

CITY OF ONTARIO
CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR
AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY
AGENDA
OCTOBER 20, 2015

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Paul Vincent Avila
Council Member



Al C. Boling
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

ORDER OF BUSINESS The regular City Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency 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

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

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

CLOSED SESSION

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

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Dorst-Porada

INVOCATION

Pastor Reegis Richard, The Joshua Center International

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of September 15, 2015, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills August 23, 2015 through September 5, 2015 and **Payroll** August 23, 2015 through September 5, 2015, when audited by the Finance Committee.

3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE COUNTY TAX ROLLS

That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citation and civil penalties associated with property maintenance violations, and placing special assessments on the San Bernardino County Tax Rolls.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

4. A LEASE AGREEMENT BETWEEN CALIFORNIA STATE UNIVERSITY SAN BERNARDINO, INLAND EMPIRE CENTER FOR ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT CENTER AND THE CITY OF ONTARIO

That the City Council, acting as the Successor Agency to the Ontario Redevelopment Agency, approve and authorize the City Manager to execute a lease agreement (on file with the Records Management Department) between California State University San Bernardino, Inland Empire Center for Entrepreneurship and Small Business Development Center and the City of Ontario for the use of certain City-owned property located at 603 North Euclid Avenue for a one year term in the amount of \$1 per month; and authorize the option to extend for one additional year.

5. A RESOLUTION FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL PROPERTY LOCATED AT 1173 - 1176 EAST CALIFORNIA STREET

That the City Council adopt a resolution finding the public interest and convenience require the sale of certain real property and declaring its intent to sell property located at 1173-1176 East California Street; and to set the date for a public hearing for final action on the disposition of the property and the hearing of any protests to the disposition.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY.

6. A RESOLUTION OF INTENT TO VACATE THAT PORTION OF ALLEY LOCATED EAST OF MOUNTAIN AVENUE APPROXIMATELY 150 FEET NORTH OF HOLT BOULEVARD

That the City Council adopt a resolution declaring the intent to vacate that portion of alley located east of Mountain Avenue approximately 150 feet north of Holt Boulevard; and to set the date, time and place for a public hearing.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PERTAINING TO THE VACATION OF THAT PORTION OF ALLEY LOCATED EAST OF MOUNTAIN AVENUE APPROXIMATELY 150 FEET NORTH OF HOLT BOULEVARD AND TO SET THE DATE, TIME AND PLACE FOR A PUBLIC HEARING.

7. PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN AND IMPLEMENTATION OF THE TRANSPORTATION MANAGEMENT CENTER/ALBERT GROVER AND ASSOCIATES

That the City Council approve a Professional Services Agreement (on file in the Records Management Department) in the amount of \$199,860 with Albert Grover and Associates of Fullerton, California, to provide professional engineering services to design and implement the City's Transportation Management Center, and authorize the City Manager to execute said agreement and future amendments consistent with the approved budget.

8. A RESOLUTION ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY AND PUBLIC SERVICE EASEMENTS IN PORTIONS OF PARKVIEW STREET AND CELEBRATION AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN

That the City Council adopt a resolution ordering the summary vacation of the rights-of-way and public service easements in portions of Parkview Street and Celebration Avenue and reconveying any of the City's interest therein; and authorize the City Manager to execute the documents necessary to evidence the vacation and the reconveyance of the City's interest therein.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY AND PUBLIC SERVICE EASEMENTS IN PORTIONS OF PARKVIEW STREET AND CELEBRATION AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN.

9. AN ORDINANCE AMENDING CHAPTER 21, OF TITLE 4, OF THE ONTARIO MUNICIPAL CODE RELATING TO FIREWORKS, PYROTECHNIC DEVICES, EXPLOSIVES, DESTRUCTIVE DEVICES, OR THEIR COMPONENTS

That the City Council consider and adopt an ordinance amending Chapter 21, of Title 4, of the Ontario Municipal Code, relating to the regulation of fireworks, pyrotechnic devices, explosives, destructive devices, or their components.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 21 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO FIREWORKS, PYROTECHNIC DEVICES, EXPLOSIVES, DESTRUCTIVE DEVICES OR THEIR COMPONENTS.

10. AWARD OF BIDS FOR THE PURCHASE OF REPLACEMENT FLEET VEHICLES

That the City Council take the following actions:

- (A) Award Bid No. 574 to Fairway Ford of Placentia, California, in the amount of \$272,658 for the purchase and delivery of ten (10) Ford Interceptor SUV's for the Police Department;
- (B) Award Bid No. 576 to Rotolo Chevrolet of Fontana, California, in the amount of \$51,835 for the purchase and delivery of one (1) Chevrolet Silverado for the Fire Department;
- (C) Award Bid No. 577 to Los Angeles Truck Center, LLC of Whittier, California, in the amount of \$788,537 for the purchase and delivery of three (3) CNG Autocar Front Loaders for the Solid Waste Department;
- (D) Award Bid No. 374 to Los Angeles Truck Center, LLC of Whittier, California, in the amount of \$779,720 for the purchase and delivery of three (3) CNG Autocar Side Loaders for the Solid Waste Department;
- (E) Authorize the cooperative purchase and delivery for replacement of three (3) CNG Autocar Roll Off Refuse Trucks to Los Angeles Truck Centers, LLC of Whittier, California, in the amount of \$699,811 consistent with the terms and conditions of the City of Riverside Invitation for Bid (IFB) No. 7262 and Purchase Order No. 152012.

11. CONSTRUCTION CONTRACT FOR THE REPLACEMENT AND INSTALLATION OF TREMCO ROOF SYSTEM AT CITY HALL ANNEX/CHAPMAN COAST ROOF COMPANY, INC.

That the City Council award Contract No. MS 1516-6 to Chapman Coast Roof Company, Inc. of Fullerton, California, for the replacement and installation of a new Tremco Roof System at City Hall Annex in the amount of \$111,302 plus a 10% contingency (\$11,130) for a total amount of \$122,432; authorize the City Manager to execute said contract (on file in the Records Management Department), and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

12. CONSTRUCTION CONTRACT FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURES/SHADE STRUCTURES INC.

That the City Council award a Construction Contract to Shade Structures Inc. of Dallas, Texas, to purchase and install shade structures at the Police Department in the amount of \$124,880 plus a 15% contingency (\$18,732) for a total amount of \$143,612 consistent with the terms and conditions of the San Joaquin County Office of Education Agreement; authorize the City Manager to execute said contract (on file in the Records Management Department); and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

13. AN AGREEMENT FOR A FIBER OPTIC BACKHAUL CONNECTION FROM ONTARIO TO ONE WILSHIRE IN LOS ANGELES AND THE PROVISION OF WHOLESALE INTERNET CONNECTION/INYO NETWORKS, INC.

That the City Council authorize the City Manager to execute a five year agreement with Inyo Networks, Inc. of Vallejo, California, for a backhaul transport connection to One Wilshire in Los Angeles and a wholesale internet connection to meet the City's growing bandwidth requirements.

