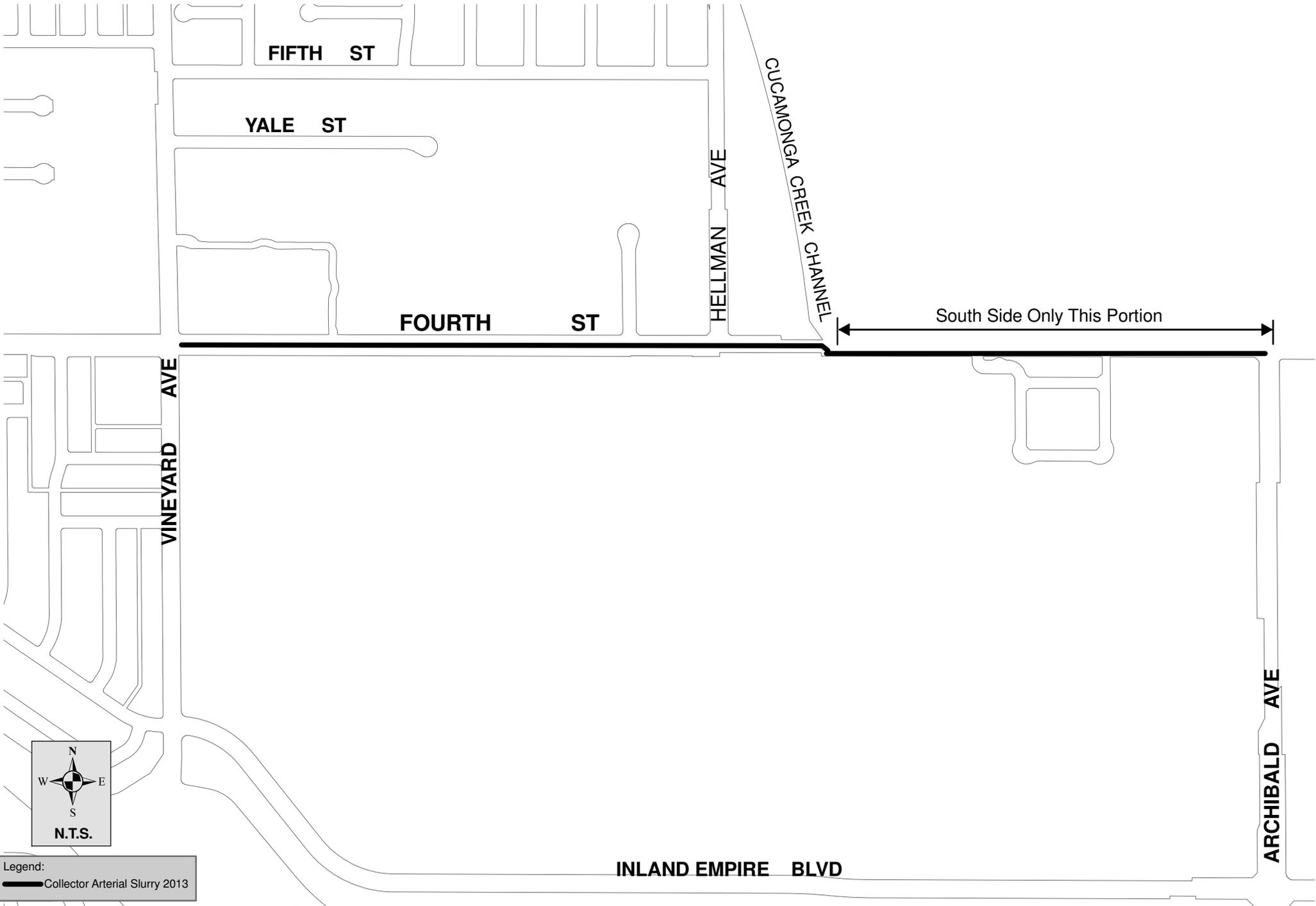
CITY OF ONTARIO

Collector / Arterial Slurry Seal 2013 (Area "A")



Legend:
Collector Arterial Slurry Seal 2013

EXHIBIT "A"
CITY OF ONTARIO
Collector / Arterial Slurry Seal 2013 (Area "B")



Legend:
— Collector Arterial Slurry 2013

EXHIBIT "A"

CITY OF ONTARIO

Collector / Arterial Slurry Seal 2013 (Area "C")

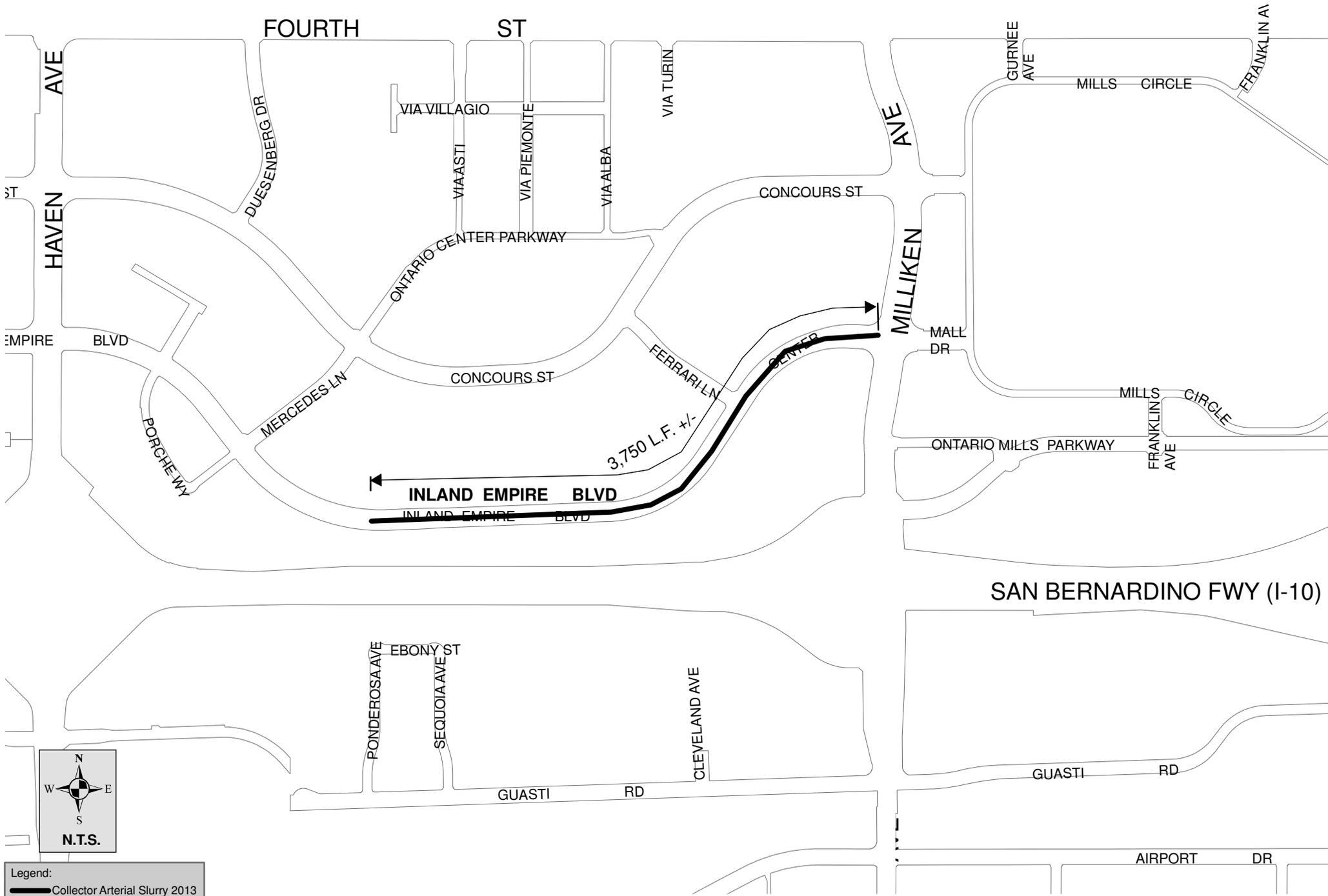
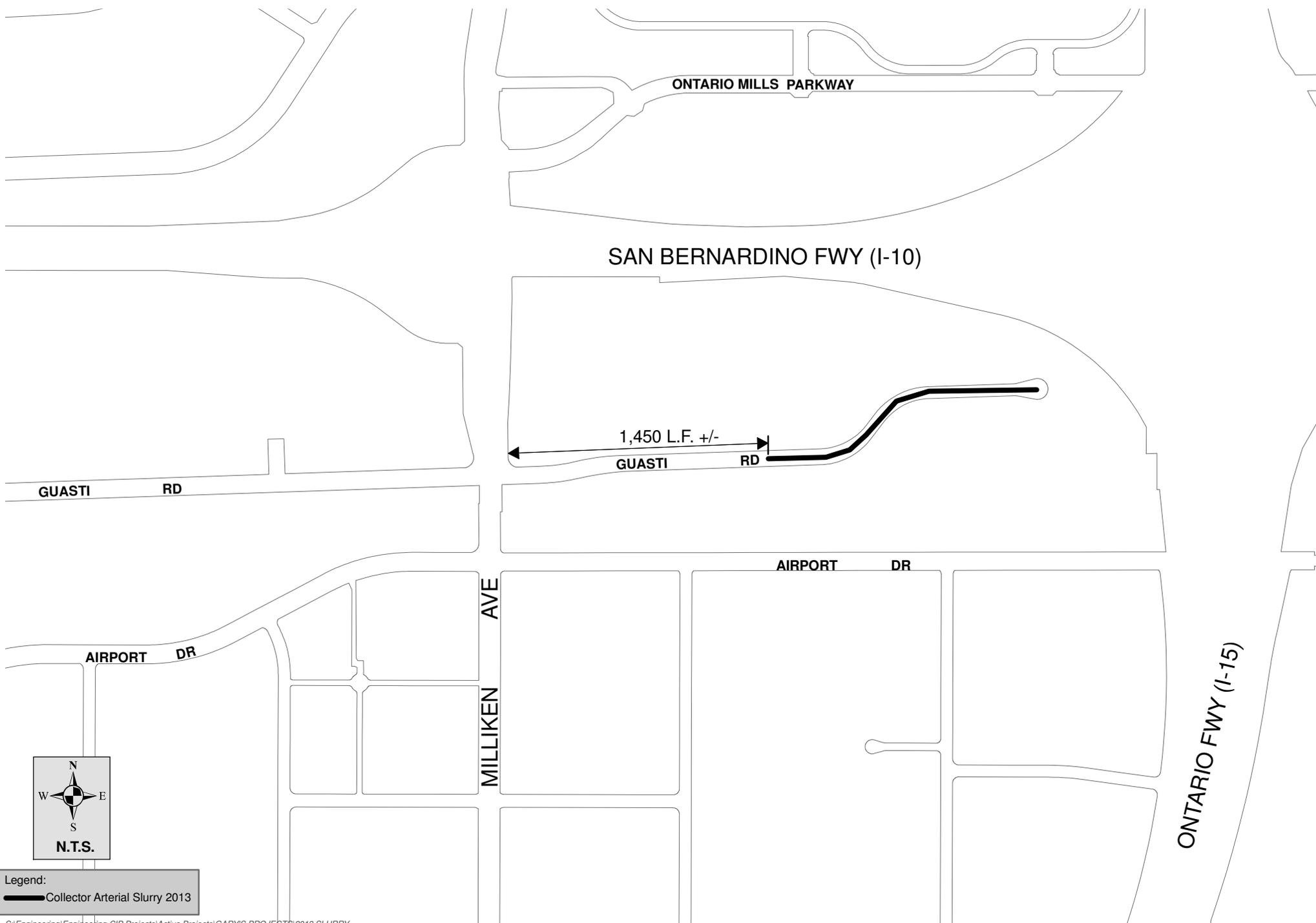


EXHIBIT "A"

CITY OF ONTARIO

Collector / Arterial Slurry Seal 2013 (Area "D")

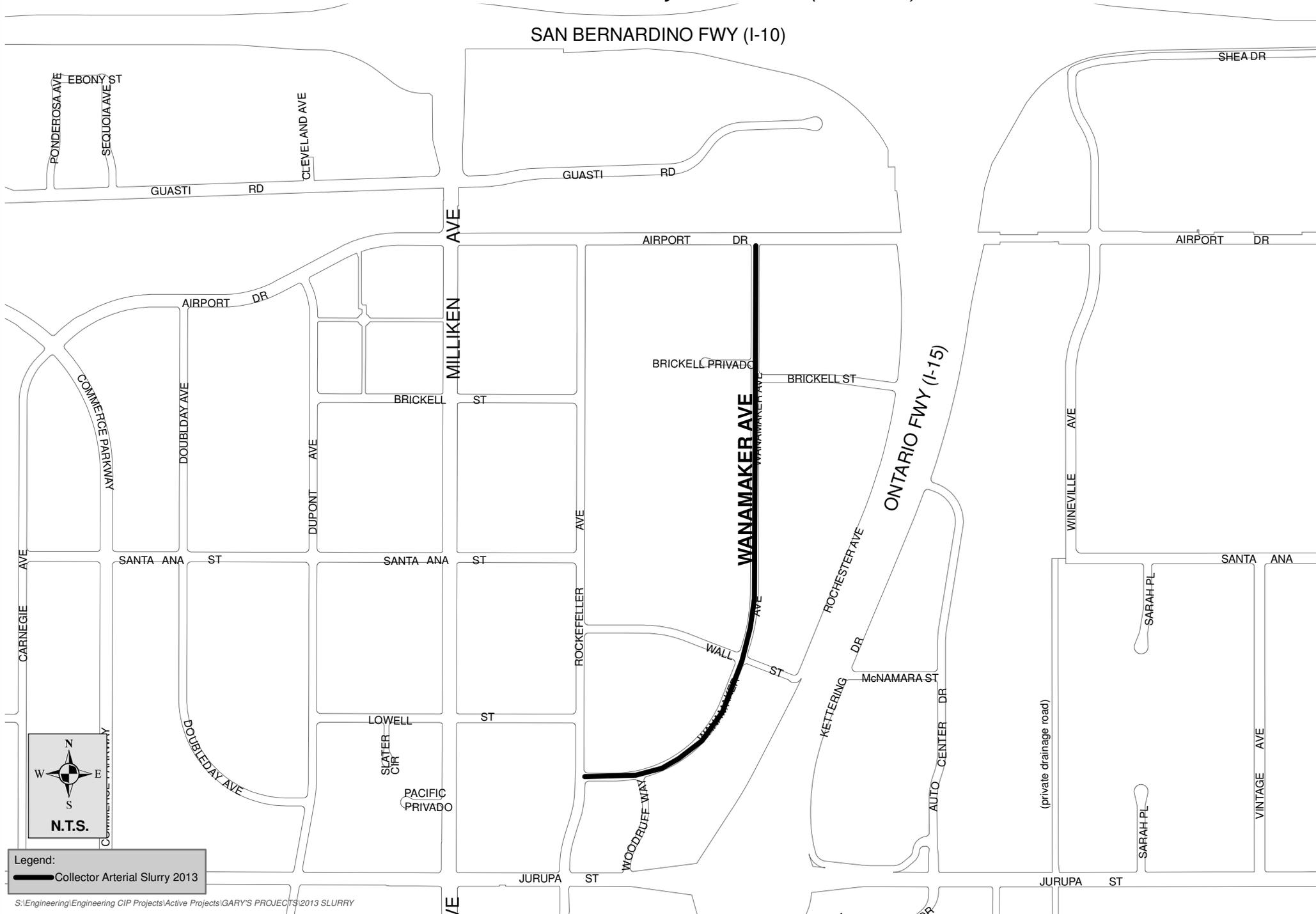


Legend:
Collector Arterial Slurry 2013

EXHIBIT "A"

CITY OF ONTARIO

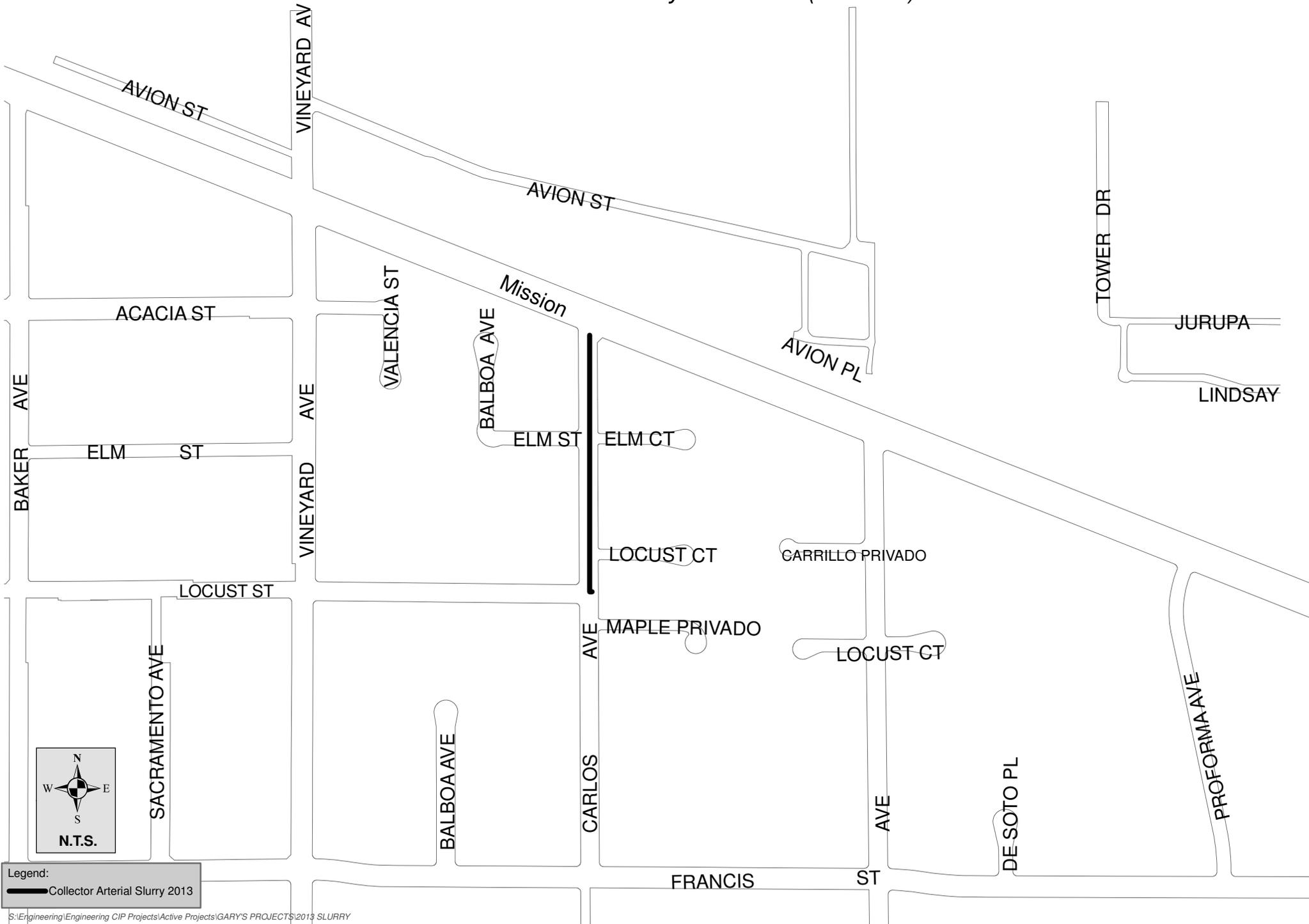
Collector / Arterial Slurry Seal 2013 (Area "E")



