

**CITY OF ONTARIO**  
**CITY COUNCIL AND HOUSING AUTHORITY**  
**AGENDA**  
**OCTOBER 15, 2013**

**Paul S. Leon**  
Mayor

**Jim W. Bowman**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Debra Dorst-Porada**  
Council Member

**Paul Vincent Avila**  
Council Member



**Chris Hughes**  
City Manager

**John E. Brown**  
City Attorney

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

**James R. Milhiser**  
Treasurer

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

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

**ORDER OF BUSINESS:** The regular City Council 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***

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

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

***CLOSED SESSION***

- GC 54957 (b), PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT: City Manager
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario vs. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498*

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

***PLEDGE OF ALLEGIANCE***

Mayor pro Tem Bowman

***INVOCATION***

Pastor Lisa Santiago, First United Methodist 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.

**SPECIAL CEREMONIES**

**HEAL CITIES CAMPAIGN – KAISER PRESENTATION**

**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.

**I. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of September 17, 2013, and approving same as on file in the Records Management Department.

**2. *BILLS/PAYROLL***

**Bills** September 8, 2013 through September 21, 2013 and **Payroll** September 8, 2013 through September 21, 2013, when audited by the Finance Committee.

**3. *A LEASE AGREEMENT RELATED TO AN ELECTRONIC LED SIGN LOCATED AT THE ONTARIO AUTO CENTER/ONTARIO AUTO CENTER DEALERS ASSOCIATION***

That the City Council adopt a resolution approving an eight-year lease agreement (on file in the Records Management Department) with the Ontario Auto Center Dealers Association, of Ontario, California, and authorize the City Manager to execute said agreement granting the City a leasehold interest for display of certain messages on the Ontario Auto Center sign.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A LEASE AGREEMENT WITH THE ONTARIO AUTO CENTER DEALERS ASSOCIATION.

**4. *A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC UTILITY AND SEWER EASEMENT***

That the City Council adopt a resolution ordering the summary vacation of a 6-foot wide public utility and sewer easement at the southwest corner of Bon View Avenue and Holt Boulevard.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A 6-FOOT WIDE PUBLIC UTILITY AND SEWER EASEMENT LOCATED AT THE SOUTHWEST CORNER OF BON VIEW AVENUE AND HOLT BOULEVARD.

**5. *RESOLUTIONS APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE FIBER OPTIC MASTER PLAN AND APPROVING THE CITYWIDE FIBER OPTIC MASTER PLAN***

That the City Council adopt (1) a resolution approving a Mitigated Negative Declaration for the Fiber Optic Master Plan; and (2) a resolution approving the Fiber Optic Master Plan.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CITY OF ONTARIO FIBER OPTIC MASTER PLAN.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE CITY OF ONTARIO FIBER OPTIC MASTER PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF.

**6. A LEASE AGREEMENT FOR THE OPERATION OF THE ONTARIO ACCESS CENTER LOCATED AT 435 SOUTH BON VIEW AVENUE/MERCY HOUSE LIVING CENTER, INC.**

That the City Council approve and authorize the City Manager to execute a five-year lease agreement (on file with the Records Management Department) between the City of Ontario and Mercy House Living Centers, Inc., of Santa Ana, California, for the operation of the Ontario Access Center located at 435 South Bon View Avenue and the adjoining parking lot located at 914 East Washington Street.

**7. ONTARIO HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2012-13**

That the Board of the Ontario Housing Authority (“Authority”) approve the Authority Annual Report for Fiscal Year 2012-2013 (“Annual Report”), and authorize the Executive Director to transmit to the California Department of Housing and Community Development the final Annual Report as required by State law.

**8. A RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDS THROUGH THE STATE OF CALIFORNIA STRATEGIC GROWTH COUNCIL OF THE CALIFORNIA NATURAL RESOURCES AGENCY**

That the City Council adopt a resolution approving the filing of an application for grant funds through the California Natural Resources Agency for the Urban Greening for Sustainable Communities Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the Museum of History and Art, Ontario - Sustainable Landscape and Education Gardens Project.

RESOLUTION NO: \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84).

**9. AN ORDINANCE APPROVING A ZONE CHANGE REQUEST AMENDING THE ZONING DESIGNATIONS ON CERTAIN PROPERTIES LOCATED THROUGHOUT THE CITY TO PROVIDE ZONING CONSISTENCY WITH THE LAND USE DESIGNATIONS OF THE POLICY PLAN (GENERAL PLAN) OF THE ONTARIO PLAN**

That the City Council consider and adopt an ordinance approving Zone Change File No. PZC13-002, changing the zoning designations on certain properties located throughout the City to provide consistency with the land use designations of the Policy Plan (General Plan) of The Ontario Plan.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-002, A CHANGE IN THE ZONING DESIGNATIONS FOR CERTAIN PROPERTIES IN THE CITY OF ONTARIO TO CONSISTENCY WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: VARIOUS (SEE EXHIBIT A).

## **PUBLIC HEARINGS**

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

### **10. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT UPDATING THE HOUSING ELEMENT OF THE POLICY PLAN (GENERAL PLAN) OF THE ONTARIO PLAN PURSUANT TO STATE LAW**

That the City Council adopt a resolution approving an addendum to The Ontario Plan Environmental Impact Report analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; and adopt a resolution approving General Plan Amendment File No. PGPA13-003, updating the Housing Element of the Policy Plan (General Plan) of The Ontario Plan for the 5<sup>th</sup> Housing Element Cycle (covering the years 2014 – 2021).

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 PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PGPA13-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-003, A GENERAL PLAN AMENDMENT TO UPDATE THE HOUSING ELEMENT OF THE POLICY PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF (EXHIBIT A AND B).

## **COUNCIL MATTERS**

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

## **STAFF MATTERS**

City Manager Hughes

## **ADJOURNMENT**

**CITY OF ONTARIO  
CLOSED SESSION REPORT**  
City Council // Housing Authority //  
Ontario Public Financing Authority // Other // (GC 54957.1)  
**October 15, 2013**

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

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

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

- GC 54957 (b), PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT: City Manager

No Reportable Action	Continue	Approved
/ /	/ /	/ /

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

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

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

No Reportable Action	Continue	Approved
/ /	/ /	/ /

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

Reported by: \_\_\_\_\_  
City Attorney / City Manager / Executive Director



# CITY OF ONTARIO

*Agenda Report*  
October 15, 2013

## SECTION: CONSENT CALENDAR

**SUBJECT: A LEASE AGREEMENT RELATED TO AN ELECTRONIC LED SIGN  
LOCATED AT THE ONTARIO AUTO CENTER**

**RECOMMENDATION:** That the City Council adopt a resolution approving an eight-year lease agreement (on file in the Records Management Department) with the Ontario Auto Center Dealers Association, of Ontario, California, and authorize the City Manager to execute said agreement granting the City a leasehold interest for display of certain messages on the Ontario Auto Center sign.


**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

**FISCAL IMPACT:** Under the lease terms, the City will pay the Association the lesser of one-half the actual costs to refurbish the LED sign panels or a not-to-exceed amount of \$115,000, which will be paid on a reimbursement basis and upon completion of the upgrades. In return, the City will be entitled to 15% of the sign's operating time for the display of City messages for a period of eight years.

**BACKGROUND:** The Association owns and operates two electronic LED signs at the Ontario Auto Center, generally located at the intersection of the Interstate 15 Freeway and Jurupa Street. The Association and the City wish to refurbish the older sign and replace the LED sign panels.

Under the terms of the proposed agreement, the City will be entitled to 15% of the LED sign's operating time each hour for the purpose of displaying City messages such as citywide events, recreation programs, and public service announcements including State of California Emergency Digital Information Service messages. The Association will be responsible for the on-going maintenance and repair of the sign during the eight-year term (with extensions available) of the agreement. The Agreement will facilitate an important and timely improvement to the subject sign and allow for improved City messaging at a highly visible location in the City.

**STAFF MEMBER PRESENTING:** John Andrews, Economic Development Director

Prepared by: John Andrews  
Department: Economic Development  
City Manager Approval: 

Submitted to Council/O.H.A. 10/15/2013  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, APPROVING A LEASE AGREEMENT WITH THE  
ONTARIO AUTO CENTER DEALERS ASSOCIATION.

WHEREAS, the Ontario Auto Center Dealers Association ("Association") owns and operates an electronic LED sign ("Sign") on certain real property located in the City of Ontario; and

WHEREAS, the City of Ontario ("City") desires to utilize the Sign for displaying public messages pertaining to: (i) City sponsored events; (ii) events held at City facilities; (iii) City recreation programs; and (iv) public service announcements; and

WHEREAS, the Association has requested for the City to pay fifty percent of the cost of refurbishing the Sign, not to exceed \$115,000, which refurbishing will include installation of new LED sign panels and, upon completion and in consideration for City's payment of fifty percent of the cost of refurbishment, for the City to obtain a leasehold interest to display public messages on the Sign for a period of eight (8) years; and

WHEREAS, the City and Association have negotiated the terms of a Lease Agreement ("Agreement"), a copy of which is attached to this Resolution as Exhibit A, in order to set forth the terms and conditions in which the City will provide funding for fifty percent of the cost of refurbishing the Sign, not to exceed \$115,000, in exchange for fifteen percent of each operating hour of the Sign to display public messages for a term of 8 years, and for Association to be solely responsible for the refurbishment and maintenance of the Sign for the term of the Agreement; and

WHEREAS, City staff has determined that the City's approval of the Agreement is exempt from the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15301, because the Sign improvements consist of a minor alteration to an existing structure and involve negligible or no expansion of its existing use.

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

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

SECTION 2. Approval of Agreement. The City Council hereby approves the Agreement substantially in the form attached to this Resolution as Exhibit A. The City Council hereby authorizes the City Manager, with the concurrence of the City Attorney, to execute and deliver on behalf of the City the Agreement and such other documents and instruments as may be necessary or convenient in furtherance of the actions authorized in this Resolution.

SECTION 3. Authorization. The City Council hereby authorizes and directs City staff to do all that is necessary to effectuate the intent of the Agreement and this Resolution.

SECTION 4. CEQA Compliance. The City Council hereby authorizes and directs City staff to file a Notice of Exemption under CEQA with the Clerk of San Bernardino County within five (5) calendar days following approval of this Resolution.

SECTION 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

SECTION 6. Certification. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

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

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of October 2013.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 15, 2013 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2013-        duly passed and adopted by the Ontario City Council at their regular meeting held October 15, 2013.

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

(SEAL)

EXHIBIT A  
LEASE AGREEMENT

[Attached behind this cover page]

## LEASE AGREEMENT

This LEASE AGREEMENT ("Agreement") is dated as of the \_\_\_\_ day of September 2013 ("Effective Date") by and between the CITY OF ONTARIO, a California municipal corporation ("City") and the ONTARIO AUTO CENTER DEALERS ASSOCIATION, a mutual benefit non-profit California corporation ("Association"), and is made with reference to the following facts:

### RECITALS

- A. Association owns and operates an electronic LED sign ("LED Sign") on that certain real property in the City of Ontario, California ("Property"), which Property is further described in Exhibit "A" attached to this Agreement and incorporated herein by this reference.
- B. Association and City each desire to pay fifty percent of the cost to refurbish the LED Sign, which refurbishing will include installation of new LED sign panels, as further described in Exhibit "B" attached to this Agreement and incorporated herein by this reference, and, upon completion and in consideration for City's payment of fifty percent of the cost to refurbish the LED Sign, for City to obtain a leasehold interest to display certain messages as provided for hereunder on the LED Sign.

### TERMS

1. Lease. For a period of eight (8) years from the filing of a Notice of Completion for the refurbishment of the LED Sign (the "Term"), Association hereby leases to the City, and City hereby leases from Association, fifteen percent (15%) of the LED Sign's operating time each hour ("City Operating Time") to for purposes of displaying the City's Permitted Messages (as defined in Section 3 below) prepared by City, which message content shall not be subject to edit or modification by Association ("Lease"). Upon the expiration of the Term, unless extended by mutual agreement of the parties, this Agreement shall automatically terminate and no additional instrument, consent or action by either party shall be required to terminate this Agreement. Upon the termination of this Agreement, the City shall execute any document and take any action as may be reasonably necessary to evidence such termination.

1.1 EDIS Service Messages. The City Operating Time may include use of the LED Sign to publish messages from the State of California's Emergency Digital Information Service ("EDIS"). Association agrees to work cooperatively and in good faith with the City, by providing reasonable technical assistance, in the event that the City desires to publish EDIS messages during the City Operating Time.

2. Consideration. In consideration for the Lease, and subject to the City's confirmation that the LED Sign is in conformance with (i) the sign panel as described in the attached proposal; (ii) all Regulations, as defined herein below, City shall pay to the Association the lesser amount of one-half of the Actual Costs to refurbish the LED Sign or One Hundred Fifteen Thousand Dollars (\$115,000) ("City Payment"), which shall be paid in one lump sum no later than forty-five (45) days after filing of the Notice of Completion. "Actual Costs" shall mean the direct cost to refurbish the LED Sign, including, without limitation, any payments to a third party licensed contractor to refurbish the LED Sign, but excluding Association overhead and/or profit.

3. City Use of LED Sign. The LED Sign shall be operative every hour of every calendar day of each year during the Term, except when inoperative due to mechanical or electrical failure and/or required maintenance. The City shall be responsible for providing notice of the City's desired message content for the LED Sign to Association or its designee at least seven (7) business days in advance of the date and time for publication ("Notice of Content"), except in the case of an emergency; provided, however, that the City's message content shall only pertain to (i) City sponsored events, (ii) events held at City facilities, (iii) City recreation programs, or (iv) public service announcements (including EDIS messages); and provided further that no City message content shall relate to any auto sales, auto services or auto products (the message content permitted hereunder is referred to herein as "Permitted Messages"). If the Notice of Content is timely provided by City, Association shall endeavor to provide timely publication of the Permitted Messages at the City designated date, time and period of publication ("Publication Time"), subject to (i) Association's consent to the Publication Time, which shall not be unreasonably withheld in light of the City's targeted audience and purposes for publication, and (ii) Association's determination that the message content contained in the Notice of Content are Permitted Messages. In the event that Association does not consent to the City's proposed Publication Time or the message content, Association shall provide written notice to the City, stating the reasons for withholding consent ("Notice of Refusal"), within three (3) business days of receiving the City's Notice of Content.

4. Maintenance and Repair. Association shall maintain the LED Sign in good and operable condition during the Term and any authorized extension thereto. City shall have no obligation to maintain and/or repair, or cause the maintenance and/or repair of, the LED Sign. Any period during which the LED Sign is inoperative, including any inoperative periods during maintenance and/or repair, shall not be considered as City Operating Time.

5. Installation, Construction and Removal. City shall bear no responsibility for installation, construction, and/or removal of the LED Sign. Association shall be responsible for obtaining and/or complying with all regulations, approvals and/or permits required by any government agency having jurisdiction therefore ("Required Approvals"), including any permits and/or regulations required by the Outdoor Advertising Act (California Business and Professions Code sections 5200-5231). Association understands and agrees that the City's approval of this Agreement shall not constitute a Required Approval and Association's failure to obtain all Required Approvals shall constitute a default hereunder.

6. Costs and Expenses. Association shall be responsible for installing and/or providing all utility services for operation of the LED Sign in accordance with this Agreement. Except for the City Payment, City shall not be responsible for any costs or expenses associated with the LED Sign or the surrounding property including, without limitation, installing and/or providing utility services for operation of the LED Sign and any and all real or personal property taxes and other charges (including any increase caused by a change in the tax rate or by a change in assessed valuation) of any description levied or assessed on or against the Property or the LED Sign.

7. Assignment.

7.1 Assignment By Association. Association shall not assign any rights under this Agreement to any individual, partnership, limited partnership, trust, estate, association, corporation, limited liability company, or other entity, domestic or foreign (collectively, "Person") without the prior written consent of the City or authorized designee. In the event that Association is permitted

to assign this Agreement (or any portion hereof), the City may require the assignee to enter into an assignment and assumption agreement.

7.2 Assignment by City. City shall not assign, license, lease, sell, or otherwise transfer any rights under this Agreement to any Person. Without limiting the generality of the forgoing, this section 7.2 shall be deemed to prohibit City from, in any manner, (i) assigning, licensing, leasing, selling or otherwise transferring the City Operating Time, and any portion thereof, to any Person; and (ii) including in any Notice of Content any message content prepared or requested by any Person other than the parties to this Agreement or for which the City will receive any consideration of any kind whatsoever from any Person other than the parties to this Agreement.

## 8. Indemnification.

8.1 Association shall defend, indemnify and hold harmless (collectively, "Indemnify") the City and its officers, employees, contractors, representatives, and agents (collectively, "City Indemnitees") from and against all claims, liability, loss, damage, costs or expenses (including attorneys' fees and court costs) (collectively, "Claims") arising from the acts or omissions of Association, its officers, employees, contractors, representatives, and agents (collectively, "Association Indemnitors") in connection with the Association's use, repair, maintenance, and refurbishing of the LED Sign; provided, however, that Association shall have no duty to Indemnify the City Indemnitees against any Claims arising from any act or omission of the City Indemnities.

8.2 City shall Indemnify the Association and its officers, employees, contractors, representatives, and agents (collectively, "Association Indemnitees") from and against all Claims arising from the acts or omissions of City, its officers, employees, contractors, representatives, and agents (collectively, "City Indemnitors") in connection with the City's use of the LED Sign; provided, however, that City shall have no duty to Indemnify the Association Indemnitees against any Claims arising from any act or omission of the Association Indemnities.

9. Insurance. During the Term, and without diminishing its responsibilities to Indemnify the City Indemnitees or Association Indemnitees, Association shall obtain and maintain following insurance coverage:

9.1 Liability Insurance. Commercial general liability insurance insuring against claims for bodily injury, personal injury, death or property damage occurring upon, on or about the LED Sign at least as broad as Insurance Services Office Occurrence Form CG0001, with a minimum liability limit of Two Million Dollars (\$2,000,000) for any one occurrence and Two Million Dollars (\$2,000,000) aggregate.

9.2 Property Insurance. Insurance providing coverage for the LED Sign insuring against loss, damage, or destruction by fire or other hazards encompassed under the broadest form of property insurance coverage then customarily used for like properties in San Bernardino County, in an amount equal to one hundred percent (100%) of the replacement value (without deduction for depreciation) of the Sign (excluding excavations and foundations) and in any event sufficient to avoid co-insurance and with no co-insurance penalty provision, with "ordinance or law" coverage. To the extent customary for like properties in San Bernardino County at the time, such insurance shall include an "increased cost of construction" endorsement and an endorsement covering demolition and cost of debris removal.