14. AMENDMENT TO THE PROVIDER AGREEMENT FOR USE OF ONTARIO FIBER INFRASTRUCTURE TO DELIVER GIGABIT INTERNET, VOICE AND VIDEO SERVICES THROUGHOUT THE CITY/INYO NETWORKS, INC.

That the City Council authorize the City Manager to amend the existing Park Place provider agreement with Inyo Networks, Inc. of Vallejo, California, expanding the service area boundaries, defining roles, and updating revenue sharing terms.

15. AN ORDINANCE APPROVING A ZONE CHANGE FOR 3 PARCELS, TOTALING 1.4 ACRES, FROM R1 (SINGLE FAMILY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL) AND TO CHANGE 11 PARCELS, TOTALING 3.25 ACRES, FROM R2 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), LOCATED ON FOURTH STREET BETWEEN BAKER AND CORONA AVENUES FROM 1673 TO 1733 EAST FOURTH STREET

That City Council consider and adopt an ordinance approving a Zone Change (File No. PZC15-001) from R1 (Single Family Residential) to HDR-45 (High Density Residential) and from R2 (Medium Density Residential) to HDR-45 (High Density Residential) to create consistency between the zoning and The Ontario Plan land use designation of High Density Residential.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC15-001, A REQUEST TO CHANGE THE ZONING ON 3 PARCELS, TOTALING 1.4 ACRES, FROM R1 (SINGLE FAMILY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL) AND TO CHANGE THE ZONING ON 11 PARCELS, TOTALING 3.25 ACRES, FROM R2 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), LOCATED ON FOURTH STREET BETWEEN BAKER AND CORONA AVENUES FROM 1673 TO 1733 E. FOURTH STREET, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 0108-551-01, 0108-551-06 THRU 09; 0108-551-34 THRU 35, AND 0108-551-44 THRU 50.

16. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENT TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council:

- (A) Accept a written petition (on file with the Records Management Department) from Forestar Development Company located in Newport Beach, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopt a Resolution of Intent to establish City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities); authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting scheduled for Tuesday, December 1, 2015; and
- (C) Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 34 (Countryside Phase 1 North – Facilities).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES).

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.

17. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 28 (New Haven Facilities – Area A), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 28 (New Haven Facilities – Area A);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

RESOLUTION NO. _____

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

18. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES – AREA B); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 29 (New Haven Facilities – Area B), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;

- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 29 (New Haven Facilities – Area B);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B); and
- (F) Adopt a resolution authorizing the execution and delivery of an acquisition and funding agreement with Brookcal Ontario, LLC, a Delaware Limited Liability Company.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B).

RESOLUTION NO. _____

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH BROOKCAL ONTARIO, L.L.C.

19. A PUBLIC HEARING TO CONSIDER PROPOSED STREET NAME CHANGES WITHIN THE SOUTHERN PORTION OF THE CITY FROM MILLIKEN AVENUE TO HAMNER AVENUE, BETWEEN RIVERSIDE DRIVE AND BELLEGRAVE AVENUE, AND FROM EDISON AVENUE TO ONTARIO RANCH ROAD, BETWEEN CARPENTER AVENUE AND TURNER AVENUE

That the City Council adopt a resolution approving the proposed street name changes.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING STREET NAME CHANGES (FILE NO. PADV15-005) FROM MILLIKEN AVENUE TO HAMNER AVENUE BETWEEN RIVERSIDE DRIVE AND BELLEGRAVE AVENUE AND FROM EDISON AVENUE TO ONTARIO RANCH ROAD BETWEEN CARPENTER AVENUE AND TURNER AVENUE.

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**

City Council // Housing Authority // Successor Agency to the Ontario Redevelopment Agency /
Other // (GC 54957.1)
October 20, 2015

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

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

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

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

No Reportable Action

Continue

Approved

/ /

/ /

/ /

Disposition: _____

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

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE COUNTY TAX ROLLS

RECOMMENDATION: That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citation and civil penalties associated with property maintenance violations, and placing special assessments on the San Bernardino County Tax Rolls.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike Manner

FISCAL IMPACT: The levy of special assessments will result in recovery of \$24,621 in costs that the City has expended for inspection or abatement of property violations as well as the collection of \$157,517 associated with civil penalties and/or fines for continued violations, for a total of \$182,138 related to 108 parcels. When received, reimbursement of \$170,797 will be made to the General Fund and \$11,341 to the Dangerous Building Fund.

BACKGROUND: The City has established revolving funds to cover City costs for abatement of property and dangerous building violations as a result of code enforcement activities as well as the generation of fines associated with administrative citations for property maintenance violations and fees and penalties associated with the Systematic Health and Safety Inspection Program, Abandoned and Distressed Property Program and Weed and Refuse Abatement Program. These costs, fines, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 2553, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code); Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings; Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code and fines associated with administrative citations (Title 1, Chapters 2 and 5 of the Ontario Municipal Code). The City and County currently have a contractual agreement regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

STAFF MEMBER PRESENTING: Robert Gluck, Code Enforcement Director

Prepared by: Erin Bonett
Department: Code Enforcement

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

3

This assessment cycle, the Code Enforcement Department has billed property owners for the abatement of violations, the issuance of fines associated with administrative citations, the issuance of fees and penalties associated with the Systematic Health and Safety Inspection Program, the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program, and the issuance of notice and re-inspection fees as well as civil penalties for the Weed and Refuse Abatement Program on 990 parcels. Of this, there are remaining amounts due on 108 parcels. Attached are itemized accountings of: (1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; (2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and (3) total amounts per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2016 for its 2016-2017 tax rolls.

All affected property owners were given notice of the imposition of the special assessment via certified mail as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal or have exhausted the appellate procedure in Ontario Municipal Code Section 1-4.05(b).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

WHEREAS, Ordinance No. 2553, Property Appearance (Title 5, Chapter 22, of the Ontario Municipal Code) and Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings provide for the abatement of property nuisances by repair, rehabilitation, demolition or removal; and

WHEREAS, under Resolution 94-112, Resolution ORA-499, and the Cooperation and Reimbursement Agreement entered into on the 15th day of November, 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under a first amendment to the Cooperation and Reimbursement Agreement entered into on the 16th day of July 1996, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made an additional advance to the City of One Hundred Thousand Dollars (\$100,000) to continue to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under Resolution 94-113, Resolution ORA-500, and the Cooperation and Reimbursement Agreement entered into on the 15th day of November 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of Thirty Thousand Dollars (\$30,000) to repair or abate dangerous buildings and properties in the 6th and Grove area; and

WHEREAS, under Resolution 94-12, Resolution ORA-464, and the Cooperation and Reimbursement Agreement entered into on the 22nd day of February 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or demolish dangerous buildings throughout the City; and

WHEREAS, Ordinance No. 2894, Systematic Health and Safety Inspection Program (Title 8, Chapter 17, of the Ontario Municipal Code), provides for the collection of unpaid service fees, plus any penalties and accrued interest by Special Assessment; and

WHEREAS, Ordinance No. 2920, provides for the assessment of civil penalties for continued violations of the Ontario Municipal Code (Title 1, Chapter 2 of the Ontario Municipal Code), and for fines associated with administrative citations to be collected by Special Assessment (Title 1, Chapter 5 of the Ontario Municipal Code), and establishes a uniform procedure before imposing such Special Assessments (Title 1, Chapter 4 of the Ontario Municipal Code); and