Legend:
Collector Arterial Slurry 2013

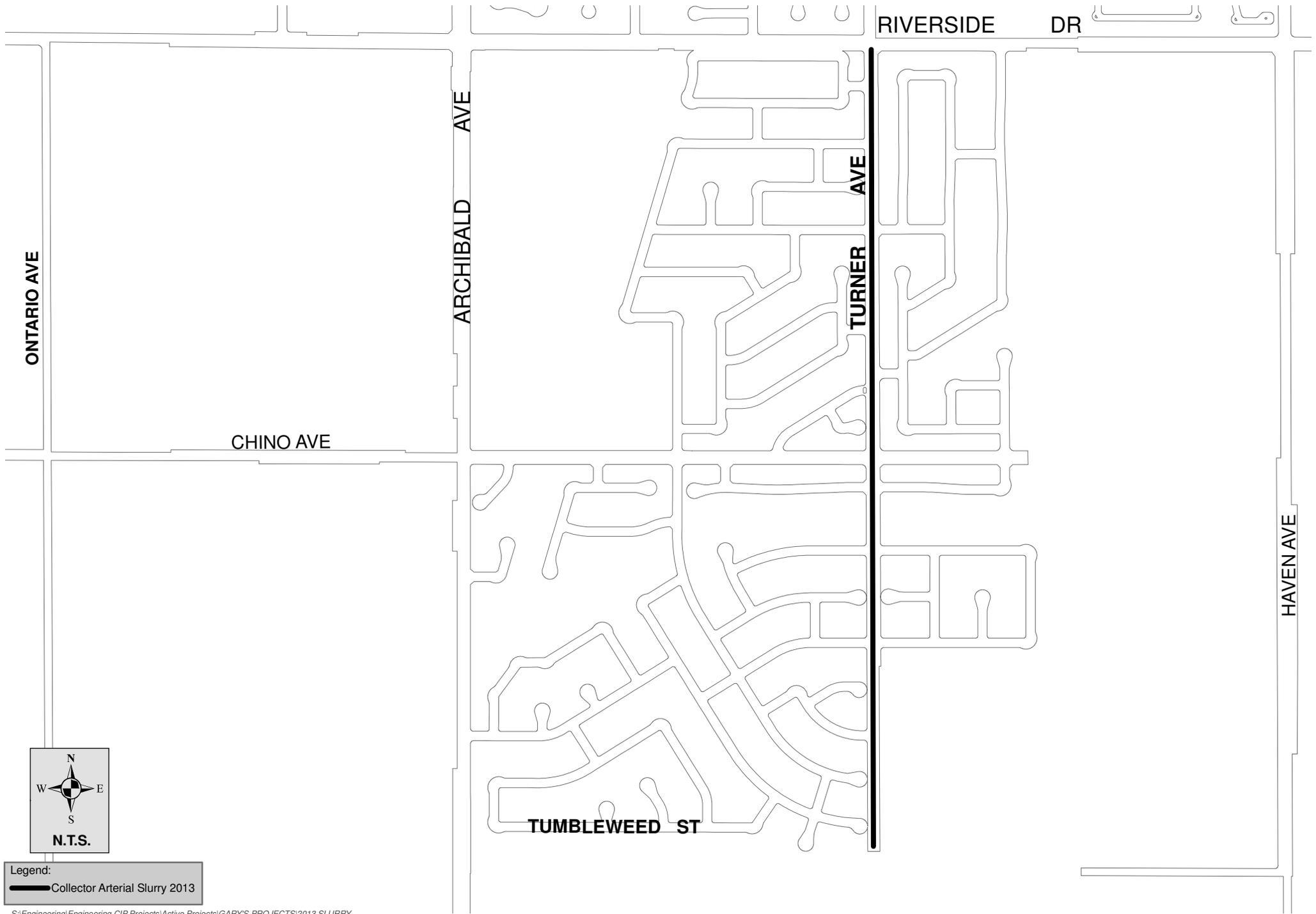
EXHIBIT "A" CITY OF ONTARIO

Collector / Arterial Slurry Seal 2013 (Area "F")



Legend:
— Collector Arterial Slurry 2013

EXHIBIT "A"
CITY OF ONTARIO
Collector / Arterial Slurry Seal 2013 (Area "G")



ONTARIO AVE

ARCHIBALD AVE

RIVERSIDE DR

TURNER AVE

CHINO AVE

HAVEN AVE

TUMBLEWEED ST



Legend:
— Collector Arterial Slurry 2013

EXHIBIT "A"

CITY OF ONTARIO

Collector / Arterial Slurry Seal 2013 (Area "H")



Legend:
Collector Arterial Slurry 2013

EXHIBIT "B"

CITY OF ONTARIO

Residential Slurry Seal 2013 (Area 1 - 2)

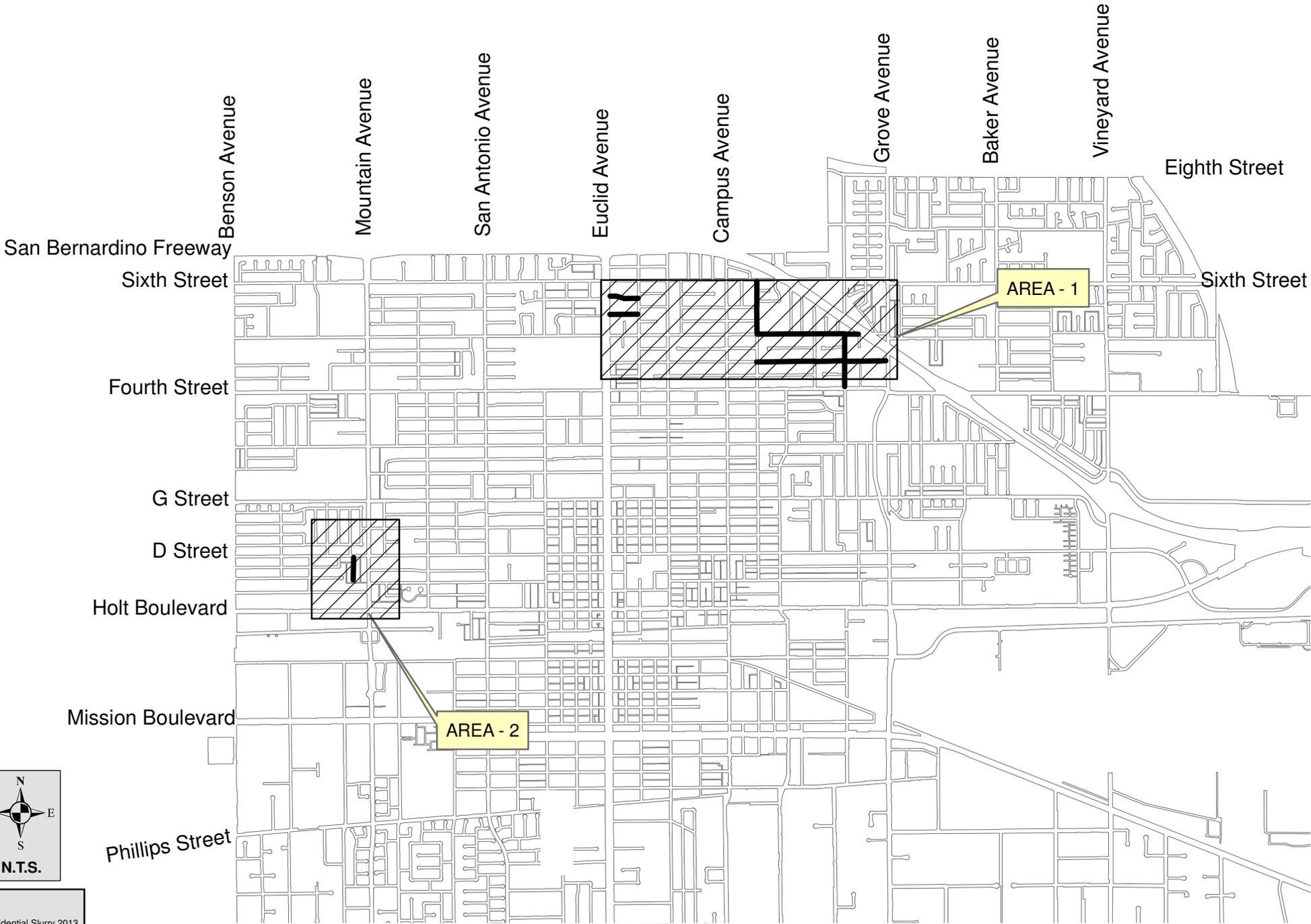
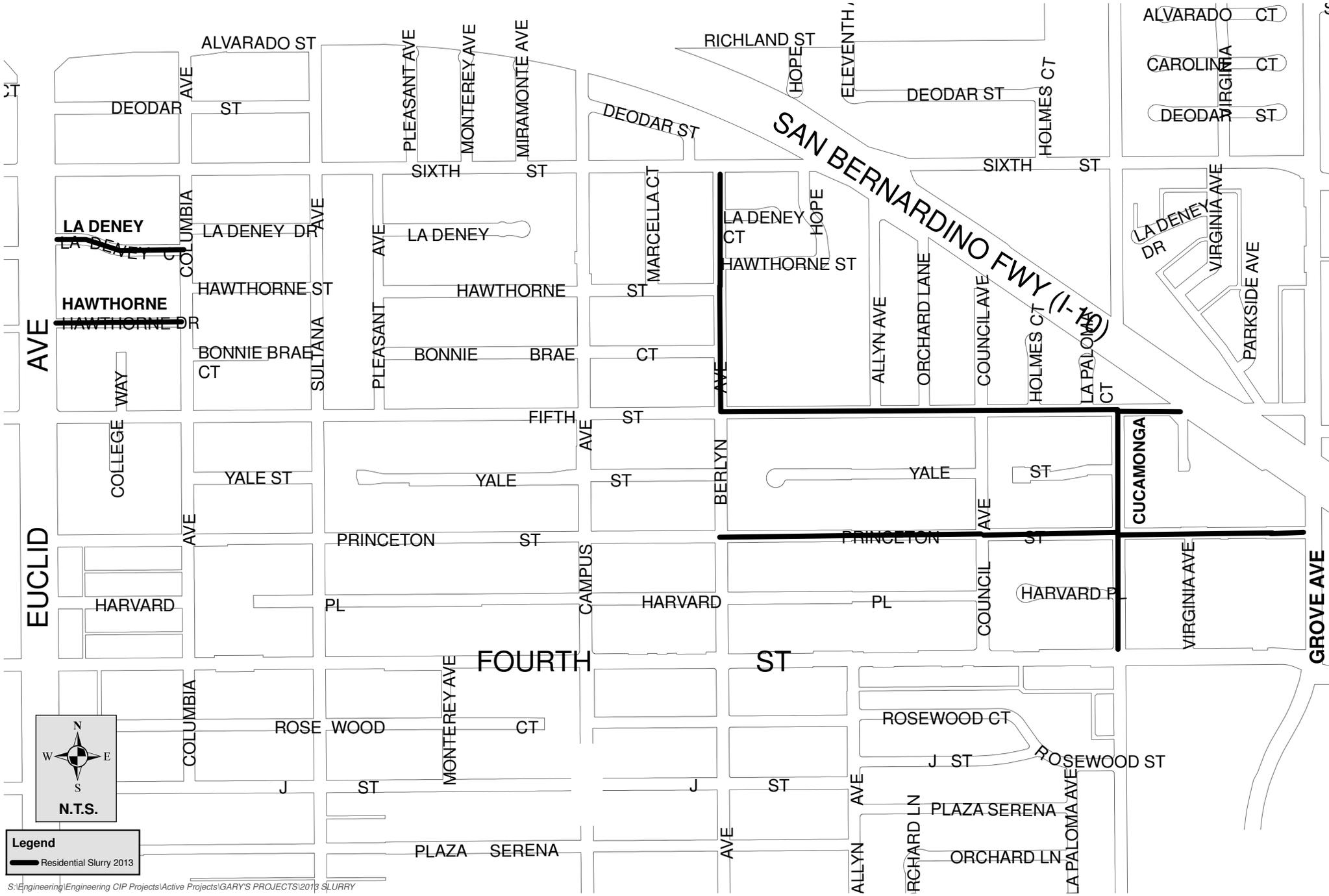


EXHIBIT "B" CITY OF ONTARIO Residential Slurry Seal 2013 (Area 1)

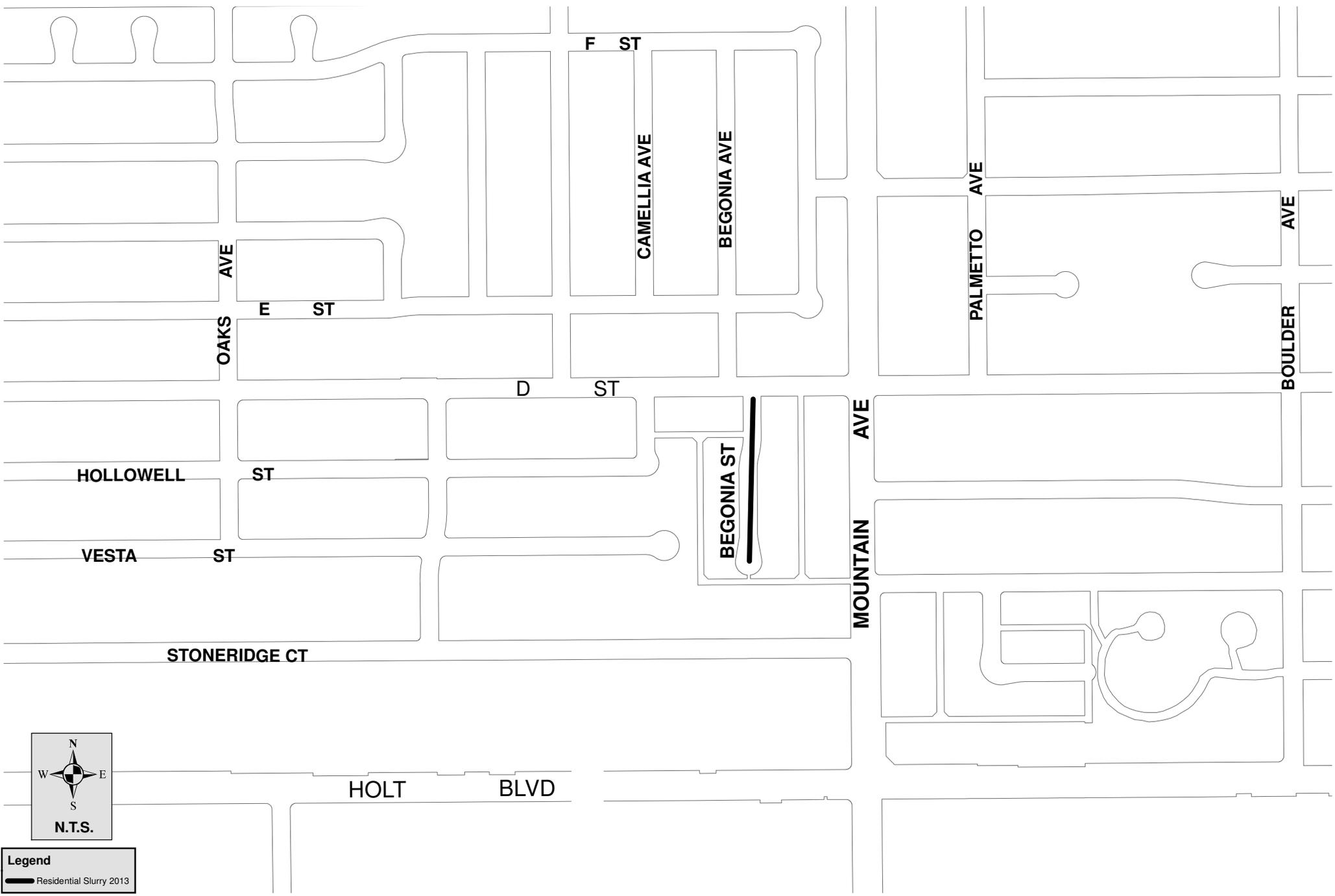


Legend
 — Residential Slurry 2013

EXHIBIT "B"

CITY OF ONTARIO

Residential Slurry Seal 2013 (Area 2)