9.3. Association may provide any insurance required hereunder through a “blanket” or “umbrella” insurance policy. All insurance obtained and maintained by Association in satisfaction of the requirements of this Agreement shall be fully paid for and non-assessable. The Property Insurance policy shall name City as a “loss payee.” The Liability Insurance policy shall name the City Indemnities as “additional insured.” The coverage afforded to the City Indemnities shall be at least as broad as that afforded to Association and may not contain any terms, conditions, exclusions, or limitations applicable to the City Indemnities that do not apply to Association. Any insurance or self-insurance maintained by the City Indemnities shall be excess of all insurance required to be maintained by Association under this Agreement and shall not contribute with any insurance required to be maintained by Association under this Agreement. Association shall furnish, or cause to be furnished, to the City evidence of the insurance required to be maintained by Association under this Agreement.

10. Compliance with Law. Association shall erect, re-erect, construct, enlarge, alter, repair, move, improve, convert, equip, use, operate, and/or maintain the LED Sign in compliance with all applicable laws, rules and regulations, including, but not limited to, all applicable federal and state labor laws (collectively, "Regulations"). Association hereby expressly acknowledges and agrees that City has never previously affirmatively represented to Association or its contractor for the LED Sign, in writing or otherwise, in a call for bids or otherwise, that the work to be covered by the bid or contract for installation of the LED Sign is not a "public work," as defined in Section 1720 of the Labor Code. Association hereby agrees that Association shall have the obligation to provide any and all disclosures, representations, statements, rebidding, and/or identifications which may be required by Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. Association hereby agrees that Association shall have the obligation to provide and maintain any and all bonds to secure the payment of contractors (including the payment of wages to workers performing any public work) which may be required by Labor Code Section 1781 as the same may be enacted, adopted or amended from time to time, or any other provision of law. Association shall defend, hold harmless and indemnify the City and its respective officials, officers, employees, contractors and agents, from and against any and all loss, liability, damage, claim, cost, expense, and/or "increased costs" (including labor costs, penalties, reasonable attorneys fees, court and litigation costs, and fees of expert witnesses) which, in connection with the refurbishing of the LED Sign, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by Association of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages); (2) the implementation of Sections 1726 and 1781 of the Labor Code, as the same may be enacted, adopted or amended from time to time, or any other similar law; (3) failure by Association to provide any required disclosure representation, statement, rebidding and/or identification which may be required by Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law; and/or (4) failure by Association to provide and maintain any and all bonds to secure the payment of contractors (including the payment of wages to workers performing any public work) which may be required by Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. It is agreed by the parties that, in connection with the refurbishing of the LED Sign, including, without limitation, any public work (as defined by applicable law), Association shall bear all risk of payment or non-payment of state prevailing wages and/or the implementation of Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from

time to time, and/or any other provision of law. "Increased costs" as used in this Section shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time.

11. No Encumbrances. Association shall pay any mechanics', materialmen's, contractors' or subcontractors' liens or any claim for damage arising from Association's use of the LED Sign.

12. Notices. Any notice to be given or other document to be delivered by either party to the other may be delivered in person or may be deposited in the United States mail, with first class postage prepaid, and addressed as follows:

Association:                   The Ontario Auto Center Dealers' Association  
                                      c/o Romero Mazda  
                                      1307 Kettering Dr.  
                                      Ontario, California 91761  
                                      Attn: Valerie C. Romero

With a Copy to:               Manning Leaver Bruder and Berberich  
                                      5750 Wilshire Blvd., Suite 655  
                                      Los Angeles, CA 90036  
                                      Attn: Penny L. Reeves

City:                            City of Ontario  
                                      City Hall  
                                      303 East "B" Street  
                                      Ontario, CA 91764  
                                      Attn: Chris Hughes, City Manager

With a Copy to:               Best Best & Krieger LLP  
                                      5 Park Plaza, Suite 1500  
                                      Irvine, CA 92614  
                                      Attn: Elizabeth W. Hull

13. City Default. Failure or delay by City to perform or comply with any term or provision of this Agreement constitutes a default under this Agreement. In the event of any failure or delay by City to make payment when due, Association may immediately seek any available remedy. With respect to any other default, the following shall apply: Association shall give written notice of default to the City in the event of such default by City, specifying the default complained of by Association; If the default is reasonably capable of being cured within thirty (30) days after such notice is received or deemed received, City shall have such period to effect a cure prior to exercise of remedies by Association; If the default is such that it is not reasonably capable of being cured within thirty (30) days, and City (a) initiates corrective action within said 30-day period, and (b) diligently, continually, and in good faith works to effect a cure as soon as possible, then City shall have such additional time as is reasonably necessary to cure the default prior to exercise of any remedies by Association; provided, however, in no event shall Association be precluded from exercising remedies if the event of default is not cured within ninety (90) days or Association's

rights under this Agreement or otherwise become or are about to become materially jeopardized by any failure to cure a default. In the event that City fails to cure a default (other than any failure or delay by City to make payment when due) in accordance with the provisions of this Section 13, Association may exercise any or all of the following remedies: (i) institute a legal action to seek specific performance of City's obligations under this Agreement; or (ii) terminate this Agreement.

14. Association Default. Failure or delay by Association to perform or comply with any term or provision of this Agreement constitutes a default under this Agreement. City shall give written notice of default to Association, specifying the default complained of by City. If the default is reasonably capable of being cured within thirty (30) days after such notice is received or deemed received, Association shall have such period to effect a cure prior to exercise of remedies by the City. If the default is such that it is not reasonably capable of being cured within thirty (30) days, and Association (a) initiates corrective action within said 30-day period, and (b) diligently, continually, and in good faith works to effect a cure as soon as possible, then Association shall have such additional time as is reasonably necessary to cure the default prior to exercise of any remedies by City; provided, however, in no event shall City be precluded from exercising remedies if the event of default is not cured within ninety (90) days or City's rights under this Agreement or otherwise become or are about to become materially jeopardized by any failure to cure a default. In the event that Association fails to cure a default in accordance with the provisions of this Section 14, City may exercise any or all of the following remedies: (i) institute a legal action to seek specific performance of Association's obligations under this Agreement; or (ii) terminate this Agreement.

15. Waiver of Certain Damages. The parties hereto hereby agree to waive the right to lost profits, speculative, consequential, special and punitive damages.

16. Association's Duty of Restoration. Association shall be responsible for the restoration of the LED Sign in accordance with the damage and destruction clauses in this Section 16.

16.1 In case of any damage to or destruction of the LED Sign, or any part thereof, Association shall commence the restoration, replacement or rebuilding of the LED Sign with such alterations and additions as may be approved by the City Manager (such restoration, replacement, rebuilding alterations and additions, together with any temporary repairs and property protection pending completion of the work being herein called "Restoration") within thirty (30) days of such damage or destruction or such longer time as may be reasonably approved, in writing, by the City Manager, plus any additional period reasonably determined by the City Manager to be required to obtain any Net Insurance Proceeds, as hereinafter defined, to be used to pay all or a portion of the cost of such Restoration, and shall complete such Restoration within a reasonable period of time thereafter. As used herein, the term "Net Insurance Proceeds" means the gross insurance proceeds paid by an insurer to Association for loss or damage to the LED Sign, less any and all costs and expenses (including, but not limited to reasonable attorney fees) incurred to recover said proceeds. Association agrees to promptly commence and prosecute to completion the settlement of insurance proceeds with respect to any event of damage or destruction of the LED Sign.

16.2 Association agrees that notwithstanding any other provision of this Agreement, upon any event of damage to or destruction of the LED Sign, Association shall, at its sole cost and

expense, immediately take or cause to be taken such actions and to complete such work as is necessary to reasonably minimize further damage to the LED Sign pending the ultimate disposition of the LED Sign.

16.3 Insurance proceeds which are received on account of any damage to or destruction of the LED Sign, or any portion thereof (less the costs, fees and expenses incurred in the collection thereof, including without limitation attorney's fees and expenses) shall be applied as follows:

1. Within a reasonable time and in any event within 180 days after the damage to or destruction of the LED Sign, Association shall furnish, or cause to be furnished to City evidence reasonably satisfactory to City (a) of the total cost of Restoration of the damaged or destroyed LED Sign and (b) that the total amount of money available will, when added to the Net Insurance Proceeds received and available to pay for the Restoration, be sufficient to pay the cost of such Restoration.
2. Net Insurance Proceeds received on account of any damage to or destruction of the LED Sign, or any part thereof, shall be paid to Association or as Association may direct from time to time, as Restoration progresses, solely to pay or reimburse Association for the cost of Restoration.

17. City Contract Administration. The City Manager shall administer this Agreement on behalf of City. Except as otherwise expressly provided in this Agreement, the City Manager has the authority to approve or consent to those matters in this Agreement requiring City's approval or consent and to make all other decisions on behalf of City, subject to the City Manager's retained and reserved sole and absolute discretion to seek City Council's approval on any such matter.

18. Further Documents. The parties hereto hereby agree to execute such other documents and to take such other action as may be reasonably necessary to further the purposes of this Agreement.

19. Time of the Essence. Time is of the essence in this Agreement.

20. Governing Law and Venue. This Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California. The Parties each acknowledge and agree that this Agreement is entered into and is to be fully performed in the City of Ontario, County of San Bernardino, State of California, and that all legal actions arising from this Agreement shall be filed in the Superior Court of the State of California in and for the County of San Bernardino, California, or the United States District Court with jurisdiction in the County of San Bernardino, California.

21. No Limitation on City Authority. Nothing in this Agreement shall be deemed to limit, modify or abridge the governmental police power or other legal authority (whether direct or delegated) of City regarding the Property, the LED Sign, or the Association.

22. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their permitted successors and assigns.

23. Third. Party Beneficiaries. The parties to this Agreement acknowledge and agree that the provisions of this Agreement are for the sole benefit of City and Association, and not for the benefit, directly or indirectly, of any other person or entity.

24. Severance. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision will be deemed to be severed and deleted from this Agreement as a whole and neither such provision, nor its severance and deletion shall in any way affect the validity of the remaining provisions of this Agreement.

25. Counterparts. This Agreement may be executed in counterparts and when so executed, each such counterpart will constitute an original document and such counterparts will constitute one and the same agreement.

IN WITNESS WHEREOF, the City and Association have executed and entered into this Agreement as of the date first written above.

CITY:

CITY OF ONTARIO,  
a California municipal corporation

By: \_\_\_\_\_

Chris Hughes  
City Manager

Attest:

By: \_\_\_\_\_

City Clerk

Approved as to form:

Best Best & Krieger LLP

By: \_\_\_\_\_

City Attorney

ASSOCIATION:

ONTARIO AUTO CENTER DEALERS  
ASSOCIATION, a California corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**EXHIBIT “A”  
TO  
LEASE AGREEMENT  
(Ontario Auto Center)**

**Property Description**

**[Attached behind this cover page]**

**EXHIBIT “A”  
TO  
LEASE AGREEMENT  
(Ontario Auto Center)**

**Property Description**

The subject sign is located within the public right of way and at the northeast corner of the intersection of Jurupa Street and the northbound Interstate 15 freeway access ramp in the City of Ontario.

**EXHIBIT “B”  
TO  
LEASE AGREEMENT  
(Ontario Auto Center)  
Sign Proposal**

**[Attached behind this cover page]**



## Exhibit "B"

### EMI ELECTRA-MEDIA, INC. SALES AGREEMENT

**Customer**  
Ontario Auto Center  
1307 Kettering Drive  
Ontario, CA. 91761

**Equipment Address:**  
Junupa and 15 Freeway

I/We hereby order for purchase under the terms and conditions of this agreement, incorporated herein by reference, the following product(s):

#### YESCO Color LED (25mm Resolution)

**Product Description:** Remove two (2) single face old LED displays from existing sign. Fabricate and install and make water tight, two (2) new single face, full color YESCO LED displays (25 mm 128 pixels high by 416 pixels wide). Each pixel to be comprised of premium diodes (red, blue and green) of the highest quality for 100,000 hours of life. Each pixel to be shaded by a consistent linear, 1.5" louver. Display to have night-time dimming capability to 1% of full brightness, still maintaining 100% of the color spectrum. The LED circuit boards and modules to be conformal coated, and enclosed in a sealed, water-tight enclosure. All electrical components are to be wired into central distribution panel which then will connect to existing primary disconnects. YESCO and EMI technicians will complete all wiring, turn-on and test display. Also includes time and temperature, remote computer in marquee, automatic dimming circuit, modem and ventilation system. The YESCO LED display also includes a guarantee to not antique future parts needed for service, during life of display. (LED displays according to bid specifications attached).

**Maintenance Contract:** Five (5) year factory warranty on parts, \$420.00 per month for all labor and crane labor for monthly service to change out LED modules, power supplies, interface cards, line drivers, modem, controller, etc, along with preventative maintenance calls once per month over and above emergency calls, and high pressure wash once per year.

**Programming Contract:** \$200.00 per month. Includes daily updates, unlimited changes, video graphic transfer, Internet downloads, e-mail confirmations, holiday graphics, and Ad Express forms.

**Delivery:** 60 to 80 days from date permits are obtained and down payment is received.

**Electrical & Phone:** Reuse existing electrical and phone line. YESCO / EMI to hookup using YESCO and EMI technicians and cranes.

**City Permits:** Includes coordinating and processing City building permit. A \$1,500.00 permit fee to be paid upon signing for City permit application fees. Note: actual cost of other City application fees and final building permit fee are to be billed separately.

**City Funding:** EMI to assist in City funding approval for 50% of cost. *DEALERS ASSOCIATION TO APPROVE FINAL FUNDING TERMS.*

**Loan Option:** 84 month term at \$3,554.00/mo. (Note: If City pays 50%, monthly payment is \$1,777.00/mo.)

**Prevailing Wage:** Price includes prevailing wage for onsite work.

#### Price

Equipment & Labor: \$ 229,849.00  
Applicable Sales Tax: Tax Included  
Total With Tax: \$ 229,849.00

#### Payment Terms

\$ 78,617.00 Down payment upon permit  
\$ 70,616.00 Upon delivery of display  
\$ 78,616.00 Upon completion

IN WITNESS WHEREOF, Owner and EMI have executed this agreement this 5<sup>th</sup> day of April, 2010.

Owner: Ontario Auto Center  
1307 Kettering Drive  
Ontario, CA 91761

Electra Media, Inc. (310-725-0616)  
4737 W. 106<sup>th</sup> Street  
Lawndale, CA 90260

By \_\_\_\_\_

By \_\_\_\_\_

Rad Wilson

Date: 8/24/10

Date: 4-5-10

# CITY OF ONTARIO

*Agenda Report*  
October 15, 2013

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC UTILITY AND SEWER EASEMENT**

**RECOMMENDATION:** That the City Council adopt a resolution ordering the summary vacation of a 6-foot wide public utility and sewer easement at the southwest corner of Bon View Avenue and Holt Boulevard.

**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

**FISCAL IMPACT:** None. The City will not incur any cost by vacating this public easement. The applicant has paid the applicable processing fees to defray the City's cost to process this request.

**BACKGROUND:** The applicant, Sea Partners, LLC (Brent Ogden/Owner), has requested that the City vacate the 6-foot wide public utility and sewer easement located at the southwest corner of Bon View Avenue and Holt Boulevard as shown on Exhibits "A" and "B" of the resolution. The subject easement is not needed for any present or future utility purposes.

Sections 8330 & 8333 of the California Streets and Highways Code authorize the City to summarily vacate (by resolution with no public hearing) a public service easement that has been superseded by relocation or determined to be excess and there are no other public facilities located within the easement.

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

Prepared by: Miguel Sotomayor

Department: Engineering

City Manager

Approval:



Submitted to Council/O.H.A.

10/15/2013

Approved:

Continued to:

Denied:

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A 6-FOOT WIDE PUBLIC UTILITY AND SEWER EASEMENT LOCATED AT THE SOUTHWEST CORNER OF BON VIEW AVENUE AND HOLT BOULEVARD.

WHEREAS, the City Council of the City of Ontario, California, pursuant to Division 9, Part 3, Chapter 4, of the Streets and Highways Code, may summarily vacate an easement under certain conditions specified therein; and

WHEREAS, the public utility and sewer easement over the easterly portion of Lot B of Lot Line Adjustment LLA 97-03 in the City of Ontario, County of San Bernardino, State of California, recorded on May 4, 1999 as Instrument No. 19990188912, with said easement filed in Book 2931, Page 573 in the County Recorder's Office of said County and located at the southwest corner of Bon View Avenue and Holt Boulevard, is not needed for any present or future utility purposes; and

WHEREAS, Sections 8330 & 8333 of the California Streets and Highways Code authorize the City to summarily vacate (by resolution with no public hearing) a public service easement that has been superseded by relocation or determined to be excess and there are no other public facilities located within the easement; and

WHEREAS, the property owner has requested a vacation of said easement.

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

1. That the above recitals are true and correct.
2. That title to the above-described portion of said easement more specifically described in Exhibit "A" and depicted on Exhibit "B" shall be vacated.
3. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.

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

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of October 2013.

---

PAUL S. LEON, MAYOR

ATTEST:

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

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 15, 2013 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2013-       duly passed and adopted by the Ontario City Council at their regular meeting held October 15, 2013.

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

(SEAL)

# EXHIBIT "A"

## LEGAL DESCRIPTION

### PUBLIC UTILITY AND SEWER EASEMENT VACATION V - 256


THAT PORTION OF LOT 2, HOME VILLA TRACT, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 16, PAGE 99 OF MAPS, RECORDS OF THE COUNTY OF SAN BERNARDINO, SAID PORTION BEING A PORTION OF LOT B, AS PER CERTIFICATE APPROVING A LOT LINE ADJUSTMENT, OWNERS CERTIFICATION NO. LL 97-03, RECORDED MAY 4, 1999 AS INSTRUMENT NO. 19990188912, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

THE EAST 6 FEET OF THE SOUTH 150 FEET OF THE NORTH 300 FEET OF LOT 2, HOME VILLA TRACT.