WHEREAS, the above said ordinances, resolutions and agreements provide for recovery of costs incurred in the abatement of violations by means of a Special Assessment placed on the tax rolls; and

WHEREAS, the City has incurred costs involved in the abatement of violations under the Ontario Municipal Code and Uniform Code for the Abatement of Dangerous Buildings, issuing Notices of Violation, and administering the Systematic Health and Safety Program and wishes to recover said costs; and

WHEREAS, the owners of all parcels listed in Exhibit A, B, and C were given notice of imposition of such Special Assessment as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal, or have exhausted the appellate procedure provided in Ontario Municipal Code Section 1-4.05(b); and

WHEREAS, the City has an executed contract with the San Bernardino County Board of Supervisors for collection of said assessments;

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

1. Confirmed the costs associated with inspection or abatement on the properties as set forth in the report in Exhibit A; and
2. Confirmed the civil penalties and/or fines for continued violations on the properties as set forth in the report in Exhibit B; and
3. Confirmed that Exhibit C contains the total amount assessed for both confirmed costs and confirmed civil penalties and/or fines for each of the properties; and
4. Found and determined that the report, and Exhibits contained therein are true and accurate; and
5. Adopts the above said report and finds that the costs of inspection or abatement on the properties listed are the costs set forth in Exhibit A, the civil penalties and/or fines for continued violations are the penalties and/or fines as set forth in Exhibit B, and the same are hereby charged and placed as special assessments upon the respective properties; and
6. Directs Exhibit C shall be sent to the Auditor-Controller of San Bernardino County and shall be collected on the County tax roll.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

City of Ontario
Code Enforcement Department
2016/2017 Tax Roll Year Special Assessments
Exhibit A

Parcel Number	Address	Amount Due
0108-491-04	1703 E DEODAR ST, Ontario, CA 91764	1,909.51
0108-543-08	1206 N BAKER AV, Ontario, CA 91764	101.55
0110-153-14	816 N AMADOR AV, Ontario, CA 91764	1,808.27
0113-572-17	1744 E TAM O'SHANTER ST, Ontario, CA 91761	170.95
0210-212-37	202 N PONDEROSA AV, Ontario, CA 91761	110.00
0210-212-38	0 N PONDEROSA AV, Ontario, CA 91761	110.00
0210-212-43	0 N SEQUOIA AV, Ontario, CA 91761	110.00
0210-212-44	0 N SEQUOIA AV, Ontario, CA 91761	110.00
0218-211-12	0 E EDISON AV, Ontario, CA 91761	110.00
0218-211-24	0 S MILLIKEN AV, Ontario, CA 91761	110.00
0218-211-25	13832 S MILLIKEN AV, Ontario, CA 91761	50.00
0218-241-14	0 E EUCALYPTUS AV, Ontario, CA 91761	110.00
0218-252-16	11060 E EUCALYPTUS AV, Ontario, CA 91761	110.00
0218-311-07	0 ARCHIBALD AV, Ontario, CA 91710	110.00
0218-321-13	0 S SUMNER AV, Ontario, CA 91710	10.00
0218-321-30	14868 S HAVEN AV, Ontario, CA 91710	110.00
0218-332-11	0 E EUCALYPTUS AV, Ontario, CA 91761	110.00
0218-332-12	0 E EUCALYPTUS AV, Ontario, CA 91761	110.00
1008-491-31	809 W HAWTHORNE ST, Ontario, CA 91762	1,530.55
1008-712-12	1323 N ELDERBERRY AV, Ontario, CA 91762	48.65
1010-095-10	958 N BENSON AV, Ontario, CA 91762	497.00
1010-411-07	627 N HYACINTH CT, Ontario, CA 91762	1,638.49
1010-452-25	515 N AZALEA AV, Ontario, CA 91762	5,046.29
1014-231-26	1605 S BENSON AV, Ontario, CA 91762	210.45
1047-171-19	937 E DEODAR ST, Unit:1, Ontario, CA 91764	86.52
1047-311-13	667 W LA DENEY DR, Ontario, CA 91762	59.75
1047-362-32	423 E FIFTH ST, Ontario, CA 91764	2,113.70
1047-401-24	703 E BONNIE BRAE CT, Ontario, CA 91764	1,012.90
1047-543-29	407 E FOURTH ST, Ontario, CA 91764	110.00
1048-124-14	1016 E I ST, Ontario, CA 91764	58.39
1048-451-09	519 N GROVE AV, Ontario, CA 91764	660.00
1048-502-09	747 E NOCTA ST, Ontario, CA 91761	5,397.37
1048-574-05	307 W B ST, Unit:1, Ontario, CA 91762	152.45
1049-242-05	511 S EUCLID AV, Ontario, CA 91761	25.00
1049-291-07	633 W SUNKIST ST, Ontario, CA 91762	110.00
1049-344-08	122 E CARLTON ST, Ontario, CA 91761	48.65
1049-353-09	521 E MAITLAND ST, Ontario, CA 91761	152.25
1049-353-11	919 S SULTANA AV, Ontario, CA 91761	13.70
1049-353-12	919 1/2 S SULTANA AV, Ontario, CA 91761	13.70
1049-582-18	740 W BELMONT ST, Ontario, CA 91762	194.05
1051-301-54	2556 S CALDWELL PL, Ontario, CA 91761	48.65
1083-251-75	2948 E DUNES ST, Ontario, CA 91761	21.97

Total 24,620.76

City of Ontario
Code Enforcement Department
2016/2017 Tax Roll Year Special Assessments
Exhibit B