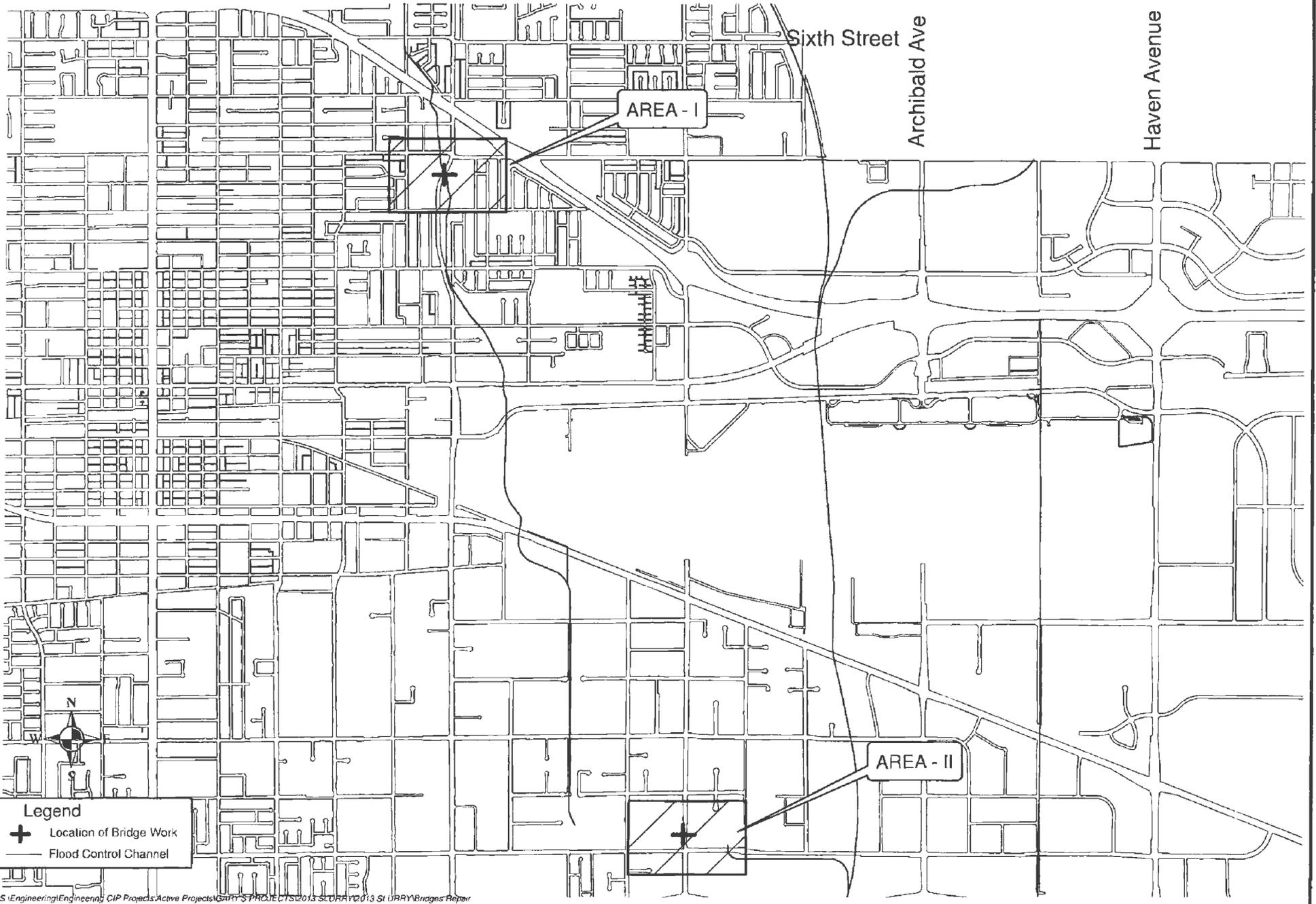
Legend
— Residential Slurry 2013

EXHIBIT "C"

CITY OF ONTARIO

LOCATION MAP

2013 BRIDGE APPROACH REPAIR LOCATIONS



Legend

- + Location of Bridge Work
- Flood Control Channel

EXHIBIT "C" CITY OF ONTARIO BRIDGE APPROACH REPAIR AREA - I

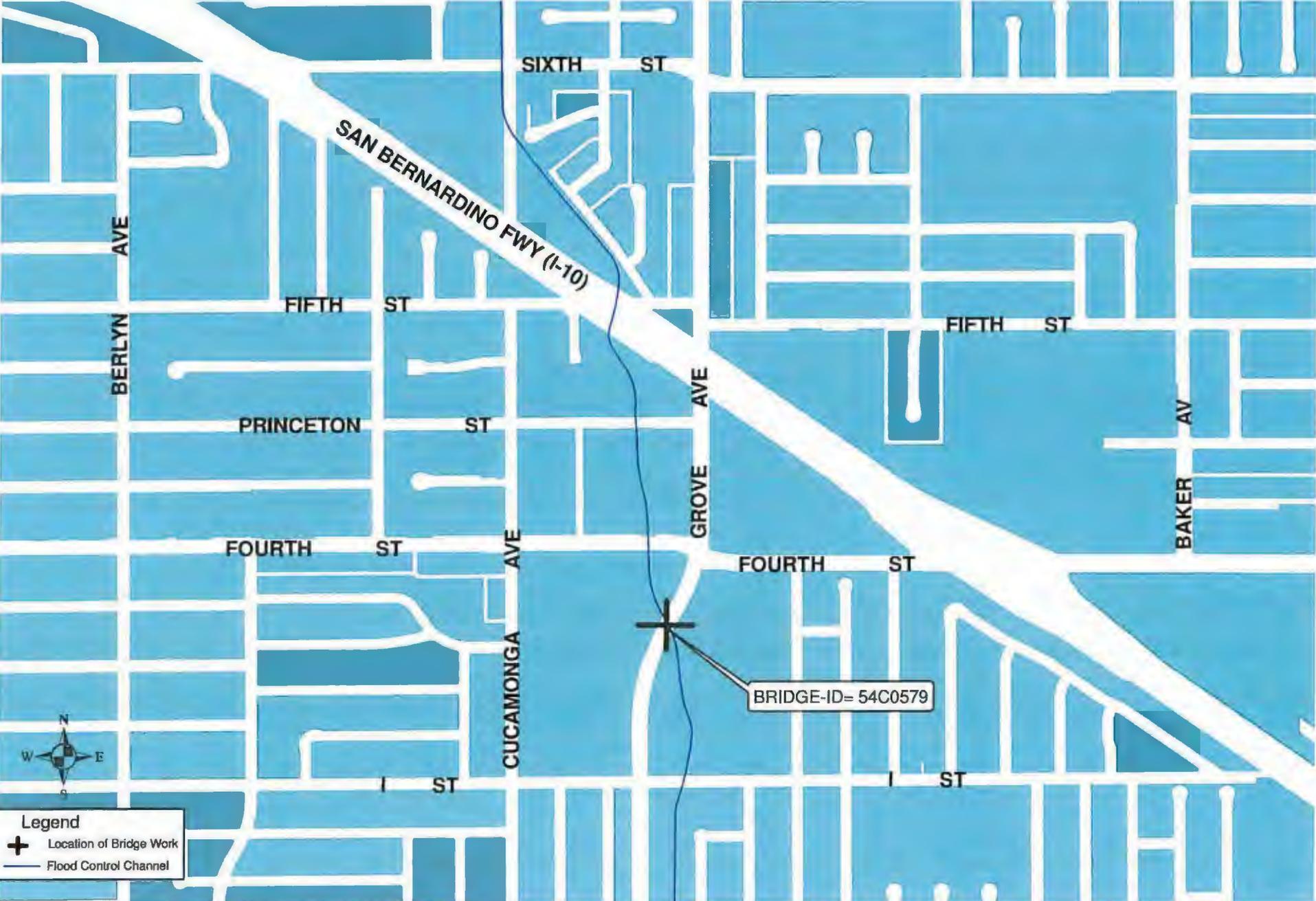
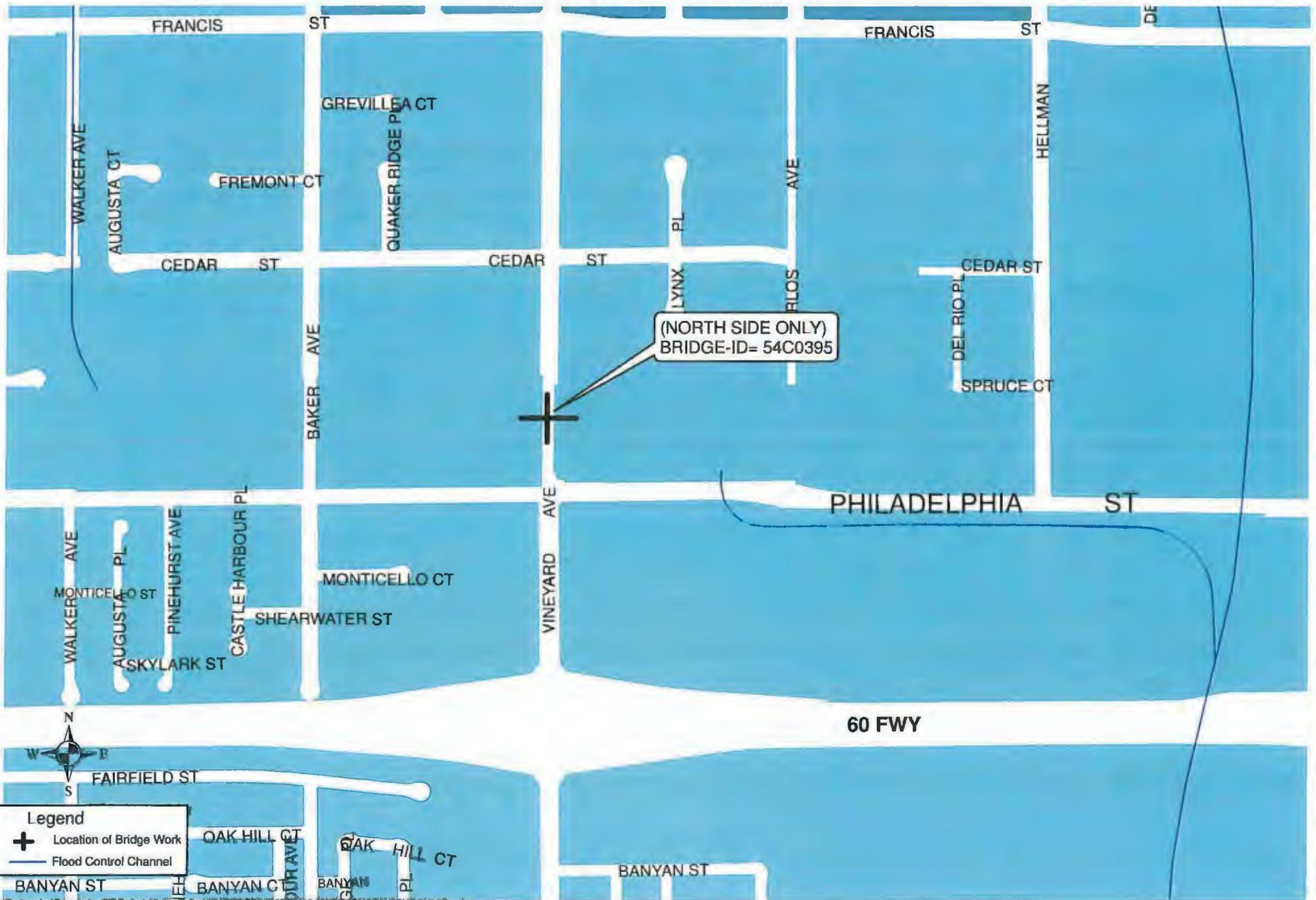


EXHIBIT "C"

CITY OF ONTARIO

BRIDGE APPROACH REPAIR AREA - II



CITY OF ONTARIO

Agenda Report
September 17, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A MEMORANDUM OF UNDERSTANDING WITH UNIVERSITY OF LA VERNE FOR A SEWER RELOCATION PROJECT

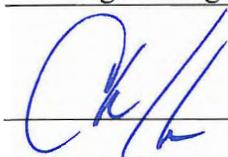
RECOMMENDATION: That the City Council authorize the City Manager to execute, subject to non-substantive changes, a Memorandum of Understanding (on file with the Records Management Department) with the University of La Verne (ULV) related to a sewer relocation project encompassing a portion of the ULV College of Law campus.

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: There is no direct fiscal impact to the City associated with the approval of the subject MOU. The MOU merely establishes the terms and conditions of the cooperative efforts necessary for the relocation of the City's damaged sewer main within ULV's property. The Fiscal Year 2013-14 Budget includes appropriations from the Sewer Capital Fund for the overall sewer main relocation project, with an estimated cost of \$200,000. A separate construction agreement will be awarded in the future. There is no impact to the General Fund.

BACKGROUND: The City owns and maintains 366 miles of sewer collection pipelines, approximately 30% is more than 50 years old. An existing 8-inch diameter sewer main in Cherry Avenue (vacated) between "C" and "D" Streets passes under the foyer of the University of La Verne (ULV) College of Law building. This portion of the sewer main is damaged and is planned to be relocated outside of the building footprint. The relocation project consists of 500 linear feet of 8-inch diameter sewer pipeline (see attached location map) and is included in the Fiscal Year 2013-14 Sewer Main Replacement Program.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

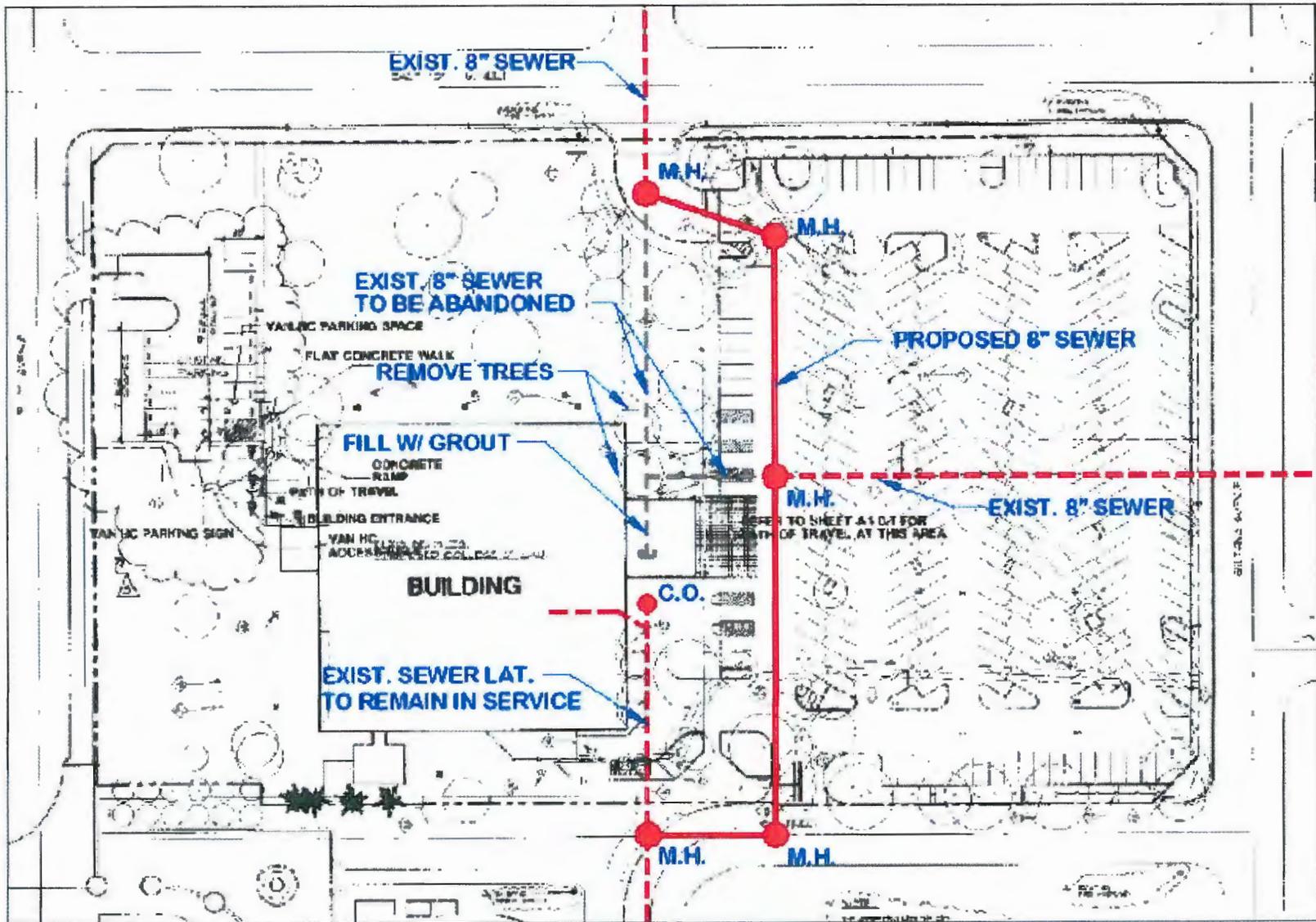
Prepared by: Tim Mim Mack, P.E.
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 09/17/2013
Approved: _____
Continued to: _____
Denied: _____

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The MOU establishes the terms and conditions for the relocation of the City's damaged sewer main within ULV's property. This includes cooperative efforts such as project scheduling, construction work areas, dedication and vacation of utility easements, site restoration, sewer main abandonment, and maintenance responsibilities.

EXHIBIT "A"



CITY OF ONTARIO

Agenda Report
September 17, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR WELL NO. 41 WELLHEAD TREATMENT PROJECT IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

RECOMMENDATION: That the City Council adopt a resolution adopting the Mitigated Negative Declaration for Well No. 41 Wellhead Treatment Project in compliance with State CEQA guidelines.

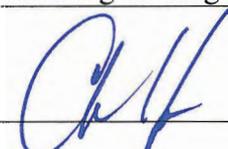
COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers,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

FISCAL IMPACT: The Fiscal Year 2013-14 Budget includes appropriations of \$3,900,000 for the Well No. 41 Wellhead Treatment Project (WA1201). Adoption of this resolution is part of the grant process for Proposition 50 Funding from the State of California Department of Public Health (CDPH), which will allow the City to be reimbursed up to 50% of eligible wellhead treatment project costs, currently estimated at \$1,465,600. There is no impact to the General Fund.

