

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
SEPTEMBER 18, 2012

Paul S. Leon
Mayor

Sheila Mautz
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Debra Dorst-Porada
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 and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

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

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One (1) case.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Angela Meza v. City of Ontario, Case No. CIVRS1006034.*
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0110-092-17, 111 N. Vineyard Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Sal Guirguis; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-092-04, 101 N. Vineyard Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Steve Cruise; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-321-39, 0110-321-40, 116 N. Vineyard Avenue, 104 N. Vineyard Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Jose Brito; Under negotiation: Price and terms of payment.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-321-61, 1945 E. Holt Boulevard ; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Don Ayres; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-101-12, 1840 E. Holt Boulevard; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: J. Gary Germann; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-101-03, 1818 E. Holt Boulevard; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Frank Lin; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0113-231-09, 0113-261-17, West and east of Vineyard Avenue at Union Pacific Railroad Alhambra Line; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Paul Farrell ; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-131-22, 0110-323-02, West Access – South side of Holt Boulevard approx. 1,450' west of Vineyard Ave. / East Access – South side of Guasti Road approx. 875' southeast of Holt Boulevard; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Tom Williams; Under negotiation: Price and terms of payment.
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

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

PLEDGE OF ALLEGIANCE

Council Member Dorst-Porada

INVOCATION

Sr. Pastor Brian E. Kennedy, Mt. Zion Baptist Church

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of August 21, 2012, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills July 29, 2012 through August 11, 2012 and **Payroll** July 29, 2012 through August 11, 2012, when audited by the Finance Committee.

3. RECOGNITION OF OCTOBER 7-13, 2012 AS “NATIONAL FIRE PREVENTION WEEK”

That the City Council recognize the week of October 7-13, 2012 as “Fire Prevention Week” in the City of Ontario and invite the public to attend the Ontario Fire Department Open House 2012 to be held on October 6, 2012.

4. PROFESSIONAL SERVICES AGREEMENT FOR THE PREPARATION OF 2014-2021 POLICY PLAN (GENERAL PLAN) HOUSING ELEMENT UPDATE/PMC

That the City Council approve and authorize the City Manager to execute a professional services agreement (on file in the Records Management Department) with PMC of Rancho Cordova, California, in an amount not to exceed \$94,066 (\$85,515 plus a 10% contingency) for preparation of the 2014-2021 Policy Plan (General Plan) Housing Element Update.

5. PROFESSIONAL SERVICES AGREEMENT FOR POLICE HELICOPTER MAINTENANCE SERVICES/HELITENDER

That the City Council authorize the City Manager to execute a one-year professional services agreement with Helitender of Pacoima, California, for on-call as-needed maintenance of the Police Department's helicopters; and authorize the option to extend the agreement for up to two additional years.

6. CONSTRUCTION CONTRACT FOR THE BOULDER AVENUE – HOLT BOULEVARD SEWER IMPROVEMENT PROJECT/ATLAS UNDERGROUND, INC.

That the City Council:

- (A) Approve the project plans and specifications;
- (B) Authorize the withdrawal and return of the bid submitted by Kana Pipeline, Inc., of Placentia, California, due to bidder clerical errors;
- (C) Award Contract No. UT 1213-03, Boulder Avenue – Holt Boulevard Sewer Improvement Project, to Atlas Underground, Inc. Company of Pomona, California, for \$888,888 plus a 15% contingency of \$133,333, for a total authorized amount of \$1,022,221;
- (D) Authorize the City Manager to execute said contract (on file with Records Management Department); and
- (E) Authorize the filing of a notice of completion at the conclusion of all construction activities related to the project.

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.

7. PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2011-12 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 2011-12 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.

That the City Council:

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.

8. A RESOLUTION ADOPTING AN ADDENDUM TO THE ONTARIO INTERNATIONAL CENTRE ENVIRONMENTAL IMPACT REPORT (EIR NO. 80-3), AND APPROVING AN AMENDMENT TO THE ONTARIO FESTIVAL SPECIFIC PLAN (FILE NO. PSPA12-001): [1] CHANGING CERTAIN PROPERTIES FROM THE "GARDEN COMMERCIAL II" TO THE "PLANNED RESIDENTIAL" LAND USE DESIGNATION, [2] ADDING THE "PLANNED RESIDENTIAL OVERLAY" TO THE "GARDEN COMMERCIAL II" DISTRICT, [3] ALLOWING THE DEVELOPMENT OF A MAXIMUM OF 472 DWELLINGS IN PLACE OF THE CURRENTLY ALLOWED RESIDENTIAL AND COMMERCIAL LAND USES, [4] REVISING OFF-STREET PARKING AND SIGNAGE STANDARDS TO RELY UPON THE CITY'S DEVELOPMENT CODE STANDARDS, AND [5] ELIMINATING CERTAIN DEVELOPMENT PREREQUISITES AFFECTING PROPERTIES GENERALLY LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD, BETWEEN ARCHIBALD AND TURNER AVENUES (APNS: 0210-631-01 THROUGH 11; AND 210-181-06, 09, 10, 28, 29 & 39)

That the City Council adopt an Addendum to the Ontario International Centre Environmental Impact Report (EIR No. 80-3) analyzing the environmental effects of the Project pursuant to State CEQA Guidelines Section 15164, and adopt a resolution approving File No. PSPA12-001 amending the Ontario Festival Specific Plan.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO INTERNATIONAL CENTRE GENERAL PLAN AMENDMENT ENVIRONMENTAL IMPACT REPORT (EIR NO. 80-3) FOR FILE NO. PSPA12-001, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0210-631-01 THROUGH 11, 0210-181-06, 09, 10, 28, 29 & 39).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT TO THE ONTARIO FESTIVAL SPECIFIC PLAN (FILE NO. PSPA12-001) [1] CHANGING CERTAIN PROPERTIES FROM THE “GARDEN COMMERCIAL II” TO THE “PLANNED RESIDENTIAL” LAND USE DESIGNATION, [2] ADDING THE “PLANNED RESIDENTIAL OVERLAY” TO THE “GARDEN COMMERCIAL II” DISTRICT, [3] ALLOWING THE DEVELOPMENT OF A MAXIMUM OF 472 DWELLINGS IN PLACE OF THE CURRENTLY ALLOWED RESIDENTIAL AND COMMERCIAL LAND USES, [4] REVISING OFF-STREET PARKING AND SIGNAGE STANDARDS TO RELY UPON THE CITY’S DEVELOPMENT CODE STANDARDS, AND [5] ELIMINATING CERTAIN DEVELOPMENT PREREQUISITES, AFFECTING PROPERTIES GENERALLY LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD, BETWEEN ARCHIBALD AND TURNER AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-631-01 THROUGH 11; AND 0210-181-06, 09, 10, 28, 29 & 39.

COUNCIL MATTERS

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council / / Housing Authority // Other // (GC 54957.1)
September 18, 2012

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

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

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) case.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Angela Meza v. City of Ontario, Case No. CIVRS1006034.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0110-092-17, 111 N. Vineyard Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Sal Guirguis; Under negotiation: Price and terms of payment.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**

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

September 18, 2012

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-092-04, 101 N. Vineyard Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Steve Cruise; Under negotiation: Price and terms of payment.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-321-39, 0110-321-40, 116 N. Vineyard Avenue, 104 N. Vineyard Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Jose Brito; Under negotiation: Price and terms of payment.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-321-61, 1945 E. Holt Boulevard; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Don Ayres; Under negotiation: Price and terms of payment.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**

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

September 18, 2012

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-101-12, 1840 E. Holt Boulevard; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: J. Gary Germann; Under negotiation: Price and terms of payment.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-101-03, 1818 E. Holt Boulevard; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Frank Lin; Under negotiation: Price and terms of payment.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0113-231-09, 0113-261-17, West and east of Vineyard Avenue at Union Pacific Railroad Alhambra Line; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Paul Farrell; Under negotiation: Price and terms of payment.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**

City Council / / Housing Authority // Other // (GC 54957.1)
September 18, 2012

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 0110-131-22, 0110-323-02, West Access – South side of Holt Boulevard approx. 1,450' west of Vineyard Ave. / East Access – South side of Guasti Road approx. 875' southeast of Holt Boulevard; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Tom Williams; Under negotiation: Price and terms of payment.