Parcel Number	Address	Amount Due
0108-306-01	1332 N EL DORADO AV, Ontario, CA 91764	18,000.00
0108-307-04	1435 E FIFTH ST, Ontario, CA 91764	120.00
0108-403-06	1751 N DEL NORTE AV, Ontario, CA 91764	2,250.00
0108-493-02	1512 N BAKER AV, Ontario, CA 91764	1,010.00
0108-493-13	1504 N MADERA AV, Ontario, CA 91764	170.00
0108-543-12	1232 N BAKER AV, Ontario, CA 91764	490.00
0108-551-32	1736 E PRINCETON ST, Ontario, CA 91764	120.00
0108-562-12	1756 E YALE ST, Ontario, CA 91764	340.00
0108-582-22	1621 N LAKE AV, Ontario, CA 91764	740.00
0108-611-04	1352 E SEVENTH ST, Ontario, CA 91764	220.00
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	550.00
0110-151-03	851 N AMADOR AV, Ontario, CA 91764	340.00
0110-162-14	1030 N DEL NORTE AV, Ontario, CA 91764	320.00
0110-203-02	910 N GLENN AV, Ontario, CA 91764	170.00
0110-347-01	944 N MARIPOSA AV, Ontario, CA 91764	120.00
0110-424-08	927 N LASSEN AV, Ontario, CA 91764	1,010.00
0113-394-05	1425 S VINEYARD AV, Ontario, CA 91761	520.00
0113-415-03	1750 E ACACIA ST, Ontario, CA 91761	120.00
0209-331-18	1902 E DEODAR ST, Ontario, CA 91764	760.00
0209-331-30	1925 E ALONDRA CT, Ontario, CA 91764	120.00
0210-204-09	0 E FOURTH ST, Ontario, CA 91764	550.00
0210-212-36	201 N PONDEROSA AV, Ontario, CA 91761	500.00
0210-212-56	0 E GUASTI RD, Ontario, CA 91761	550.00
0210-321-02	2051 E FIFTH ST, Ontario, CA 91764	120.00
0216-313-03	0 S WALKER AV, Ontario, CA 91761	550.00
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	550.00
0238-012-31	5056 E FOURTH ST, Ontario, CA 91764	550.00
1008-571-07	1513 W PRINCETON ST, Ontario, CA 91762	340.00
1008-572-24	1504 W FOURTH ST, Ontario, CA 91762	1,010.00
1010-154-10	917 W BERKELEY CT, Ontario, CA 91762	19,987.00
1010-234-05	1521 W H ST, Ontario, CA 91762	120.00
1010-411-06	626 N HYACINTH CT, Ontario, CA 91762	520.00
1010-543-04	1240 W HOLT BL, Building:1, Ontario, CA 91762	420.00
1014-141-73	1033 W JACARANDA ST, Ontario, CA 91762	640.00
1014-162-21	910 W LOCUST ST, Ontario, CA 91762	220.00
1014-183-15	825 W ASHLAND ST, Ontario, CA 91762	120.00
1014-191-54	1745 S MOUNTAIN AV, Building:1, Ontario, CA 91762	120.00
1014-532-04	2004 S PALMETTO AV, Ontario, CA 91762	520.00
1015-131-20	2203 S MOUNTAIN AV, Building:2, Ontario, CA 91762	640.00
1047-141-12	1826 N VIRGINIA AV, Ontario, CA 91764	170.00
1047-152-24	1209 E SYCAMORE CT, Ontario, CA 91764	500.00
1047-251-22	211 W CAROLINE CT, Ontario, CA 91762	170.00
1047-321-41	632 W FIFTH ST, Ontario, CA 91762	220.00
1047-413-15	1340 N ALLYN AV, Ontario, CA 91764	3,000.00

City of Ontario
Code Enforcement Department
2016/2017 Tax Roll Year Special Assessments
Exhibit B

1047-433-13	1212 E SIXTH ST, Building:1, Ontario, CA 91764	840.00
1048-161-17	834 N PARKSIDE AV, Ontario, CA 91764	840.00
1048-182-07	930 E H ST, Ontario, CA 91764	120.00
1048-214-01	858 N CAMPUS AV, Ontario, CA 91764	20,000.00
1048-233-04	626 E H ST, Ontario, CA 91764	120.00
1048-365-09	507 N PLUM AV, Ontario, CA 91764	420.00
1049-267-08	107 W SUNKIST ST, Ontario, CA 91762	120.00
1049-334-02	923 S VINE AV, Ontario, CA 91762	20,000.00
1049-451-20	1009 S CAMPUS AV, Ontario, CA 91761	550.00
1049-502-04	618 E MAITLAND ST, Ontario, CA 91761	550.00
1050-051-01	1420 S EUCLID AV, Unit:A, Ontario, CA 91762	550.00
1050-271-19	1632 S PALM AV, Ontario, CA 91762	120.00
1050-282-03	1712 S PALM AV, Ontario, CA 91762	520.00
1050-291-24	456 W FRANCIS ST, Ontario, CA 91762	120.00
1050-361-40	453 W GREVILLEA ST, Ontario, CA 91762	20,000.00
1050-621-43	2017 S OAKLAND AV, Ontario, CA 91762	5,500.00
1051-331-18	2633 S PARKSIDE DR, Ontario, CA 91761	120.00
1051-341-78	1119 E ST. ANDREWS ST, Ontario, CA 91761	520.00
1051-341-86	2701 S CUCAMONGA AV, Ontario, CA 91761	19,550.00
1051-421-29	2627 S LEMON PL, Ontario, CA 91761	120.00
1083-231-48	3050 E HAZELTINE ST, Ontario, CA 91761	760.00
1083-451-72	3733 E COUNTRY OAKS LP, Unit:H, Ontario, CA 91761	6,500.00
Total		157,517.00

City of Ontario
Code Enforcement Department
2016/2017 Tax Roll Year Special Assessments
Exhibit C

Parcel Number	Address	Amount Due
0108-306-01	1332 N EL DORADO AV, Ontario, CA 91764	18,000.00
0108-307-04	1435 E FIFTH ST, Ontario, CA 91764	120.00
0108-403-06	1751 N DEL NORTE AV, Ontario, CA 91764	2,250.00
0108-491-04	1703 E DEODAR ST, Ontario, CA 91764	1,909.51
0108-493-02	1512 N BAKER AV, Ontario, CA 91764	1,010.00
0108-493-13	1504 N MADERA AV, Ontario, CA 91764	170.00
0108-543-08	1206 N BAKER AV, Ontario, CA 91764	101.55
0108-543-12	1232 N BAKER AV, Ontario, CA 91764	490.00
0108-551-32	1736 E PRINCETON ST, Ontario, CA 91764	120.00
0108-562-12	1756 E YALE ST, Ontario, CA 91764	340.00
0108-582-22	1621 N LAKE AV, Ontario, CA 91764	740.00
0108-611-04	1352 E SEVENTH ST, Ontario, CA 91764	220.00
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	550.00
0110-151-03	851 N AMADOR AV, Ontario, CA 91764	340.00
0110-153-14	816 N AMADOR AV, Ontario, CA 91764	1,808.27
0110-162-14	1030 N DEL NORTE AV, Ontario, CA 91764	320.00
0110-203-02	910 N GLENN AV, Ontario, CA 91764	170.00
0110-347-01	944 N MARIPOSA AV, Ontario, CA 91764	120.00
0110-424-08	927 N LASSEN AV, Ontario, CA 91764	1,010.00
0113-394-05	1425 S VINEYARD AV, Ontario, CA 91761	520.00
0113-415-03	1750 E ACACIA ST, Ontario, CA 91761	120.00
0113-572-17	1744 E TAM O'SHANTER ST, Ontario, CA 91761	170.95
0209-331-18	1902 E DEODAR ST, Ontario, CA 91764	760.00
0209-331-30	1925 E ALONDRA CT, Ontario, CA 91764	120.00
0210-204-09	0 E FOURTH ST, Ontario, CA 91764	550.00
0210-212-36	201 N PONDEROSA AV, Ontario, CA 91761	500.00
0210-212-37	202 N PONDEROSA AV, Ontario, CA 91761	110.00
0210-212-38	0 N PONDEROSA AV, Ontario, CA 91761	110.00
0210-212-43	0 N SEQUOIA AV, Ontario, CA 91761	110.00
0210-212-44	0 N SEQUOIA AV, Ontario, CA 91761	110.00
0210-212-56	0 E GUASTI RD, Ontario, CA 91761	550.00
0210-321-02	2051 E FIFTH ST, Ontario, CA 91764	120.00
0216-313-03	0 S WALKER AV, Ontario, CA 91761	550.00
0218-211-12	0 E EDISON AV, Ontario, CA 91761	110.00
0218-211-24	0 S MILLIKEN AV, Ontario, CA 91761	110.00
0218-211-25	13832 S MILLIKEN AV, Ontario, CA 91761	50.00
0218-241-14	0 E EUCALYPTUS AV, Ontario, CA 91761	110.00
0218-252-16	11060 E EUCALYPTUS AV, Ontario, CA 91761	110.00
0218-311-07	0 ARCHIBALD AV, Ontario, CA 91710	110.00
0218-321-13	0 S SUMNER AV, Ontario, CA 91710	10.00
0218-321-30	14868 S HAVEN AV, Ontario, CA 91710	110.00
0218-332-11	0 E EUCALYPTUS AV, Ontario, CA 91761	110.00
0218-332-12	0 E EUCALYPTUS AV, Ontario, CA 91761	110.00
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	550.00