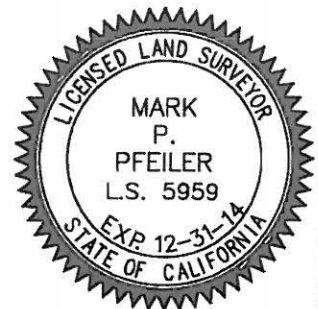
SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND LEGAL HIGHWAYS OF RECORD.

CONTAINING 900 SQUARE FEET (0.02 ACRES) MORE OR LESS.

ALL AS SHOWN ON A SKETCH ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART OF HEREOF FOR REFERENCE ONLY.

  
MARK P. PFEILER L.S. 5959  
EXPIRES 12-31-14.

7/17/13  
DATE



DATE: 7/17/13.

## **PFEILER & ASSOCIATES ENGINEERS, INC.** **CIVIL ENGINEERING & LAND SURVEYING**

14181 FERN AVENUE, CHINO, CALIFORNIA 91710  
Telephone (909) 993-5800 Fax (909) 993-5801

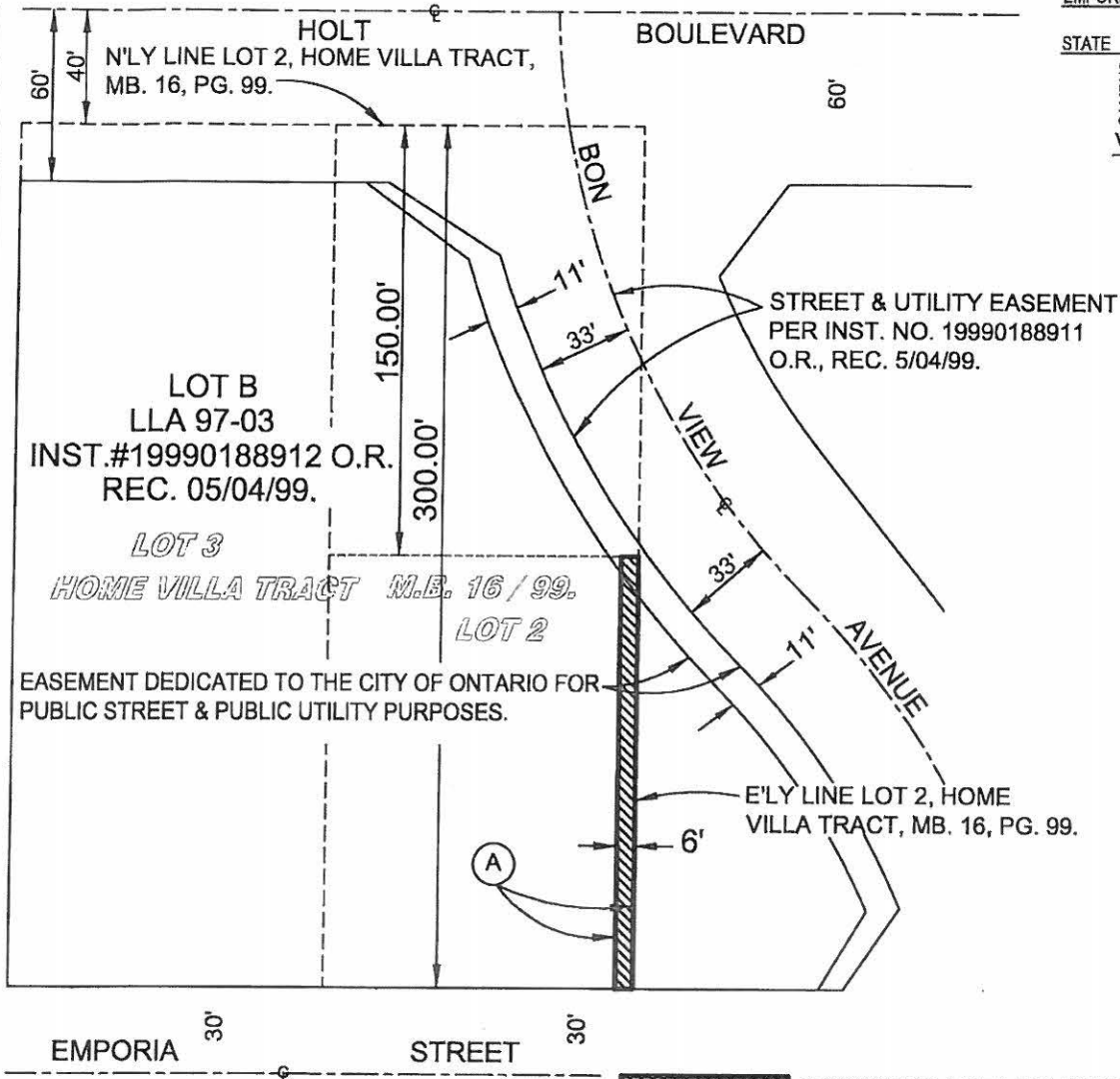
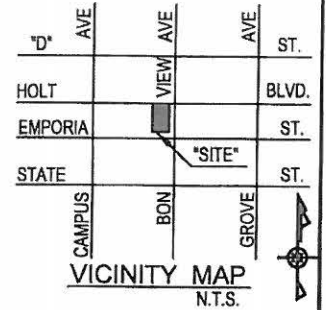
## **EXHIBIT "A"**

PUBLIC UTILITY AND  
SEWER EASEMENT VACATION  
BOOK 2931 PAGE 572  
REC. 04-14-52.  
IN THE CITY OF ONTARIO  
COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA



# EXHIBIT "B"

PUBLIC UTILITY AND SEWER EASEMENT VACATION  
V - 256



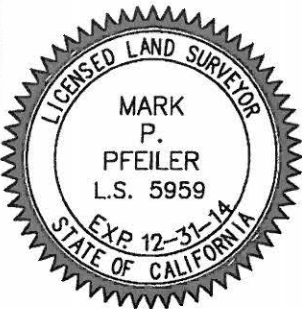
NOT TO SCALE



INDICATES AREA OF PUBLIC UTILITY &  
SEWER EASEMENT TO BE VACATED.



6' WIDE UTILITY & SEWER EASEMENT OF THE CITY  
OF ONTARIO PER BK. 2931 / 572 O.R., REC. 4-14-52.



MARK P. PFEILER L.S. 5959  
EXPIRES 12-31-14.

7/17/13  
DATE

DATE: 7 / 17 / 13.

**PFEILER & ASSOCIATES ENGINEERS, INC.**  
CIVIL ENGINEERING & LAND SURVEYING

14181 FERN AVENUE, CHINO, CALIFORNIA 91710  
Telephone (909) 993-5800 Fax (909) 993-5801

## EXHIBIT "B"

PUBLIC UTILITY AND  
SEWER EASEMENT VACATION  
BOOK 2931 PAGE 572  
REC. 04-14-52.  
IN THE CITY OF ONTARIO  
COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA

# CITY OF ONTARIO

*Agenda Report*  
October 15, 2013

## SECTION: CONSENT CALENDAR

**SUBJECT: RESOLUTIONS APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE FIBER OPTIC MASTER PLAN AND APPROVING THE CITYWIDE FIBER OPTIC MASTER PLAN**

**RECOMMENDATION:** That the City Council adopt (1) a resolution approving a Mitigated Negative Declaration for the Fiber Optic Master Plan; and (2) a resolution approving the Fiber Optic Master 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  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

**FISCAL IMPACT:** The Fiber Optic Master Plan identifies planned backbone fiber optic infrastructure throughout the City. The Old Model Colony improvements will be included as part of the existing high speed telecom system capital improvement project with funding from the Information Technology Infrastructure Fund. The New Model Colony improvements will be delivered as development occurs and will be funded by the New Model Colony developers.

**BACKGROUND:** Implementation of the improvements identified in the Fiber Optic Master Plan will result in a 10Gbps transport / 1Gbps access layer high-speed communication system between various City facilities. The initial phase will connect 27 buildings, 42 traffic signals and 3 well sites, with other facilities added through future planned phases. Most of these facilities are currently interconnected via leased lines at an expense to the City. The fiber optic network will result in a long term resource capable of delivering high-speed and efficient services. The master plan positions the City with a long term, scalable asset, owned and operated by the City with the emphasis on local control, security and cost avoidance associated with leased services. It is anticipated that the initial phases can be constructed and operational in the early part of 2015.

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

Prepared by: Steven Latino, P.E.

Department: Engineering

City Manager

Approval: 

Submitted to Council/O.H.A. 10/15/2013

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

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

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

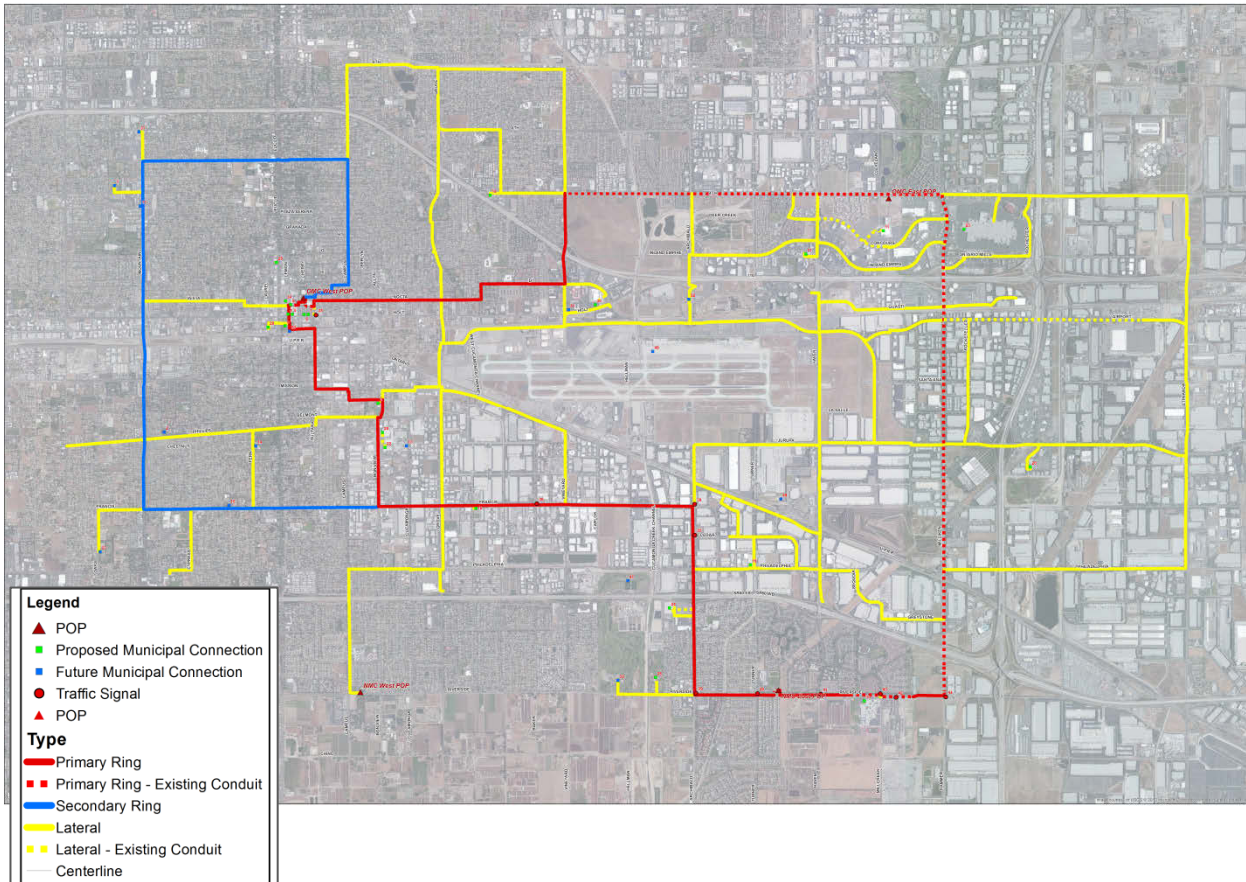
5



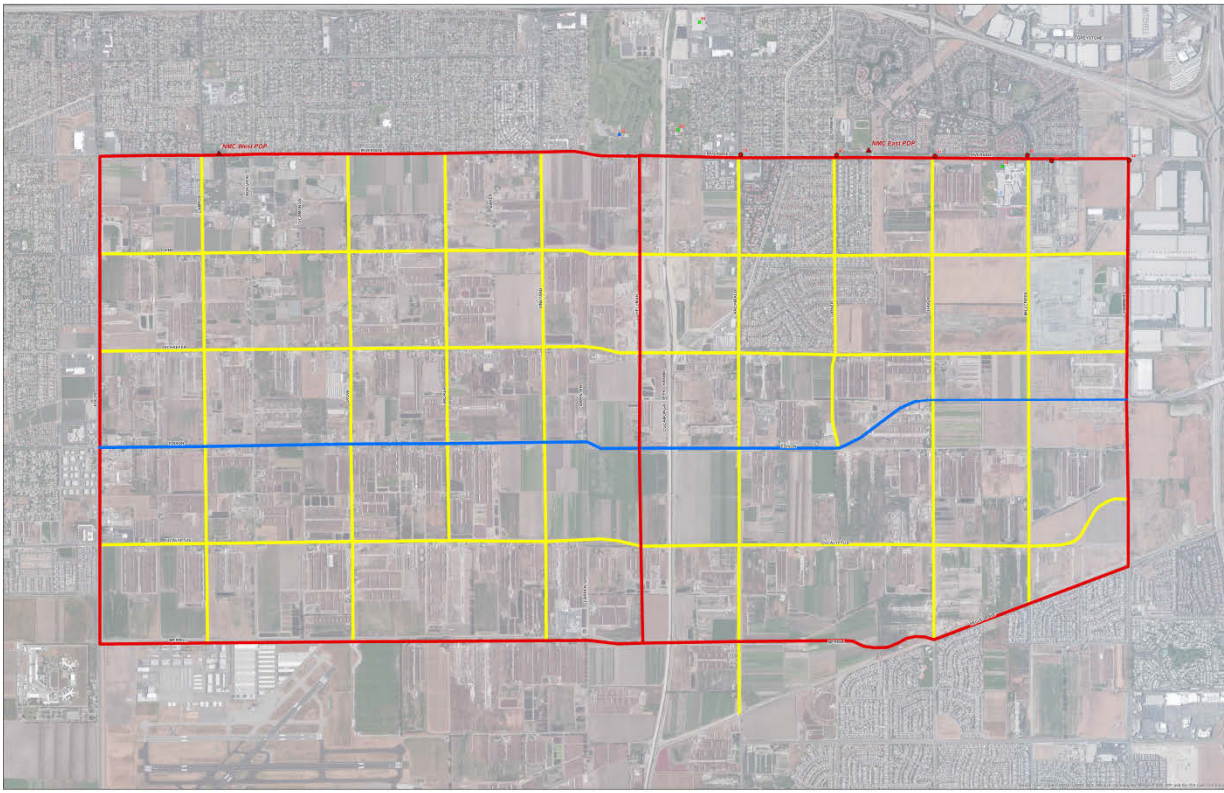
**ENVIRONMENTAL REVIEW:** In reviewing the Fiber Optic Master Plan, staff determined that the Fiber Optic Master Plan is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq. (“CEQA”)) and an Initial Study has been prepared to determine possible environmental impacts. On the basis of the Initial Study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. To ensure that all of the mitigation measures proposed in the Mitigated Negative Declaration are implemented, a Mitigation Monitoring Plan has been prepared for the Project pursuant to CEQA Guidelines Section 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures.

Copies of the mitigated Negative Declaration, and supporting documents are available for review at the Records Management Office and the Ontario Planning Department

## OMC Proposed Rings and Laterals



## NMC Proposed Rings and Laterals



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CITY OF ONTARIO FIBER OPTIC MASTER PLAN.

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

WHEREAS, the City of Ontario Fiber Optic Master Plan analyzed under the Initial Study/Mitigated Negative Declaration consists of the identification of the general locations and sizes of underground infrastructure necessary to serve the anticipated development in the City, including land uses changes approved as part of The Ontario Plan (TOP); and

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

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

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

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

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

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

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

SECTION 1. The City Council hereby concludes as follows:

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

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

c. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project. The City Council designates the Planning Department, located at 303 East B Street, Ontario, CA 91764, as the custodian of documents and records of proceedings on which this decision is based.

SECTION 2. The City Council does hereby find that, based upon the entire record of proceedings before it and all information received, there is no substantial evidence that the Project will have a significant effect on the environment and does hereby approve adoption of the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program.

SECTION 3. 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 4. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of October 2013.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 15, 2013 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2013-       duly passed and adopted by the Ontario City Council at their regular meeting held October 15, 2013.

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

(SEAL)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE CITY OF ONTARIO FIBER OPTIC MASTER PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario has prepared the City of Ontario Fiber Optic Master Plan, hereafter referred to as the "Application" or the "Master Plan"; and

WHEREAS, the Master Plan identifies the backbone infrastructure necessary to serve the City of Ontario over the build-out of the City; and

WHEREAS, the Master Plan was developed taking into account the densification/intensification identified in The Ontario Plan ("TOP"); and

WHEREAS, the Master Plan provides the general location and size of improvements needed to serve potential development in the City; and

WHEREAS, the precise location and size of the infrastructure will be determined based on site-specific conditions identified during the Engineering Design process and/or the preparation of improvement plans for the infrastructure; and

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

WHEREAS, on September 24, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and, after concluding said hearing, voted unanimously to recommend approval of the Master Plan to the City Council; and

WHEREAS, as the first action on the Project, the Ontario City Council adopted a Resolution approving a Mitigated Negative Declaration (MND). The MND finds that the proposed Ontario Fiber Optic Master Plan introduces no new significant environmental impacts that cannot be mitigated to less than significant levels; and

WHEREAS, on October 15, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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



SECTION 1. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth above, the City Council hereby finds that the proposed Master Plan is consistent with the TOP and is adequate to serve the anticipated growth of the City over its build-out.

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

SECTION 3. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

SECTION 5. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of October 2013.

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PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 15, 2013 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2013-        duly passed and adopted by the Ontario City Council at their regular meeting held October 15, 2013.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
October 15, 2013

## SECTION: CONSENT CALENDAR

**SUBJECT: A LEASE AGREEMENT FOR THE OPERATION OF THE ONTARIO ACCESS CENTER LOCATED AT 435 SOUTH BON VIEW AVENUE**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a five-year lease agreement (on file with the Records Management Department) between the City of Ontario and Mercy House Living Centers, Inc., of Santa Ana, California, for the operation of the Ontario Access Center located at 435 South Bon View Avenue and the adjoining parking lot located at 914 East Washington Street.