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

CITY OF ONTARIO

Agenda Report
September 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: RECOGNITION OF OCTOBER 7-13, 2012 AS "NATIONAL FIRE PREVENTION WEEK"

RECOMMENDATION: That the City Council recognize the week of October 7-13, 2012 as "Fire Prevention Week" in the City of Ontario and invite the public to attend the Ontario Fire Department Open House 2012 to be held on October 6, 2012.

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
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Fiscal Year 2012-13 Adopted Budget includes appropriations for the minimal staff and materials cost associated with the annual Ontario Fire Department Open House.

BACKGROUND: "National Fire Prevention Week" commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless, and destroyed more than 17,400 buildings. Every year since 1925, the President of the United States has signed a proclamation pronouncing a national observance during Fire Prevention Week.

The National Fire Protection Association announced Fire Prevention Week 2012 to be observed throughout the nation on October 7-13. Their theme, "Have Two Ways Out!" will also be the theme at the Ontario Fire Department Open House 2012 on Saturday, October 6, 2012, from 9:00 a.m. until 2:00 p.m. at the Ontario Fire Training facility located at 1408 East Francis Street.

This year's theme actively works to motivate Ontario residents to take actions to keep their homes and family safe from fire. This annual observance serves as a way to keep the public informed about the importance of fire prevention.

STAFF MEMBER PRESENTING: Floyd E. Clark, Fire Chief

Prepared by: Art Andres
Department: Fire

City Manager Approval:  _____

Submitted to Council/O.H.A. 09/18/2012
Approved: _____
Continued to: _____
Denied: _____

3

CITY OF ONTARIO

Agenda Report
September 18, 2012

**SECTION:
CONSENT CALENDAR**

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR THE PREPARATION OF
2014-2021 POLICY PLAN (GENERAL PLAN) HOUSING ELEMENT UPDATE**

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a professional services agreement (on file in the Records Management Department) with PMC of Rancho Cordova, California, in an amount not to exceed \$94,066 (\$85,515 plus a 10% contingency) for preparation of the 2014-2021 Policy Plan (General Plan) Housing Element Update.

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: The Fiscal Year 2012-13 Adopted Budget includes appropriations of \$300,000 for the Housing Element Update; the estimated contract costs are \$94,066 including a 10% contingency.

BACKGROUND: Adequate supply of quality and affordable housing is fundamental to the economic and social well-being of Ontario. The State of California recognizes the importance of housing and therefore legislates requirements for local jurisdictions to contribute to solutions to meet their local and regional housing needs. All communities across California are required to prepare a Housing Element every five years to address their local housing issues and their share of the region's need for housing (Section 65580 to 65589 of the Government Code). State Housing Element law requires that each city and county identify and analyze existing and projected housing needs within their jurisdiction and prepare goals, policies, and programs to further the development, improvement, and preservation of housing for all economic segments of their community.

The City's current Housing Element was last revised with the approval of The Ontario Plan (TOP) in January 2010 and certified by the State in May 2010. In December 2011, the City received its draft Regional Housing Needs Assessment (RHNA) allocation numbers from the Southern California

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Rudy Zeledon
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 09/18/2012

Approved: _____

Continued to: _____

Denied: _____

4

Association of Governments (SCAG) for the 5th RHNA cycle for the period of October 1, 2013 through September 30, 2021. RHNA is each community's "fair share" of regional housing market need by income category for the planning period and must be addressed in the Housing Element update.

The consultant selection process involved three stages: Request for Qualifications (RFQ), Request for Proposals (RFP), and an interview process. RFQs were sent to over 15 leading planning firms. Four consulting firms submitted qualifications. Three firms submitted exceptionally responsive qualifications and were asked to participate in a more comprehensive RFP process. The three responding proposals were reviewed and rated by a panel of City staff members from Planning and Housing. From the RFP process, the three firms were selected for interviews. The interviews were structured to provide an overview and focused discussions with the firms and their sub-consultants. Representatives from the Planning Department and Housing Agency participated in the interview process.

PMC of Rancho Cordova, California, was the preferred firm. The consensus of staff was that PMC understood the City's challenges in meeting its RHNA goals and achieving certification. PMC has a very strong record in successfully processing housing elements through HCD in a timely manner. They have a cohesive and dynamic team that is very creative and knowledgeable in finding solutions to complex housing challenges and issues. Focused discussions were conducted between PMC and City staff to further refine the scope of work to ensure it adequately addresses the City's needs.

CITY OF ONTARIO

Agenda Report
September 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR POLICE HELICOPTER MAINTENANCE SERVICES

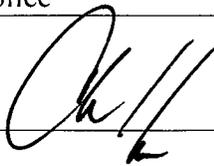
RECOMMENDATION: That the City Council authorize the City Manager to execute a one-year professional services agreement with Helitender of Pacoima, California, for on-call as-needed maintenance of the Police Department's helicopters; and authorize the option to extend the agreement for up to two additional years.

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 Buisnesslike Manner

FISCAL IMPACT: The recommended agreement provides for a one-year service agreement on a time and materials basis for routine scheduled and on-call maintenance and repairs with an annual estimated cost of \$75,000; and provides the option for up to two annual extensions for an estimated total of \$225,000 for the three-year period. Actual costs to be incurred will be dependent on the type, nature, and extent of maintenance and repairs required on the Police Department's airships and will be limited to the Council approved appropriations for the respective fiscal years.

BACKGROUND: The agreement with Helitender, Inc. provides for both scheduled and on-demand maintenance/repair services for the Police Department's fleet of helicopters. Scheduled maintenance is a critical component of aviation safety and a requirement under Federal Aviation Authority (FAA) regulations. Helitender, Inc. specializes in providing helicopter maintenance services to the law enforcement aviation community and has the required certifications, expertise and experience to maintain the Police Department's current fleet of Eurocopter helicopters. Helitender, Inc. was determined to be the preferred vendor to provide these services based on their unique experience in servicing law enforcement aviation assets, their capability to service the specific Eurocopter model helicopter used by the Police Department and their geographic proximity to our Air Support Unit all as supported by the company's five years providing the same service to Ontario..

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Darryl Polk
Department: Police
City Manager Approval: 

Submitted to Council/O.H.A. 09/18/2012
Approved: _____
Continued to: _____
Denied: _____
5

CITY OF ONTARIO

Agenda Report
September 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE BOULDER AVENUE – HOLT BOULEVARD SEWER IMPROVEMENT PROJECT

RECOMMENDATION: That the City Council:

- (A) Approve the project plans and specifications;
- (B) Authorize the withdrawal and return of the bid submitted by Kana Pipeline, Inc., of Placentia, California, due to bidder clerical errors;
- (C) Award Contract No. UT 1213-03, Boulder Avenue – Holt Boulevard Sewer Improvement Project, to Atlas Underground, Inc. Company of Pomona, California, for \$888,888 plus a 15% contingency of \$133,333, for a total authorized amount of \$1,022,221;
- (D) Authorize the City Manager to execute said contract (on file with Records Management Department); and
- (E) Authorize the filing of a notice of completion at the conclusion of all construction activities related to 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, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2012-13 Five-Year Capital Improvement Program includes appropriations from the Sewer Capital Fund for the construction of the Boulder Avenue – Holt Boulevard Sewer Improvement Project. The recommended contract award is for the bid amount of \$888,888 plus a 15% contingency of \$133,333, for a total authorized amount of \$1,022,221. There is no impact to the General Fund.