City of Ontario
Code Enforcement Department
2016/2017 Tax Roll Year Special Assessments
Exhibit C

0238-012-31	5056 E FOURTH ST, Ontario, CA 91764	550.00
1008-491-31	809 W HAWTHORNE ST, Ontario, CA 91762	1,530.55
1008-571-07	1513 W PRINCETON ST, Ontario, CA 91762	340.00
1008-572-24	1504 W FOURTH ST, Ontario, CA 91762	1,010.00
1008-712-12	1323 N ELDERBERRY AV, Ontario, CA 91762	48.65
1010-095-10	958 N BENSON AV, Ontario, CA 91762	497.00
1010-154-10	917 W BERKELEY CT, Ontario, CA 91762	19,987.00
1010-234-05	1521 W H ST, Ontario, CA 91762	120.00
1010-411-06	626 N HYACINTH CT, Ontario, CA 91762	520.00
1010-411-07	627 N HYACINTH CT, Ontario, CA 91762	1,638.49
1010-452-25	515 N AZALEA AV, Ontario, CA 91762	5,046.29
1010-543-04	1240 W HOLT BL, Building:1, Ontario, CA 91762	420.00
1014-141-73	1033 W JACARANDA ST, Ontario, CA 91762	640.00
1014-162-21	910 W LOCUST ST, Ontario, CA 91762	220.00
1014-183-15	825 W ASHLAND ST, Ontario, CA 91762	120.00
1014-191-54	1745 S MOUNTAIN AV, Building:1, Ontario, CA 91762	120.00
1014-231-26	1605 S BENSON AV, Ontario, CA 91762	210.45
1014-532-04	2004 S PALMETTO AV, Ontario, CA 91762	520.00
1015-131-20	2203 S MOUNTAIN AV, Building:2, Ontario, CA 91762	640.00
1047-141-12	1826 N VIRGINIA AV, Ontario, CA 91764	170.00
1047-152-24	1209 E SYCAMORE CT, Ontario, CA 91764	500.00
1047-171-19	937 E DEODAR ST, Unit:1, Ontario, CA 91764	86.52
1047-251-22	211 W CAROLINE CT, Ontario, CA 91762	170.00
1047-311-13	667 W LA DENEY DR, Ontario, CA 91762	59.75
1047-321-41	632 W FIFTH ST, Ontario, CA 91762	220.00
1047-362-32	423 E FIFTH ST, Ontario, CA 91764	2,113.70
1047-401-24	703 E BONNIE BRAE CT, Ontario, CA 91764	1,012.90
1047-413-15	1340 N ALLYN AV, Ontario, CA 91764	3,000.00
1047-433-13	1212 E SIXTH ST, Building:1, Ontario, CA 91764	840.00
1047-543-29	407 E FOURTH ST, Ontario, CA 91764	110.00
1048-124-14	1016 E I ST, Ontario, CA 91764	58.39
1048-161-17	834 N PARKSIDE AV, Ontario, CA 91764	840.00
1048-182-07	930 E H ST, Ontario, CA 91764	120.00
1048-214-01	858 N CAMPUS AV, Ontario, CA 91764	20,000.00
1048-233-04	626 E H ST, Ontario, CA 91764	120.00
1048-365-09	507 N PLUM AV, Ontario, CA 91764	420.00
1048-451-09	519 N GROVE AV, Ontario, CA 91764	660.00
1048-502-09	747 E NOCTA ST, Ontario, CA 91761	5,397.37
1048-574-05	307 W B ST, Unit:1, Ontario, CA 91762	152.45
1049-242-05	511 S EUCLID AV, Ontario, CA 91761	25.00
1049-267-08	107 W SUNKIST ST, Ontario, CA 91762	120.00
1049-291-07	633 W SUNKIST ST, Ontario, CA 91762	110.00
1049-334-02	923 S VINE AV, Ontario, CA 91762	20,000.00
1049-344-08	122 E CARLTON ST, Ontario, CA 91761	48.65
1049-353-09	521 E MAITLAND ST, Ontario, CA 91761	152.25

City of Ontario
Code Enforcement Department
2016/2017 Tax Roll Year Special Assessments
Exhibit C

1049-353-11	919 S SULTANA AV, Ontario, CA 91761	13.70
1049-353-12	919 1/2 S SULTANA AV, Ontario, CA 91761	13.70
1049-451-20	1009 S CAMPUS AV, Ontario, CA 91761	550.00
1049-502-04	618 E MAITLAND ST, Ontario, CA 91761	550.00
1049-582-18	740 W BELMONT ST, Ontario, CA 91762	194.05
1050-051-01	1420 S EUCLID AV, Unit:A, Ontario, CA 91762	550.00
1050-271-19	1632 S PALM AV, Ontario, CA 91762	120.00
1050-282-03	1712 S PALM AV, Ontario, CA 91762	520.00
1050-291-24	456 W FRANCIS ST, Ontario, CA 91762	120.00
1050-361-40	453 W GREVILLEA ST, Ontario, CA 91762	20,000.00
1050-621-43	2017 S OAKLAND AV, Ontario, CA 91762	5,500.00
1051-301-54	2556 S CALDWELL PL, Ontario, CA 91761	48.65
1051-331-18	2633 S PARKSIDE DR, Ontario, CA 91761	120.00
1051-341-78	1119 E ST. ANDREWS ST, Ontario, CA 91761	520.00
1051-341-86	2701 S CUCAMONGA AV, Ontario, CA 91761	19,550.00
1051-421-29	2627 S LEMON PL, Ontario, CA 91761	120.00
1083-231-48	3050 E HAZELTINE ST, Ontario, CA 91761	760.00
1083-251-75	2948 E DUNES ST, Ontario, CA 91761	21.97
1083-451-72	3733 E COUNTRY OAKS LP, Unit:H, Ontario, CA 91761	6,500.00
Total		182,137.76

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION: CONSENT CALENDAR

SUBJECT: A LEASE AGREEMENT BETWEEN CALIFORNIA STATE UNIVERSITY SAN BERNARDINO, INLAND EMPIRE CENTER FOR ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT CENTER AND THE CITY OF ONTARIO

RECOMMENDATION: That the City Council, acting as the Successor Agency to the Ontario Redevelopment Agency, approve and authorize the City Manager to execute a lease agreement (on file with the Records Management Department) between California State University San Bernardino, Inland Empire Center for Entrepreneurship and Small Business Development Center and the City of Ontario for the use of certain City-owned property located at 603 North Euclid Avenue for a one year term in the amount of \$1 per month; and authorize the option to extend for one additional year.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: The lease rate for the property is proposed at \$1 per month; and in return, the City will gain the monetized value of the business assistance services provided to the community by the Small Business Development Center.