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

**FISCAL IMPACT:** The lease terms require a lease payment of \$1.00 per year for use of the property in support of the Homeless Services Continuum of Care. The lease agreement provides for a five-year term with an early termination option should there be: (1) funds insufficient to sustain operation of the Continuum of Care programs; (2) failure to perform by Mercy House; or (3) lack of demand for the services offered.

**BACKGROUND:** On May 3, 2005 and January 28, 2011, the City Council approved and subsequently modified the Homeless Services Continuum of Care Program ("Continuum") in partnership with Mercy House. The multi-phased Continuum is a \$15 million investment by the City that includes the following components: a homeless outreach service center; a 34-bed transitional housing facility; 62 permanent affordable housing units; and after care services. To date, the following activities have been completed:

- Over 16,000 people have been assisted through various components of the Continuum since its inception;
- THSA population was reduced from over 400 to three permitted individuals. Sixty-eight (68) people at THSA were successfully placed into permanent housing.

**STAFF MEMBER PRESENTING:** Brent Schultz, Housing & Municipal Services Director

Prepared by: Katryna Gonzalez

Department: Housing Agency

City Manager  
Approval: 

Submitted to Council/O.H.A. 10/15/2013

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

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

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

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- A 34-bed transitional housing facility (Assisi House) was established for single-men, single-women, and women with children;
- Sixty-two (62) permanent affordable housing units (Begonia Apartments, Francis Apartments, and Guadalupe Residence) were created with residency priority provided to homeless families and individuals participating in the Continuum;
- A temporary Intake Center, a 500 square foot building, located at 905 E. Holt Boulevard was opened; and
- Project Gateway, a rental assistance program to assist up to 12 hard-to serve homeless persons with disabilities with after cares services provided by with Mercy House and County of San Bernardino Department of Behavioral Health. Rental assistance payments are provided through the Housing Authority of the County of San Bernardino.

The Ontario Access Center, which is currently under construction, completes the final phase of Ontario's comprehensive homeless services program designed to move homeless individuals and families successfully into permanent housing. The Center will serve as the entry point for the entire Continuum and provides amenities specifically for Ontario's chronically homeless population. Services include: emergency case management, basic hygiene kits, clothing vouchers, bus coupons, ID card funding, prescription funding, phone access, restroom access, showers, laundry facilities, referrals to community services and agencies, education board, motel vouchers, and coordination of food distribution. Access to the showers, lockers, and laundry facilities will be offered to Ontario's chronically homeless that are participating in the program during early morning hours prior to opening the facility to the general public.

The Center will be open for service three to four days a week and as funding allows. Mercy House staff will work with local faith-based and non-profit organizations to provide additional programs and food distribution services, which may allow services to be offered at the Center up to seven days per week, depending upon the participation of these groups. The hours of operation for the Center are Monday, Wednesday, and Thursday from 10:00 a.m. until 2:00 p.m. and on Tuesday from 1:00 p.m. to 5:00 p.m. for counseling, emergency case management, and distribution of materials. The shower and laundry facilities will be open on Monday, Wednesday, and Thursday from 7:00 a.m. until 10:00 a.m. for permitted clients as funding and demand allows.

The lease terms for the Center require that Mercy House provide up to five (5) staff members, including a full-time Program Director and that there is a minimum of one staff member on the site at all times the Center is open to the public. Mercy House will ensure that all persons utilizing the laundry, shower, and locker services have undergone background checks pursuant to the Conditional Use Permit for the site. Mercy House will be responsible for the maintenance and liability insurance on the property.

Services are planned to begin once construction is completed on the Center in November 2013. Upon opening of the Center, Ontario staff will close the THSA.

# CITY OF ONTARIO

*Agenda Report*  
October 15, 2013

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

**SUBJECT: ONTARIO HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2012-13**

**RECOMMENDATION:** That the Board of the Ontario Housing Authority ("Authority") approve the Authority Annual Report for Fiscal Year 2012-2013 ("Annual Report"), and authorize the Executive Director to transmit to the California Department of Housing and Community Development the final Annual Report as required by State law.

**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:** In accordance with Health and Safety Code ("HSC") Sections 34328 and 34328.1, the OHA must prepare a complete report of its activities during the previous fiscal year. The Annual Report must be filed with the City Clerk and submitted to the California Department of Housing and Community Development ("HCD") after Board approval.

The OHA Annual Report has been prepared in compliance with the requirements of HSC Sections 34328, 34328.1, and 34312.3, which require the following information:

- HSC Section 34312.3 requires that the annual report provide a complete report of activities taken during the prior fiscal year;
- HSC 34312.3 requires that housing authorities show compliance with the following requirements:
  - Minimum amount of housing units affordable to lower income households in housing projects assisted;

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

Prepared by: Julie Bjork  
Department: Housing  
City Manager Approval: 

Submitted to Council/O.H.A. 10/15/2013  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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- Documentation regarding any minimum and maximum rent requirements for lower income households pursuant to State and Federal requirements.
- HSC 34328.1 requires data on termination of tenancies due to domestic violence in housing authority units and summary of actions taken by housing authorities to address termination of tenancies resulting from domestic violence.

All of the Authority's properties meet all of the affordability requirements.



# CITY OF ONTARIO

*Agenda Report*  
October 15, 2013

## SECTION: CONSENT CALENDAR

**SUBJECT: A RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDS THROUGH THE STATE OF CALIFORNIA STRATEGIC GROWTH COUNCIL OF THE CALIFORNIA NATURAL RESOURCES AGENCY**

**RECOMMENDATION:** That the City Council adopt a resolution approving the filing of an application for grant funds through the California Natural Resources Agency for the Urban Greening for Sustainable Communities Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the Museum of History and Art, Ontario – Sustainable Landscape and Education Gardens Project.

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

**FISCAL IMPACT:** The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) authorized the Urban Greening for Sustainable Communities Grant Program with potential awards ranging from \$75,000 to an average of \$1,000,000, although there is not a set maximum request. This grant program is extremely competitive with applications submitted from around the State vying for approximately \$20 million

The project recommended for inclusion in the grant application is the Museum of History and Art, Ontario – Sustainable Landscape and Education Gardens Project with requested grant funds of \$998,387. There is no local matching funds requirement.

**BACKGROUND:** In March 2013, the City submitted a third round application proposal for review and approval by the Strategic Growth Council (SGC). The proposed application was approved in September 2013, and the City can now move forward with a full application submittal. The goal of the SGC and intent of the grant program is to improve the sustainability and livability of California's communities

**STAFF MEMBER PRESENTING:** Mark Chase, Community & Public Services Director

Prepared by: Stacy Orton  
Department: Museum

City Manager  
Approval:



Submitted to Council/O.H.A. 10/15/2013  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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and reduce energy consumption, conserve water, improve air/water quality, and provide community benefits. This new facility will benefit the health of families, youth, senior citizens and other population groups by meeting their recreational, cultural, social, educational, and environmental needs.

The development of the Museum of History and Art, Ontario – Sustainable Landscape and Educational Gardens will provide an outdoor exhibit that creates a connection to the museum through sustainable design that links back to the region's first residents, the Native American Tongva Tribe. Design features include Native American Tongva plant garden, California Native plant demonstration garden, vegetative swales, educational signage, all-weather permeable paving and infiltration basin. The project will use water efficiently and create a smart growth urban environment in a previously suburban area.

The Museum of History and Art, Ontario – Sustainable Landscape and Educational Gardens is consistent with the grant program criteria and will revitalize the museum green space that improves the sustainability and livability of California's communities. Third round grant applications are due October 28, 2013. A resolution of the City Council is required as a mandatory element of the application.



RESOLUTION NO: \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84).

WHEREAS, the Legislature and Governor of the State of California have provided funds for the Urban Greening Grant Program under the State Drinking Water, Water Quality and Supply, flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84); and

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario:

1. Approves the filing of an application for the Museum of History and Art, Ontario – Sustainable Landscape and Education Gardens Project; and

2. Certifies that applicant understands the assurances and certification in the application; and

3. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and

4. Certifies that it will comply with the provisions of Section 1771.8 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 84 Funds; and

5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable permits will have been obtained; and

6. Certifies that applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and

7. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

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

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of October 2013.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 15, 2013 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2013-       duly passed and adopted by the Ontario City Council at their regular meeting held October 15, 2013.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
October 15, 2013

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE APPROVING A ZONE CHANGE REQUEST AMENDING THE ZONING DESIGNATIONS ON CERTAIN PROPERTIES LOCATED THROUGHOUT THE CITY TO PROVIDE ZONING CONSISTENCY WITH THE LAND USE DESIGNATIONS OF THE POLICY PLAN (GENERAL PLAN) OF THE ONTARIO PLAN**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance approving Zone Change File No. PZC13-002, changing the zoning designations on certain properties located throughout the City to provide consistency with the land use designations of the Policy Plan (General Plan) of The Ontario 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  
Operate in a Businesslike Manner


**FISCAL IMPACT:** None.

**BACKGROUND:** On October 1, 2013, the City Council introduced an ordinance approving various zone changes. The City initiated the zone changes in order to make the zoning of certain properties, as indicated in the attached ordinance, consistent with the land use designations of the Policy Plan (General Plan) of The Ontario Plan (TOP). The proposed zone changes included in this application are predominantly industrial in nature or are in close proximity to proposed industrial zone changes. This application represents the second of several phases in a citywide effort to achieve consistency between the zoning and General Plan land use designations for properties throughout the City. In total, more than 5,000 properties will require zone changes in order to achieve overall alignment between the zoning and land use designations.

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

Prepared by: Clarice Burden

Department: Planning

City Manager  
Approval: 

Submitted to Council/O.H.A. 10/15/2013

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

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

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

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The Planning Commission reviewed the proposed Zone Changes on August 27, 2013. During the Planning Commission public hearing, four people spoke questioning why the rezoning of their property was necessary. In addition, the Ontario-Montclair School District requested (by mail) that their property located on Bon View Avenue and within Group G5 be removed from rezoning consideration until such time as they have an opportunity to discuss the matter with Planning Department staff.

After the public hearing was closed the Planning Commission found that the proposed zone changes (minus Groups G5 and I1) were consistent with TOP land use designations and policies. As a result, the Commission unanimously voted to recommend approval of the balance of the application and pulled Groups G5 and I1 from consideration at that time and directed staff to meet with the affected parties.

**AIRPORT LAND USE COMPATIBILITY:** 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 Ontario.

**ENVIRONMENTAL REVIEW:** The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-002, A CHANGE IN THE ZONING DESIGNATIONS FOR CERTAIN PROPERTIES IN THE CITY OF ONTARIO TO CONSISTENCY WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: VARIOUS (SEE EXHIBIT A).

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC13-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the zoning of the properties is inconsistent with The Ontario Plan ("TOP") land use designations of the properties and the proposed zone changes will make the zoning consistent with TOP land use designations as shown in Exhibit A; and

WHEREAS, the Application was initiated in conjunction with a comprehensive effort to make the zoning of properties in the City of Ontario consistent with their TOP land use designations; and

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

WHEREAS, the City of Ontario held one (1) Community Open House Workshop on March 21, 2013 to gain input from impacted property owners; and

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

WHEREAS, on August 27, 2013, the Planning Commission of the City of Ontario conducted a public hearing and concluded said hearing on that date. After considering all public testimony, the Planning Commission approved a Resolution recommending City Council approval of the project as amended; and

WHEREAS, as the first action on the Project, on October 1, 2013, the City Council approved a Resolution adopting an Addendum to TOP Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 for File No. PGPA06-001 (The Ontario Plan). The Addendum finds that the proposed project introduces no new, significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on October 1, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the approving body for the project, the City Council has reviewed and considered the information contained in the Addendum to the Environmental Impact Report prepared for the project and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the City Council finds as follows:

- a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- c. The Addendum reflects the independent judgment of the City Council; and
- d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in TOP Environmental Impact Report (State Clearinghouse No. 2008101140) adopted for PGPA06-001 (The Ontario Plan), and all previously adopted mitigation measures are incorporated into the Project by reference.

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

- a. The proposed zone change is consistent with the goals and policies of the general plan.
- b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice.
- c. The project sites are physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designations and anticipated developments.
- d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses.
- e. The proposed zone change will not have a significant adverse impact on the environment.

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

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

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

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

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance.

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

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of October 2013.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK



APPROVED AS TO FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 2969 was duly introduced at a regular meeting of the City Council of the City of Ontario held October 1, 2013 and adopted at the regular meeting held October 15, 2013 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

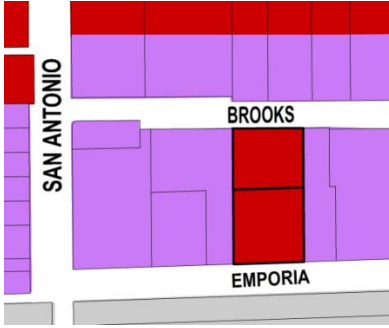
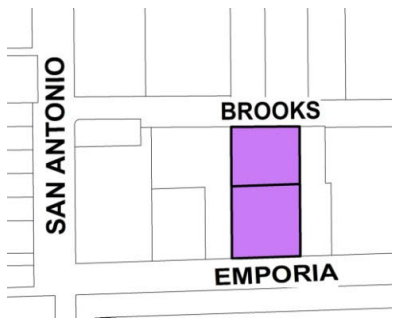
I hereby certify that the foregoing is the original of Ordinance No. 2969 duly passed and adopted by the Ontario City Council at their regular meeting held October 15, 2013 and that Summaries of the Ordinance were published on October 8, 2013 and \_\_\_\_\_, in the Inland Valley Daily Bulletin newspaper.

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

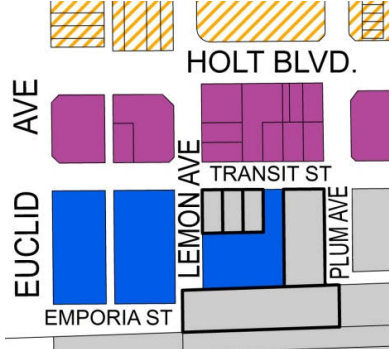
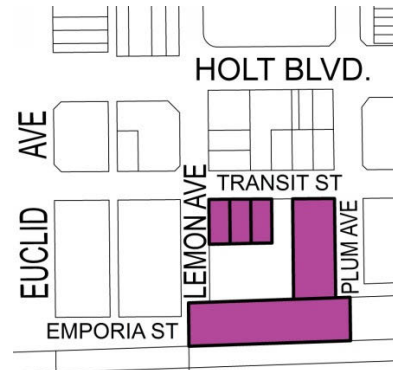
(SEAL)

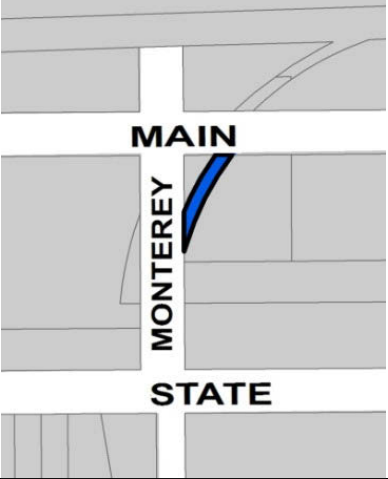
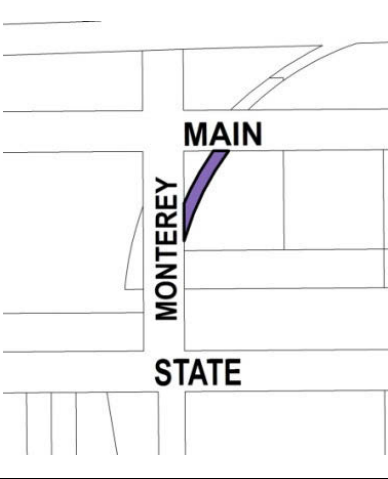
## EXHIBIT A

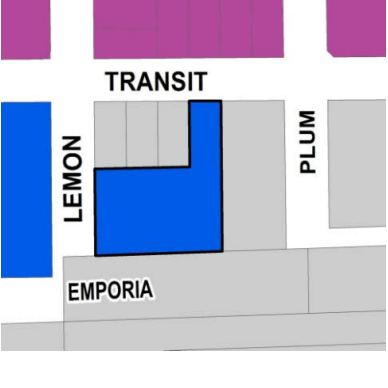
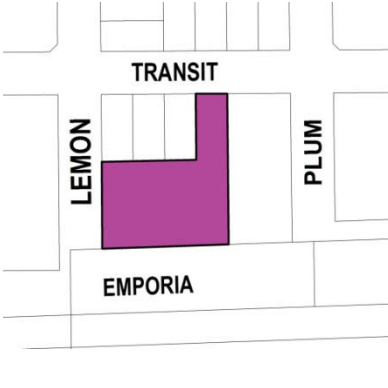
### Zone Changes to Make Zoning Consistent with TOP Land Use Designation

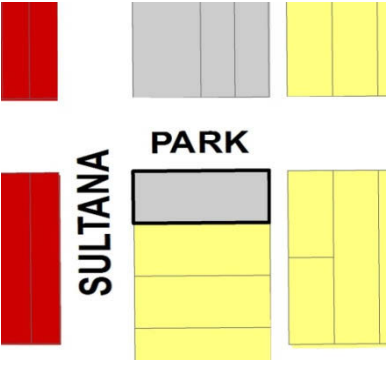
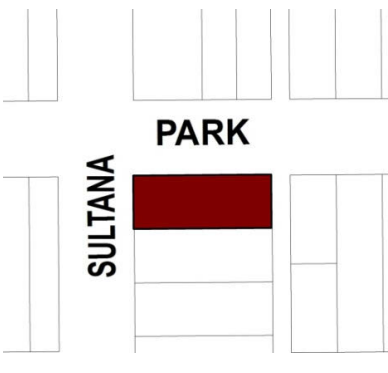
<p><b>C7</b>      <b>EXISTING ZONING</b></p> 	<p><b>PARCELS</b> 104902203 &amp; 104902231</p> <p><i>2 properties</i></p>	<p><b>PROPOSED ZONING</b></p> 
<p><b>C3, Commercial Service</b></p>	<p><b>TOP:      Industrial</b></p>	<p><b>M1, Limited Industrial</b></p>