BACKGROUND: The Water Master Plan has identified wellhead treatment as a potential long-term solution to allow the City to maximize the beneficial use of its local groundwater resources and address water quality changes over time. On June 5, 2012, the City Council adopted a resolution approving the filing of an application for funding with CDPH for a wellhead treatment system at Well No. 41 (see attached location map). On March 25, 2013, the City received a Letter of Commitment from CDPH to fund up to \$1,465,600 of the wellhead treatment project costs. On May 7, 2013, the City Council authorized a professional services agreement for design of the project and preparation of CEQA compliance documentation, and adopted a resolution authorizing the City Manager, or his designee, to execute the Proposition 50 Funding Agreement and other related documents upon issuance. The Funding Agreement will be prepared by the State upon completion of design and CEQA requirements.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Tim Mim Mack
Department: MU/Engineering

City Manager Approval:  _____

Submitted to Council/O.H.A. 09/17/2013

Approved: _____

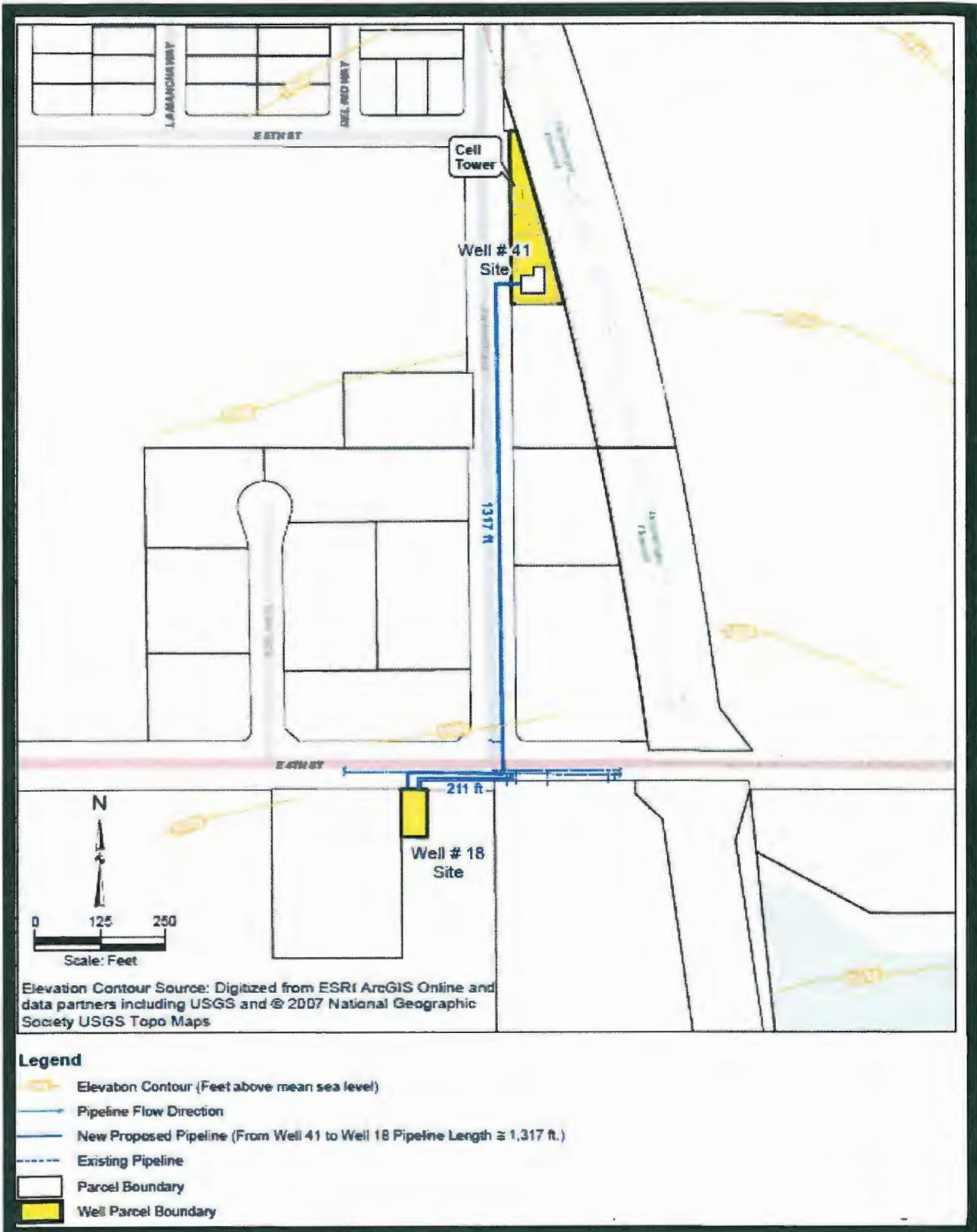
Continued to: _____

Denied: _____

8

The Well No. 41 Wellhead Treatment Project is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the project pursuant to CEQA Guidelines Section 15097; which, specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures. The environmental documentation for this project is available for review at the Planning Department public counter.

EXHIBIT A Site Location Map



INITIAL STUDY

City of Ontario



Wellhead Treatment Project

Full text available, upon request,

at

City Clerk's Department

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, 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 OMUC FILE NO. WA1202.

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 OMUC File No. WA1202 (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, OMUC File No. WA1202 (the "Project") analyzed under the Initial Study/ Mitigated Negative Declaration consists of the Ontario Wellhead Treatment Project which proposes to install infrastructure to treat groundwater that has been impacted by perchlorate and deliver the treated water to the City of Ontario's municipal water supply. The project proposes to pump water from existing City Well No. 41, convey the water through a new pipeline, where it will be treated in a new treatment plant, and discharge the treated water into the City's existing water distribution system. The new pipeline will be constructed of 16-inch cement-mortar lined and coated steel pipe. The new treatment plant will be constructed within a City-owned vacant parcel that is approximately 50 feet wide and 100 feet deep, located at 2232 E. 4th Street in Ontario, California (APN 1103-111-5); 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 environmental 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 (the "Mitigation Monitoring and Reporting Program"); 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 and related Mitigation Monitoring and Reporting Program 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.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) 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 (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project. The City Council designates the Planning Department at 303 East "B" Street, Ontario, CA 91764, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (OMUC File No. WA1202). The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Planning Department at 303 East "B" Street, Ontario, CA 91764 and (2) available for inspection by any interested person.

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 September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 17, 2013

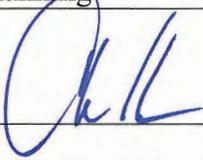
SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTIONS APPROVING TIME EXTENSIONS FOR VARIOUS TENTATIVE TRACT MAPS WITHIN THE SUBAREA 29 SPECIFIC PLAN IN THE NEW MODEL COLONY AREA

RECOMMENDATION: That the City Council adopt resolutions approving a five-year time extension for:

- (A) Tentative Tract Map 18065 (File No. PMTT06-011) to subdivide 13.1 acres of land into 67 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 20 of the Subarea 29 Specific Plan. (APN No. 0218-014-01)
- (B) Tentative Tract Map 18066 (File No. PMTT06-012) to subdivide 11.4 acres of land into 47 numbered lots and one lettered lot, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 21 of the Subarea 29 Specific Plan. (APN No. 0218-014-02)
- (C) Tentative Tract Map 18067 (File No. PMTT06-009) to subdivide 21.3 acres of land into 79 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 22 of the Subarea 29 Specific Plan. (APN No. 0218-014-03 and 04)
- (D) Tentative Tract Map 18068 (File No. PMTT06-010) to subdivide 14.4 acres of land into 82 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 23 of the Subarea 29 Specific Plan. (APN No. 0218-014-06 and 07)
- (E) Tentative Tract Map 18073 (File No. PMTT06-015) to subdivide 13.7 acres of land into 61 numbered lots and three lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 24 of the Subarea 29 Specific Plan. (APN No. 0218-033-01 and 02)

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 09/17/2013
Approved: _____
Continued to: _____
Denied: _____

9

- (F) Tentative Tract Map 18074 (File No. PMTT06-016) to subdivided 15.8 acres of land into 63 numbered lots and three lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 25 of the Subarea 29 Specific Plan. (APN No. 0218-033-03 and 04)
- (G) Tentative Tract Map 18075 (File No. PMTT06-017) to subdivided 10.2 acres of land into 53 numbered lots and two lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 12 of the Subarea 29 Specific Plan. (APN No. 0218-052-02 and 03)
- (H) Tentative Tract Map 18076 (File No. PMTT06-018) to subdivide 9.5 acres of land into 46 numbered lots and one lettered lot, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 8 of the Subarea 29 Specific Plan. (APN No. 0218-042-01)
- (I) Tentative Tract Map 18077 (File No. PMTT06-024) to subdivide 18.2 acres of land into 65 numbered lots and one lettered lot, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 7 of the Subarea 29 Specific Plan. (APN No. 0218-042-03)
- (J) Tentative Tract Map 18078 (File No. PMTT06-020) to subdivide 16.9 acres of land into 67 numbered lots and two lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 6 of the Subarea 29 Specific Plan. (APN No. 0218-042-02)
- (K) Tentative Tract Map 18079 (File No. PMTT06-023) to subdivided 11.9 acres of land into 69 numbered lots and nine lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 10 of the Subarea 29 Specific Plan. (APN No. 0218-042-05)
- (L) Tentative Tract Map 18080 (File No. PMTT06-021) to subdivided 7.8 acres of land into 57 numbered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 11 of the Subarea 29 Specific Plan. (APN No. 0218-042-04)
- (M) Tentative Tract Map 18081 (File No. PMTT06-022) to subdivided 8.9 acres of land into 60 numbered lots and six lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 19 of the Subarea 29 Specific Plan. (APN No. 0218-014-05)

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

FISCAL IMPACT: Granting of the time extension provides for greater development opportunities as the housing market rebounds.

BACKGROUND: The Subarea 29 Specific Plan was approved by the City Council on November 7, 2006. The Specific Plan established the land use designations, development standards, and design guidelines for Subarea 29 of the New Model Colony which includes the potential development of 2,293 single-family units and 87,000 square feet of commercial. On September 26, 2006, the Planning Commission approved Tentative Tract Map 17821 (“A” map) to facilitate the backbone infrastructure improvements (major streets, sewer, water and storm drain facilities) and the creation of a school, recreational facility, residential neighborhoods, and parks in the central portion of the Specific Plan area.

Subsequently, the Planning Commission approved a series of “B” maps for the subdivision of residential neighborhoods and construction of the internal street circulation.

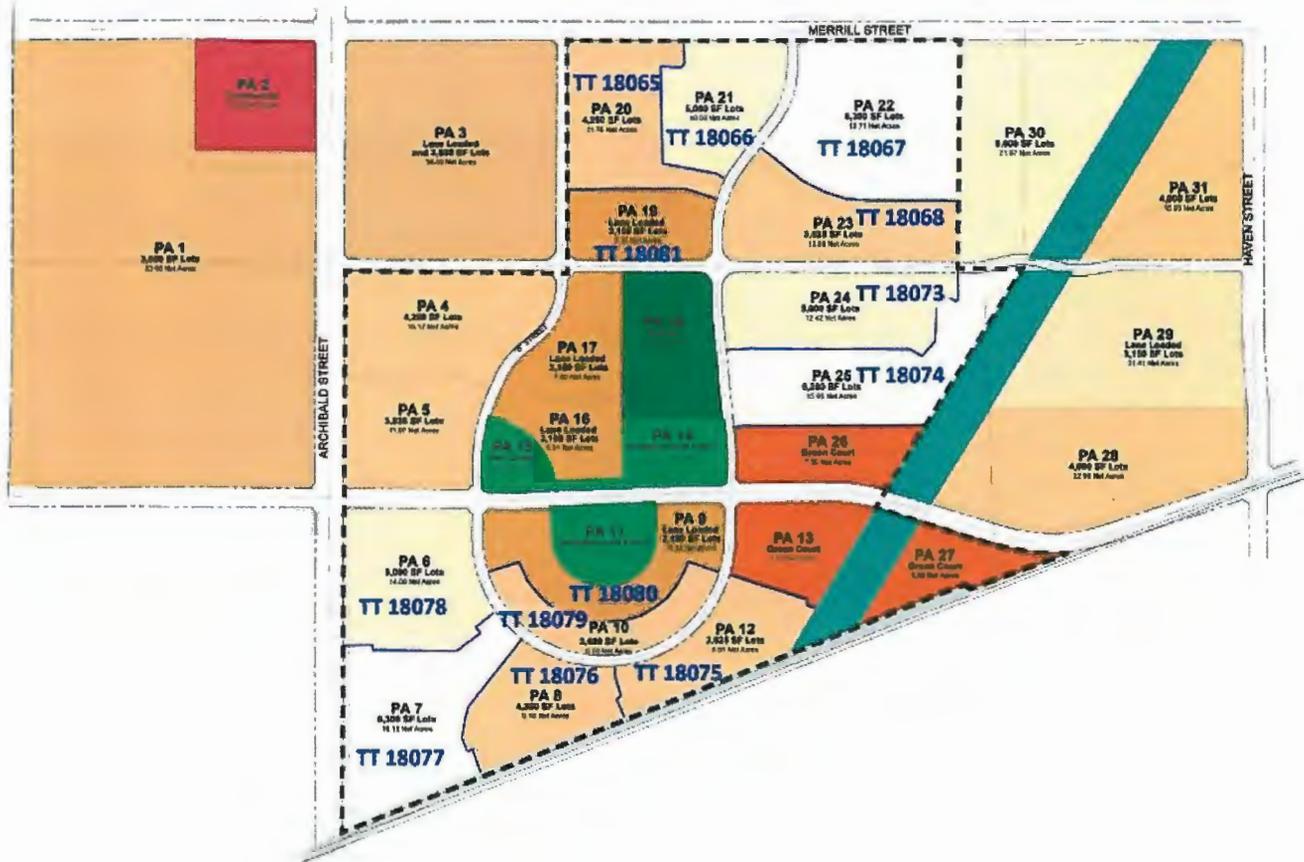
The 13 tentative tract maps (“B” maps) were approved by the Ontario Planning Commission in the latter part of 2006 and the first part of 2007. The “B” maps further subdivide the property into 816 single family lots ranging in size from 3,145 square feet to 12,863 square feet. The majority of the lots are configured around pocket parks within the subdivision.

In conjunction with the tentative map approvals, the applicant, SL Ontario Development Corporation, LLC, (Lewis Companies and Stratham Homes) entered into a Development Agreement with the City on November 7, 2006. The agreement included, but was not limited to, provisions for development impact fees, affordable housing, public services funding, school financing, and a tentative map approval time period. Under the Development Agreement, the tentative map was approved initially for a five-year period with the option of a five-year extension, to be approved by the City Council. The applicant is now requesting to exercise the five-year extension.

In reviewing the time extension requests, staff finds that the Subarea 29 Specific Plan development standards remain unchanged from the initial project approval. While a new land use plan (The Ontario Plan) has been adopted for the City since project approval, the land use designation for the site remains the same (Low Density Residential). Further, the conditions of approval require installation of all infrastructure improvements (sewer, water, etc.) necessary to serve the site. The applicant is a member of NMC Builders and is involved in the design of the backbone infrastructure necessary to serve the site. The work being done by NMC Builders would provide the infrastructure to serve the site, consistent with the conditions of approval.

The Planning Commission reviewed the application at their meeting of August 27, 2013 and found that the tentative maps are in compliance with current development standards and conditions of approval. As a result, the Planning Commission unanimously recommended approval of the time extensions.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-011 (TT 18065), A REQUEST TO SUBDIVIDE 13.1 ACRES OF LAND INTO 67 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-01.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-011, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 20 of the Subarea 29 Specific Plan located south of Eucalyptus Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, On January 23, 2007, the Planning Commission approved the application for the subdivision of the property into 67 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 13.1 acres into 67 parcels ranging in size from 4,250 square feet to 9,094 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVES OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-012 (TT 18066), A REQUEST TO SUBDIVIDE 11.4 ACRES OF LAND INTO 47 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-02.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-012, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 21 of the Subarea 29 Specific Plan located south of Eucalyptus Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, On January 23, 2007, the Planning Commission approved the application for the subdivision of the property into 47 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 11.4 acres into 47 parcels ranging in size from 5,000 square feet to 12,762 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-009 (TT 18067), A REQUEST TO SUBDIVIDE 21.3 ACRES OF LAND INTO 79 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-03 AND 04.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-009, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 22 of the Subarea 29 Specific Plan located south of Eucalyptus Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, On January 23, 2007, the Planning Commission approved the application for the subdivision of the property into 79 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 21.3 acres into 79 parcels ranging in size from 6,300 square feet to 12,863 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-010 (TT 18068), A REQUEST TO SUBDIVIDE 14.4 ACRES OF LAND INTO 82 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-06 AND 07.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-010, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 23 of the Subarea 29 Specific Plan located south of Eucalyptus Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, On January 23, 2007, the Planning Commission approved the application for the subdivision of the property into 82 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 14.4 acres into 82 parcels ranging in size from 3,875 square feet to 6,945 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-015 (TT 18073), A REQUEST TO SUBDIVIDE 13.7 ACRES OF LAND INTO 61 NUMBERED LOTS AND THREE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-033-01 AND 02.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-010, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 24 of the Subarea 29 Specific Plan located south of Eucalyptus Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, On December 18, 2006, the Planning Commission approved the application for the subdivision of the property into 61 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 13.7 acres into 61 parcels ranging in size from 4,726 square feet to 10,023 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-016 (TT 18074), A REQUEST TO SUBDIVIDE 15.8 ACRES OF LAND INTO 63 NUMBERED LOTS AND THREE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-033-03 AND 04.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-016, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 25 of the Subarea 29 Specific Plan located south of Eucalyptus Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, On December 18, 2006, the Planning Commission approved the application for the subdivision of the property into 63 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 15.8 acres into 63 parcels ranging in size from 6,300 square feet to 12,646 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-017 (TT 18075), A REQUEST TO SUBDIVIDE 10.2 ACRES OF LAND INTO 53 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-052-02 AND 03.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-017, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 12 of the Subarea 29 Specific Plan located south of Merrill Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, on November 28, 2006, the Planning Commission approved the application for the subdivision of the property into 53 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 10.2 acres into 53 parcels ranging in size from 3,825 square feet to 8,141 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby recommends the City Council approve a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-018 (TT 18076), A REQUEST TO SUBDIVIDE 9.5 ACRES OF LAND INTO 46 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-01.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-018, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 8 of the Subarea 29 Specific Plan located south of Eucalyptus Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, on November 28, 2006, the Planning Commission approved the application for the subdivision of the property into 46 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 9.5 acres into 46 parcels ranging in size from 4,250 square feet to 7,240 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-024 (TT 18077), A REQUEST TO SUBDIVIDE 18.2 ACRES OF LAND INTO 65 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-03.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-024, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 7 of the Subarea 29 Specific Plan located south of Merrill Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and are vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, on November 28, 2006, the Planning Commission approved the application for the subdivision of the property into 65 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 18.2 acres into 65 parcels ranging in size from 6,300 square feet to 11,668 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-020 (TT 18078), A REQUEST TO SUBDIVIDE 16.9 ACRES OF LAND INTO 67 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-02.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-024, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 6 of the Subarea 29 Specific Plan located south of Merrill Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, on November 28, 2006, the Planning Commission approved the application for the subdivision of the property into 67 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 16.9 acres into 67 parcels ranging in size from 5,000 square feet to 10,764 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-023 (TT 18079), A REQUEST TO SUBDIVIDE 11.9 ACRES OF LAND INTO 69 NUMBERED LOTS AND NINE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-05.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-023, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 10 of the Subarea 29 Specific Plan located south of Merrill Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, on November 28, 2006, the Planning Commission approved the application for the subdivision of the property into 69 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 11.9 acres into 69 parcels ranging in size from 3,150 square feet to 4,809 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-021 (TT 18080), A REQUEST TO SUBDIVIDE 7.8 ACRES OF LAND INTO 57 NUMBERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-05.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-021, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 11 of the Subarea 29 Specific Plan located south of Merrill Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, on November 28, 2006, the Planning Commission approved the application for the subdivision of the property into 57 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 7.8 acres into 57 parcels ranging in size from 3,811 square feet to 4,538 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-022 (TT 18081), A REQUEST TO SUBDIVIDE 8.9 ACRES OF LAND INTO 60 NUMBERED LOTS AND SIX LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-05.