BACKGROUND: The City's Sewer Master Plan has identified capacity deficiencies in the City's sewer collection system and recommends that sewer flows in the project area be diverted to the recently constructed Holt Trunk Sewer. The Boulder Avenue – Holt Boulevard Sewer Improvement Project

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Dennis Mejia, P.E.
Department: MU/Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 09/18/2012

Approved: _____

Continued to: _____

Denied: _____

6

consists of the installation of 684 linear feet of 15-inch diameter and 2,670 linear feet of 12-inch diameter sewer pipeline (see attached location map).

In July 2012, seven (7) bids were received for the Boulder Avenue – Holt Boulevard Sewer Improvement Project as summarized below.

<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
Kana Pipeline, Inc. *	Placentia, CA	\$725,697
Atlas Underground, Inc.	Pomona, CA	\$888,888
SDR Engineering, Inc.	Anaheim, CA	\$943,183
Utah Pacific Construction Co.	Murrieta, CA	\$1,088,147
VCI Construction, Inc.	Upland, CA	\$1,168,421
Pro-Craft Construction, Inc.	Redlands, CA	\$1,170,000
CP Construction Company, Inc.	Ontario, CA	\$1,388,579

* – *Bid withdrawn by bidder*

Kana Pipeline, Inc. submitted the apparent low bid; however, Kana requested to withdraw their bid due to clerical errors made as a result of their computer bid program. Public Contract Code Section 5103 provides authorization for timely withdrawal of bids if sufficient grounds exist. After review of the bid documents, related backup material submitted by Kana and discussions with the City Attorney’s Office, staff recommends that Kana Pipeline, Inc. be allowed to withdraw their bid; and in accordance with Public Contract Code Section 5106, that the City award the contract based upon the next lowest responsive bid as submitted by Atlas Underground, Inc. of Pomona, California. Atlas Underground, Inc. has completed this type of work in the past and has the expertise and ability to perform the work in a timely manner.

The project consists of less than one mile of pipeline in existing streets and is therefore categorically exempt per Sections 15303(d) (new construction or conversion of small structures) and Section 15304(f) (minor alterations to land) of the California Environmental Quality Act (CEQA).

OMUC CONTRACT NO. UT1213-03

BOULDER AVE. - HOLT BLVD.

SEWER IMPROVEMENT PROJECT



CITY OF ONTARIO

Agenda Report
September 18, 2012

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2011-12 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 2011-12 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 2011-12, a combined total of over \$19 million of federal and local funds were expended to implement forty-nine (49) housing and community development programs and projects. These activities were contained in the City's Fiscal Year 2011-12 One Year Action Plan, approved on May 3, 2011. Federal funding sources in the CAPER includes the following HUD Programs: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) Program, Emergency Shelter Grant (ESG), Emergency Solutions Grant (HESG), Community Development Block Grant Recovery Act Funds (CDBG-R), and Homelessness Prevention and Rapid Re-Housing (HPRP). Local

STAFF MEMBER PRESENTING: Brent Schultz, Housing & Neighborhood Revitalization Director

Prepared by: Katryna Gonzalez
Department: Housing

City Manager
Approval: 

Submitted to Council/O.H.A. 09/18/2012

Approved: _____

Continued to: _____

Denied: _____

7

funding sources include Low and Moderate Income Housing Fund (LMIHF) and Quiet Home Program funds.

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

- The City expended approximately \$1.6 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, Water Conservation, COPS Program, and YMCA Child Care Subsidies.
- More than \$11.8 million was expended to implement twenty-six (26) housing programs within Ontario as part of the Housing Strategy. The major projects within this strategy include, but are not limited to the following: Francis and Begonia Avenue Apartments Rehabilitation Projects, and Quiet Home Program.
- Over \$550,000 was expended as part of the Homeless Strategy to implement ten (10) 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, predevelopment for the permanent Homeless Outreach Services Center, Services for Battered Women and Children, Foothill Family Shelter, and Homelessness Prevention Program and Rapid Re-Housing Program.

Attached is the Executive Summary of the Consolidated Annual Performance and Evaluation Report for FY 2011-12. The Executive Summary provides a summary of expenditures and accomplishments for all CDBG, HOME, ESG and HESG funded activities undertaken to address strategies identified within the Five-Year Consolidated Plan and the One-Year Action Plan, adopted by City Council on May 3, 2011.

The Consolidated Annual Performance and Evaluation Report for FY 2011-12 has been available for public review from August 31, 2012 through September 17, 2012. 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, 2012 (90 days after the end of the fiscal year).

CITY OF ONTARIO

Consolidated Annual Performance and Evaluation Report

For the period of July 1, 2011 - June 30, 2012

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 2011-2012 which began July 1, 2011 and ended June 30, 2012. 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 2011-2012:

- The City of Ontario expended more than \$19.2 million in federal and local funds to administer housing and community development programs.
- The City expended approximately \$1.6 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, Water Conservation, COPS Program, and YMCA Child Care Subsidies.
- More than \$12.2 million was expended to implement twenty-six (26) housing programs within Ontario as part of the Housing Strategy. The major projects within this strategy include, but are not limited to the following: Francis and Begonia Avenue Apartments Rehabilitation Projects, and Quiet Home Program.
- Over \$550,000 was expended as part of the Homeless Strategy to implement ten (10) 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, predevelopment for the permanent Homeless Outreach Services Center, Services for Battered Women and Children, Foothill Family Shelter, and Homelessness Prevention Program and Rapid Re-Housing Program.

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 11-12
Community Development Block Grant (CDBG)	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$2,183,711
CDBG Program Income	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$16,951
HOME Investment Partnership (HOME)	Housing rehabilitation.	\$896,421
American Dream Downpayment Initiative	Homeownership assistance (Roll over from prior years)	\$112,043
HOME Program Income	Housing rehabilitation	\$163,842
Emergency Shelter Grant (ESG)	Essential support services and operating expenses for homeless facilities and programs.	\$106,149
Emergency Solutions Grant (HESG)	Essential support services and operating expenses for homeless prevention programs, and homeless facilities and programs.	\$59,709 ¹
Ontario Redevelopment Agency Low and Moderate Income Housing Fund (LMIHF)	Home ownership assistance, housing acquisition and rehabilitation, and homeless services.	\$23,987,532 ²
Neighborhood Stabilization Program 3 (NSP3)	Emergency assistance for the redevelopment of abandoned and foreclosed homes and residential properties.	\$1,872,853
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 ³
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 ³
State of California CalHome Program	Program provides downpayment assistance to qualified buyers within eligible census tracts.	\$1,000,000 ³
TOTAL		\$32,989,511

¹ The Emergency Solutions Grant (HESG) funding was not received during FY 2011-2012. Although it is a FY 2011-2012 allocation, the funds were not received until FY 2012-2013.

² On February 1, 2012, all redevelopment agencies in the State of California were dissolved. This funding is not currently available for housing projects.