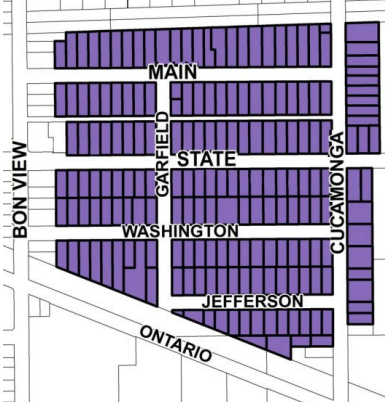
  

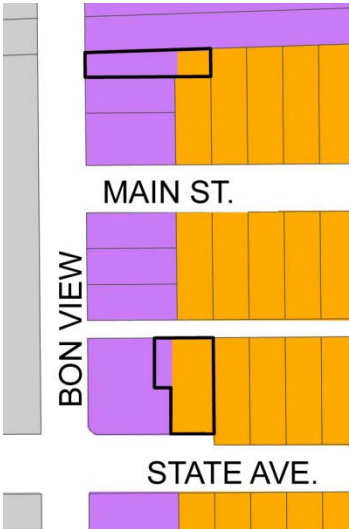
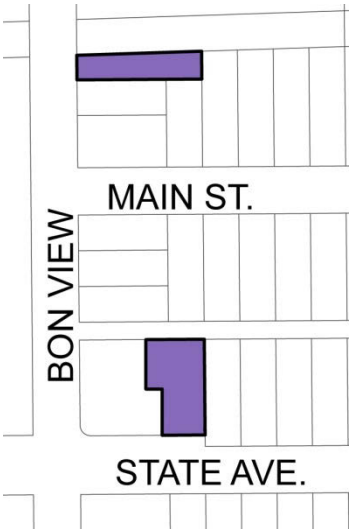
<p><b>D1a</b>      <b>EXISTING ZONING</b></p> 	<p><b>PARCELS</b> 104906401 - 104906403, 104906405 &amp; 104906810</p> <p><i>5 properties</i></p>	<p><b>PROPOSED ZONING</b></p> 
<p><b>M3, General Industrial</b></p>	<p><b>TOP:      Mixed Use (Downtown)</b></p>	<p><b>C2, Central Business Commercial</b></p>

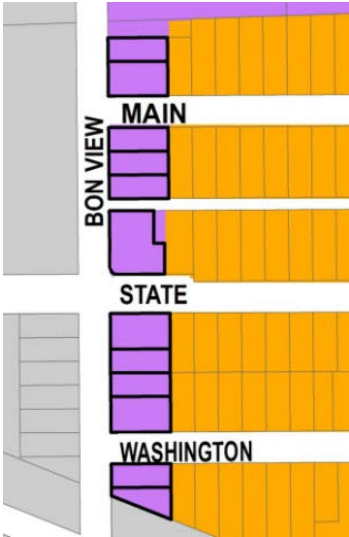
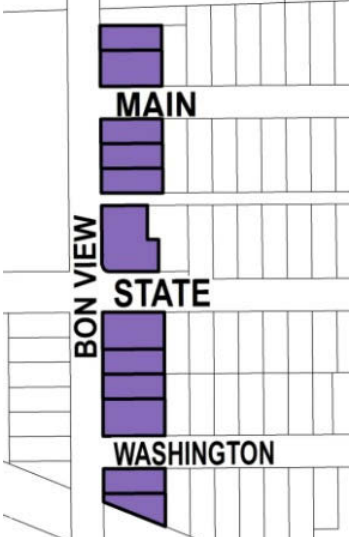
<b>D3</b> <b>EXISTING ZONING</b> 	<b>PARCELS</b> 104908310  <i>1 property</i>	<b>PROPOSED ZONING</b> 
PF, Public Facility	TOP:      Industrial	M2, Industrial Park

<b>D5</b> <b>EXISTING ZONING</b> 	<b>PARCELS</b> 104906404  <i>1 property</i>	<b>PROPOSED ZONING</b> 
PF, Public Facility	TOP:      Mixed Use (Downtown)	C2, Central Business Commercial


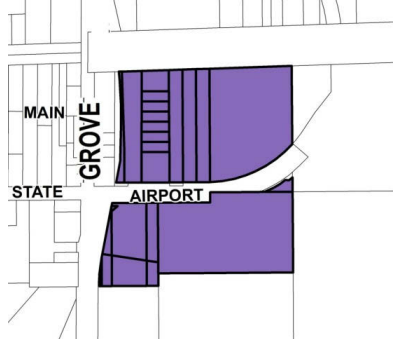
<b>D7</b> <b>EXISTING ZONING</b> 	<b>PARCELS</b> 104923207  <i>1 property</i>	<b>PROPOSED ZONING</b> 
M3, General Industrial	TOP:      Neighborhood Commercial	NC, Neighborhood Commercial

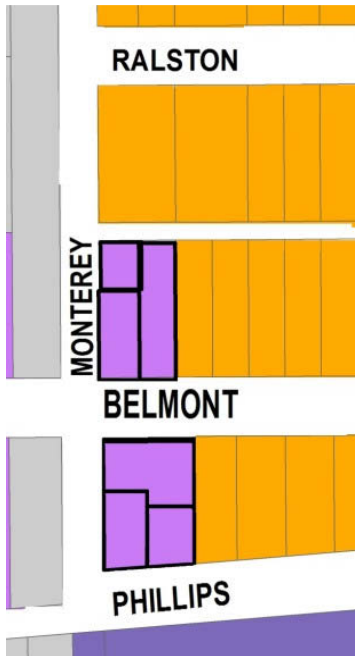
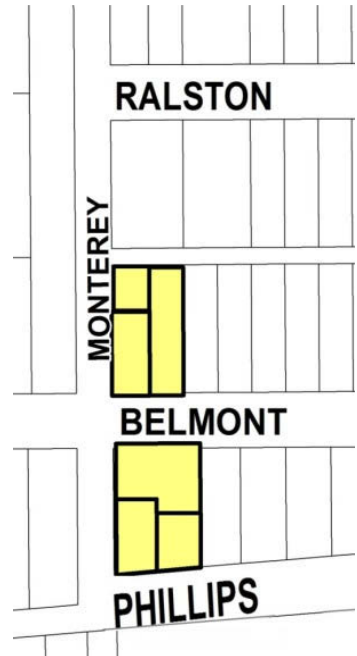
E1 EXISTING ZONING	PARCELS	PROPOSED ZONING
	<p>104912101 - 104912125,  104912207 - 104912223,  104912301 - 104912329,  104915126 - 104915137,  104916102 - 104916107,  104916109,  104916122 - 104916123,  104918201 – 104918204  104919105 - 104919122,  104919203 - 104919209,  104919211 - 104919212,  104919215,  104919401 - 104919422,  104919425 - 104919429,  104919501 - 104919528 &amp;  104919601 – 104919613</p> <p><i>193 properties</i></p>	
R2, Medium Density Residential	TOP: Industrial	M2, Industrial Park

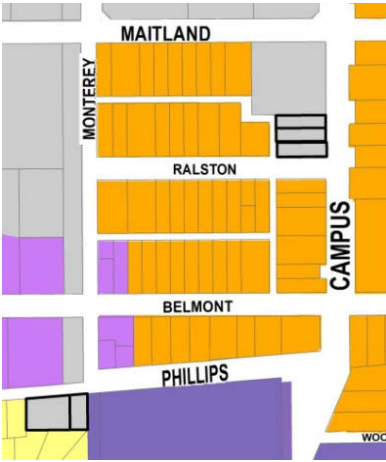
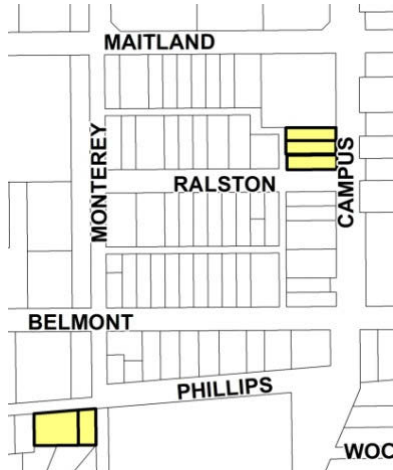
E4 EXISTING ZONING	PARCELS	PROPOSED ZONING
	<p>104912128 &amp;  104912226</p> <p><i>2 properties</i></p>	
R2, Medium Density Residential and M1, Limited Industrial	TOP: Industrial	M2, Industrial Park

<b>E5</b> <b>EXISTING ZONING</b> 	<b>PARCELS</b> 104912126 - 104912127, 104912204 - 104912206, 104912225, 104919101 – 104919104 & 104919201- 104919202  <i>12 properties</i>	<b>PROPOSED ZONING</b> 
<b>M1, Limited Industrial</b>	<b>TOP:      Industrial</b>	<b>M2, Industrial Park</b>

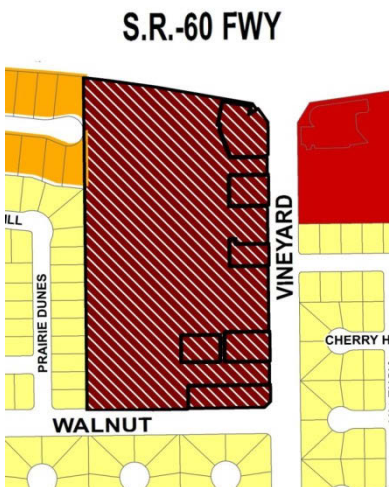
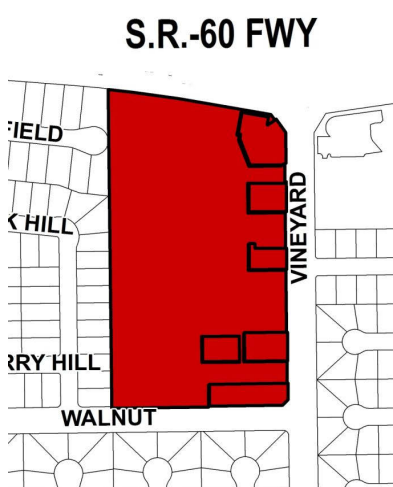
  

<b>F2</b> <b>EXISTING ZONING</b> 	<b>PARCELS</b> 11321105 - 11321107, 11321118 - 11321119, 11321121, 11321124 - 11321128, 11321132 - 11321133, 11321135 - 11321136, 11322123, 11322125, 11322128 & 11322131  <i>21 properties</i>	<b>PROPOSED ZONING</b> 
<b>M1, Limited Industrial</b>	<b>TOP:      Industrial</b>	<b>M2, Industrial Park</b>

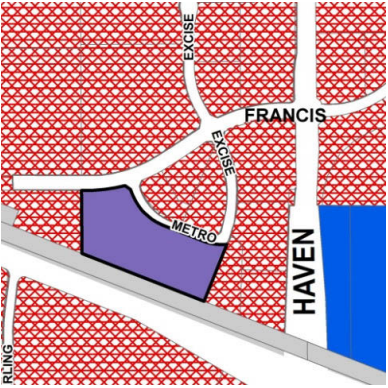



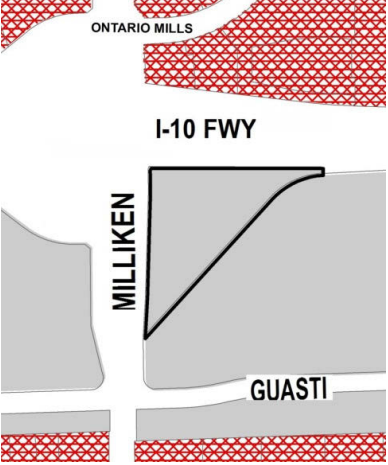
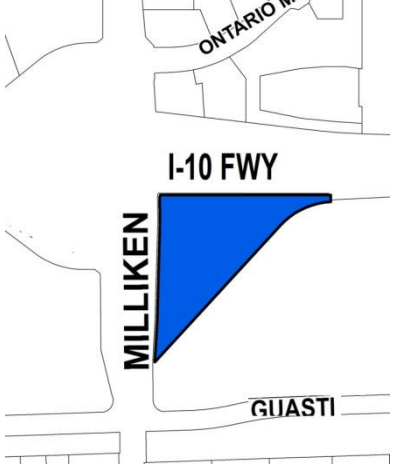
<p><b>G2</b>      <b>EXISTING ZONING</b></p> 	<p><b>PARCELS</b>  104948101 - 104948103,  104950328 &amp;  104950331 - 104950332</p> <p><i>6 properties</i></p>	<p><b>PROPOSED ZONING</b></p> 
<p><b>M1, Limited Industrial</b></p>	<p><b>TOP: Low Density Residential w/Industrial Transitional Overlay</b></p>	<p><b>R1, Single Family Residential</b></p>

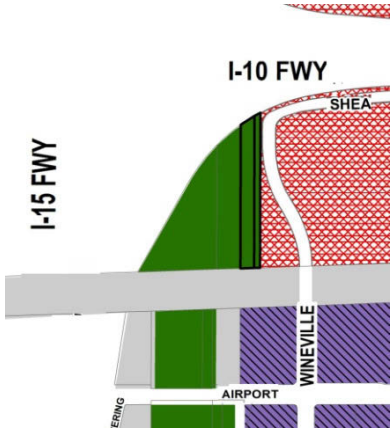
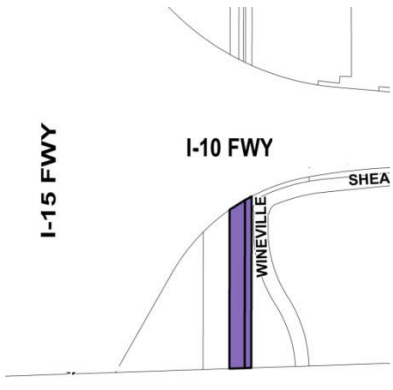
<p><b>G3</b>      <b>EXISTING ZONING</b></p> 	<p><b>PARCELS</b>  104949217 - 104949218 &amp;  104950211 - 104950213</p> <p><i>5 properties</i></p>	<p><b>PROPOSED ZONING</b></p> 
<p><b>M3, General Industrial</b></p>	<p><b>TOP: Low Density Residential w/Industrial Transitional Overlay on Campus parcels</b></p>	<p><b>R1, Single Family Residential</b></p>

<b>G7</b> <b>EXISTING ZONING</b>	<b>PARCELS</b> 105014101 - 105014102  <i>2 properties</i>	<b>PROPOSED ZONING</b>
		
<b>PF, Public Facility</b>	<b>TOP:      Industrial</b>	<b>M1, Limited Industrial</b>

<b>I2</b> <b>EXISTING ZONING</b>	<b>PARCELS</b> 21640145, 21640157, 21640161 - 21640163, 21641133 & 21641137  <i>7 properties</i>	<b>PROPOSED ZONING</b>
		
<b>C1, Shopping Center Commercial</b>	<b>TOP:      General Commercial</b>	<b>C3, Commercial Service</b>



<p><b>J2</b>      <b>EXISTING ZONING</b></p>  <p><b>M2, Industrial Park</b></p>	<p><b>PARCELS</b> 21127207</p> <p><i>1 property</i></p> <p><b>TOP:</b>      <b>Office Commercial</b></p>	<p><b>PROPOSED ZONING</b></p>  <p><b>AP, Administrative Professional</b></p>
<p><b>K2</b>      <b>EXISTING ZONING</b></p>  <p><b>M3(VI), Vintage Industrial</b></p>	<p><b>PARCELS</b> 23815213 - 23815214, 23815216 - 23815226, 23815228 &amp; 23815231 - 23815232</p> <p><i>16 properties</i></p> <p><b>TOP:</b>      <b>Industrial</b></p>	<p><b>PROPOSED ZONING</b></p>  <p><b>M2, Industrial Park</b></p>
<p><b>L1</b>      <b>EXISTING ZONING</b></p>  <p><b>M3, General Industrial</b></p>	<p><b>Parcels</b> 23804229</p> <p><i>1 property</i></p> <p><b>TOP:</b>      <b>Public Facility</b></p>	<p><b>PROPOSED ZONING</b></p>  <p><b>PF, Public Facility</b></p>

<p><b>L4</b>      <b>EXISTING ZONING</b></p> 	<p><b>PARCELS</b>  <b>23805216 &amp;</b>  <b>23805226</b></p> <p><i>2 properties</i></p>	<p><b>PROPOSED ZONING</b></p> 
<p><b>OS, Open Space</b></p>	<p><b>TOP:      Industrial</b></p>	<p><b>M2, Industrial Park</b></p>

# CITY OF ONTARIO

*Agenda Report*  
October 15, 2013

**SECTION:**  
**PUBLIC HEARINGS**

**SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT UPDATING THE HOUSING ELEMENT OF THE POLICY PLAN (GENERAL PLAN) OF THE ONTARIO PLAN PURSUANT TO STATE LAW**

**RECOMMENDATION:** That the City Council adopt a resolution approving an addendum to The Ontario Plan Environmental Impact Report analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; and adopt a resolution approving General Plan Amendment File No. PGPA13-003, updating the Housing Element of the Policy Plan (General Plan) of The Ontario Plan for the 5<sup>th</sup> Housing Element Cycle (covering the years 2014 – 2021).

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

**FISCAL IMPACT:** None.

**BACKGROUND:** State law requires cities and counties within the SCAG region to update their Housing Elements by October 15, 2013. The updated Housing Element provides an overview of the demographic characteristics of Ontario, outlines the housing related needs, and describes how these needs will be met. The draft Element has been submitted to the California Housing and Community Development Department (HCD) for review and comment. After some minor revisions, HCD has issued a conditional compliance letter (Attachment 1). A formal certification letter will be provided after City Council approval of the Housing Element.

The Planning Commission reviewed the proposed Housing Element, along with the minor revisions requested by HCD, on September 24, 2013. No persons spoke at the Planning Commission public hearing.

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

Prepared by: Melanie Mullis

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 10/15/2013

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

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

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

10

After the public hearing was closed the Planning Commission unanimously voted to recommend approval of the Housing Element.

**AIRPORT LAND USE COMPATIBILITY:** 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 Ontario.

**ENVIRONMENTAL REVIEW:** The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



September 25, 2013

Mr. Jerry L. Blum, Director  
Planning Department  
City of Ontario  
303 East "B" Street, Civic Center  
Ontario, CA 91764

Dear Mr. Blum:

**RE: City of Ontario's 5<sup>th</sup> Cycle (2014-2021) Draft Housing Element Update**

Thank you for submitting the City of Ontario's draft housing element update received for review on August 13, 2013, along with revisions received on September 23, 2013. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. A telephone call on September 16, 2013 and various other communications with your consultants Ms. Jennifer Gastelum and Ms. Cynthia Walsh from PMC facilitated the review.