BACKGROUND: In 2012, California State University San Bernardino (CSUSB), in partnership with the Inland Empire Center for Entrepreneurship (IECE), was awarded a grant to operate a Small Business Development Center (SBDC) in the Inland Empire. Downtown Ontario was identified as a prime location for a new SBDC to provide business assistance services. On April 3, 2012 the City Council approved a lease agreement with CSUSB and IECE, to operate out of the City-owned property located at 603 North Euclid Avenue.

The business assistance services that the SBDC provides include, but is not limited to: support services, such as technical assistance; information dissemination; business education; organizational advice; resource referrals and marketing/advertising; seminars and workshops; preparing feasibility studies, business plans, reviews of financial statements; and access to venture capital information. These

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Director

Prepared by: Nicholas Gonzalez
Department: Economic Development

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

City Manager
Approval: _____



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services are provided by SBDC staff at little or no cost to participating businesses. To help ensure the value of the services provided by the SBDC equals or exceeds the current fair market rental rate of office space in downtown, the City requires the SBDC to provide an annual report summarizing the value of services provided, and any investment yielded by those services.

The services provided by the SBDC have resulted in a significant positive impact for area businesses when coupled with the services offered by the City and the Ontario Chamber of Commerce. Due to these reasons, staff recommends that the City continue its lease agreement with the SBDC which has been a proven benefit in the Downtown Euclid Avenue District and is a catalyst for daytime activity in downtown.

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL PROPERTY LOCATED AT 1173 - 1176 EAST CALIFORNIA STREET

RECOMMENDATION: That the City Council adopt a resolution finding the public interest and convenience require the sale of certain real property and declaring its intent to sell property located at 1173-1176 East California Street; and to set the date for a public hearing for final action on the disposition of the property and the hearing of any protests to the disposition.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike Manner**

FISCAL IMPACT: None.

BACKGROUND: California Government Code Sections 37420 through 37430 authorize the City to dispose of public property. Government Code Section 37421 states that when the legislative body of a city finds that the public interest and convenience require the sale of public buildings and sites, it must adopt a resolution of its finding and intention to sell such property. Government Code Section 37422 states that such resolution shall fix a time for hearing protests to the property conveyance, provide for publication of notice of the hearing, fix the time when the City will take final action regarding the property conveyance, and contain an accurate description of the property to be conveyed.

The City is proposing to convey property located on the northwest corner of Mission Boulevard and Grove Avenue by entering into a Disposition and Development Agreement ("DDA") with Fullmer/MG, LLC, for purposes of economic development on November 3, 2015. The site located at 1173-1176 East California Street will include a new 31,200 square foot business park/industrial building. The project will allow for the development of a remnant piece of real property which was acquired by the City of Ontario as a function of the Grove Avenue Grade Separation Project in the early 1990's.

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

5

Staff recommends adoption of the resolution declaring the City's intent to dispose of and convey the property pursuant to the terms of the DDA to be considered on November 3, 2015 at a public hearing, for final action on the disposition of the property, the hearing of any protests to the disposition, and provide for publication of the notice of the said hearing in a newspaper of general circulation no less than ten days prior to November 3, 2015.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY.

WHEREAS, the City of Ontario ("City") currently owns in fee that certain real property owned by the City generally located at 1173-1176 East California Street in the City of Ontario (APN: 1049-382-05 and 1049-172-01) and legally described in Exhibit "A" attached to this resolution and incorporated by reference herein (the "Property"); and

WHEREAS, the City desires to sell the Property by entering into a Disposition and Development Agreement ("DDA") with Fullmer/MG, LLC, a California limited liability company for purposes of economic development; and

WHEREAS, California Government Code Sections 37420 through 37430 authorize the City to dispose of property; and

WHEREAS, California Government Code Section 37421 provides that when the legislative body of a city finds that the public interest and convenience require the sale of public buildings and sites, it must adopt a resolution of its finding and intention to sell such property; and

WHEREAS, California Government Code Section 37422 provides that such resolution shall fix a time for hearing protests to the property conveyance, provide for publication of notice of the hearing, fix the time when the City will take final action regarding the property conveyance; and contain an accurate description of the property to be conveyed; and

WHEREAS, pursuant to Government Code section 65402, the proposed disposition of the Property pursuant to the DDA shall be presented to the City's Planning Commission ("Planning Commission"), and such disposition shall be contingent on a finding by the Planning Commission that the conveyance of the Property from City to Majestic is in conformance with the City's general plan; and

WHEREAS, the City wishes to declare its intent to dispose of and convey the Property pursuant to the terms of the DDA, fix a time for the hearing of any protests to the disposition, provide for publication of the notice of said hearing, and fix the time for final action on the disposition of the Property and approval of the DDA.

WHEREAS, City staff have determined that there is no possibility that the proposed sale of the Property will have a significant adverse effect on the environment and that the adoption of this Resolution is therefore exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA guidelines.

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

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. Findings. The City Council of the City hereby finds and determines that public convenience and necessity require the sale of the Property. The factors demonstrating that the public convenience and necessity require the sale of the Property include, but are not limited to the following: the Property will be utilized by Fullmer/MG, LLC as an industrial use of surplus real property for economic development purposes, which will create jobs within the City, alleviate conditions of economic and physical blight in the City, and create an increase in property taxes, all of which benefit the health, safety and welfare of the City.

SECTION 3. Declaration of Intent to Sell; Fixing of Hearing. The City Council of the City hereby declares its intent to sell the Property pursuant to the DDA and fixes November 3, 2015 at 6:00 P.M. or as soon thereafter that the matter can be heard at the City of Ontario, City Council Chambers, located at 303 East "B" Street, Ontario, California 91764 as the date, time and location for hearing any protests to the proposed sale of the Property, approval of the DDA, and as the final action date.

SECTION 4. Publication and Posting. In compliance with California Government Code Section 37423, the City Council of the City hereby directs City staff to publish this resolution at least once in a daily newspaper prior to November 3, 2015 and to post this Resolution for not less than ten (10) days in at least three (3) conspicuous places upon the Property prior to November 3, 2015.

SECTION 5. CEQA. The City Council of the City hereby directs City staff to file a Notice of Exemption with the San Bernardino County Clerk's Office within five (5) working days of the adoption of this Resolution.

SECTION 6. Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October, 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT "A"
TO
RESOLUTION NO. 2015-

LEGAL DESCRIPTION OF PROPERTY

APN #'s 1049-382-05 and 1049-172-01

REAL PROPERTY IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

Portion of Lots 223 and 224, Villa Plots South Side Tract, per map recorded in Book 6, Page 11 of Maps, and portion of Lot 15, Revised Map of Hanson Company Addition, per map recorded in Book 12, Page 51, in the office of the County Recorder, County of San Bernardino, California.