WHEREAS, SL ONTARIO DEVELOPMENT CORPORATION, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-022, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 19 of the Subarea 29 Specific Plan located south of Eucalyptus Avenue and east of Archibald Avenue and is presently vacant; and

WHEREAS, the properties to the north of the Project site are within the proposed Grand Park Specific Plan, is designated for open space uses and is vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and is vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

WHEREAS, on January 23, 2007, the Planning Commission approved the application for the subdivision of the property into 60 numbered lots; and

WHEREAS, On July 7, 2009, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; 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 environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006, and this 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 August 27, 2013, 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 unanimously recommended approval of the application; and

WHEREAS, on September 17, 2013, 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 previously certified the Subarea 29 Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan EIR (SCH #2004011009 and supporting documentation, the City Council finds as follows:

a. The previous the Subarea 29 Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Subarea 29 Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous the Subarea 29 Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and 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 subdivision is consistent with all applicable general and specific plans. The subdivision of 8.9 acres into 60 parcels ranging in size from 3,145 square feet to 5,398 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Subarea 29 Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Subarea 29 Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Subarea 29 Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Subarea 29 Specific Plan EIR that was certified by the City Council on October 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 17, 2013

**SECTION:
PUBLIC HEARINGS**

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE DESIGNATION OF THE HANSEN HOUSE, LOCATED AT 324 EAST I STREET, AS A LOCAL LANDMARK

RECOMMENDATION: That the City Council adopt a resolution approving File No. PHP13-004 designating 324 East I Street (APN: 1048-251-15) as Local Landmark No. 93.

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: The approval of the Local Historic Landmark designation will not have a direct fiscal impact. However, if the designation is approved, the property owner will be eligible to apply for a Mills Act Contract which, if approved, would provide for a potential reduction in property taxes in exchange for an agreed-upon list of improvements to the property.

BACKGROUND: Janette De La Rosa Ducut (property owner) requested that the Hansen House, located at 324 East I Street, be designated as a Local Historic Landmark. On August 27, 2013, the Historic Preservation Commission reviewed this property and recommended approval of the local landmark designation request to the City Council.

HISTORY: The Hansen House is one of the only few remaining examples of the early 1910s grand scale Tudor Revival style homes in Ontario. The Tudor Revival style of architecture, which is commonly known as "cottage style", gained its popularity in the United States during the last quarter of the 19th century. For a period of fifty years, Americans incorporated elements borrowed from past European architectural styles giving way to one of the most diverse and colorful periods for architecture and urban design in American history. Examples of Revival period architecture can be seen throughout Ontario's historic neighborhoods.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Diane Ayala
Department: Planning Department

City Manager Approval:  _____

Submitted to Council/O.H.A. 09/17/2013

Approved: _____

Continued to: _____

Denied: _____

10

The history of this home begins with Edgar Kenney, a prominent real estate entrepreneur and rancher. Records indicate that Mr. Kenney had this home constructed in 1910 at 5308 West Holt Blvd (previously named A Street). Upon her husband's death, Mrs. Kenney sold the home to Dr. Marcus White in 1935. Dr. White, a well respected physician and surgeon, moved the home to its current location on I Street. After 8 years, the house sold to the first generation of the Hansen family. Charles Hansen Sr. was President of the Bank of America Ontario Branch and his wife, Rita, was President of the Ontario Women's Club. After residing in the home for one year, they sold their home to their son Charles Hansen Jr. and his wife, Margaret. From 1955 until 1977, Charles and Margaret's daughter, Lucille Hansen Frost, and her husband, George Morris Frost, lived in the home where they raised their three sons. George Morris Frost's family is considered to be pioneers in the area having ties to the Ontario Cemetery Association which built Bellevue Cemetery and the settlement of Etiwanda. George and Lucille's youngest son, James Frost, became a community leader, instrumental in the incorporation of Rancho Cucamonga, becoming their City's first mayor, and serving as their City Treasurer for 36 years.

HISTORIC SIGNIFICANCE: At the August 27, 2013, meeting, the Historic Preservation Commission/Planning Commission voted unanimously (7-0) to recommend the City Council designate the Hansen House as a Local Landmark pursuant to the following criteria contained in the Historic Preservation Ordinance (Article 26, Sec.9-1.2615 of the Development Code):

1. It is identified with persons or events significant in local, state, or national history.

The Hansen House is associated with several persons significant in local history. Edgar Kenney and George Frost were early town settlers and pioneers. In addition, Dr. Marcus White was a well known surgeon who contributed to the professional and social aspects of the community. Lastly, three generations of the Hansen family, who were bankers, community leaders and long term residents in the community, resided in the home for thirty-four years.

2. It embodies distinguishing architectural characteristics of a style, type, period, or method of construction:

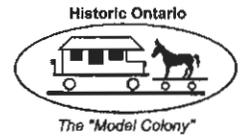
The Hansen House is an outstanding example of a two and one-half story Tudor Revival style home (with Craftsman influence) constructed in Ontario during the 1910s. It embodies elements and features that are typical to the style such as the multi-paned hung windows, brick wall cladding on the first floor, stucco finish with simple half-timbering details on the second story walls, and a steeply pitched gable roof. The Craftsman influence can be seen in the large open eaves and exposed rafter tails.

3. It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

The Hansen House is one of the only few remaining examples of the early 1910s grand scale Tudor Revival style homes in Ontario. Despite few exterior alterations, this home is historically authentic through retention of historic building materials and architectural elements.

ENVIRONMENTAL REVIEW: The application was reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). Per Section 21065 of the CEQA Guidelines, the local landmark designation is not considered a project.

PLANNING / HISTORIC PRESERVATION COMMISSION STAFF REPORT



DATE: August 27, 2013

FILE NOS.: PHP13-004 and PHP13-006

SUBJECT: A request to designate an eligible historic resource as a Local Landmark (File No. PHP13-004) with a Tier I designation (File No. PHP13-006).

LOCATION: 324 East I Street (APN: 1048-251-15)

APPLICANT: Janette De La Rosa Ducut

PROPERTY OWNER: Janette De La Rosa Ducut

I. RECOMMENDATION:

That the Historic Preservation/Planning Commission recommend that the City Council designate 324 East I Street as a local landmark (File No. PHP13-004) and approve File No. 13-006 designating 324 East I Street a Tier I historic resource.

II. ARCHITECTURAL DESCRIPTION:

Historic Name:
The Hansen Family House

Architectural Style: Tudor Revival
with Craftsman Influence

Date Built:
1910 (est.)

This home is one of only a few large scale Tudor Revival style homes in the City of Ontario. It has two and one-half stories and a basement. The roof is steeply pitched with large overhanging eaves, end



Case Planner: Diane Ayala, Associate Planner

Planning Director Approval: *Jeremy R. Blum*

Submittal Date: March 12, 2013

Hearing Deadline: _____

Hearing Body	Date	Decision	Action
HPSC:	7/11/2013	Approval	Recommend
PC / HPC:	8/27/2013	<i>Approved</i>	Recommend
CC:	9/17/2013		Final

brackets, horizontal vent slats multi-paned double hung wood framed windows, brick wall cladding on the first floor, a stucco finish on the second story, and simple half-timbering details on the walls. The large open eaves and exposed rafter tails indicate a Craftsman influence.

Exterior alterations include foundation, porte cochere addition and balcony, addition of family room on the rear, garden window installation, window replacement on the east elevation, and rear patio enclosure. The front yard is landscaped with several shrubs, grass and mature trees. The overall condition of the building is excellent and the architectural integrity is high. The Historic Preservation Subcommittee recommended approval of a local landmark and Tier I Historic Resource designations at their July 11, 2013 meeting.

III. HISTORY:

The Tudor Revival style home appears to have been constructed by prominent real estate entrepreneur and rancher, Edgar Kenney, in 1910 at 508 West Holt Boulevard (A Street) as a single family residence for the cost of \$4000. Mr. Kenney, an Iowa native, resided in Ontario for the last 22 years of his life where he was a well respected business man and community member. In 1918, Mr. Kenney died from influenza and pneumonia. According to the property title report history, his widow, Kittie Kenney, sold the home to Dr. and Mrs. Marcus D. White in 1935. Two years later, Mrs. Kenney, built a storage shed, workshop, and used car lot office on her Holt Boulevard property. The home was no longer present on the 1941 Sanborn fire insurance map. It is presumed that in 1935, Dr. White relocated the residential building to the property at 324 East I Street.

Dr. Marcus D. White was a well known doctor and surgeon at San Antonio Hospital. During WWI, he served as a Colonel in the U.S. Army Medical Corps and the National Guard. He was President of the San Bernardino County Medical Society and a member of Christ Episcopal Church, American Legion Post 112, and the Ontario Lodge of the Elks. After 8 years, the house sold to the first generation of Hansens. Charles Hansen, Sr. was President of the Bank of America Ontario Branch and his wife, Rita, was President of the Ontario Women's Club. After residing in the home for one year, they sold their home to their son Charles Hansen Jr. and his wife, Margaret. From 1955 until 1977, Charles and Margaret's daughter, Lucille Hansen Frost, and her husband, George Morris Frost, bought the home where they raised their three sons. George's uncle, John Todd Morris, was Chairman of the Ontario Cemetery Association which built Bellevue Cemetery. George's father, George Frost, was an early Etiwanda settler who owned and operated a grocery store. It is believed that George Frost was the only person that George Chaffey persuaded personally to locate from Canada to the Etiwanda area. George and Lucille's youngest son, Jim Frost, went on to become Rancho Cucamonga's first mayor.

IV. HISTORIC CONTEXT:

During the second half the 19th century, Tudor-style architecture was revived in Great Britain. Eventually, the style made its way to the United States during the last quarter of the 19th century where it was incorporated into homes across America for about 50 years, finally giving way to a streamlined, smaller style that became known as “English Cottage”. The Tudor Revival style, like most other Revival period styles, was inspired by past architectural styles. The trend toward revivalist architecture gained momentum from the 1893 Chicago World’s Fair, the Columbian Exposition, where historical interpretations of European styles were encouraged. The variety of architecture during this period can be considered the most diverse and colorful periods for architecture and urban design in American history.

The essential characteristics of a Tudor Revival house usually include the use of false half-timbering, oversized fireplaces and the use of brick and stucco siding. Roofs are steeply pitched, dormers, and overhanging eaves are common.

V. LANDMARK DESIGNATION CRITERIA:

Eligible historic resources may be considered for Landmark designation if the property can meet one or more designation criteria for local designation as contained in the Historic Preservation Ordinance, (Sec. 9-1.2615 of the Development Code). The Hansen Family House located at 324 East I Street meets the following designation criteria:

1. It is identified with persons or events significant in local, state, or national history.

The Hansen Family House is associated with several persons significant in local history. Edgar Kenney and George Frost were early town settlers and pioneers. In addition, Dr. Marcus White was a well known surgeon who contributed to the professional and social aspects of the community. Lastly, three generations of the Hansen family, who were bankers, community leaders and long term residences in the community, resided in the home for thirty-four years.

2. It embodies distinguishing architectural characteristics of a style, type, period, or method of construction:

The Hansen Family House is an outstanding example of a two and one-half story Tudor Revival style home (with Craftsman influence) constructed in Ontario during the 1910s. It embodies elements and features that are typical to the style such as the multi-paned hung windows, brick wall cladding on the first floor, stucco finish with simple half-timbering details on the second story walls, and a steeply pitched gable roof. The Craftsman influence can be seen in the large open eaves and exposed rafter tails.

3. It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

The Hansen Family House is one of the only few remaining examples of the early 1910s grand scale Tudor Revival style homes in Ontario. Despite few exterior alterations, this home is historically authentic through retention of historic building materials and architectural elements.

VI. TIER DESIGNATION CRITERIA:

The Tier system ranks the City's historic resources into three levels with Tier I being the most significant to the community. Tier I properties should not be demolished or significantly altered. Demolition of Tier II properties should be avoided. While Tier III properties should also avoid demolition, it may be appropriate in certain circumstances.

The Hansen Family House meets the Tier I designation criteria as contained in the Historic Preservation Ordinance (Sec. 9-1.2633 of the Development Code). The property qualifies under the categories of architecture and history:

1. It is a prototype of one, or one of the finest examples of, a period style, architectural movement, of construction in the City of a particular style of architecture of building type:

The Hansen Family House is an outstanding example of a two and one-half story Tudor Revival style home with Craftsman influence constructed in Ontario during the 1910s. It embodies elements and features that are typical to the style such as the multi-paned hung windows, brick wall cladding on the first floor, stucco finish with simple half-timbering details on the second story walls, and a steeply pitched gable roof. The Craftsman influence can be seen in the large open eaves and exposed rafter tails.

2. It is associated with a business, company or individual significant that has made a significant cultural, social, or scientific contribution to the City, State, or Nation:

The Hansen Family House is associated with several persons significant in local history. Edgar Kenney and George Frost were early town settlers and pioneers. In addition, Dr. Marcus D. White was a well known surgeon who contributed to the professional and social aspects of the community. Lastly, three generations of the Hansen family, who were bankers, community leaders, and long term residences in the community, resided in the home for thirty-four years.

3. It is identified with a person(s) who has exerted a major influence on the heritage or history of the City, state, or nation.

Dr. Marcus White was a well known surgeon who contributed to the professional and social aspects of the community. His commitment to treating patients and

influence on the community is demonstrated through his request to establish the Dr. Marcus D. White Memorial Fund, which is also known as the Sick Baby" Fund, for the purpose of constructing a new cancer clinic at San Antonio Hospital. In addition, the Hansens and Frosts are considered pioneer families that have exerted a major influence on the community. They were part of an early core group of settlers that established community centers building upon the infrastructure after the basic design of the area had been created. George and Lucille Frost's son, Jim C. Frost, was instrumental in the incorporation of Rancho Cucamonga, California where he served as the City's first Mayor and the City Treasurer.

4. It has a direct relationship to one of the principle historic contexts in the City's history.

The Hansen Family House has a direct relationship to the Ontario Model Colony Historic Context. The period of significance for the house is the "Period of Solidification" representing the period 1910-1920. During this period, Ontario's population grew to 4,274 from 722 in 1900. Many of the subdivisions were created, the downtown developed to a full service, the economy was growing, and institutions found permanent homes. Many of these events are documented in the architectural styles, property types such as houses, churches, and commercial buildings, and in several newspapers that existed during this period.

VII. COMPLIANCE WITH THE ONTARIO PLAN:

The designation is consistent with and implements 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:

Vision

DYNAMIC BALANCE

An appreciation for the "personality and charm" of this community, preserving important characteristics and values even as growth and change occur, all the while retaining a distinctive local feel where people love to be.

Governance

G1-1 Consistency with Policies. We require that staff recommendations to the City Council be consistent with adopted City Council Priorities (Goals and Objectives) and the Policy Plan.

G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

Policy Plan

- CD1-3: *Neighborhood Improvement.* We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.
- CD 4-6: *Promotion of Public Involvement in Preservation.* We engage in programs to publicize and promote the City's and the public's involvement in preservation efforts.
- CD 5-4: *Neighborhood Involvement.* We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.

RESOLUTION NO. PC13-037

A RESOLUTION OF THE ONTARIO HISTORIC PRESERVATION COMMISSION APPROVING FILE NO. PHP13-004, RECOMMENDING THAT THE CITY COUNCIL DESIGNATE THE HANSEN FAMILY HOUSE A LOCAL HISTORIC LANDMARK, LOCATED AT 324 EAST I STREET (APN: 1048-251-15).

WHEREAS, Janette De La Rosa Ducut, property owner, ("Applicant") has filed an application for the approval of a Local Historic Landmark Designation, File No. PHP13-004, as described in the title of this Resolution (hereinafter referred to as "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements the Ontario General Plan sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Hansen Family House, a Tudor Revival style with Craftsman influence home constructed in 1910 (est.), located at 324 East I Street (APN: 1048-251-15) is worthy of preservation and designation as a Local Historic Landmark; and

WHEREAS, on July 11, 2013, the Historic Preservation Subcommittee reviewed this property and determined that it met local landmark designation criteria as set forth in Article 26 of the City's Historic Preservation Ordinance (Sec. 9-1.2615); and

WHEREAS, the Historic Preservation Commission has reviewed this property and determined that it meets the local landmark as set forth in Article 26 of the City's Historic Preservation Ordinance (Sec. 9-1.2615).

NOW, THEREFORE, BE IT RESOLVED, that the City of Ontario Historic Preservation Commission recommends to the City Council that the Hansen Family House, located at 324 East I Street, be designated as Local Historic Landmark No. 93 and that it is subject to the provisions of the City's Historic Preservation Ordinance (Sec. 9-1.2600).

SECTION 1. As the recommending body for the Project, the Historic Preservation Commission has reviewed and considered the information contained in the administrative

Preservation Commission, the Historic Preservation Commission finds as follows:

a. The designation is not considered a project pursuant to Section 21065 of the CEQA Guidelines.