³ 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	A total of 8 exterior beautification grants were completed. <i>Due to the dissolution of the Ontario Redevelopment Agency Low and Moderate Income Housing Fund (LMIHF), this project is currently on hold.</i>
	LMIHF	\$17,167.73	
	Subtotal	\$17,167.73	
Quiet Home Program (formerly known as Part 150 Noise Compatibility Program)	FAA and LAWA	\$7,198,510.86	Completed sound insulation work on 134 homes, acquired 6 properties, and relocated 9 households.
Community Improvement Team	CDBG	\$590,009.00	A total of 2,361 inspections were completed during the reporting period. 199 citations were given, 552 notices issued and 612 violations abated.
Foreclosure Opportunity Response Team	CDBG	\$100,000.00	Under funding of the FORT Program, Code Enforcement staff identified, inspected, researched building and ownership records, and conducted enforcement efforts on 222 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	\$11,731.74	The Authority continued to manage this property.
	Rent Receipts	\$6,307.60	
	Subtotal	\$18,039.34	
Francis Street Apartments (307-309-311 West Francis Street)	LMIHF	\$391,107.36	Rehabilitation was completed in January 2012. Of the 15 units, 14 units were leased up at the end of the reporting period.
209 North Begonia Avenue	NSP	\$17,780.34	Rehabilitation was completed in January 2012. Of the four units, two units were leased up at the end of the reporting period.
	LMIHF	\$18,448.76	
	NSP3	\$205,913.00	
	Subtotal	\$242,142.10	

Program/Project	Funding Source	Expenses	Annual Accomplishment
216 North Begonia Avenue	NSP	\$55,914.13	Rehabilitation was completed in January 2012. Of the four units, two units were leased up at the end of the reporting period.
	LMIHF	\$136,107.91	
	NSP3	\$48,236.82	
	Subtotal	\$240,258.86	
217 North Begonia Avenue	HOME	\$253,463.15	Rehabilitation was completed in January 2012. All four units were leased up at the end of the reporting period.
	LMIHF	\$190,594.61	
	Subtotal	\$444,057.76	
222 North Begonia Avenue	HOME	\$13,949.95	Rehabilitation was completed in January 2012. All four units were leased up at the end of the reporting period.
	NSP3	\$136,211.19	
	LMIHF	\$304,248.36	
	Subtotal	\$454,409.50	
223 North Begonia Avenue	NSP	\$0.00	Rehabilitation was completed in January 2012. Of the four units, two units were leased up at the end of the reporting period. In addition, one unit is reserved for a Shelter Plus Care voucher.
	LMIHF	\$266,548.45	
	HOME	\$11,723.46	
	NSP3	\$33,550.66	
	Subtotal	\$311,822.57	
228 North Begonia Avenue	HOME	-\$161,863.77	Rehabilitation was completed in January 2012. Of the four units, three units were leased up at the end of the reporting period.
	LMIHF	\$627,275.38	
	Subtotal	\$465,411.61	
231 North Begonia Avenue	NSP	\$21,343.59	Rehabilitation was completed in January 2012. Of the four units, three units were leased up at the end of the reporting period.
	HOME	\$175,536.00	
	LMIHF	\$61,448.47	
	NSP3	\$26,254.34	
	Subtotal	\$284,582.40	
305 North Begonia Avenue	HOME	\$223,523.28	Rehabilitation was completed in January 2012. All four units were leased up at the end of the reporting period.
	LMIHF	\$213,663.95	
	Subtotal	\$437,187.23	
1165 West Hollowell Street	NSP3	\$370,600.39	The property was acquired in July 2012.
	HOME	\$0.00	
	Subtotal	\$370,600.39	

Program/Project	Funding Source	Expenses	Annual Accomplishment
1164 West Vesta Street	NSP3	\$16,189.13	The property was acquired in June 2012.
	HOME	\$301,083.54	
	Subtotal	\$317,272.67	
TOTAL HOUSING PRIORITY #1		\$11,882,579.38	

Priority 2: Increase affordable homeownership opportunities, particularly for low- and moderate-income persons.

Ontario OPEN House Program	HOME (ADDI)	\$0.00	No homebuyers were assisted during FY 2011-2012.
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	\$7,456.00	One (1) Mortgage Credit Certificate (MCC) was issued for a home in Ontario during FY 2011-2012.
Neighborhood Partnership Housing Services Programs	Private Financing	N/A	During FY 2011-2012, NPHS has educated and/or counseled 217 Ontario residents resulting in 52 homes being saved from foreclosure.
Officer/Teacher/Fireman/Emergency Technician Next Door Program	HUD & FHA	\$87,500	One (1) homebuyer was assisted in Ontario during FY 2011-2012
Police Residence Assistance Program*	Ontario General Fund	\$0.00	One (1) loan was paid off during FY 2011-2012.
Edenglen BEGIN Program*	State of California BEGIN Funds	\$259,477.00	A total of five (5) loans were funded during FY 2011-2012.
CalHome Mortgage Assistance Program	State of California CalHome Funds	\$0.00	Guidelines for this new program were developed and submitted for approval to the State of California.
TOTAL HOUSING PRIORITY #2		\$354,433.00	

Program/Project	Funding Source	Expenses	Annual Accomplishment
<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	\$9,185.60	The Ontario Housing Authority is maintaining this site pending future housing development.
TOTAL HOUSING PRIORITY #3		\$9,185.60	
GRAND TOTAL – HOUSING STRATEGY		\$12,246,197.98	

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	ESG	\$10,900.00	A total of 39 unduplicated homeless persons were served.
Assisi House and Aftercare Services Program	CDBG	\$65,700.00	A total of 49 unduplicated homeless persons were served.
Mercy House Center Ontario	ESG	\$50,949.00	A total of 1,985 unduplicated homeless persons were served.
House of Ruth – Services for Battered Women and Children	ESG	\$18,000.00	A total of 121 unduplicated battered women and children were provided with services.
Inland Valley Council of Churches - SOVA Food Security Center	ESG	\$26,300.00	A total of 4,013 unduplicated persons were served.
Homeless Outreach Service Center	CDBG	\$20,182.22	During FY 2011-2012, a new site was identified at 435 S. Bon View Ave. The acquisition of the site was begun and preliminary planning of the rehabilitation was performed. It is expected that the rehabilitation will be completed during FY 2012-2013.

Program/Agency	Funding Source	Expenses	Accomplishments
Homelessness Prevention	HPRP	\$30,562.92	A total of 37 unduplicated persons were assisted. These persons were at risk for homelessness, but were able to maintain their housing through this assistance.
Rapid Re-Housing	HPRP	\$191,412.19	A total of 36 unduplicated homeless persons were assisted in securing and maintaining permanent housing.
Ontario Housing Authority – Housing Relocation & Stabilization Program	HPRP	\$8,737.05	This program funds existing funding gaps within the Homeless Continuum of Care Program including but not limited to the following; the Temporary Homeless Services Area and a temporary intake center for basic needs and referrals.
Mercy House Continuum of Care	HPRP	\$131,515.00	A total of 595 clients were provided case management, outreach, housing search and placement, legal services, mediation and credit repair to assist them in securing and/or maintaining permanent housing.
GRAND TOTAL – HOMELESS STRATEGY		\$554,258.38	

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 547 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 224 persons were served.
Inland Fair Housing and Mediation Board – Landlord/Tenant Mediation Services	CDBG	\$10,200.00	A total of 1,364 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 (Section 8 Vouchers)	HUD	\$4,220,232.00	501 households assisted in Ontario.
Housing Authority of the County of San Bernardino (Family Self-Sufficiency)	HUD	N/A	Four (4) Ontario residents served.
Project Gateway (Shelter + Care Program)	HUD	\$15,144.00	Four (4) households were housed using Shelter + Care vouchers.
GRAND TOTAL – PUBLIC HOUSING STRATEGY		\$4,235,376.00	