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION OF INTENT TO VACATE THAT PORTION OF ALLEY LOCATED EAST OF MOUNTAIN AVENUE APPROXIMATELY 150 FEET NORTH OF HOLT BOULEVARD

RECOMMENDATION: That the City Council adopt a resolution declaring the intent to vacate that portion of alley located east of Mountain Avenue approximately 150 feet north of Holt Boulevard; and to set the date, time and place for a public hearing.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy

FISCAL IMPACT: None. The City did not pay for acquiring the subject right-of-way and will not incur any cost for vacating this right-of-way. The applicant has paid the applicable processing fees to defray the City's cost to process this request.

BACKGROUND: The applicant, Mr. Trinidad Jauregui, has requested that the City vacate that portion of alley located east of Mountain Avenue approximately 150 feet north of Holt Boulevard, as shown on Exhibit A, to optimize the development of his property. The subject portion of alley, neither now nor in the future will be needed for traffic circulation or public necessity and there will be no impact on the Master Plan of Streets and Highways when vacated.

Currently, there are public utilities within the alley. However, a Public Utility and Drainage Easement will be retained over the proposed vacated area.

If approved by Council, the date and time for a Public Hearing will be fixed as Tuesday, November 17, 2015 at 6:30 p.m. in the City Council Chambers.

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

Prepared by: Miguel Sotomayor
Department: Engineering

City Manager
Approval: 

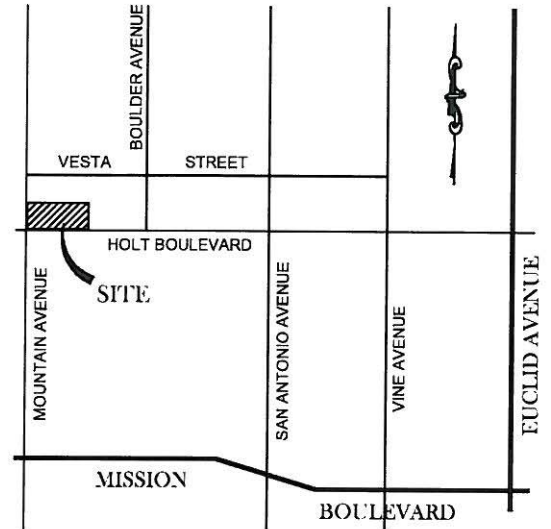
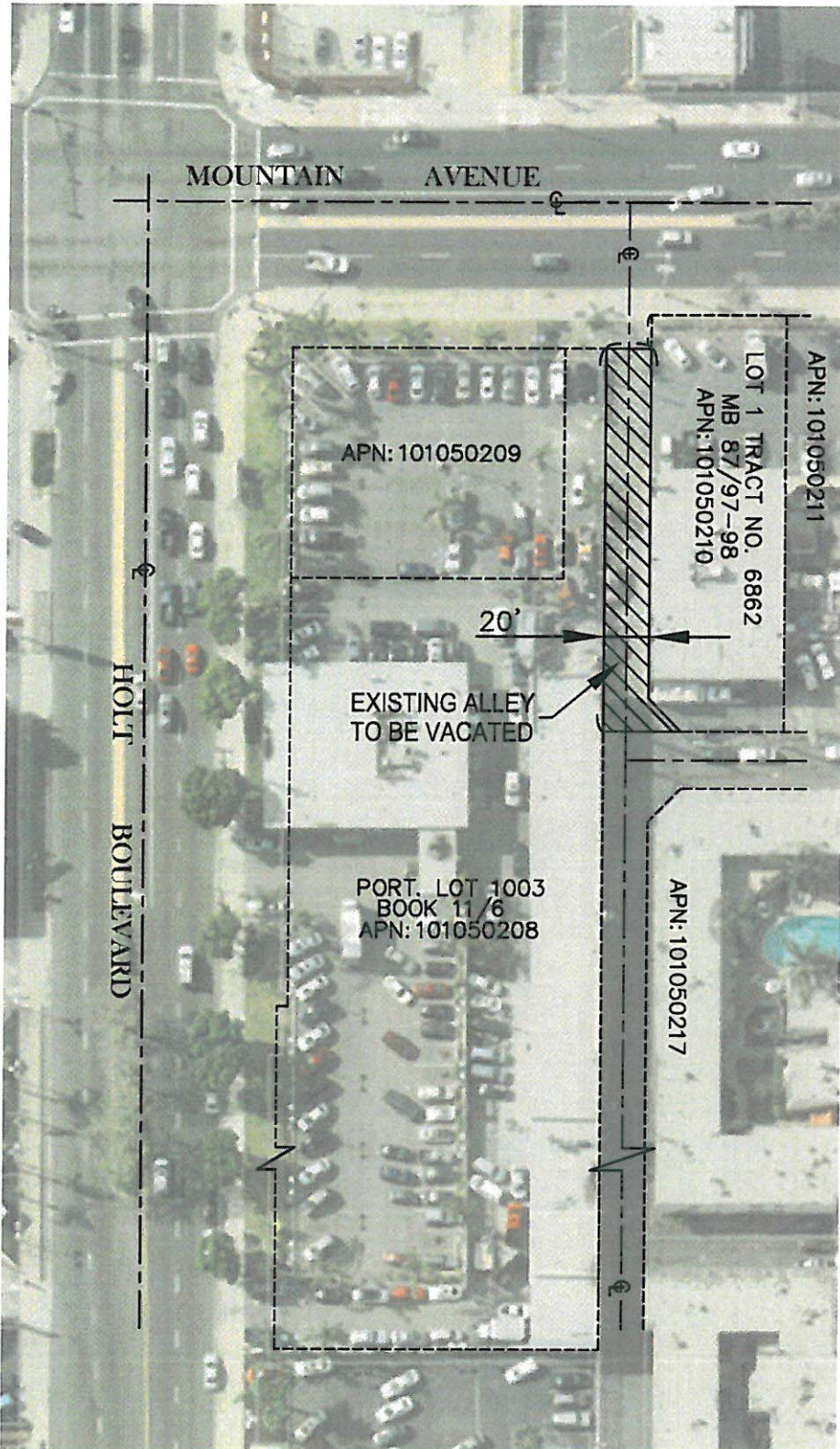
Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

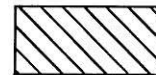
EXHIBIT A



VICINITY MAP

NTS

LEGEND



INDICATES EXISTING
ALLEY TO BE VACATED
RETAIN PUBLIC UTILITY
AND DRAINAGE
EASEMENT
AREA: 3,511 S.F.
(0.081 ACRES)



MAP NOT TO SCALE



Ray Lomber & Associates

Land Surveying Planning Land Development

5015 EAGLE ROCK BLVD, SUITE 210 LOS ANGELES, CA. 90041
TEL. (323) 257-9771 FAX. (323) 257-9865

**City of Ontario
Engineering Department**

APPLICANT: GUADALUPE JAUREGUI AND
RODOLFO JAUREGUI

PROJECT: V-243

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PERTAINING TO THE VACATION OF THAT PORTION OF ALLEY LOCATED EAST OF MOUNTAIN AVENUE APPROXIMATELY 150 FEET NORTH OF HOLT BOULEVARD AND TO SET THE DATE, TIME AND PLACE FOR A PUBLIC HEARING.