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

a. **FINDING:** It meets the criteria for local landmark designation as contained in the Historic Preservation Ordinance (Sec. 9-1.2615 of the Development Code); *It embodies distinguishing architectural characteristics of a style, type, period, or method of construction:*

FACT: The Hansen Family House is an outstanding example of a two and one-half story Tudor Revival style home (with Craftsman influence) constructed in Ontario during the 1910s. It embodies elements and features that are typical to the style such as the multi-paned hung windows, brick wall cladding on the first floor, stucco finish with simple half-timbering details on the second story walls, and a steeply pitched gable roof. The Craftsman influence can be seen in the large open eaves and exposed rafter tails.

b. **FINDING:** *It is identified with persons or events significant in local, state, or national history:*

FACT: The Hansen Family House is associated with several persons significant in local history. Edgar Kenney and George Frost were early town settlers and pioneers. In addition, Dr. Marcus White was a well known surgeon who contributed to the professional and social aspects of the community. Lastly, three generations of the Hansen family, who were bankers, community leaders and long term residences in the community, resided in the home for thirty-four years.

c. **FINDING:** *It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen*

FACT: The Hansen Family House is one of the only few remaining examples of the early 1910s grand scale Tudor Revival style homes in Ontario. Despite few exterior alterations, this home is historically authentic through retention of historic building materials and architectural elements.

SECTION 3. Based upon findings set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby recommends the City Council approve the landmark designation.

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 incorporate fully in the defense.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been raised are located at 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 secretary shall certify to the adoption of the 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 August 2013, 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:



Jerry L. Blum, Planning Director
Planning Commission Secretary

Historic Preservation Commission Resolution
File No. PHP13-004
August 27, 2013
Page 5

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

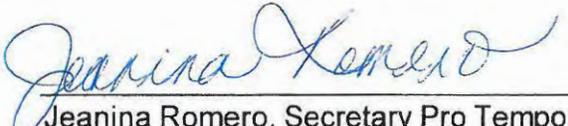
I, Jeanina Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC13-037 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 27, 2013, by the following roll call vote, to wit:

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

NOES: None

ABSENT: None

ABSTAIN: None



Jeanina Romero, Secretary Pro Tempore

RESOLUTION NO. PC13-038

A RESOLUTION OF THE ONTARIO HISTORIC PRESERVATION COMMISSION APPROVING FILE NO. PHP13-006, DESIGNATING THE HANSEN FAMILY HOUSE A TIER I HISTORIC PROPERTY, LOCATED AT 324 EAST I STREET (APN: 1048-251-15).

WHEREAS, the City of Ontario, ("Applicant") has initiated a Tier Designation review and approval, File No. PHP13-006, as described in the title of this Resolution (hereinafter referred to as "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements the Ontario General Plan sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Hansen Family House, a Tudor Revival style with Craftsman style influence home constructed in 1910 (est.), located at 324 East I Street (APN: 1048-251-15) is worthy of preservation and designation of a Tier I historic resource; and

WHEREAS, on July 11, 2013, the Historic Preservation Subcommittee reviewed this property and determined that it met Tier I designation criteria as set forth in Article 26 of the City's Historic Preservation Ordinance (Sec. 9-1.2633); and

WHEREAS, the Historic Preservation Commission has reviewed this property and determined that it meets the Tier I designation criteria as set forth in Article 26 of the City's Historic Preservation Ordinance (Sec. 9-1.2633).

NOW, THEREFORE, BE IT RESOLVED that the City Of Ontario Historic Preservation Commission approves a Tier I designation for the Hansen Family House, located at 324 East I Street, and that it is subject to the provisions of the City's Historic Preservation Ordinance (Sec. 9-1.2600).

SECTION 1. As the decision-making body for the Project, the Historic Preservation Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the

Preservation Commission, the Historic Preservation Commission finds as follows:

a. The designation is not considered a project pursuant to Section 21065 of the CEQA Guidelines.

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

- a. FINDING: It meets the criteria for Tier I designation as contained in the Historic Preservation Ordinance (Sec. 9-1.2633 of the Development Code. *It is a prototype of one, or one of the finest examples of, a period style, architectural movement, of construction in the City of a particular style of architecture of building type:*

FACT: The Hansen Family House is an outstanding example of a two and one-half story Tudor Revival style home with Craftsman influence constructed in Ontario during the 1910s. It embodies elements and features that are typical to the style such as the multi-paned hung windows, brick wall cladding on the first floor, stucco finish with simple half-timbering details on the second story walls, and a steeply pitched gable roof. The Craftsman influence can be seen in the large open eaves and exposed rafter tails.

- b. FINDING: *It is associated with a business, company or individual significant that has made a significant cultural, social, or scientific contribution to the City, State, or Nation:*

FACT: The Hansen Family House is associated with several persons significant in local history. Edgar Kenney and George Frost were early town settlers and pioneers. In addition, Dr. Marcus D. White was a well known surgeon who contributed to the professional and social aspects of the community. Lastly, three generations of the Hansen family, who were bankers, community leaders, and long term residences in the community, resided in the home for thirty-four years.

- c. FINDING: *It is identified with a person(s) who has exerted a major influence on the heritage or history of the City, state, or nation:*

FACT: Dr. Marcus White was a well known surgeon who contributed to the professional and social aspects of the community. His commitment to treating patients and influence on the community is demonstrated through his request to establish the Dr. Marcus D. White Memorial Fund, which is also known as the "Sick Baby" Fund, for the purpose of constructing a new cancer clinic at San Antonio Hospital.

In addition, the Hansens and Frosts are considered pioneer families that have exerted a major influence on the community. They were part of an early core group of settlers that established community centers building upon the infrastructure after the basic design of the area had been created. George and Lucille Frost's son, Jim C. Frost, was instrumental in the incorporation of Rancho Cucamonga, California where he served as the City's first Mayor and the City Treasurer.

- d. *FINDING: It has a direct relationship to one of the principle historic contexts in the City's history:*

FACT: The Hansen Family House has a direct relationship to the Ontario Model Colony Historic Context. The period of significance for the house is the "Period of Solidification" representing the period 1910-1920. During this period, Ontario's population grew to 4,274 from 722 in 1900. Many of the subdivisions were created, the downtown developed to a full service, the economy was growing, and institutions found permanent homes. Many of these events are documented in the architectural styles, property types such as houses, churches, and commercial buildings, and in several newspapers that existed during this period.

SECTION 3. Based upon findings set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby approves a Tier I designation.

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 incorporate fully in the defense.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been raised are located at Ontario City Hall, 303 East B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

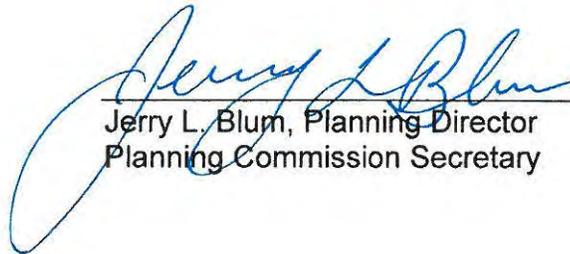
SECTION 6. The secretary shall certify to the adoption of the Resolution.

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 August 2013, 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:



Jerry L. Blum, Planning Director
Planning Commission Secretary

Historic Preservation Commission Resolution
File No. PHP13-004
August 27, 2013
Page 5

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

I, Jeanina Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC-038 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 27, 2013, by the following roll call vote, to wit:

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

NOES: None

ABSENT: None

ABSTAIN: None


Jeanina Romero, Secretary Pro Tempore

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING FILE NO. PHP13-004, THE DESIGNATION OF THE HANSEN HOUSE, LOCATED AT 324 EAST I STREET, AS LOCAL HISTORIC LANDMARK NO. 93, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1048-251-15.

WHEREAS, Janette De La Rosa Ducut (“Applicant”) has filed an application for the approval of a Local Historic Landmark Designation, File No. PHP13-004, as described in the title of this Resolution (hereinafter referred to as “Project”); and

WHEREAS, the City’s character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the “Model Colony” as declared by an act of the Congress of the United States and presented at the St. Louis World’s Fair in 1904; and

WHEREAS, the City’s historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City’s past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario’s rich heritage; and

WHEREAS, the Community Design and Social Resources Elements of The Ontario Plan sets forth Goals and Policies to conserve Ontario’s historic buildings and districts; and

WHEREAS, the Hansen House, a Tudor Revival style, is a two and a half story single family residence constructed in 1910 (est.), located at 324 East I Street (APN: 1048-251-15) and is legally described as: TOWN OF ONTARIO WEST 64 FEET EAST 164 FEET NORTH 136 FEET BOOK 1048 OF PAGE 43; and

WHEREAS, on July 11, 2013, the Historic Preservation Subcommittee reviewed this property and determined that it met designation criteria as set forth in the Historic Preservation Ordinance (Sec. 9-1.2615 of the Ontario Development Code) and

WHEREAS, on August 27, 2013, the Historic Preservation Commission reviewed this property and recommended approval, based on the building meeting the following criteria for designation contained in the Historic Preservation Ordinance (Sec. 9-1.2615 of the Ontario Development Code):

1. It is identified with persons or events significant in local, state, or national history:

The Hansen House is associated with several persons significant in local history. Edgar Kenney and George Frost were early town settlers and pioneers. In addition, Dr. Marcus White was a well known surgeon who contributed to the professional and social aspects of the community. Lastly, three generations of the Hansen family, who were bankers, community leaders and long term residents in the community, resided in the home for thirty-four years.

2. It embodies distinguishing architectural characteristics of a style, type, period, or method of construction:

The Hansen House is an outstanding example of a two and one-half story Tudor Revival style home (with Craftsman influence) constructed in Ontario during the 1910s. It embodies elements and features that are typical to the style such as the multi-paned hung windows, brick wall cladding on the first floor, stucco finish with simple half-timbering details on the second story walls, and a steeply pitched gable roof. The Craftsman influence can be seen in the large open eaves and exposed rafter tails.

3. It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen:

The Hansen House is one of the only few remaining examples of the early 1910s grand scale Tudor Revival style homes in Ontario. Despite few exterior alterations, this home is historically authentic through retention of historic building materials and architectural elements.

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 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 designation is not considered a project pursuant to Section 21065 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:

1. FINDING: It meets the criteria for local landmark designation as contained in the Historic Preservation Ordinance (Sec. 9-1.2615 of the Development Code); *It is identified with persons or events significant in local, state, or national history:*

FACT: The Hansen House is associated with several persons significant in local history. Edgar Kenney and George Frost were early town settlers and pioneers. In addition, Dr. Marcus White was a well known surgeon who contributed to the professional and social aspects of the community. Lastly, three generations of the Hansen family, who were bankers, community leaders and long term residents in the community, resided in the home for thirty-four years.

2. FINDING: *It embodies distinguishing architectural characteristics of a style, type, period, or method of construction:*

FACT: The Hansen House is an outstanding example of a two and one-half story Tudor Revival style home (with Craftsman influence) constructed in Ontario during the 1910s. It embodies elements and features that are typical to the style such as the multi-paned hung windows, brick wall cladding on the first floor, stucco finish with simple half-timbering details on the second story walls, and a steeply pitched gable roof. The Craftsman influence can be seen in the large open eaves and exposed rafter tails.

3. FINDING: *It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen:*

FACT: The Hansen House is one of the only few remaining examples of the early 1910s grand scale Tudor Revival style homes in Ontario. Despite few exterior alterations, this home is historically authentic through retention of historic building materials and architectural elements.

SECTION 3. Based upon findings set forth in Sections 1 and 2 above, the City Council approves and designates the Hansen House, located at 324 East I Street, as Local Historic Landmark No. 93 and that it is subject to the provisions of the Historic Preservation Ordinance (Article 26 of the Ontario Development Code)

SECTION 4. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. The City Clerk shall certify to the adoption of the Resolution.

SECTION 7. The City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County recorder of San Bernardino, County, California.

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 September 2013.

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. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 17, 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)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held September 17, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 17, 2013

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDED DEVELOPMENT AGREEMENT BETWEEN SL ONTARIO DEVELOPMENT CORPORATION, LLC, AND THE CITY OF ONTARIO TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN THE PHASED TRACT MAP

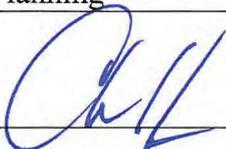
RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving the second amendment (File No. PDA13-003) to the Development Agreement between SL Ontario Development Corporation, LLC, and the City of Ontario to update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure as provided in the phased Tract Map No. 18913-1.

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, Sewer, Parks, Storm Drains, and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The proposed Development Agreement Amendment will update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure as provided in the phased Tract Map No. 18913-1. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 09/17/2013
Approved: _____
Continued to: _____
Denied: _____

11

revenue will be used to support the New Model Colony development. The Development Agreement and the related tract map conditions require the developer to construct public infrastructure.

BACKGROUND: SL Ontario Development Corporation (“SL Ontario”) and the City recognized that the financial commitment required for construction in the New Model Colony (“NMC”) was substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, SL Ontario entered into a Development Agreement with the City providing for the development of up to 1,203 dwelling units. The Development Agreement, approved in November 2006, addressed issues of parkland, public facilities, public services funding, infrastructure and affordable housing.

The Second Amendment incorporates new and modified provisions to conform to the Construction Agreement Amendment, including:

- Adds that SL Ontario shall have evidence of compliance with the Construction Agreement requirements for participation in funding of regional water infrastructure and regional storm water treatment facilities (Mill Creek Wetlands)
- Modifies the amounts and escalation factors for the funding of City services

The Second Amendment also incorporates specific requirements for the phased construction and completion of required public infrastructure, including regional and local streets and traffic signals, water and sewer utilities, and regional and local storm drain improvements. Lastly, the Second Amendment recognizes that SL Ontario may partially assign the obligations of the Development Agreement to purchasers of portions of the property yet retain other benefits and obligations.

The Development Agreement and the Second Amendment continues to require funding for all new City expenses created by the development of the project. These expenses include all additional City-provided services, infrastructure and affordable housing requirements.

The main points of the Development Agreement including the provisions of the Second Amendment are as follows:

- | | |
|--------------------------|--|
| Term: | Maintains the same term of ten (10) years with a five (5) year option. |
| Assignment: | Assignable with all terms and conditions applying to the assignee. New provisions are added in the Second Amendment to recognize and provide City approval all partial assignments. |
| Fees: | |
| Development Impact Fees: | To be paid at current amounts; varies by category (i.e.; Streets and Bridges, Police, Fire, Open Space/Parks etc.). This is a separate fee from existing City licensing fees and permits and is due at building permit issuance for each unit. |

Public Services Funding Fees:	No modifications to the fee amount. SL Ontario has complied with the payment requirement for 2 of 3 total installments; third installment to be paid at permit
Community Facilities: District (CFD):	City will cooperate with Owner to form a CFD to reimburse costs of infrastructure construction and maintenance of public facilities.
Parks/Open Space:	Maintains The Ontario Plan (General Plan) requirement of five (5) acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees; and recognizes that SL Ontario will construct 8 acres of parks and open space and pay a pro-rated fee for the remainder of the park and open space requirements
Housing:	Maintains the provision of affordable housing as required by the Policy Plan (General Plan) through construction, rehabilitation, or by paying an In-Lieu Fee.
Schools:	Maintains the requirement to satisfy Mountain View Elementary School District and Chaffey High School District school facilities requirements.
Termination:	Maintains the City's ability to terminate the Agreement if substantial evidence is found of noncompliance.

In considering the application at their meeting of August 27, 2013, the Planning Commission found that the Development Agreement Second Amendment is consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for NMC development, and unanimously recommended approval of the Development Agreement Second Amendment to the City Council.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT CORPORATION, LLC. FILE NO. PDA13-003, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT TO CONFORM WITH THE CONSTRUCTION AGREEMENT AMENDMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN THE PHASED TRACT MAP NO. 18913-1, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-014-01 THROUGH 07; 0218-022-01 THROUGH 04 AND 10 THROUGH 12; 0218-033-01 THROUGH 06; 0218-042-01 THROUGH 05 AND 13; AND 0218-052-02 THROUGH 05).

WHEREAS, California Government Code Section 65864 now provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include

conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on the 4th day of April 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements.

WHEREAS, on the 10th day of September 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements.

WHEREAS, on the 7th day of November 2006, the City Council of the City of Ontario, adopted Ordinance No. 2844, approving a Development Agreement between SL Ontario Development Corporation and the City; and

WHEREAS, attached to this resolution, marked Exhibit “A” and incorporated herein by this reference, is the proposed Second Amendment to the Development Agreement between SL Ontario Development Corporation and the City of Ontario, File No. PDA13-003. Hereinafter in this Resolution, the Development Agreement is referred to as the “Second Amendment”; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan, for which an Environmental Impact Report (SCH #2004011009) was certified by the City Council on October 19, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on August 27, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Second Amendment and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted unanimously to recommend approval of the Amendment to the City Council; and

WHEREAS, on September 17, 2013, the City Council of the City of Ontario conducted a hearing to consider the Second Amendment 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 ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. Based upon substantial evidence presented to the City Council during the above-referenced hearing on September 17, 2013, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The Second Amendment to the Development Agreement applies to 279 acres of residential land within the Subarea 29 Specific Plan, generally located south of Eucalyptus Avenue and east of Archibald Avenue and is presently utilized for dairy and agriculture uses; and

b. The properties to the north of the Project site are within the proposed Grand Park Specific Plan, are designated for open space uses and are vacant. The properties to the south of the project site are developed with single family residents within the City of Eastvale. The properties to the east are within planning areas 27-29 of the Subarea 29 Specific Plan and are vacant. The properties to the west are within planning area 1 of the Subarea 29 Specific Plan (designated for single family residential uses) and the Business Park land use designation of The Ontario Plan ("TOP") and are vacant and developed with a dairy; and

c. The Development Agreement and the Second Amendment to the Development Agreement establishes parameters for the development of the Subarea 29 residential projects. The Development Agreement also grants SL Ontario Development Corporation the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy plan (General Plan), design guidelines and development standards for the Subarea 29 Specific Plan; and

d. The Second Amendment to the Development Agreement focuses revisions to the Development to bring it into consistency with the Construction Agreement between the City and New Model Colony Builders, ("NMC"), LLC; and

e. The Second Amendment to the Development Agreement will provide for the phasing of various improvements established by the Subarea 29 Specific Plan; and

f. The Second Amendment to the Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

g. The Second Amendment to the Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

h. The Second Amendment to the Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

i. The Second Amendment to the Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties but the benefits of the project outweighs the potential environmental impacts and the mitigation of these impacts were addressed in the Subarea 29 Specific Plan EIR certified by the City Council on October 19, 2006.