The draft element meets the statutory requirements of State housing element law. The element will comply with housing element law once the City has submitted the adopted element to the Department pursuant to GC Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2013 for SCAG localities. If adopted after this date, the City will be required to revise the housing element every four years until adopting at least two consecutive revisions by the statutory deadline (GC Section 65588(e)(4)). For more information on housing element adoption requirements, please visit our website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.



The Department is pleased to inform the City that prior 4<sup>th</sup> cycle housing element compliance meets one of the threshold requirements of the Housing Related Parks (HRP) Program which rewards local governments for approving housing affordable to lower-income households. The HRP Program, funded by Proposition 1C, provides grant funds to eligible local governments for every qualifying unit permitted since 2010. Grant awards can be used to fund park-related capital asset projects. Specific information about the HRP is available on the Department's website at: <http://www.hcd.ca.gov/hpd/hrpp/>.

The Department appreciates the hard work and dedication of you, Ms. Cathy Wahlstrom, Principal Planner, Ms. Melanie Mullis, Senior Planner and your consultants from PMC in the preparation of the housing element and looks forward to receiving Ontario's adopted housing element. If you have any questions or need additional technical assistance, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,



Glen A. Campora  
Assistant Deputy Director

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PGPA13-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

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. PGPA13-003 (the "Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, Planning File No. PGPA13-003 (the "Project") analyzed under the Addendum consists of a General Plan Amendment to update the Housing Element; 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 January 2010, the City Council certified the Ontario Plan ("TOP") Final Environmental Impact Report ("EIR") (SCH # 2008101140), adopted an update on the Ontario General Plan and the Preferred Land Use Plan, made Mitigation Findings and adopted a Statement of Overriding Considerations pursuant to CEQA; and

WHEREAS, the TOP EIR contains an analysis of the environmental setting of the City at the time of its certification and also analyzes the environmental impact of build-out of the land use to achieve the TOP Vision and evaluates and analyses the principles, goals and policies enumerated in the Addendum that are furthered and carried out by the Project; and

WHEREAS, pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an Addendum to the TOP EIR was prepared by the City with regard to the Project ("Addendum"). The Addendum incorporates, by reference, the analysis contained in the TOP 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 TOP EIR, because the Project does not have new environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly; 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 City Council has reviewed and considered the Addendum for the Project, and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and the TOP 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 CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

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

SECTION 2. THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby approve the Addendum prepared for the Project and find, pursuant to CEQA Guideline sections 15162 and 15164, that the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the TOP EIR and that no changes or additions to the TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures.

SECTION 3. The documents and materials that constitute the record of proceedings on which these findings have been based upon are located at the City of Ontario City Hall, 303 East B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of October 2013.

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PAUL S. LEON, MAYOR



ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 15, 2013 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2013-        duly passed and adopted by the Ontario City Council at their regular meeting held October 15, 2013.

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

(SEAL)

## **CITY OF ONTARIO**

### **ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE ONTARIO PLAN RE: 2013–2021 HOUSING ELEMENT**

#### **A. PROJECT INFORMATION**

- 1. Project Title:** PGPA13-003: 2013–2021 Housing Element CEQA consistency with The Ontario Plan (TOP); submitted by the City of Ontario
- 2. Lead Agency Name and Address:** City of Ontario  
303 East B Street  
Ontario, CA 91764
- 3. Contact Person(s) and Phone:** Jerry L. Blum, Planning Director
- 4. Project Location:** Citywide within the City of Ontario, County of San Bernardino

#### **BACKGROUND:**

On January 27, 2010, the Ontario City Council adopted The Ontario Plan (TOP). TOP serves as the framework for the City's business plan and provides a foundation for the City to operate as a municipal corporation that consists of six distinct components: (1) Vision; (2) Governance Manual; (3) Policy Plan; (4) Council Priorities; (5) Implementation; and (6) Tracking and Feedback. The Policy Plan component of TOP meets the functional and legal mandate of a general plan and contains nine elements: Land Use, Housing, Parks and Recreation, Environmental Resources, Community Economics, Safety, Mobility, Community Design, and Social Resources.

An Environmental Impact Report (EIR) was prepared for TOP and certified (SCH No. 2008101140) by the City Council on January 27, 2010, that included Mitigation Findings and a Statement of Overriding Considerations pursuant to CEQA. The EIR analyzed the direct and physical changes in the environment that would be caused by TOP, focusing on changes to land use associated with the buildout of the proposed land use plan, in the Policy Plan, and impacts resulting from population and employment growth in the city. The significant unavoidable adverse impacts identified in the EIR included agriculture resources, air quality, cultural resources, greenhouse gas emissions, noise, and transportation/traffic.

#### **PROJECT DESCRIPTION:**

The City of Ontario 2013–2021 Housing Element (project) is designed to address the projected housing needs of current and future city residents and to comply with state law requiring amendment of the Housing Element every eight years (Sections 65580–65589.8 of the California Government Code). The proposed Housing Element is the City's policy document guiding the provision of housing to meet future needs for all economic segments of Ontario, including housing affordable to lower-income households.

#### **ANALYSIS:**

According to the CEQA Guidelines Section 15164, an Addendum to a previously certified EIR may be used if some changes or additions are necessary, but none of the conditions described in Section 15162 requiring the preparation of a subsequent Negative Declaration or EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR or Negative Declaration is needed for further discretionary approval. These findings are described below.

1. *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.*

Substantial changes are not proposed for the project and will not require revisions to TOP EIR. The EIR analyzed the direct and physical changes in the environment that would be caused by TOP, focusing on changes to land use associated with the buildout of the proposed land use plan. The proposed 2013–2021 Housing Element is consistent with TOP’s land use designations that were already analyzed in TOP EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures presented in TOP EIR are incorporated herein by reference. The attached Initial Study provides an analysis of the project and verification that the project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Substantial changes have not occurred with respect to the circumstances under which the project was undertaken, that would require major revisions to TOP EIR. Since certification of TOP EIR in January 2010, there have been no major updates to the CEQA Guidelines or adoption of new legislation requiring additional environmental analysis. As shown in the Initial Study, no new species were determined to be both endangered and within the development area(s) of the City of Ontario. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the project and verification that the project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

3. *Required Finding. No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

There is nothing in the proposed project that would suggest that its adoption and implementation would result in any new significant environmental effects not previously discussed in TOP EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures presented in TOP EIR are incorporated herein by reference. The attached Initial Study provides an analysis of the project and verification that the project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

### **CEQA REQUIREMENTS FOR AN ADDENDUM:**

If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines Section 15162(a) are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines Section 15162(b).) When only minor technical changes or additions to the EIR are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred, CEQA allows the lead agency to prepare and adopt an addendum (State CEQA Guidelines Section 15164(b)).

Under Section 15162, a subsequent EIR or Negative Declaration is required only when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous

EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR or negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR or negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the project does not result in any of the circumstances listed in Section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to TOP EIR.

### **CONCLUSION:**

TOP EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by TOP. Consequently, TOP EIR focused on impacts from changes to land use associated with buildout of the City's land use plan, within the Policy Plan, and impacts from the resultant population and employment growth in the city. The proposed project is required by California state law (Sections 65580–65589.8) of the California Government Code. As an update to the adopted Housing Element, the proposed project must be analyzed as to its consistency to TOP EIR. This analysis is to determine whether an additional CEQA document needs to be prepared.

Accordingly, and based on the findings and information contained in the previously certified TOP EIR, the analysis above, the attached Initial Study, and the CEQA statute and State CEQA Guidelines, including Sections 15164 and 15162, the project will not result in any new, increased, or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Therefore, pursuant to State CEQA Guidelines Section 15164, the Council hereby adopts this Addendum to TOP EIR.

## California Environmental Quality Act Environmental Checklist Form

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



**Project Title/File No.:** PGPA13-003: 2013–2021 Housing Element

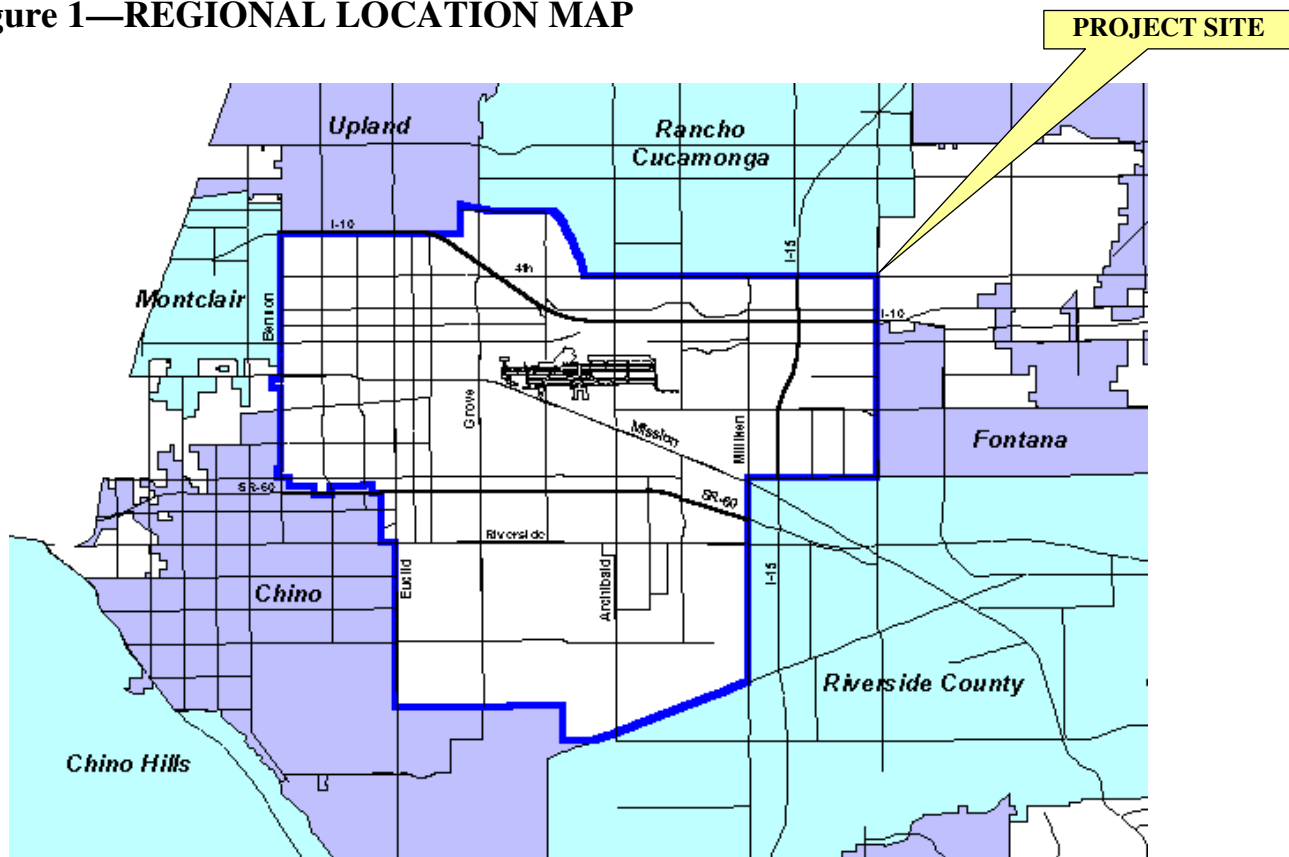
**Lead Agency:** City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2036

**Contact Person:** Melanie Mullis, Senior Planner, (909) 395-2430

**Project Sponsor:** City of Ontario, 303 East B Street, Ontario, CA 91764

**Project Location:** Citywide within the City of Ontario. The city is generally bounded by Benson Avenue and Euclid Avenue on the west; Interstate 10 (I-10), 8<sup>th</sup> Street, and 4<sup>th</sup> Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. Regional circulation to and through the city is provided by I-10 and State Route 60 (SR-60) east-west, and by I-15 and SR-83 (Euclid Avenue) north-south, located in the county of San Bernardino.

**Figure 1—REGIONAL LOCATION MAP**



**General Plan Designation:** Varies

**Zoning:** Varies

**Project Description:** The proposed project is the City of Ontario 2013–2021 Housing Element (project) designed to address the projected housing needs of current and future city residents and to comply with state law requiring amendment of the Housing Element every eight years. (Sections 65580–65589.8 of the California Government Code) The proposed Housing Element is the City’s policy document guiding the provision of housing to meet future needs for all economic segments of Ontario, including housing affordable to lower-income households.

While the Housing Element is subject to CEQA, no specific development projects are proposed as part of the Housing Element. The City currently has adequate housing sites to meet the RHNA, requiring no changes in the General Plan land use map designation or zoning district for any property.

The City of Ontario 2013–2021 Housing Element has five goals:

- 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.
- 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.
- Goal H3: A City regulatory environment that balances the need for creativity and excellence in residential design, flexibility and predictability in the project approval process, and the provision of an adequate supply and prices of housing.
- Goal H4: Increased opportunities for low and moderate income households and families to afford and maintain quality ownership and rental housing opportunities, including move-up opportunities.
- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age, or other status.

The adopted Housing Element was previously analyzed for the potential to cause an environmental impact as part of TOP EIR. A comparison between the adopted Housing Element goals, policies, and programs and the 2013–2021 Housing Element goals, policies, and programs was completed in order to determine the potential for an environmental impact. The goals and policies in the adopted Housing Element and the proposed Housing Element are the same and therefore adoption of the project’s goals and policies would result in no changes in TOP EIR analysis. Changes in the proposed 2013–2021 Housing Element include new and discontinued programs as follows:

## New Programs

### *Program 16. Land Monitoring Program to Meet the RHNA*

The City is in the process of updating the Development Code for consistency with the Land Use designations of The Ontario Plan. This program will implement a land monitoring program to ensure that the City has enough land to meet its Regional Housing Needs Allocation, throughout the planning period. The City has identified 83 acres to be rezoned to allow development to occur at a density of 25–45 dwelling units per acre.<sup>1</sup> This program will ensure that the proposed sites are rezoned to appropriate densities and identify additional sites to be rezoned if any of the proposed sites cannot be rezoned.

All rezoned sites will permit owner-occupied and rental multi-family developments by right and will not require a conditional use permit, a planned unit development permit, or any other discretionary review. All sites will accommodate a minimum of 20 units per acre and at least 16 units per site, per state law requirements.

## Discontinued Programs

### *Program 4. Housing Inspection (this program was combined with Program 1 of the 2013-2021 Housing Element)*

Some older neighborhoods have substandard housing which has lessened the quality of life in those neighborhoods. To address this, the City is establishing a quadrennial rental housing inspection program to identify and address rental properties that have code violations and need rehabilitation. This program will allow the City to establish a standard and a process to inspect and improve housing, preserve neighborhoods, and stimulate private reinvestment to rehabilitate structures where deferred maintenance has led to severely substandard conditions. Property owners will benefit by a receipt of a certificate and an award system to recognize well-maintained properties, which property owners could then use to market and attract quality tenants; access to the San Bernardino County Crime Free Multi-Family Housing program; landlord/tenant educational opportunities in conjunction with Inland Mediation; and for comparative purposes access to City-sponsored Rehabilitation Loans.

### *Program 13. Cimarron Project Area (discontinued due to the dissolution of redevelopment funds and staff cutbacks)*

Ontario has several scattered commercial and residential areas that are in need of housing rehabilitation and reinvestment. These areas have smaller, investor-owned multiple-family projects that were built with inadequate parking, open space, and amenities, and these projects have deteriorated. In addition, several commercial areas are also underperforming. To address these areas, the City created the Cimarron Redevelopment project area. In 2007, the project area was substantially expanded to include areas throughout the community, including significant residential areas surrounding the intersection of Fourth Street and Interstate 10. Several sites proposed for residential development are located in that area. To further stimulate investment, the City will continue to acquire sites within the project area, remove blighting influences, and sell acquired property to developers to build affordable housing.

### *Program 14. Ontario Airport Metro Center (discontinued due to the dissolution of redevelopment funds and staff cutbacks)*

The City of Ontario is creating an urban center along Interstate 10, referred to as the Ontario Airport Metro Center area. This center is intended to be a pedestrian-oriented, 24-hour community, anchored by an entertainment arena, hospitality uses, Mills Center, and significant business headquarters. To facilitate this development, the City has approved several specific plans and the construction of more than 700 apartments, and redesignated much of the area for mixed uses. Given the area's size, infrastructure needs, and separate and adjacent specific plans, a larger area plan is needed to coordinate these efforts into a unified vision. The City will therefore develop a focused area or master plan to implement the General Plan goals and objectives for that area.

### *Program 16. Second Units (removed as program was completed)*

Second units provide an important source of affordable housing for persons and families of low and moderate income. The City permits second units ministerially, but restricts the location of second units to only 3 of the 14 community planning areas due to historic infrastructure capacity issues. During the first 18 months of the planning period (January 2006 through June 2008), the City approved 17 second units, and projects that 68 second units will be approved through the end of the planning period (2014). In addition, infrastructure improvements have increased capacity in these areas. As part of the Development Code update, the City will significantly expand the area where second units are allowed to all areas of the community. This change will be publicized through an outreach program. As a result, the City is projecting that an additional 68 second units will be permitted, for a total of 136 second units during the planning period.

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<sup>1</sup> It is important to note that the sites are already designated for multiple-family development and that the rezoning action brings the zone district into compliance with the General Plan.



*Program 19. Regulatory Concessions (this program was combined with Program 17 of the 2013–2021 Housing Element)*

To encourage the recycling or intensification of land uses to higher values, the City offers developers a range of regulatory concessions to encourage the construction of new housing. These include but are not limited to flexible means to reduce or adjust parking requirements based on need rather than prescriptive standards, density bonuses to increase the revenue stream from projects, and reduction of open space requirements. Developers may also apply for the Planned Unit Development Overlay, which essentially allows a developer to seek tailored residential development standards for larger projects. Finally, the City's Development Code also allows a variance or administrative exception process, where needed, to provide relief from typical residential development standards that preclude the full enjoyment and use of residential property.