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	\$0.00	Project specifications, details, and bid documents were prepared and finalized, bids were opened, contract was awarded, and construction began.
	Other Funds	\$996,846.77	
	Subtotal	\$996,846.77	
TOTAL COMMUNITY DEVELOPMENT PRIORITY #1		\$996,846.77	
<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>			
Water Conservation	CDBG	\$51,700.00	Projects completed include Galvin Park reservoir, Sam Alba Park, Veterans Memorial Park, and Ovitt Community Library. All projects included retrofit of existing irrigation systems for water conservation purposes, the planting of California friendly plant material, the installation of synthetic turf and the addition of wood chips/mulch.
Induction Lighting (Energy Efficient Lighting)	CDBG	\$131,914.00	A total of 290 High Pressure Sodium and Metal Halide lights were replaced with Energy Efficient Induction Type lights at several recreation facilities.
Energy Efficient Street Lighting	CDBG	\$90,390.53	A total of 467 High Pressure Sodium (HPS) street light fixtures were converted to Light Emitting Diode (LED) fixtures.
	CDBG-R	\$93,195.47	
	Subtotal	\$183,586.00	
Pervious Concrete Gutters	CDBG	\$75,000.00	A total of 844 s.f. (422 l.f.) of pervious concrete gutter was constructed in various low and moderate income neighborhoods.
TOTAL COMMUNITY DEVELOPMENT PRIORITY #2		\$442,200.00	

Program/Project	Funding Source	Expenses	Accomplishments
<i>Priority 3: Provide needed community services to serve lower- and moderate-income residents.</i>			
COPS Program	CDBG	\$223,982.00	During FY 2011-2012, 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	Sixty-eight (68) unduplicated youths were served.
TOTAL COMMUNITY DEVELOPMENT PRIORITY #3		\$245,974.19	
GRAND TOTAL – COMMUNITY DEVELOPMENT STRATEGY		\$1,685,020.96	

ADMINISTRATIVE COSTS

Program/Project	Funding Source	Expenses	Accomplishments
CDBG Administration	CDBG	\$397,877.36	Administration of the CDBG Program.
HOME Administration	HOME	\$89,645.79	Administration of HOME Program.
NSP Administration	NSP	\$15,184.73	Administration of NSP Program.
HPRP Administration	HPRP	\$13,601.21	Administration of HPRP Program.
GRAND TOTAL – Administrative Costs		\$516,309.09	
GRAND TOTAL – All Projects & Administration		\$19,285,312.41	

CITY OF ONTARIO

Agenda Report
September 18, 2012

SECTION:
PUBLIC HEARINGS

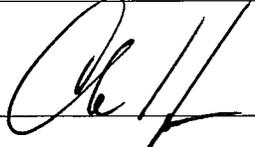
SUBJECT: A RESOLUTION ADOPTING AN ADDENDUM TO THE ONTARIO INTERNATIONAL CENTRE ENVIRONMENTAL IMPACT REPORT (EIR NO. 80-3), AND APPROVING AN AMENDMENT TO THE ONTARIO FESTIVAL SPECIFIC PLAN (FILE NO. PSPA12-001): [1] CHANGING CERTAIN PROPERTIES FROM THE "GARDEN COMMERCIAL II" TO THE "PLANNED RESIDENTIAL" LAND USE DESIGNATION, [2] ADDING THE "PLANNED RESIDENTIAL OVERLAY" TO THE "GARDEN COMMERCIAL II" DISTRICT, [3] ALLOWING THE DEVELOPMENT OF A MAXIMUM OF 472 DWELLINGS IN PLACE OF THE CURRENTLY ALLOWED RESIDENTIAL AND COMMERCIAL LAND USES, [4] REVISING OFF-STREET PARKING AND SIGNAGE STANDARDS TO RELY UPON THE CITY'S DEVELOPMENT CODE STANDARDS, AND [5] ELIMINATING CERTAIN DEVELOPMENT PREREQUISITES AFFECTING PROPERTIES GENERALLY LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD, BETWEEN ARCHIBALD AND TURNER AVENUES (APNS: 0210-631-01 THROUGH 11; AND 210-181-06, 09, 10, 28, 29 & 39)

RECOMMENDATION: That the City Council adopt an Addendum to the Ontario International Centre Environmental Impact Report (EIR No. 80-3) analyzing the environmental effects of the Project pursuant to State CEQA Guidelines Section 15164, and adopt a resolution approving File No. PSPA12-001 amending the Ontario Festival Specific 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
Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 09/18/2012

Approved: _____

Continued to: _____

Denied: _____

8

FISCAL IMPACT: No substantial change in fiscal impact is anticipated to result from the proposed Specific Plan Amendment.

BACKGROUND: In 2003, the Ontario City Council approved the Ontario Festival Specific Plan (“OFSP”), proposed by Meer Capital Partners (“MCP”), which allowed for a mix of retail and office commercial, and single-family and multiple-family residential land uses. A residential project consisting of 335 townhouse-style homes, at a density of 15.6 dwellings per acre, and two commercial development projects proposed along the Inland Empire Boulevard street frontage were subsequently approved in 2005 and 2006, respectively. The residential project was later modified, replacing 81 townhouse units with 57 single-family units, reducing the total unit count to 311 dwellings and the density to 14.5 units per acre.

Site grading and the construction of off-site improvements began in 2008. Due to the economic downturn, however, construction financing for the project was withdrawn by the financier, and construction ceased shortly after it began. In 2011, Brookfield Residential acquired the project and is requesting an amendment to the OFSP in order to achieve a development proposal that is consistent with the development opportunities of the current housing market. On August 28, 2012, the Planning Commission unanimously approved the Specific Plan Amendment, which proposes the following changes:

- (1) The properties located at the southeast corner of the Specific Plan area, totaling 2.86 acres of land, will change from “Garden Commercial II” to “Planned Residential.”
- (2) A “Planned Residential Overlay” designation will be applied to the existing “Garden Commercial II” designated properties, totaling 5.64 acres of land.
- (3) On the “Garden Commercial II with Planned Residential Overlay” designated property, residential development will be allowed as a land use option in place of the currently allowed 155,000 square feet of commercial land uses. At staff’s direction, the “Garden Commercial II” designated properties were divided into two areas—a 3.72-acre area east of the Inland Empire Boulevard major project entry and a 1.92-acre area west of the major project entry. Furthermore, in the interest of good planning practice, staff required the inclusion of a provision requiring that the property owners within each individual Area must agree upon the implementation of the “Planned Residential Overlay” on their property, or the “Garden Commercial II” land use designation will prevail on the Area. In addition, upon agreement of the implementation of the Planned Residential Overlay, each landowner would have the flexibility to develop their property at any time.
- (4) The Specific Plan will allow for the development of a maximum of 472 dwellings within the combined “Planned Residential” and “Garden Commercial II with Planned Residential Overlay” designated properties.
- (5) All off-street parking and signage standards have been revised to rely upon the City’s Development Code standards (which are consistent with the current Ontario Festival Specific Plan standards). This will ensure consistency with any future updates to the citywide parking and signage standards, and is consistent with the way these standards are applied in all new specific plans adopted by the City.
- (6) In response to the current economic downturn, and in response to economic projections for the Inland Empire Region, which predicts that the office-commercial real estate market will take from 5 to 10 years to begin to recover, the elimination of an OFSP phasing requirement is requested,

which requires that building permits for commercial buildings on either side of the Inland Empire Boulevard primary entrance must be obtained concurrent with, or prior to, the issuance of building permits for the first phase of residential development.

The development and land use standards for the “Garden Commercial I” designated property located at the southwest corner of the specific plan area, which extends over the existing commercial shopping center, is to remain unchanged.