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

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

SECTION 7. 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 by the City Council of the City of Ontario, California, at a regular meeting of the City Council held on the ____ day of _____, 2013.

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 _____, 2013, and adopted at the regular meeting held _____, 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. _____ 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
September 17, 2013

**SECTION:
PUBLIC HEARINGS**

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, AMENDING VARIOUS SECTIONS OF TITLE 9 (DEVELOPMENT CODE) OF THE ONTARIO MUNICIPAL CODE RELATIVE TO MEDICAL MARIJUANA DISPENSARIES

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving File No. PDCA13-004, amending various sections of Title 9 (Development Code) of the Ontario Municipal Code to expressly define and clarify the City's existing prohibition of medical marijuana dispensaries in all zoning districts, including mobile medical marijuana dispensaries.

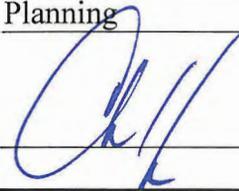
COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Operate in a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

FISCAL IMPACT: None.

BACKGROUND: In 1996, California voters approved Proposition 215 ("The Compassionate Use Act") which provides seriously ill Californians "the right to obtain and use marijuana for medical purposes" upon being deemed by a physician to be beneficial to the patient's health, and it establishes several forms by which marijuana can be distributed. Nothing in Act prohibits a city from adopting ordinances restricting the location or establishment of any medical marijuana distributor.

SB 420, enacted by the State Legislature in 2003, provided further statutory guidance for those involved with medical marijuana use and regulation. Additionally, in May 2013, the California Supreme Court held that local governments can ban medical marijuana dispensaries because California's marijuana laws do not expressly or impliedly limit a local jurisdiction's land use authority. In their opinion, the Court further ruled that the California Constitution grants cities and counties broad power to determine the

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Charles Mercier
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 09/17/2013
Approved: _____
Continued to: _____
Denied: _____

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permitted uses of land within their borders, that Proposition 215 and SB 420 do not restrict that power, and that a local ban on medical marijuana dispensaries (“MMDs”) does not conflict with these laws because they do no more than exempt certain activities from State criminal and nuisance laws. The attached Planning Commission staff report provides additional background discussion.

The Ontario Municipal Code (OMC) defines Medical Marijuana Dispensaries (MMDs) to be “[a]ny association, cooperative, club, coop, delivery service, collective, and any other similar use involved in the sale, possession, cultivation, use, and/or distribution of marijuana for medicinal purposes,” and currently prohibits the establishment of Medical Marijuana Dispensaries (MMDs) in all zoning districts of the City.

The City has been successful in prohibiting several MMDs from locating without the filing of a court case; however, it is the opinion of the City Attorney that the City’s current MMD definitions could be tightened-up. An analysis of the City’s current MMD ordinance by the City Attorney has identified several areas in which the ordinance should be amended.

1. A relatively weak argument can be made that the current OMC does not [1] prohibit MMD offices that do not dispense marijuana themselves, but do handle or process the paperwork, donations, vouchers, etc., and distribute the marijuana from a mobile or independent location or vehicle (the “hybrid” approach), or [2] prohibit purely mobile MMD operations (including mobile deliveries originating in the City but completed outside of the City; deliveries initiated outside of the City but completed within the City; and deliveries initiated and completed within the City).

These “pure mobile” or “hybrid storefront/off-site” operational approaches are novel approaches taken by many medical marijuana advocates, and the City Attorney considers both approaches to be an illegal use of land, as the OMC prohibits “[a]ny ... similar use involved in the sale, possession, cultivation, use, and/or distribution of marijuana for medicinal purposes,” as well as “delivery service(s)”. This language likely covers the alternative MMD dispensary approaches; nevertheless, the proposed amendment to the MMD provisions will serve to further clarify that these approaches are not permitted land uses within the City.

2. The OMC does not expressly define the terms “medical marijuana cooperative” and “medical marijuana collective,” but does prohibit them. The proposed amendment clarifies what is meant by these terms.

3. The OMC does not have exclusions in the definition of MMDs to specifically exclude “clinics,” “health care facilities,” “residential care facilities,” “residential hospices,” and “home health agencies,” from its scope. The California Health and Safety Code treats these as unique health facilities with distinct licensing requirements. The proposed amendment provides clarifications to avoid an argument that legally permitted operations fitting these definitions are not prohibited by the OMC.

Based on staff’s study of this issue, the City Attorney’s Office and City staff prepared a draft ordinance updating the definition of “medical marijuana dispensary.” The ordinance further addresses the novel approaches to operating MMDs since the City first enacted its prohibition of MMDs, including “hybrid” (i.e. storefront for paperwork and mobile or off-site delivery) and “purely mobile delivery” operational approaches. On August 27, 2013, the Planning Commission unanimously voted (7-0) to recommend the City Council approve the draft ordinance. At this time the City Council is being asked to approve the proposed ordinance, [1] as it is in the public interest, [2] as it clarifies and updates the existing definition of

MMDs, including mobile MMDs, and [3] as it addresses the negative and harmful secondary effects of MMD operations.

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 Element

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

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

Safety Element

Goal S7: Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, community involvement and a system of continuous monitoring.

Policy S7-2: Community Oriented Problem Solving (C.O.P.S.). We support and maintain the mission of COPS to identify and resolve community problems;

Policy S7-5: Interdepartmental Coordination. We utilize all City departments to help reduce crime and promote public safety; and

Policy S7-6: Partnerships. We partner with other local, state and federal law enforcement agencies and private security providers to enhance law enforcement service to Ontario.

ENVIRONMENTAL REVIEW: Staff has determined that the proposed Development Code amendment is exempt from the California Environmental Quality Act (codified as Public Resources Code Sections 21000 et seq.) (“CEQA”) and the State CEQA Guidelines, pursuant to CEQA Guidelines Section 15061(b)(3), which states that the activity is covered by 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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 9-1.0200 AND 9-1.1300 OF TITLE 9 OF THE ONTARIO DEVELOPMENT CODE TO CLARIFY THE DEFINITION AND EXISTING PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES, INCLUDING MOBILE MEDICAL MARIJUANA DISPENSARIES, IN ANY ZONE OF THE CITY.

WHEREAS, in 1996, the voters of the State of California ("State") approved Proposition 215, codified as Health and Safety Code Sections 11362.5 *et seq.* and entitled "The Compassionate Use Act of 1996" (the "CUA"), which provides seriously ill Californians "the right to obtain and use marijuana for medical purposes" once a physician has deemed the use beneficial to the patient's health; and

WHEREAS, as part of the CUA, Health and Safety Code Section 11362.768 regulates several forms through which marijuana can be distributed. Specifically, the section applies to "a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is authorized by law to possess, cultivate, or distribute medical marijuana and that has a storefront or mobile retail outlet which ordinarily requires a local business license;" and

WHEREAS, in 2003, the State legislature enacted SB 420 to clarify the scope of the CUA and to allow cities to adopt and enforce rules and regulations consistent with the provisions of SB 420. Specifically, the Legislature approved the Medical Marijuana Program Act ("MMP") which provided additional statutory guidance for those involved with medical marijuana use and also authorized cities to enact rules and regulations with regard to medical marijuana consistent with State law; and

WHEREAS, the CUA expressly anticipates the enactment of additional local legislation. It provides: "Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes." (Health & Safety Code Section 11362.5.) The MMP similarly anticipates local regulation, providing: "Nothing in this article shall prevent a city from adopting and enforcing local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective civil and criminal enforcement of local ordinances; [and] other laws consistent with this article" (Health & Safety Code section 11362.83); and

WHEREAS, the Federal Controlled Substances Act (the "Controlled Substances Act"), codified as 21 U.S.C. Section 801 *et seq.*, makes it unlawful for any person to manufacture, distribute or dispense or process with intent to manufacture, distribute or dispense marijuana. Despite the passage of the CUA, the United States Supreme Court in *United States v. Oakland Cannabis Buyers' Cooperative* (2001) 532 U.S. 483, held that the Controlled Substances Act continues to prohibit marijuana use, distribution, and possession, and that no medical necessity exceptions exist to those prohibitions and, in *Gonzales v. Raich* (2005) 545 U.S. 1, held that Congress, under the authority of the

Commerce Clause of the United States Constitution, could regulate the intrastate manufacture and possession of marijuana in furtherance of the provisions of the Controlled Substances Act; and

WHEREAS, several California cities that have permitted the establishment of medical marijuana dispensaries have found that such medical marijuana dispensaries have resulted in negative and harmful secondary effects, including significant increases in traffic, crime, and noise. These harmful secondary effects have involved a wide range of activity including burglaries, takeover robberies of dispensaries, robberies of customers leaving dispensaries, an increase in theft and robberies in the vicinity of dispensaries, illegal re-selling of marijuana obtained from dispensaries, physicians issuing apparently fraudulent recommendations for the use of marijuana, dispensary staff selling marijuana to customers with obviously counterfeit patient identification cards, street dealers attempting to sell marijuana to dispensary customers, dispensary customers using marijuana and then driving under its influence, the sale of other illegal narcotics other than marijuana in the dispensaries, sales of marijuana to minors, and

WHEREAS, on May 6, 2013, in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, et al., the California Supreme Court held that local governments can ban medical marijuana dispensaries by stating that nothing in the State of California's marijuana laws "expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land, including the authority to provide that facilities for the distribution of medical marijuana will not be permitted to operate within its borders." In this opinion, the Court further ruled that the California Constitution grants cities and counties broad power to determine the permitted uses of land within their borders, that the CUA and MMP state or imply no purpose to restrict that power, and that the City of Riverside's prohibition of marijuana dispensaries does not conflict with these statutes because the statutes do no more than exempt certain activities from the state's criminal and nuisance laws; and

WHEREAS, in response to the holding in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, marijuana advocates have stated that they plan to narrowly interpret the court's holding to merely prohibit the dispensing of marijuana from a stationary storefront; and

WHEREAS, these marijuana advocates plan on advising marijuana dispensaries to operate under a "hybrid" approach where they would create facilities or offices to handle or process the paperwork for joining a medical marijuana dispensary or medical marijuana cooperative, as defined herein, to receive financial compensation or donations for the marijuana, or to give vouchers or other indicia of membership to new members only to later dispense the marijuana from a mobile or on or off site standalone delivery source independent of the office; and

WHEREAS, the exact number of mobile or on or off site standalone delivery services operating in California is unclear, since the State does not keep a registry of mobile medical marijuana distributors. In August 2013, at least six services within Ontario advertised direct delivery of marijuana within the City on "Weedmaps.com," an internet commercial listing service; and

WHEREAS, an increase in mobile dispensaries has been found to coincide with successful enforcement actions involving storefront dispensaries. In other parts of the state, shuttered businesses turned to delivery services instead. There is reason to expect the same in the City of Ontario, particularly in light of the California Supreme Court's recent ruling upholding the City of Riverside's ban on marijuana dispensaries, the City's willingness to cooperate with federal law enforcement operations, and its own aggressive enforcement actions against medical marijuana dispensaries; and

WHEREAS, mobile dispensaries have been strongly associated with criminal activity. Delivery drivers, for example, are targets of armed robbers who seek cash and drugs. As a result, many of the drivers reportedly carry weapons or have armed guards as protection. Examples of such criminal activity reported in the media include the following:

1. In February 2013, a Temecula deliveryman was reportedly robbed of cash outside of a Denny's restaurant, which led to a vehicular chase that continued until the robbers' vehicle eventually crashed on a freeway on ramp.

2. In January 2013, marijuana deliverymen in Imperial Beach were reportedly robbed after being stopped by assailants (one with a brandished semi-automatic handgun) after making a stop.

3. In January 2013, a deliveryman was reportedly robbed of three ounces of marijuana while making a delivery outside a Carl's Jr. Restaurant in Riverside, and he told police that the suspect may have had a gun.

4. In May 2012, a 23-year-old deliverywoman in La Mesa was reportedly shot in the face with a pellet gun. After running away, the assailants carjacked her vehicle.

5. In March 2012, a West Covina deliveryman was reportedly robbed after making a delivery. The deliveryman told police that he was approached by two subjects in ninja costumes who chased him with batons. He was scared and dropped a bag with some marijuana and money, which was taken by the suspects.

6. In August 2011, a medical marijuana deliveryman was reportedly robbed of \$20,000 worth of his marijuana (approximately 9 pounds) and a cellular phone in Fullerton. The driver suffered a head cut during the crime.

7. In June 2011, a marijuana delivery from a Los Angeles mobile dispensary turned deadly in Orange County when four individuals reportedly ambushed the mobile dispensary driver and his armed security guard and tried to rob them. One of the suspects approached the delivery vehicle and confronted the driver and a struggle ensued. A second suspect armed with a handgun, approached the security guard, who fired at the suspect hitting him multiple times.

8. In April 2011, a customer reportedly made arrangements for a medical marijuana deliveryman to meet him in a Safeway parking lot in Salinas. The deliveryman had about \$1,000 in cash and 1.5 pounds of marijuana. As the deliveryman began weighing the order, he looked up and saw a silver handgun in his face. The customer stole money and marijuana. The judge sentenced the customer to five years in state prison.

9. In May 2010, a college student who delivers medical marijuana door-to-door was reportedly robbed at gunpoint in Richmond. The assailants took \$1,000 in cash and a pound of marijuana; and

WHEREAS, concerns about non-medical marijuana use in connection with medical marijuana distribution operations have been recognized by federal and state courts. One example is *People v. Leal*, (2012) 210 Cal. App. 4th 829. (“Not surprisingly, it seems that the enhanced protection from arrest has proven irresistible to those illegally trafficking marijuana, for if there is even rough accuracy in the anecdotal estimate by the arresting detective in this case — that nearly 90 percent of those arrested for marijuana sales possess either a CUA recommendation or a card — then there is obviously widespread abuse of the CUA and the MMP identification card scheme by illicit sellers of marijuana. Ninety percent far exceeds the proportion of legitimate medical marijuana users one would expect to find in the populace at large. For this and other reasons, it is impossible for us not to recognize that many citizens, judges undoubtedly among them, believe the CUA has become a charade enabling the use of marijuana much more commonly for recreational than for genuine medical uses.”); and

WHEREAS, despite the CUA and the MMP, the United States Attorneys in California have taken action to enforce the federal Controlled Substances Act against marijuana dispensaries, and have issued letters stating that California cities and officials face possible criminal prosecution for enabling dispensaries to violation federal law; and

WHEREAS, Ontario’s Development Code section 9-1.200 does contain an express definition of “medical marijuana dispensary” and “marijuana.” Section 9-1.1300(a) states that land and facilities thereon within the City shall only be developed, divided and/or used for the activities listed in Table 13-1 of the Ontario Municipal Code and decrees that Table 13-1 establishes uses that are permitted, conditionally permitted, not permitted or slowed as an ancillary use in association with a permitted or conditionally permitted use, within each zoning district of the City. Section 9-1.1300(a) also clarifies that a use that is not specifically allowed by Table 13-1 shall be deemed a prohibited use unless otherwise allowed by the Zoning Administrator in accordance with the provision contained in Section 9-1.1310 of Ontario’s Development Code. Table 13-1 prohibits medical marijuana dispensaries in all zoning districts of the City. However, novel approaches to MMD operation have commenced since the City enacted its prohibition of MMD’s, especially in light of the Supreme Court of California recent ruling upholding the right of municipalities to ban MMD’s, including the “hybrid” and mobile marijuana dispensaries described herein; and

WHEREAS, prior to the date of this ordinance, MMD’s are and continue to be prohibited in all zoning districts of the City pursuant to the Ontario Municipal Code; and

WHEREAS, the City Council hereby finds that, given the recent case law upholding a city's ability to ban medical marijuana dispensaries and the public peace, health, safety and welfare concerns associated with the operation of medical marijuana dispensaries as mentioned herein, the City wishes to continue its ban of medical marijuana dispensaries, as the definition of such MMD's is clarified herein, in all zoning districts of the City, including mobile operations.

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. The paragraph defining "Medical marijuana dispensary" within Section 9-1.0200 entitled "Definitions" of Article 2 of Part 1 of Chapter 1 of the Ontario Development Code is hereby amended to read as follows:

"Sec. 9-1.0200. Definitions.

"Medical Marijuana Dispensary." Any facility or location, including any clinic, cooperative, club, business or group which dispenses, sells, provides, transports or delivers, or arranges the dispensing, sale, provision, transport or delivery, of medical marijuana to any person, firm, corporation, association, club, society, or other organization or any owner, manager, proprietor, employee, volunteer, or salesperson thereof, whether such facility, location or delivery service is independent from or affiliated with any fixed facility or location in the City, where medical marijuana is made available to, distributed by, sold or supplied to one or more of the following: (1) more than a single qualified patient, (2) more than a single person with an identification card, or (3) more than a single primary caregiver. Unless otherwise regulated by ordinance or applicable law, a "medical marijuana dispensary" shall not be construed to include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health & Safety Code, (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health & Safety Code, (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health & Safety Code, (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health & Safety Code, (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health & Safety Code, to the extent that such use strictly complies with applicable law, including but not limited to California Health & Safety Code Section 11362.5, et seq. A medical marijuana cooperative is two or more persons collectively or cooperatively cultivating, using, transporting, processing, administering, delivering or making available medical marijuana, with or without compensation. The term "medical marijuana cooperative" shall include a medical marijuana collective. All terms used in this definition of medical marijuana dispensary, including but not limited to "medical marijuana," "qualified patient," "identification card," and "primary caregiver," shall be as defined in California Health & Safety Code Section 11362.5, et seq."

SECTION 3. Subsection (a) of Section 9-1.1300 entitled “Permitted, Conditional and Ancillary Land Uses – All Zoning Districts.” of the Ontario Development Code is hereby amended to read as follows:

“Sec. 9-1.1300. Permitted, Conditional and Ancillary Land Uses – All Zoning Districts; Medical Marijuana Dispensaries Prohibited.