*Program 20. Financial Incentives (this program was combined with Program 17 of the 2013–2021 Housing Element)*

Financial incentives are an important tool to facilitate housing production. Like regulatory incentives, the City also makes available financial incentives that meet certain criteria. For instance, impact fee reductions are allowed for projects built in the Downtown. The City is financially assisting a variety of nonprofit organizations to provide senior housing, housing for homeless people, and other services. Density bonuses allowed for qualified projects work as a financial incentive by increasing the revenue stream of projects. Finally the City continues to grant low-cost leases (e.g., \$1 per year leases) to qualified organizations to provide senior housing and homeless housing. These types of financial incentives will be provided to allow the City to meet its community development and housing objectives.

*Program 23. General Plan and Zoning (program completed)*

The Housing Element sets forth a variety of housing opportunity sites in the Downtown, major corridors, and other infill areas. To encourage and facilitate the development of quality housing and exemplary design of these areas, the City will create General Plan land use designations for medium-density residential (allowing 11 to 25 units per acre) and high-density residential (allowing 25 to 45 units per acre). Allowing mixed uses is also critical for the success of the different housing opportunity areas. The General Plan will adopt mixed-use land use designations for different policy areas that offer a minimum of 14 units per acre and a maximum of approximately 45 units per acre, with slight variations among subareas. Corresponding zones will be created to implement the high-density residential and mixed-use land use designations. With the adoption of the General Plan in 2008 and corresponding zones in 2009, all of the housing sites will be available for development during the planning period.

*Program 25. RHNA Low Income Need*

The City has designated a number of areas throughout the community to accommodate housing commensurate with the 2006–2014 RHNA. These include all the areas covered under Program #10 through Program #16. Upon adoption of the General Plan, all of these sites will have adequate land use designations in place. Pursuant to Government Code 65583(a)(3), 65583(c)(91), and 65583.2(h)(2), additional requirements are imposed to address 50 percent of the unmet RHNA need for lower-income housing. For those sites chosen, the City will adhere to program requirements.

*Program 26. Housing Incentives (this program was combined with Program 17 of the 2013–2021 Housing Element)*

To facilitate housing development, the City will create an optional package of policy and regulatory incentives. The incentive program is intended to realize improved value, a rich palette of amenities, locational landmarks, and to create identifiable places. While the underlying land use designations still apply, the City may offer various incentives through a discretionary permit. Special incentives may be granted for mixed-use developments, residential infill projects near transit facilities, the replacement of underperforming commercial uses with new residential uses, the improvement and/or intensification of existing, mid-block residential uses, or lot consolidation and development of desired projects. The menu of incentives may include density transfers, modifications in development standards, increased residential density, and other incentives to be negotiated on a case-by-case basis.

*Program 29. Housing Partnerships*

In today's housing market, public-private partnerships are essential to address the housing needs of Ontario residents. The City has established its Community Housing Development Organization (CHDO) program to leverage the nonprofit sector resources. The intent of the program is to also help preserve, enhance, and improve existing neighborhoods through the acquisition, rehabilitation, and/or new construction of housing. The City accepts applications for financial assistance from certified CHDOs for proposed high-quality housing projects that enhance the City's efforts to create and preserve a variety of housing opportunities for Ontario residents, including the acquisition, rehabilitation, or construction of single- and multiple-family housing. The City will use HOME funds and strive to require more restrictive covenants than required by HOME funds.

*Program 30. Housing Strategic Plan*

Most successful municipal endeavors are guided by master plans. Enterprise-funded services have strategic plans that project

future demands for services and develop fiscal models to pay for improvements. Moreover, strategic plans are also prepared for parks, fire services, police services, and other general fund services. Few cities have an equivalent “housing strategy” other than plans required by the state and federal government that guides the expenditure of funds for housing. The City will thus develop a Housing Strategic Plan. The City will conduct a housing demand analysis based on a projection of industries, employment levels, and associated demand for housing at different price points over the life of the General Plan. The study will contain a fiscal model and financing plan to generate revenues necessary to meet the City’s housing needs. Finally, a detailed assessment of land and administrative resources will guide program implementation. Progress will be programmed into the overall General Plan monitoring program to guide housing policy.

*Program 35. Emergency Shelters (program completed)*

Ontario is developing a number of strong programs to address its homeless population. The Development Code conditionally permits an emergency shelter/transitional housing in the R2, R3, C3, C4, M1, M2, and M3 zones. Transitional shelter means residential accommodations for two or more persons, including support/counseling services, for homeless individuals and/or families. The City has also contracted with Mercy House to develop and operate the City’s homeless programs in conjunction with the City. To ensure compliance with newly enacted Senate Bill 2 by the state legislature, the City will need to make additional amendments to the Development Code to ensure that adequate sites are available for homeless people.

*Program 39. Care Homes*

State law sets forth regulations for care facilities that preempt or limit many local regulations. The Health and Safety Code (Section 1500 et seq.) requires that licensed care facilities serving six or fewer persons be (1) treated the same as a residential use, (2) allowed by right in all residential zones, and (3) treated the same with respect to regulations, fees, taxes, and permit processes as other residential uses in the same zone. The Health and Safety Code extends this protection to residential care facilities for the elderly, alcoholism or drug abuse recovery or treatment facilities, and congregate care facilities that serve no more than six clients. In 2006, the City amended its Development Code to permit care homes serving six or fewer people by right in single-family residential zones. The Development Code will be amended to allow such uses in *all* single-family and multiple-family residential zones and to ensure that such uses be treated like other residential uses of the same type in the same zone.

*Program 41. Housing and Community Development*

The City of Ontario provides millions of dollars in funding and grants each year to a wide range of nonprofit human service and housing development organizations that implement community programs. These programs assist homeless persons, very low- and low-income households, families with children, and others to find housing and appropriate supportive services. Funding is provided annually, contingent upon the continuation of adequate funds and City Council approval. Funds are provided through the General Fund, HOME funds, Community Development Block Grants, and a variety of other sources. In other cases, the City provides technical assistance and support to help nonprofit organizations secure funds.

Implementation of the proposed 2013–2021 Housing Element would not result in any goal or policy changes for any of the other elements of the General Plan. While many of the new and discontinued programs may fiscally impact or reduce housing programs in the city, this evaluation is to determine whether or not the adoption of the proposed project would impact the physical environment. As such, the addition or removal of Housing Element programs will be examined to consider their effect on the environment.

**Project Setting:** As illustrated in Figure 1, the project site covers the whole of the City of Ontario. The city located in southwestern San Bernardino County. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County.

**Other public agencies whose approval is required** (e.g., permits, financing approval or participation agreement): None.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture Resources         | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |

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**DETERMINATION** (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Certified The Ontario Plan (TOP) Environmental Impact Report (EIR) pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Certified TOP EIR, including revisions or mitigation measures that are imposed upon the proposed project, the analysis from the Certified TOP EIR prepared for this project was used as a basis for this Addendum, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analyses Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

## EVALUATION OF ENVIRONMENTAL IMPACTS

Issues:		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>I. AESTHETICS. Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>II. AGRICULTURE AND FOREST RESOURCES.</b>					
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:</p>					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. <b>BIOLOGICAL RESOURCES.</b> Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
V. <b>CULTURAL RESOURCES.</b> Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	



Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18.1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. <b>GREENHOUSE GAS EMISSIONS.</b> Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
VIII. <b>HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. HYDROLOGY AND WATER QUALITY.</b>				
Would the project:				
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X.	<b>LAND USE AND PLANNING.</b> Would the project:				
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI.	<b>MINERAL RESOURCES.</b> Would the project:				
	a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII.	<b>NOISE.</b> Would the project result in:				
	a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII.	<b>POPULATION AND HOUSING.</b> Would the project:				
	a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIV. PUBLIC SERVICES.</b> Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XV. RECREATION.</b> Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. TRANSPORTATION/TRAFFIC.</b> Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>XVII. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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		<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Issues:					
b)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

## EXPLANATION OF ISSUES

The proposed Housing Element includes policies designed to facilitate the construction and conservation of housing to meet Ontario's affordable housing needs. However, as a policy-level document, the Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes to The Ontario Plan that may increase the potential for impacts related to parks and recreation. Implementation of the proposed Housing Element does not result in an increase in these impacts beyond those identified in TOP EIR.

### 1. AESTHETICS.

#### *Previously Identified Impacts in the City of Ontario TOP EIR*

No potentially significant impacts to aesthetics resulting from implementation of the proposed TOP were identified in TOP EIR. TOP EIR identified the following issue areas as less than significant impacts: (a) impacts to scenic vistas or (b) visual character, or (c) impacts as a result of new sources of light or glare.

The EIR determined that implementation of TOP could potentially degrade views of the dominant scenic resource in the City of Ontario, the San Gabriel Mountains. Additionally, TOP would influence and guide the visual character of the City and its surroundings. Finally, TOP EIR determined that buildout in accordance with the proposed land use plan would generate new sources of light and glare that could affect day or nighttime views in the city. TOP EIR concluded that upon implementation of regulatory requirements and compliance with TOP policies and programs, all impacts related to scenic vistas, visual character and light and glare would be reduced to a less than significant level (Ontario 2009a, p. 5.1-16).

#### *Proposed Housing Element*

The Housing Element is consistent with the land uses designated in TOP and would not remove or modify any policies that currently protect visual character or scenic vistas. Additionally, the Housing Element does not propose any policies or actions that would be inconsistent with TOP light and glare policies.

The proposed Housing Element is a policy-level document. While the Housing Element encourages the provision of a range of housing types and affordability levels, it does not include any specific designs or proposals, nor does it grant any entitlements for

development that would degrade the existing visual character of the city. The Housing Element anticipates land uses that are consistent with the land use designations established by TOP Land Use Element. No policies or programs are included in the 2013–2021 Housing Element that would result in a change to the existing TOP land use designations. Future residential development projects will require compliance with TOP policies related to aesthetic resources.

***Substantial Changes in the Circumstances or New Information Associated with the City***

The proposed Housing Element would result in land uses and development identical to those assumed and analyzed in TOP EIR. Since no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts beyond those addressed in TOP EIR.

**2. AGRICULTURAL RESOURCES.**

***Previously Identified Impacts in the City of Ontario TOP EIR***

- Impact 5.2-1:** Loss of farmland  
**Impact 5.2-2:** Conflict with existing Williamson Act contract lands  
**Impact 5.2-3:** Impact adjacent agricultural land

Implementation of TOP resulted in significant and unavoidable impacts due to the conversion of 3,269.3 acres of land designated as prime farmland, unique farmland, and farmland of statewide importance to residential, commercial, mixed-use, and industrial land uses. Additionally, buildout of TOP would conflict with existing Williamson Act contract lands. Further, buildout of TOP would impact adjacent agricultural land uses in neighboring communities and cities. TOP EIR concluded that no feasible mitigation measures are available to prevent the loss of farmland within the city or mitigate the agricultural impacts caused by implementation of TOP (Ontario 2009a, p. 5.2-14).

***Proposed Housing Element***

The proposed Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The Housing Element anticipates land uses consistent with the existing land use designations established by the General Plan Land Use Element. New Housing Element policies and programs or the discontinuation of existing Housing Element policies or programs do not propose to change any land uses in the city and therefore would not result in new impacts to agricultural land uses. Future residential development projects would require compliance with TOP policies related to agricultural resources that are intended to preserve blocks of agricultural land in agricultural or open space use and maintain continuing agricultural use of those lands.

***Substantial Changes in the Circumstances or New Information Associated with the City***

The proposed Housing Element would result in land uses and development identical to those assumed and analyzed in TOP EIR. Since no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts beyond those addressed in TOP EIR.

**3. AIR QUALITY.**

***Previously Identified Impacts in the City of Ontario TOP EIR***

- Impact 5.3-1:** Conflicts with the SCAQMD Air Quality Management Plan  
**Impact 5.3-2:** Construction activities would generate short-term emissions that would exceed significance thresholds  
**Impact 5.3-3:** Long-term emissions would exceed significance thresholds  
**Impact 5.3-5:** Result in the exposure of persons to substantial concentrations of diesel particulate matter  
**Impact 5.3-6:** Temporary exposure to objectionable odors

In addition to these potentially significant impacts, TOP EIR identified the following issue area as a less than significant impact: sensitive receptor exposure to substantial pollutant concentrations as a result of increased traffic. The EIR concluded that TOP, despite the application of mitigation measures, Impact 5.3-1, Impact 5.3-2, Impact 5.3.3, Impact 5.3-5, and Impact 5.3-6, was found to still result in a significant and unavoidable air quality impact due to the magnitude of emissions that would be generated (Ontario 2009a, p. 5.3-28).

***Proposed Housing Element***

Future development of housing units could result in an increase in criteria air pollutants during both construction and operational activities and could also contribute substantially to the existing nonattainment status of the South Coast Air Basin, which includes Ontario. The proposed Housing Element does not include any new policies or programs that would conflict with land uses or policies identified in the adopted TOP. Because implementation of the proposed Housing Element would have the same development potential as TOP, the impacts associated with air attainment plans and air quality would also be the same.

***Substantial Changes in the Circumstances or New Information Associated with the City***

The proposed Housing Element would result in land uses and development similar to those assumed and analyzed in the original Air Quality section of TOP EIR. In addition, the Housing Element would not result in the development of any additional land that could result in air quality impacts not already identified in TOP EIR. Since the policies in the Housing Element are similar to the existing TOP policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe air quality impacts beyond those analyzed and mitigated in TOP EIR.

**4. BIOLOGICAL RESOURCES.**

***Previously Identified Impacts in the City of Ontario TOP EIR***

The EIR determined that all impacts to biological resources as a result of implementation of TOP would be less than significant. The EIR considered the following impact areas in making this determination: (a) special-status species; (b) surface water areas, or to riparian or aquatic vegetation in surface water areas or flood control channels; (c) jurisdictional waters; (d) wildlife movement corridors; and (e) conflict with the requirements of the Delhi Sands Flower-Loving Fly Ontario Recovery Unit or critical habitat for the San Bernardino Kangaroo Rat.

***Proposed Housing Element***

The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes or zoning district changes to TOP that may affect biological resources. Implementation of the Housing Element would not increase biological impacts beyond those already analyzed in TOP EIR.

***Substantial Changes in the Circumstances or New Information Associated with the City***

Since the policies in the Housing Element are similar to the existing TOP policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe biological impacts beyond those addressed in TOP EIR.

**5. CULTURAL RESOURCES.**

***Previously Identified Impacts in the City of Ontario TOP EIR***

Impact 5.5-1: Threaten historic resources classified as Tier III, especially within growth focus areas

In addition to this potentially significant impact, the EIR identified the following issue areas as having a less than significant impact: impacts to archaeological resources or paleontological resources, and the disturbance of human remains. TOP EIR concluded that the mitigation measures provided in the EIR would reduce potential impacts associated with archaeological resources or paleontological resources to a level that is less than significant. Additionally, California Public Resources Code Section 5097.98 would remove impacts associated with the disturbance of human remains. However, implementation of TOP, especially within the growth focus areas, has the potential to impact Tier III historic resources and this impact would remain significant and unavoidable (Ontario 2009a, p. 5.4-24).

***Proposed Housing Element***

The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes not previously identified in TOP EIR that may affect cultural resources. Implementation of the Housing Element would not increase cultural resource impacts beyond those already analyzed in TOP EIR.

***Substantial Changes in the Circumstances or New Information Associated with the City***

Since the policies in the Housing Element are similar to the existing TOP policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe cultural resources impacts beyond those addressed in TOP EIR.

## **6. GEOLOGY & SOILS.**

### ***Previously Identified Impacts in the City of Ontario TOP EIR***

Like all of Southern California, Ontario has and will continue to be subject to ground-shaking and associated seismic impacts resulting from activity on local and regional faults. Land subsidence, expansive soils, and erosion-related impacts are also a potential in the city. Implementation of TOP policies and existing requirements will reduce potential impacts associated with fault rupture hazards, ground-shaking, liquefaction, landslides, seismically induced settlement, subsidence and collapsible soils, and soil erosion and loss of topsoil to a less than significant level. Additionally, the City is served by regional wastewater treatment facilities and new development is not expected to involve the use of septic tanks, thereby removing the possibility of impacts related to the placement of septic systems in unstable soils.

### ***Proposed Housing Element***

The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes to TOP that may increase the potential for impacts related to geology, soils, or seismicity. Implementation of the Housing Element would not increase these impacts beyond a level of significance already analyzed in TOP EIR.

### ***Substantial Changes in the Circumstances or New Information Associated with the City***

Since the policies in the Housing Element are similar to the existing General Plan policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe geological, soils, or seismic impacts beyond those addressed in TOP EIR.

## **7. GREENHOUSE GAS EMISSIONS.**

### ***Previously Identified Impacts in the City of Ontario TOP EIR***

Impact 5.6-1      Generation of greenhouse gas emissions

The Recirculated TOP EIR included a greenhouse gas analysis which determined that despite the application of mitigation measures, Impact 5.6-1 would be significant and unavoidable, as buildout of the City of Ontario would generate a substantial increase in GHG emissions despite lowering per-capita GHG emissions. Therefore, the project is considered to significantly contribute to climate change impacts due to the magnitude of emissions that would be generated from growth of the city, which amount to an increase of 8.4 million metric tons of CO<sub>2</sub>-equivalent emissions by post-year 2035 over existing conditions in the absence of statewide emissions reduction measures, or 2.6 million metric tons over existing conditions with implementation of the emissions reduction measures of the Scoping Plan (Ontario 2009b, p. 2-118).

### ***Proposed Housing Element***

The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes to the Ontario Plan that may increase the potential for impacts related to global warming and greenhouse gas emissions. Implementation of the Housing Element would not increase these impacts beyond a level of significance already analyzed in TOP EIR.

### ***Substantial Changes in the Circumstances or New Information Associated with the City***

Since the policies in the Housing Element are similar to the existing General Plan policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more greenhouse gas impacts beyond those addressed in TOP EIR.

## **8. HAZARDS & HAZARDOUS MATERIALS.**

### ***Previously Identified Impacts in the City of Ontario TOP EIR***

No potentially significant hazardous material impacts resulting from implementation of the proposed Ontario Plan were identified in TOP EIR. The EIR identified the following issue areas as having less than significant impacts: (a) hazardous materials and waste use, transportation, storage, and disposal; (b) properties included on a list of hazardous material sites; (c) airport hazards; (d) heliport hazards; (e) conflicts associated with emergency response or evacuation plans; and (f) wildland fire. The analysis concluded that implementation of regulatory requirements and TOP policies and programs would reduce all impacts to a less than significant level (Ontario 2009a, p. 5.8-32).