Independent market analyses available for the Inland Empire area show that the current level of office development has available space to meet the market demand for class A office for the next 5 to 10 years. Office development within the OFSP would contribute toward a negative impact on the City’s long-term vision of obtaining office development at more desirable locations identified in The Ontario Plan (e.g., Centrelake, Meredith, The Ontario Center, Ontario Mills, etc.). As a result, the Planning Commission supported the Applicant’s request to change the land use designation at the northwest corner of Inland Empire Boulevard and Turner Avenue, from Garden Commercial II to Planned Residential, and to include a Planned Residential Overlay on the balance of the Garden Commercial II designated properties along Inland Empire Boulevard.

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The proposed project is located within the Airport Influence Area of Ontario International Airport (“ONT”) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (“ALUCP”) for ONT.

ENVIRONMENTAL REVIEW: Pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an addendum to the Ontario International Centre General Plan Amendment Environmental Impact Report (EIR No. 80-3) was prepared by the City with regard to the Project (“Addendum”). The Addendum incorporates, by reference, the analysis contained in the Ontario International Centre General Plan Amendment Environmental Impact Report, and addresses only those issues specific to the Project. The City proposes to approve the Resolution as an activity within the Ontario Festival Specific Plan. As described in the Addendum and the Initial Study, the Ontario International Centre General Plan Amendment EIR adequately describes the activity proposed under the Resolution for the purposes of CEQA. The Addendum concludes that the Project will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Ontario International Centre General Plan Amendment EIR. In fact, the Addendum notes that the change in land use (increase in residential and decrease office/retail) would have a reduction in trip generation and, as a result, a corresponding reduction in greenhouse gas emissions.

All previously adopted mitigation measures are a condition of project approval and are incorporated into the proposed project by reference. The environmental documentation for this project is on file with the Records Management Department.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO INTERNATIONAL CENTRE GENERAL PLAN AMENDMENT ENVIRONMENTAL IMPACT REPORT (EIR NO. 80-3) FOR FILE NO. PSPA12-001, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0210-631-01 THROUGH 11, 0210-181-06, 09, 10, 28, 29 & 39).

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for circulation an Addendum for Planning File No. PSPA12-001 (the "Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, Planning File No. PSPA12-001 (the "Project") analyzed under the Addendum consists of a Specific Plan Amendment for a comprehensive amendment to the Ontario Festival Specific Plan ("OFSP"). The proposed amendment is known as the Brookfield Residential – Ontario Festival Specific Plan and encompasses a total of 36+/- acres located along the north side of Inland Empire Blvd, between Archibald Avenue and Turner Avenue. The Plan provides a land use concept, design guidelines, and development regulations for a project that integrates residential development with existing commercial uses, as well as open space and recreational improvements. The Plan, once adopted, will effectively serve as the zoning regulations for the future development within the specific plan area; and

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

WHEREAS, in December 1980, the City Council certified the Ontario International Centre General Plan Amendment Final Environmental Impact Report ("EIR"), made Mitigation Findings and adopted a Statement of Overriding Considerations pursuant to CEQA; and

WHEREAS, the Ontario International Centre General Plan Amendment EIR contains an analysis of the environmental setting of the project site at the time of its certification, including the approximately 1,540 acre master plan for Ontario International Centre; and

WHEREAS, the Ontario International Centre General Plan Amendment EIR was deemed by the City of Ontario (the "City") to have analyzed the environmental impacts of the development of the site pursuant to the Park Center Specific Plan, which was adopted in November 1983; and

WHEREAS, in December 2003, the Park Center Specific Plan was amended, resulting in what is now known as the “MCP Ontario Festival Specific Plan.” The environmental impacts of this amendment to the previously-approved specific plan were found to have been adequately assessed in the Ontario International Centre General Plan Amendment EIR, as modified by an addendum to that EIR (the “2003 Addendum”) adopted by the City at the same time as the aforementioned specific plan amendment; and

WHEREAS, all subsequent references herein to the “Ontario International Centre General Plan Amendment EIR” shall refer to the Ontario International Centre General Plan Amendment EIR, as revised and modified by the 2003 Addendum; and

WHEREAS, pursuant to Public Resources Code Section 21166, and Sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to the Ontario was prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the Ontario International Centre General Plan Amendment EIR, and addresses only those issues specific to the Project. The Addendum concludes that the Project will not result in impacts beyond what was previously analyzed in the Ontario International Centre General Plan Amendment EIR, because the Project does not have new or substantially more severe significant environmental impacts; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the Planning Commission is the recommending body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the Ontario City Council has reviewed and considered the Addendum for the Project with the Ontario International Centre General Plan Amendment EIR, and intends to take action on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and the Ontario International Centre General Plan Amendment EIR is on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, is available for inspection by any interested person at that location, and is, by this reference, incorporated into this Resolution as if fully set forth herein.

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

SECTION 1. THAT THE CITY COUNCIL does hereby make the following findings: [1] it has independently reviewed and analyzed the Addendum/Initial Study with the Ontario International Centre General Plan Amendment EIR and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, [2] the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and [3] the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 2. THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received and pursuant to State CEQA Guidelines Section 15162 and 15164, that there is no substantial evidence that the Project will result in any new, increased, or substantially different significant impacts, other than those previously considered and addressed in the Ontario International Centre General Plan Amendment EIR, that no changes or additions to the Ontario International Centre General Plan Amendment EIR analyses are necessary, that is there a need for any additional mitigation measures, and that none of the conditions described in State CEQA Guidelines Section 15162 that would require subsequent or supplemental CEQA review for the Project otherwise exist.

SECTION 3. THAT THE CITY COUNCIL does hereby approve and adopt the Addendum to the Ontario International Centre General Plan Amendment EIR.

SECTION 4. The documents and materials that constitute the record of proceedings on which these findings have been based upon are located at the City of Ontario City Hall, 303 East B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 18th day of September 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 18, 2012 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. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held September 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT TO THE ONTARIO FESTIVAL SPECIFIC PLAN (FILE NO. PSPA12-001) [1] CHANGING CERTAIN PROPERTIES FROM THE “GARDEN COMMERCIAL II” TO THE “PLANNED RESIDENTIAL” LAND USE DESIGNATION, [2] ADDING THE “PLANNED RESIDENTIAL OVERLAY” TO THE “GARDEN COMMERCIAL II” DISTRICT, [3] ALLOWING THE DEVELOPMENT OF A MAXIMUM OF 472 DWELLINGS IN PLACE OF THE CURRENTLY ALLOWED RESIDENTIAL AND COMMERCIAL LAND USES, [4] REVISING OFF-STREET PARKING AND SIGNAGE STANDARDS TO RELY UPON THE CITY’S DEVELOPMENT CODE STANDARDS, AND [5] ELIMINATING CERTAIN DEVELOPMENT PREREQUISITES, AFFECTING PROPERTIES GENERALLY LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD, BETWEEN ARCHIBALD AND TURNER AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-631-01 THROUGH 11; AND 0210-181-06, 09, 10, 28, 29 & 39.

WHEREAS, BROOKFIELD RESIDENTIAL ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA12-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to the +/-36-acre Ontario Festival Specific Plan, which is bordered by Inland Empire Boulevard on the south, Archibald Avenue on the west, Cucamonga-Guasti Regional Park on the north, and Turner Avenue on the east, and is developed with an approximate 5.65-acre shopping center on the west and consists of primarily vacant land for the balance of the specific plan area; and

WHEREAS, the zoning and land use surrounding the project site is as follows:

[1] The area west of the project site lies within the Meredith Specific Plan and is developed with retail commercial uses; and

[2] The area north of the project site lies within the Open Space (“OS”) zoning district and is developed with the Cucamonga-Guasti Regional Park and vacant lands; and

[3] The area east of the project site lies within the Urban Residential land use district of The Ontario Center Specific Plan (“OCSP”), and is fully developed with townhouse-style dwellings; and

[4] The area south of the project site lies within the Garden Commercial and Garden Industrial land use districts of the Transpark Specific Plan (“TSP”), and is fully developed with a multiple tenant commercial center to the west and multiple tenant industrial park to the east.