- (a) Land and facilities thereon shall only be developed, divided and/or used for those activities listed in Table 13-1. Table 13-1 establishes uses that are permitted, conditionally permitted, not permitted or allowed as an ancillary use in association with a permitted or conditionally permitted use, within each zoning district established by Article 12. A use that is not specifically allowed by Table 13-1 shall be deemed a prohibited use unless otherwise allowed by the Zoning Administrator in accordance with the provisions contained in § 9-1.1310 of this chapter. Notwithstanding any other provision of this Code, a medical marijuana dispensary, as defined in Section 9-1.0200 of this Chapter, shall be a prohibited use in all zones of the City.
- (1) The operation of any medical marijuana dispensary as defined in this Chapter within the City is hereby declared a public nuisance and shall be abated pursuant to all available remedies. Violations of this Section may be enforced by any applicable law.
- (2) No person shall deliver marijuana or marijuana-infused products, such as tinctures, baked goods or other consumable products, to any location within the City from a medical marijuana dispensary, regardless of whether the medical marijuana dispensary from which the delivery originated is within the City, or engage in any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet, or assist in the operation of any medical marijuana dispensary in the City.
- (3) No person shall deliver marijuana or marijuana-infused products with such delivery originating from any medical marijuana dispensary located within the City, regardless of whether the delivery destination is within the City.”

SECTION 4. 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 5. 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 6. 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 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 by the City Council of the City of Ontario, California, at a regular meeting of the City Council held on the ____ day of _____, 2013.

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 _____ 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
September 17, 2013

SECTION:
PUBLIC HEARING

SUBJECT: A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2012-2013 FISCAL YEAR

RECOMMENDATION: That the City Council:

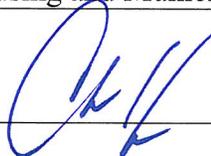
- A. Hold a public hearing to receive testimony on the draft Consolidated Annual Performance Evaluation Report (CAPER) for the 2012-2013 Fiscal Year (on file in the Records Management Department);
- B. Direct staff to prepare and transmit to the U.S. Department of Housing and Urban Development (HUD) the final CAPER, which will address all public comments received on the draft CAPER; and
- C. Authorize the City Manager to execute any and all documents necessary and/or desirable to transmit CAPER to HUD.

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: None

BACKGROUND: The CAPER is a HUD required report providing annual information about the City's utilization of HUD funds for local community development and housing projects. During Fiscal Year 2012-2013, a combined total of over \$14.1 million of federal and local funds were expended to implement approximately thirty-eight (38) housing and community development programs and projects. These activities were contained in the City's Fiscal Year 2012-2013 One Year Action Plan, approved on May 1, 2012. Federal funding sources in the CAPER includes the following HUD Programs: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) Program, and Emergency Solutions Grant (HESG). Local funding sources include Ontario Housing Authority funds and Quiet Home Program funds.

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

Prepared by: Katryna Gonzalez
Department: Housing and Municipal Services
City Manager Approval: 

Submitted to Council/O.H.A. 09/17/2013
Approved: _____
Continued to: _____
Denied: _____

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Listed below are key housing and community development projects discussed in the CAPER:

- The City expended approximately \$1.5 million to implement five (5) infrastructure and community facility activities and two (2) public service activities under the Community Development Strategy. The major projects within this strategy include, but are not limited to the following: Energy Efficiency Lighting, James Bryant Park Tot Lot, COPS Program, and YMCA Child Care Subsidies.
- More than \$5.9 million was expended to implement nineteen (19) housing programs within Ontario as part of the Housing Strategy. The major projects within this strategy include, but are not limited to the following: Vesta and Hollowell Apartments Rehabilitation Projects and Quiet Home Program.
- Over \$950,000 was expended as part of the Homeless Strategy to implement seven (7) activities. The major projects within this strategy include programs to provide public services for homeless individuals such as Assisi House and Aftercare Services Program, Mercy House Center Ontario, SOVA Hunger Program, Ontario Access Center, Services for Battered Women and Children, Foothill Family Shelter, and Project Gateway.

Attached is the Executive Summary of the Consolidated Annual Performance and Evaluation Report for FY 2012-2013. The Executive Summary provides a summary of expenditures and accomplishments for all CDBG, HOME, and HESG funded activities undertaken to address strategies identifies within the Five-Year Consolidated Plan and the One-Year Action Plan, adopted by City Council on May 1, 2012.

The Consolidated Annual Performance and Evaluation Report for FY 2012-2013 has been available for public review from August 30, 2013 through September 16, 2013. To date, no comments have been received.

Subsequent to City Council approval of the CAPER, staff will submit the final report to HUD. The deadline to submit the CAPER to HUD is September 28, 2013 (90 days after the end of the fiscal year).

CITY OF ONTARIO

Consolidated Annual Performance and Evaluation Report

For the period of July 1, 2012 - June 30, 2013

EXECUTIVE SUMMARY

The Consolidated Annual Performance and Evaluation Report (CAPER) provides information to Ontario residents, elected officials, City staff, and the U.S. Department of Housing and Urban Development (HUD) about housing and community development needs, projects, and accomplishments. This report covers activities conducted during Fiscal Year 2012-2013 which began July 1, 2012 and ended June 30, 2013. During this period, federal and local funds were used to implement a myriad of housing and community development programs and projects. Each activity supported one or more of the priorities originally presented in the City's five-year Consolidated Plan Document.

The following list highlights key housing and community development activities implemented during FY 2012-2013:

- The City of Ontario expended more than \$14.1 million in federal and local funds to administer housing and community development programs.
- The City expended approximately \$1.5 million to implement five (5) infrastructure and community facility activities and two (2) public service activities under the Community Development Strategy. The major projects within this strategy include, but are not limited to the following: Energy Efficiency Lighting, James Bryant Park Tot Lot, COPS Program, and YMCA Child Care Subsidies.
- More than \$5.9 million was expended to implement nineteen (19) housing programs within Ontario as part of the Housing Strategy. The major projects within this strategy include, but are not limited to the following: Vesta and Hollowell Apartments Rehabilitation Projects, and Quiet Home Program.
- Over \$950,000 was expended as part of the Homeless Strategy to implement seven (7) activities. The major projects within this strategy include programs to provide public services for homeless individuals such as Assisi House and Aftercare Services Program, Mercy House Center Ontario, SOVA Hunger Program, Ontario Access Center, Services for Battered Women and Children, Foothill Family Shelter, and Project Gateway

The tables on the following pages demonstrate the breakdown of funds received and expended within each identified strategy: Community (Capital) Development, Housing, Homeless, Special Populations, Fair Housing, and Public Housing.

FUNDING SOURCES

FUNDING SOURCE	ACTIVITIES FUNDED	ACTUAL RECEIVED AMOUNT FOR FY 12-13
Community Development Block Grant (CDBG)	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$1,731,696
CDBG Program Income	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$28,245
HOME Investment Partnership (HOME)	Housing rehabilitation.	\$453,191
American Dream Downpayment Initiative	Homeownership assistance (Roll over from prior years)	\$112,043
HOME Program Income	Housing rehabilitation	\$104,081
Emergency Solutions Grant (HESG)	Essential support services and operating expenses for homeless facilities and programs.	\$189,104
Ontario Redevelopment Agency Low and Moderate Income Housing Fund (LMIHF)	Home ownership assistance, housing acquisition and rehabilitation, and homeless services.	\$24,114,039 ¹
Neighborhood Stabilization Program 3 (NSP3)	Emergency assistance for the redevelopment of abandoned and foreclosed homes and residential properties.	\$1,872,853 ²
State of California BEGIN Program	Program provides deferred-payment second mortgage loans to qualified buyers of new homes within the Edenglen Development.	\$1,590,300 ²
State of California CalHome Program	Program provides rehabilitation loans to abate code violations in the form of a deferred loan to qualified home owners within designated noise impacted areas.	\$1,000,000 ²
State of California CalHome Program	Program provides downpayment assistance to qualified buyers within eligible census tracts.	\$1,000,000 ²
TOTAL		\$32,195,552

¹ This funding is available pending resolution of current discussions with the Department of Finance related to the dissolution of redevelopment in California.

² Full amount of grant reflected. Actual funding not received during FY 2011-2012.

HOUSING STRATEGY

Program/Project	Funding Source	Expenses	Annual Accomplishment
<i>Priority 1: Preserve existing rental and owner-occupied housing resources.</i>			
Ontario CARES (CARES Exterior Beautification Grants)	CDBG	\$0.00	This project is currently on hold pending discussions with the California Department of Finance regarding funding for the project.
	LMIHF	\$0.00	
	Subtotal	\$0.00	
Quiet Home Program (formerly known as Part 150 Noise Compatibility Program)	FAA and LAWA	\$3,876,711.72	Completed sound insulation work on 72 homes, acquired 1 property, and relocated 9 households.
Community Improvement Team	CDBG	\$357,722.07	A total of 2,304 inspections were completed during the reporting period. 294 citations were given, 410 notices issued and 510 violations abated.
Foreclosure Opportunity Response Team	CDBG	\$19,850.14	Under funding of the FORT Program, Code Enforcement staff identified, inspected, researched building and ownership records, and conducted enforcement efforts on 198 foreclosed and abandoned properties within the designated focus areas.
Low-Mod Assisted Housing Developments	N/A	N/A	Monitored 1,743 housing units
Ideal Mobile Home Park	LMIHF	\$26,305.28	The Authority continued to manage this property.
	Rent Receipts	\$13,778.07	
	Subtotal	\$40,083.35	
CalHome Owner-Occupied Rehabilitation Loan Program	CDBG	\$2,014.31	During FY 2012-2013, one homeowner was qualified for this program and design work was begun. The project is expected to be completed in the Fall/Winter of 2013.
	CalHome Funds	\$0.00	
	Subtotal	\$2,014.31	

Program/Project	Funding Source	Expenses	Annual Accomplishment
California Catalyst Community Projects	Other Funds	\$260,614.99	The California Department of Housing and Community Development awarded the City of Ontario's Downtown Core Catalyst Project (DCCP) as one of only thirteen communities within the State of California as a Catalyst Project. This project is aimed to develop high density residential and provide neighborhood revitalization. Although not specifically housing development projects, there are currently four projects underway in the DCCP area, the Ontario Town Square Plaza, the Civic Center Community Conservation Park, renovation of the Emergency Operations Center, and the CalHome Mortgage Assistance Program.
1165 West Hollowell Street	NSP3 HOME	\$170,752.94 \$46,164.42	Construction contract was awarded to complete major rehabilitation on this four unit multi-family building. Construction began is estimated to be completed by September 2013.
	Subtotal	\$216,917.36	
1164 West Vesta Street	NSP3 HOME	\$113,496.92 \$98,240.04	Construction contract was awarded to complete major rehabilitation on this four unit multi-family building. Construction began is estimated to be completed by September 2013.
	Subtotal	\$211,736.96	
TOTAL HOUSING PRIORITY #1		\$4,983,636.59	
<i>Priority 2: Increase affordable homeownership opportunities, particularly for low- and moderate-income persons.</i>			
Ontario OPEN House Program	HOME (ADDI)	\$20,700.00	Two homebuyers were assisted during FY 2012-2013.
Extra Credit Teacher Home Purchase Program (CalHFA)	Bond	\$0.00	The Extra Credit Teach Program was suspended on 12/19/2008 and is still unavailable.
Home Buyer Assistance (County of San Bernardino Mortgage Revenue Bond Program)	Bond Financing	\$916,668.00	Five (5) Mortgage Credit Certificates (MCC) were issued for a home in Ontario during FY 2012-2013.

Program/Project	Funding Source	Expenses	Annual Accomplishment
Neighborhood Partnership Housing Services Programs	Private Financing	N/A	During FY 2012-2013, NPHS has educated and/or counseled 121 Ontario residents resulting in 35 homes being saved from foreclosure. In addition 17 loans were provided to first-time homebuyers.
Officer/Teacher/Fireman/Emergency Technician Next Door Program	HUD & FHA	\$0.00	No homebuyers were assisted in Ontario during FY 2012-2013
Police Residence Assistance Program*	Ontario General Fund	\$0.00	No loans were paid off during FY 2012-2013
Edenglen BEGIN Program*	State of California BEGIN Funds	\$45,597.00	One loan was funded during FY 2012-2013.
CalHome Mortgage Assistance Program	State of California CalHome Funds	\$0.00	City staff continued to work with the State to finalize the guidelines, documents, and approvals for this program.
TOTAL HOUSING PRIORITY #2		\$982,965.00	
<i>Priority 3: Expand affordable rental housing opportunities, particularly for low-income persons.</i>			
In-Fill Housing Development • Mission Oakland Single-Family Housing Development	LMIHF	\$6,474.00	The Ontario Housing Authority is maintaining this site pending future housing development.
TOTAL HOUSING PRIORITY #3		\$6,474.00	
GRAND TOTAL – HOUSING STRATEGY		\$5,973,075.59	

HOMELESS STRATEGY

Program/Agency	Funding Source	Expenses	Accomplishments
<i>Priority 1: Preserve and improve the supply of supportive housing and public services for the homeless.</i>			
Foothill Family Shelter – First Steps Transitional Housing Program	HESG	\$10,900.00	A total of 46 unduplicated homeless persons were served.
Assisi House and Aftercare Services Program	CDBG	\$65,700.00	A total of 63 unduplicated homeless persons were served.
Mercy House Center Ontario	HESG	\$179,430.00	A total of 1,556 unduplicated homeless persons were served.
House of Ruth – Services for Battered Women and Children	HESG	\$18,000.00	A total of 132 unduplicated battered women and children were provided with services.
Inland Valley Council of Churches - SOVA Food Security Center	HESG	\$26,300.00	A total of 4,079 unduplicated persons were served.
Ontario Access Center (OAC)	CDBG	\$552,490.29	During FY 2012-2013, a contract was awarded for the construction of this project. The project will include an outreach and intake center, shower and restroom facilities, laundry facilities, storage, and mail delivery services. It is expected that the rehabilitation will be completed by October 2013.
Project Gateway (Shelter + Care Program)	HUD	\$106,964.00	Ten (10) households were housed using Shelter + Care vouchers.
GRAND TOTAL – HOMELESS STRATEGY		\$959,784.29	

SPECIAL NEEDS STRATEGY

Program/Agency	Funding Source	Expenses	Accomplishments
<i>Priority 1: Provide supportive services for special needs populations.</i>			
Inland Fair Housing and Mediation Board – Senior Services	CDBG	\$15,950.00	A total of 548 seniors were served.
GRAND TOTAL – SPECIAL NEEDS STRATEGY		\$15,950.00	

FAIR HOUSING STRATEGY

Program/Agency	Funding Source	Expenses	Accomplishments
<i>Priority 1: Continue to implement the Fair Housing Laws by providing funding to further fair housing.</i>			
Inland Fair Housing and Mediation Board – Fair Housing	CDBG	\$22,000.00	A total of 123 persons were served.
Inland Fair Housing and Mediation Board – Landlord/Tenant Mediation Services	CDBG	\$10,200.00	A total of 1,524 persons were served.
GRAND TOTAL – FAIR HOUSING STRATEGY		\$32,200.00	

PUBLIC HOUSING STRATEGY

Program/Agency	Funding Source	Expenses	Accomplishments
<i>Priority 1: Continue to support ongoing efforts of the Housing Authority of the County of San Bernardino to maximize the use of Section 8 subsidies and other resources in the City.</i>			
Housing Authority of the County of San Bernardino (Housing Choice Voucher Program)	HUD	\$5,304,504.00	611 households assisted in Ontario.
Housing Authority of the County of San Bernardino (Family Self-Sufficiency)	HUD	N/A	Seven (7) Ontario residents served.
GRAND TOTAL – PUBLIC HOUSING STRATEGY		\$5,304,504.00	

COMMUNITY DEVELOPMENT STRATEGY

Program/Project	Funding Source	Expenses	Accomplishments
<i>Priority 1: Provide for needed infrastructure improvements in lower and moderate-income neighborhoods.</i>			
Local Street Rubberized Rehabilitation	CDBG	\$180,000.00	Notice to Proceed was issued, work was completed and a Notice of Completion was recorded on October 9, 2012.
	Other Funds	\$951,803.58	
	Subtotal	\$1,131,803.58	
Begonia Avenue Pavement Rehabilitation and Street Lighting	CDBG	\$0.00	Design was completed, staff recommended a re-scope of the project and pre-qualification of bidders, and requests for pre-qualification were solicited and received. Project is expected to be completed by November 30, 2013.
Wheelchair Ramp Installation	CDBG	\$100,000.00	A total of 70 wheelchair ramps, adjoining sidewalks, and curbs were constructed.
TOTAL COMMUNITY DEVELOPMENT PRIORITY #1		\$1,231,803.58	
<i>Priority 2: Provide for new community facilities, neighborhood enhancement activities, and improve the quality of existing community facilities to serve lower- and moderate-income neighborhoods.</i>			
Energy Efficient Street Lighting	CDBG	\$2,974.12	Project bids were opened and contract was awarded. Project is expected to be completed by September 2013.
James R. Bryant Park Tot Lot	CDBG	\$104,972.68	The project removed aging and non-compliant playground and exercise equipment with new equipment that incorporates core exercises and ADA compliance.
TOTAL COMMUNITY DEVELOPMENT PRIORITY #2		\$107,946.80	

Program/Project	Funding Source	Expenses	Accomplishments
<i>Priority 3: Provide needed community services to serve lower- and moderate-income residents.</i>			
COPS Program	CDBG	\$156,104.00	During FY 2012-2013, the COPS Division addressed many community concerns including but not limited to: graffiti, the transients/homeless population, panhandlers, prostitution, metal theft, theft of utilities, illegal dumping, truancy, curfew violations, and violations of various city building and habitation codes.
Ontario-Montclair YMCA - Child Care Subsidies Program	CDBG	\$21,992.19	Eighty-three (83) unduplicated youths were served.
TOTAL COMMUNITY DEVELOPMENT PRIORITY #3		\$178,096.19	
GRAND TOTAL – COMMUNITY DEVELOPMENT STRATEGY		\$1,517,846.57	

ADMINISTRATIVE COSTS

Program/Project	Funding Source	Expenses	Accomplishments
CDBG Administration	CDBG	\$313,612.73	Administration of the CDBG Program.
HOME Administration	HOME	\$45,319.00	Administration of HOME Program.
NSP Administration	NSP	\$4,203.73	Administration of NSP Program.
ESG Administration	HESG	\$14,183.00	Administration of ESG Program.
GRAND TOTAL – Administrative Costs		\$377,318.46	
GRAND TOTAL – All Projects & Administration		\$14,180,678.91	