### ***Proposed Housing Element***

The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes to TOP that may increase

the potential for impacts related to hazards or hazardous materials. Implementation of the Housing Element would not increase these impacts beyond a level of significance already analyzed in TOP EIR.

***Substantial Changes in the Circumstances or New Information Associated with the City***

Since the policies in the Housing Element are similar to the existing The Ontario Plan policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts related to hazardous materials, wildland fires, or airport hazards beyond those addressed in TOP EIR.

**9. HYDROLOGY & WATER QUALITY.**

***Previously Identified Impacts in the City of Ontario TOP EIR***

Implementation of TOP resulted in no significant and unavoidable impacts to hydrology and water quality. TOP EIR identified the following issue areas as having less than significant impacts: (a) drainage; (b) groundwater recharge; (c) flooding; (d) water quality; (e) dam inundation; and (f) seiche or mudflow hazards. The analysis concluded that implementation of regulatory requirements and standard conditions of approval would reduce all impacts to a less than significant level (Ontario 2009a, p. 5.9-26).

***Proposed Housing Element***

The proposed Housing Element includes policies designed to facilitate the construction and conservation of housing to meet Ontario's affordable housing needs. However, as a policy-level document, the Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes to TOP that may increase the potential for impacts related to hydrology and water quality. Implementation of the proposed Housing Element does not result in an increase in these impacts beyond those identified in TOP EIR.

***Substantial Changes in the Circumstances or New Information Associated with the City***

Since the policies in the Housing Element are similar to existing TOP policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts related to drainage, water quality, flooding, groundwater recharge, dam inundation, and seiche, or mudflow hazards beyond those addressed in TOP EIR.

**10. LAND USE & PLANNING.**

***Previously Identified Impacts in the City of Ontario TOP EIR***

Implementation of TOP resulted in no significant and unavoidable impacts to land use. TOP EIR identified the following issue areas as having less than significant impacts: (a) division of an established community; (b) conflicts between applicable plans adopted for the purpose of avoiding or mitigating and environmental effect; and (c) conflicts with the adopted Oakmont Industrial Group Habitat Conservation Plan. The analysis concluded that implementation of regulatory requirements and standard conditions of approval would reduce all impacts to a less than significant level (Ontario 2009a, p. 5.10-31).

***Proposed Housing Element***

The proposed Housing Element includes policies designed to facilitate the construction and conservation of housing to meet Ontario's affordable housing needs. However, as a policy-level document, the Housing Element does not include any physical development proposals, nor does it grant any entitlement for development. The Housing Element anticipates land uses that are consistent with the land use designations established by TOP Land Use Element. No policies or programs are included in the 2013–2021 Housing Element that would result in a change to the existing TOP land use. While Housing Element Program 16 calls for a rezoning of 82 acres of land, this land use change has already been analyzed in TOP EIR. Program 16 is a conformation of zoning changes that should have been implemented with the adoption of TOP. However, these zoning changes have not yet been completed. Program 16 requires that this zoning change be completed. Environmental impacts as a result of the zoning change have been previously analyzed in TOP EIR. Implementation of the proposed Housing Element does not result in an increase in development potential beyond that identified in TOP. Future residential development projects will require compliance with TOP policies related to land use.

***Substantial Changes in the Circumstances or New Information Associated with the City***

Since the policies in the Housing Element are similar to existing TOP policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts related to land use beyond those analyzed and mitigated in TOP EIR.

## 11. MINERAL RESOURCES.

### *Previously Identified Impacts in the City of Ontario TOP EIR*

Implementation of the Ontario Plan resulted in no significant and unavoidable impacts to mineral resources. TOP EIR identified that impacts to mineral resources would be reduced to a less than significant level as a result of implementation of regulatory requirements and standard conditions of approval (Ontario 2009a, p. 5.11-17).

### *Proposed Housing Element*

As a policy-level document, the Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes to TOP that may increase the potential for impacts related to mineral resources. Implementation of the proposed Housing Element does not result in an increase in these impacts beyond those identified in TOP EIR.

### *Substantial Changes in the Circumstances or New Information Associated with the City*

Since the policies in the Housing Element are similar to existing TOP policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts related to mineral resources beyond those addressed in TOP EIR.

## 12. NOISE.

### *Previously Identified Impacts in the City of Ontario TOP EIR*

- Impact 5.12-1:** Increased noise environment due to an increase in traffic
- Impact 5.12-2:** Elevated noise levels to sensitive receptors from transportation sources
- Impact 5.12-3:** Exposure of strong levels of groundborne vibration to sensitive uses
- Impact 5.12-5:** Elevated noise levels in the vicinity of sensitive land uses due to construction activities
- Impact 5.12-6:** Exposure to substantial levels of airport-related noise

In addition to those significant and unavoidable impacts identified above, TOP EIR identified that groundborne vibration impacts to sensitive land uses along the Union Pacific Railroad corridor were reduced to a less than significant level with implementation of mitigation measures identified in TOP EIR.

### *Proposed Housing Element*

The proposed Housing Element encourages the provision of a range of housing types and affordability levels. Housing is not considered a major source of noise in the city, but placing housing adjacent to major sources of noise could expose people to temporary or permanent noise levels in excess of standards established in TOP. However, as a policy-level document, the Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. Future residential development projects will require compliance with TOP policies related to noise and vibration standards.

The Housing Element does not propose changes to existing land use densities and land use regulations, and it does not involve the construction or expansion of any residential land uses. Therefore, impacts related to temporary or permanent increases in noise levels would be the same as analyzed in TOP EIR. Further, all future residential development occurring within the city would be required to be in accordance with local regulations, including TOP and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

### *Substantial Changes in the Circumstances or New Information Associated with the City*

Since the policies in the Housing Element are similar to the existing General Plan policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts related to noise beyond those analyzed and mitigated in TOP EIR.

## 13. POPULATION & HOUSING.

### *Previously Identified Impacts in the City of Ontario TOP EIR*

No potentially significant housing and population impacts resulting from implementation of the proposed TOP were identified in the EIR. TOP EIR identified the following issue areas as having less than significant impacts: (a) population growth; and (b) displacement of housing units or people. The analysis concluded that although the increase in population, housing, and employment exceed the Southern California Association of Government's regional forecasts for the City of Ontario, TOP improves the job/housing balance within the San Bernardino Associated Governments subregion. Furthermore, TOP accommodates future growth within the City by

providing for infrastructure and associated public services to accommodate the projected growth of the city. Furthermore, upon implementation of regulatory requirements and compliance with TOP policies and programs, impacts to population and housing would be less than significant (Ontario 2009a, p. 5.13-20).

TOP EIR identifies the estimated population for the City under buildout conditions. The Ontario Plan anticipated the 2035 population at 361,716 (Ontario 2009c, p. 3-32).

#### ***Proposed Housing Element***

The RHNA for the City anticipates a need for 10,861 additional housing units in the City by 2021 (Ontario 2013, p. H-41). In 2010, the City had a population of 163,924 persons (Ontario 2013, p. H-5). Based on an average household size of 3.6 persons per household for the city, as identified in Table H-3 of the proposed Housing Element, the addition of 10,861 housing units would result in an increase of 39,100 persons in the city and result in a 2021 population of 203,024. This increase would not exceed the buildout projections identified in TOP or those analyzed in TOP EIR.

The proposed Housing Element contains housing goals intended to encourage housing to meet the City's affordable housing needs and would therefore accommodate growth rather than induce it. Furthermore, as a policy-level document, the proposed Housing Element encourages the provision of a range of housing types and affordability levels. It does not include any specific development proposals, nor does it grant any entitlements for development that would induce population growth. Future residential development projects will require compliance with TOP policies related to population growth in the city.

The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes. Implementation of the proposed Housing Element does not result in an increase in population or housing beyond that identified in TOP.

#### ***Substantial Changes in the Circumstances or New Information Associated with the City***

The proposed Housing Element would not result in development beyond that assumed and analyzed in TOP EIR. Since the policies in the Housing Element are similar to the existing policies and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts beyond those analyzed and mitigated in the EIR.

### **14. PUBLIC SERVICES.**

#### ***Previously Identified Impacts in the City of Ontario TOP EIR***

Implementation of TOP resulted in no significant and unavoidable impacts to public services. The General Plan EIR identified the following issue areas as having less than significant impacts: (a) fire protection; (b) police protection; (c) schools; and (d) library services. The analysis concluded that implementation of regulatory requirements and standard conditions of approval would reduce all potential impacts to a less than significant level.

#### ***Proposed Housing Element***

The proposed Housing Element includes policies and programs designed to facilitate the construction and conservation of housing to meet Ontario's affordable housing needs. Subsequent development projects could result in an increase in demand for public services due to regulatory changes resulting in increased population densities. However, as a policy-level document, the Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The Housing Element does not involve the construction or expansion of any residential land uses. All future residential development occurring in the city would be required to be in accordance with local regulations, including TOP and Zoning Ordinance.

The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes. Implementation of the proposed Housing Element does not result in an increase in these impacts beyond those identified in TOP EIR.

#### ***Substantial Changes in the Circumstances or New Information Associated with the City***

Since the policies in the Housing Element are similar to the existing TOP policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts related to public services beyond those analyzed and mitigated in TOP EIR.

## 15. RECREATION.

### *Previously Identified Impacts in the City of Ontario TOP EIR*

Implementation of the Ontario Plan resulted in no significant and unavoidable impacts to parks and recreation. The Ontario Plan EIR identified the following issue areas as having less than significant impacts: (a) increase in the use of existing park and recreational facilities; and (b) result in environmental impacts from the provision of new and/or expanded recreational facilities. The analysis concluded that implementation of regulatory requirements and compliance with TOP policies and programs would reduce all impacts to a less than significant level (Ontario 2009a, p. 5.15-15).

### *Proposed Housing Element*

The proposed Housing Element includes policies designed to facilitate the construction and conservation of housing to meet Ontario's affordable housing needs. However, as a policy-level document, the Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes to The Ontario Plan that may increase the potential for impacts related to parks and recreation. Implementation of the proposed Housing Element does not result in an increase in these impacts beyond those identified in TOP EIR.

### *Substantial Changes in the Circumstances or New Information Associated with the City*

Since the policies in the Housing Element are similar to existing TOP policies, no additional area is proposed for urban development, and no changes are proposed to the existing permitting and approval process, adoption of the Housing Element would not result in new or more severe impacts related to parks and recreation beyond those addressed in TOP EIR.

## 16. TRANSPORTATION/TRAFFIC.

### *Previously Identified Impacts in the City of Ontario TOP EIR*

**Impact 5.16-1:** would cause a deficient level of service for the existing area intersections without implementation of the recommended lane geometry improvements. In addition, buildout of the proposed land use plan would also cumulatively contribute to the cumulatively significant freeway level of service impact that is already projected to occur in the future.

Additionally, the EIR identified the following issue areas as having less than significant impacts: (a) impact to air traffic patterns; (b) impacts concerning hazardous roadway conditions, potential conflicting uses, and emergency access; (c) parking capacity; and (d) alternative transportation.

The analysis concluded impacts identified under Impact 5.16-1 would partially be mitigated by Mitigation Measure 16-1 which includes development of more enhanced intersections throughout the city and construction of additional turn and through lanes. However, buildout of the proposed land use plan would result in additional traffic volume that would significantly cumulatively contribute to mainline freeway segment impacts. The City's development impact fees cannot be used for improvements to roadway facilities under Caltrans' sole jurisdiction, such as freeway mainline segments, and the City cannot widen the freeway itself. Indeed, the widening of a freeway would require the acquisition of additional right-of-way, often at the expense of residential uses, and the high cost financially and socially of such a disruption would render such cumulative mitigation infeasible, even if it were within the City's jurisdiction. Consequently, impacts to freeway segments within the City under Impact 5.16-1 would be significant and unavoidable (Ontario 2009a, p.5.16-47).

### **PROPOSED HOUSING ELEMENT**

The proposed Housing Element includes policies and programs that are designed to facilitate the construction and conservation of housing to meet the City's affordable housing needs. Projected housing growth in the Housing Element does not exceed housing growth anticipated in the General Plan for the year 2035. The traffic analysis provided in the EIR uses the anticipated growth in the City as a defining factor for future traffic impacts. Because the Housing Element has less anticipated growth than TOP, implementation would have a similar or less of an environmental impact.

### *Substantial Changes in the Circumstances or New Information Associated with the City*

The proposed Housing Element would result in land uses and development similar to those assumed and analyzed in TOP EIR. In addition, the Housing Element would not result in development of any additional land that could result in impacts different from those analyzed in the EIR. Since the proposed Housing Element does not include any policies or programs that would increase the potential for traffic or circulation impacts, adoption of the Housing Element would not result in new or more severe impacts related to transportation beyond those analyzed and mitigated in TOP EIR.



## 17. UTILITIES AND SERVICE SYSTEMS.

### *Previously Identified Impacts in the City of Ontario General Plan EIR*

Implementation of TOP resulted in no significant and unavoidable impacts to utilities and infrastructure. The EIR identified that implementation of TOP would result in impacts to water storage and supply which could not be mitigated to less than significant levels with proposed policies and programs. Therefore, the EIR required additional mitigation measures. However, once implemented, these mitigations, in combination with TOP policies and programs, would reduce these impacts to less than significant levels. TOP EIR also identified the following issue areas as having less than significant impacts with no mitigation required: (a) wastewater treatment capacity; (b) storm drainage systems; and (c) solid waste. The analysis concluded that implementation of regulatory requirements and standard conditions of approval would reduce all impacts in these areas to a less than significant level.

### *PROPOSED HOUSING ELEMENT*

The proposed Housing Element includes policies and programs that are designed to facilitate the construction and conservation of housing to meet the City's affordable housing needs. Projected housing growth in the Housing Element does not exceed housing growth anticipated in the General Plan for the year 2035. Future utility service is, in part, based on anticipated growth. Because the Housing Element has less anticipated growth than TOP and TOP EIR determined that all utility-related impacts were less than significant, implementation would have a similar or less impact.

### *Substantial Changes in the Circumstances or New Information Associated with the City*

The proposed Housing Element would result in land uses and development similar to those assumed and analyzed in TOP EIR. In addition, the Housing Element would not result in development of any additional land that could result in impacts different from those analyzed in the EIR. Since the proposed Housing Element does not include any policies or programs that would increase the potential for utility impacts, adoption of the Housing Element would not result in new or more severe impacts related to utilities beyond those analyzed and mitigated in TOP EIR.

## 18. MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Discussion of Effects: Implementation of the 2013–2021 Housing Element does not increase or decrease environmental impacts identified in TOP EIR.

Mitigation: None required.

- b) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: Implementation of the 2013–2021 Housing Element does not increase or decrease environmental impacts identified in TOP EIR.

Mitigation: None required.

- c) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: Implementation of the 2013–2021 Housing Element does not increase or decrease cumulative environmental impacts identified in TOP EIR.

Mitigation: None required.

- d) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: As discussed in the impact analysis above, there are no significant environmental effects as a result of the proposed project that may result in any human health concerns, either directly or indirectly.

Mitigation: None required.

**EARLIER ANALYSES** (*Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D):*)

1. Earlier analyses used. Identify earlier analyses used and state where they are available for review.

Ontario (City of Ontario). 2009a. *The Ontario Plan Volume 1 Draft Environmental Impact Report*. Ontario, California. April 2009.

\_\_\_\_\_ 2009b. *Re-Circulated Portions of The Ontario Plan Draft Environmental Impact Report*. Ontario, California. November 2009.

\_\_\_\_\_ 2009c. *Final The Ontario Plan Environmental Impact Report SCH NO. 2008101140*. Ontario, California. July 2009.

\_\_\_\_\_ 2010. *The Ontario Plan*. Ontario, California. January 2010.

\_\_\_\_\_ 2013. *Housing Element Technical Report - Draft*. Ontario, California. August 2013.

All documents listed above are on file with the City of Ontario Planning Department, 303 East B Street, Ontario, California 91764, (909) 395-2036. All documents listed above are also available online at the City's website: <http://www.ontarioplan.org/>

2. Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.

All of the checklist items were analyzed in TOP EIR. The proposed Housing Element includes policies designed to facilitate the construction and conservation of housing to meet Ontario's affordable housing needs. However, as a policy-level document, the Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The 2013–2021 Housing Element does not propose any policies or programs that result in land use changes to TOP that may increase the potential for environmental impacts. Implementation of the proposed Housing Element does not result in an increase in these impacts beyond those identified in TOP EIR.

### **OTHER REFERENCE DOCUMENTS**

- Ontario International Airport Land Use Compatibility Plan
- Ontario International Airport Land Use Compatibility Plan Negative Declaration (SCH 2011011081)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-003, A GENERAL PLAN AMENDMENT TO UPDATE THE HOUSING ELEMENT OF THE POLICY PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF (EXHIBIT A AND B).

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA13-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010; and

WHEREAS, the proposed changes to the Housing Element as shown in Exhibit A (Housing Element Technical Report) and Exhibit B (Housing Element Land Inventory Appendix) will make the Housing Element consistent with state law; and

WHEREAS, on November 14, 2012 the City of Ontario held a community meeting for housing providers, social service agencies and community organizations and a community workshop for the general public to gain input; and

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

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

WHEREAS, as the first action on the Project, on September 24, 2013, the Planning Commission recommended approval of a Resolution recommending City Council adopt an Addendum to the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 for File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on September 24, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and issued Resolution No. PC13 055, recommending the City Council approve the project; and

WHEREAS, as the first action on the Project, on October 15, 2013, the City Council adopted an Addendum to the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 for File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on October 15, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the project, the City Council has reviewed and considered the information contained in the Addendum to the Environmental Impact Report prepared for the project and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the City Council finds as follows:

a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The Addendum reflects the independent judgment of the City Council; and

d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted for PGPA06-001 (The Ontario Plan), and all previously adopted mitigation measures are incorporated into the Project by reference.

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

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

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

c. The Housing Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the first amendment to the Housing Element of the 2013 calendar year consistent with California Government Code Section §65358;

d. During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §65351.

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

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

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

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of October 2013.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 15, 2013 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2013-        duly passed and adopted by the Ontario City Council at their regular meeting held October 15, 2013.

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MARY E. WIRTES, MMC, CITY CLERK

(SEAL)