WHEREAS, in 2003, the Ontario City Council approved the Ontario Festival Specific Plan (“OFSP”), proposed by Meer Capital Partners (“MCP”), which allowed for a mix of retail and office commercial, and single-family and multiple-family residential land uses; and

WHEREAS, a residential project consisting of 335 townhouse-style homes, at a density of 15.6 dwellings per acre, and two commercial development projects proposed along the Inland Empire Boulevard street frontage were subsequently approved in 2005 and 2006, respectively. The residential project was later modified, replacing 81 townhouse units with 57 single-family units, reducing the total unit count to 311 dwellings and the density to 14.5 units per acre; and

WHEREAS, site grading and the construction of off-site improvements began in 2008. Due an economic downturn, however, construction financing for the project was withdrawn by the financier, and construction ceased shortly after it began; and

WHEREAS, in 2011, Brookfield Residential acquired the project and is requesting an amendment to the OFSP in order to achieve a development proposal that is consistent with the development opportunities of the current housing market; and

WHEREAS, the Applicant is requesting approval of an amendment to the Ontario Festival Specific Plan (previously the “MCP—Ontario Festival Specific Plan”) consisting of changes to the Specific Plan text and maps, including changes to the land use plan, development regulations, development guidelines, master planned infrastructure, and implementation concept; and

WHEREAS, more specifically, the proposed revisions to the Specific Plan will facilitate the following changes:

[1] The properties located at the southeast corner of the Specific Plan area, totaling 2.86 acres of land, will change from “Garden Commercial II” to “Planned Residential.”

[2] A “Planned Residential Overlay” designation will be applied to the existing “Garden Commercial II” designated properties, totaling 5.64 acres of land.

[3] On the “Garden Commercial II with Planned Residential Overlay” designated property, residential development will be allowed as a land use option in place of the currently allowed 155,000 square feet of commercial land uses. At staff’s direction, the “Garden Commercial II” designated properties were divided into 2 areas -- a 3.72-acre area east of the Inland Empire Boulevard major project entry and a 1.92-acre area west of the major project entry. Furthermore, in the interest of good planning practice, staff required the inclusion of a provision requiring that the property owners within each individual Area must agree upon the implementation of the “Planned Residential Overlay” on their property, or the “Garden Commercial II” land use designation will prevail on the Area. In addition, upon agreement of the implementation of the Planned Residential Overlay, each landowner would have the flexibility to develop their property at any time.

[4] The Specific Plan will allow for the development of a maximum of 472 dwellings within the combined “Planned Residential” and “Garden Commercial II with Planned Residential Overlay” designated properties.

[5] All off-street parking and signage standards have been revised to rely upon the City’s Development Code standards (which are consistent with the current Ontario Festival Specific Plan standards). This will ensure consistency with any future updates to the citywide parking and signage standards, and is consistent with the way these standards are applied in all new specific plans adopted by the City.

[6] In response to the current economic downturn, and in response to economic projections for the Inland Empire Region, which predicts that the office-commercial real estate market will take from 5 to 10 years to begin to recover, the elimination of an OFSP phasing requirement is requested, which requires that building permits for commercial buildings on either side of the Inland Empire Boulevard primary entrance must be obtained concurrent with, or prior to, the issuance of building permits for the first phase of residential development.

WHEREAS, the development and land use standards for the “Garden Commercial I” designated property located at the southwest corner of the specific plan area, which extends over the existing commercial shopping center, is to remain unchanged; and

WHEREAS, independent market analyses available for the Inland Empire area show that the current level of office development has available space to meet the market demand for Class A office for the next 5 to 10 years. Furthermore, office development within the OFSP would contribute toward a negative impact on the City’s long-term vision of obtaining office development at more desirable locations identified in The Ontario Plan (e.g., Centrelake, Meredith, Ontario Center, Ontario Mills, etc.), which supports the Applicant’s request to change the land use designation at the northwest corner of Inland Empire Boulevard and Turner Avenue, from “Garden Commercial II” to “Planned Residential,” and to include a “Planned Residential Overlay” on the balance of the “Garden Commercial II” designated properties along Inland Empire Boulevard; and

WHEREAS, the proposed project is consistent with the principles, goals and policies contained within the six components that make up The Ontario Plan (TOP), including Vision, Governance, Policy Plan (General Plan), City Council Priorities, Implementation, and Tracking and Feedback; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT:

[1] The project site is located outside of the Safety Zones and Noise Impact Zones.

[2] The Airspace Protection Zones were evaluated, the project was found to be below the allowable height threshold, and will not result in any obstruction to aircraft maneuvering.

[3] Overflight Notification policies were evaluated, and the project is located within the Real Estate Transaction Disclosure area.

[4] The proposed project is located within the Airport Influence Area of ONT and impacted by the below-listed compatibility factors, which require conditions to be consistent with the ALUCP for ONT, as follows:

[a] The project site is located outside of the Safety Zones and Noise Impact Zones.

[b] The project was evaluated for compatibility with Airspace Obstruction Zone criteria. The FAA Part 77 allowable height threshold for the project location is 106 feet for the existing runway configuration and 104 feet for the future runway configuration, and it was determined that the project would not obstruct aircraft maneuvering since the proposed structure height is a maximum of 55 feet, 49 feet below the established threshold.

[c] The project is located within the Real Estate Transaction Disclosure area. Pursuant to Business and Professions Code Sections 11010 through 11024, new subdivisions within an Airport Influence Area are required to file an application for a Public Report, which consists of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate, pursuant to the ALUCP.

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

WHEREAS, as the first action on the Project, the Ontario Council adopted a Resolution approving an Addendum to the Ontario International Centre General Plan Amendment Environmental Impact Report (EIR No. 80-3), previously certified by the Ontario City Council on December 16, 1980 along with a Statement of Overriding Considerations, and revised by an addendum adopted by the City in 2003 in connection with the Ontario Festival Specific Plan. The Addendum finds that the proposed Specific Plan Amendment introduces no new or substantially more severe significant environmental impacts as compared to those previously identified by the Ontario International Centre General Plan Amendment EIR (as revised by the 2003 addendum), and all previously adopted mitigation measures are to be a condition of project approval, and are incorporated into the Project by reference; and

WHEREAS, on July 24 and August 28, 2012, the Ontario Planning Commission conducted a public hearing to consider the Project and concluded the hearing on August 28, 2012, followed by the adoption of a resolution recommending that the Ontario City Council approve the proposed Specific Plan Amendment; and

WHEREAS, on September 18, 2012, the Ontario City Council conducted a public hearing to consider the Specific Plan Amendment, and concluded the 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 Ontario City Council, as follows:

SECTION 1. The City Council has, by separate resolution, found that no subsequent or supplemental environmental review under CEQA is required for the Project pursuant to Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 and, thus, has prepared and adopted the Addendum for the Project pursuant to State CEQA Guidelines Section 15164.

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

a. The proposed Specific Plan Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan ("TOP"). TOP goals and policies furthered by the proposed Specific Plan Amendment are as follows:

Land Use

Goal—LU1 A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

Policy—LU1-1 *Strategic Growth*. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

Policy—LU1-3 *Adequate Capacity*. We require adequate infrastructure and services for all development.

Policy—LU1-4 *Mobility*. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.

Policy—LU1-6 *Complete Community*. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario.

Goal—LU2 Compatibility between a wide range of uses.

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

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

Policy—LU2-5 *Regulation of Uses*. We regulate the location of uses that have impacts on surrounding land uses.

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

Community Design

Goal—CD1 A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.

Policy—CD1-2 *Growth Areas*. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

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

Policy—CD2-1 *Quality Architecture*. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

Policy—CD2-2 *Neighborhood Design*. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.

Policy—CD2-3 *Commercial Centers*. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.

Policy—CD2-4 *Mixed Use, Urban Office and Transit Serving Areas*. We require mixed use, urban office and transit serving areas to be designed and developed as pedestrian oriented “villages” that promote a vibrant, comfortable and functional environment.

Policy—CD2-5 *Streetscapes*. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

Policy—CD2-6 *Connectivity*. We promote development of local street patterns and pedestrian networks that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent “islands” through the following means:

- Local street patterns that provide access between subdivisions and within neighborhoods and discourage through traffic;
- A local street system that is logical and understandable for the user. A grid system is preferred to avoid circuitous and confusing travel paths between internal neighborhood areas and adjacent arterials; and
- Neighborhoods, centers, public schools, and parks that are linked by pedestrian greenways/open space networks. These may also be used to establish clear boundaries between distinct neighborhoods and/or centers.

Policy—CD2-7 *Sustainability*. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

Policy—CD2-8 *Safe Design*. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

Policy—CD2-9 *Landscape Design*. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

Policy—CD2-10 *Surface Parking Areas*. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

Policy—CD2-11 *Entry Statements*. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

Policy—CD2-12 *Site and Building Signage*. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

Goal—CD3 Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

Policy—CD3-1 *Design*. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics. (Link to Bicycle and Pedestrians Section of the Mobility Element and Policies M2-3 and M2-4)

Policy—CD3-2 *Connectivity Between Streets, Sidewalks, Walkways and Plazas*. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

Policy—CD3-3 *Building Entrances*. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

Policy—CD3-4 *Ground Floor Usage of Commercial Buildings*. We create lively pedestrian streetscapes by requiring the location of uses, such as shopping, galleries, restaurants, etc., on ground floors adjacent to sidewalks.

Policy—CD3-5 *Paving*. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

Policy—CD3-6 *Landscaping*. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

Goal—CD5 A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

Policy—CD5-1 *Maintenance of Buildings and Property*. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

Policy—CD5-2 *Maintenance of Infrastructure*. We require the continual maintenance of infrastructure.

Policy—CD5-3 *Improvements to Property & Infrastructure*. We provide programs to improve property and infrastructure.

Housing

Goal—H1 Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.

Policy—H1-2 *Neighborhood Conditions.* We direct efforts to improve the long-term sustainability of neighborhoods through comprehensive planning, provision of neighborhood amenities, rehabilitation and maintenance of housing, and community building efforts.

Policy—H1-3 *Community Amenities.* We shall provide adequate public services, infrastructure, open space, parking and traffic management, pedestrian, bicycle and equestrian routes and public safety for neighborhoods consistent with City master plans and neighborhood plans.

Policy—H1-5 *Neighborhood Identity.* We strengthen neighborhood identity through creating parks and recreational outlets, sponsoring neighborhood events and encouraging resident participation in the planning and improvement of their neighborhoods.

Goal—H2 Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

Policy—H2-1 *Corridor Housing.* We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally and aesthetically suited to corridors.

Policy—H2-5 *Housing Design.* We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.

Policy—H2-6 *Infill Development.* We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.

Environmental Resources

Goal—ER1 A reliable and cost effective system that permits the City to manage its diverse water resources and needs.

Policy—ER1-3 *Conservation.* We require conservation strategies that reduce water usage.

Policy—ER1-6 *Urban Run-off Quantity.* We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration and ultimately reduce discharge volumes to traditional storm drain systems.

Policy—ER1-7 *Urban Run-off Quality.* We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.

Policy—ER1-8 *Wastewater Management*. We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.

Goal—ER2 A cost effective, integrated waste management system that meets or exceeds state and federal recycling and waste diversion mandates.

Policy—ER2-1 *Waste Diversion*. We shall meet or exceed AB 939 requirements.

Policy—ER2-2 *Hazardous and Electronic Wastes*. We prohibit the disposal of hazardous and electronic waste into the municipal waste stream pursuant to state law.

Goal—ER3 Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.

Policy—ER3-1 *Conservation Strategy*. We require conservation as the first strategy to be employed to meet applicable energy-saving standards.

Policy—ER3-2 *Green Development— Communities*. We require the use of best practices identified in green community rating systems to guide the planning and development of all new communities.

Policy—ER3-3 *Building and Site Design*. We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.

Goal—ER4 Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.

Policy—ER4-1 *Land Use*. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance.

Policy—ER4-4 *Indoor Air Quality*. We will comply with State Green Building Codes relative to indoor air quality.

Policy—ER4-5 *Transportation*. We promote mass transit and non-motorized mobility options (e.g. walking, biking) to reduce air pollutant emissions.

Policy—ER4-8 *Tree Planting*. We protect healthy trees within the City and plant new trees to increase carbon sequestration and help the regional/local air quality.

Community Economics

Goal—CE1 A complete community that provides for all incomes and stages of life.

Policy—CE1-6 *Diversity of Housing*. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

Policy—CE1-9 *Regional Leadership*. We provide leadership for public, quasi-public, and private sector partners that help Ontario and its residents and businesses realize our goals and achieve our Vision.

Policy—CE1-12 *Circulation*. We continuously plan and improve public transit and non-vehicular circulation for the mobility of all, including those with limited or no access to private automobiles.

Goal—CE2 A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

Policy—CE2-1 *Development Projects*. We require new development and redevelopment to create unique, high-quality places that add value to the community.

Policy—CE2-2 *Development Review*. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

Policy—CE2-3 *Interim Development*. We require interim development that does not reflect the long-term Vision, be limited in scale of development so that the investment can be sufficiently amortized to make Vision-compatible redevelopment financially feasible.

Policy—CE2-4 *Protection of Investment*. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

Policy—CE2-5 *Private Maintenance*. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Policy—CE2-6 *Public Maintenance*. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly owned property.

Goal—CE3 Decision-making deliberations that incorporate the full short-term and long-term economic and fiscal implications of proposed City Council actions.

Policy—CE3-1 *Fiscal Impact Disclosure*. We require requests for City Council action to disclose the full fiscal impacts, including direct and indirect costs.

Policy—CE3-2 *General Plan Amendments*. We require those proposing General Plan amendments to disclose reasonably foreseeable impacts through a fiscal analysis.

Policy—CE3-3 *Long-Term Funding Disclosure*. We require those requesting City support or funding for projects or programs to disclose if and how they can be continued without further City support.

Policy—CE3-5 *Sustainable Development*. We recognize impacts to municipal finances as an element of sustainability, and we require claims of sustainability to assess fiscal impacts.

b. The proposed Specific Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City, as the proposed land uses and the anticipated development thereon is consistent with the City's vision for the project site and the land uses surrounding the Project.

c. The proposed Specific Plan Amendment will not adversely affect the harmonious relationship with adjacent properties and land uses, which are characterized by a county park to the north, multiple-family residential to the east, office-commercial and industrial park to the south, and retail commercial to the west.

d. The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the requested land uses and the anticipated single-family and multiple-family residential development, and commercial development thereon.

SECTION 3. The City Council hereby approves the herein described amendment to the Ontario Festival Specific Plan (File No. PSPA12-001).

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 18th day of September 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 18, 2012 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. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held September 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)