WHEREAS, the City Council of the City of Ontario, California, declares its intention to vacate that portion of alley located east of Mountain Avenue approximately 150 feet north of Holt Boulevard, as shown on Tract Map No. 6862, in the City of Ontario, County of San Bernardino, State of California, as per plat recorded in Book 87 of Maps, pages 97 and 98, records of said county, as described in Exhibit "A" and depicted on Exhibit "B" subject to retaining a Public Utility and Drainage Easement over that said portion of alley; and

WHEREAS, that the vacation herein proposed shall be carried through pursuant to the "Public Streets, Highways and Service Easement Vacation Law," being Part 3 of Division 9 of the Streets and Highways Code of the State of California; and

WHEREAS, notice is hereby given that on Tuesday, the 17th day of November, 2015, at the hour of 6:30 p.m., in the City Council Chambers of the City Hall of the City of Ontario, California, is the time and place fixed for hearing all persons interested in, or objecting to, the proposed vacation; and

WHEREAS, the City Engineer of said City of Ontario shall cause to be conspicuously posted, along the lines of the proposed vacations, notices of the passage of this Resolution of Intention, in the time, form and manner provided by said Code; and

WHEREAS, that the City Clerk shall certify to the passage of this Resolution of Intention, and shall cause the same to be published after its adoption for at least two successive weeks in a newspaper of general circulation, published and circulated in said 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 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT "A"
V-243

LEGAL DESCRIPTION

A PORTION OF THE 20 FEET WIDE SOUTH ALLEY AND ALLEY CORNER CUT OFF OF THE SAID SOUTH ALLEY AND 25 FEET WIDE ALLEY AS SHOWN ON TRACT NO. 6862, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 87, PAGES 97 AND 98, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 OF SAID TRACT, THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 1, S 89° 54' 20" E 15.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE, S 89° 54' 20" E 155.00 FEET TO AN ANGLE POINT;

THENCE N 45°01'28" E 21.19 FEET TO AN ANGLE POINT ON THE WEST LINE OF SAID 25 FEET WIDE ALLEY AS SHOWN ON SAID TRACT;

THENCE SOUTHERLY ALONG SOUTHERLY PROLONGATION OF SAID WEST LINE OF SAID 25 FEET ALLEY, S 00°02'45" E 34.83 FEET TO THE SOUTH LINE OF THE SAID 20 FEET WIDE SOUTH ALLEY;

THENCE ALONG SAID SOUTH LINE N 89°54'20" W 170.00 FEET;

THENCE NORTHERLY PARALLEL WITH AND 65 FEET EASTERLY OF THE CENTER LINE OF MOUNTAIN AVENUE AS SHOWN ON SAID TRACT MAP, N 0° 02' 45" W 20.00 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINING AN AREA OF 3511 SQUARE FEET / 0.081 ACRES MORE OR LESS.

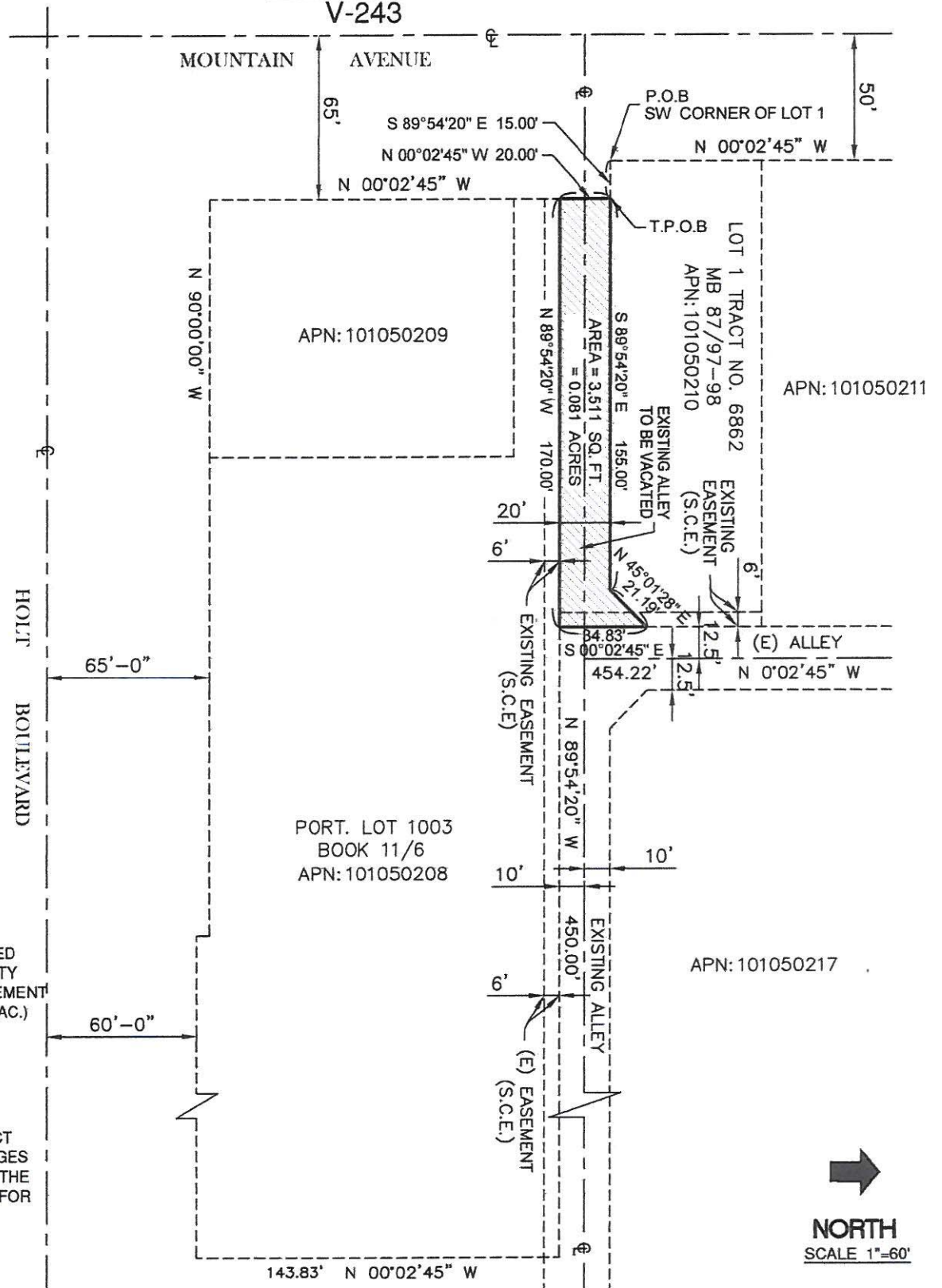

RAYMUNDO A. LOMBERA, PLS 7740

6-2-15
DATE




EXHIBIT "B"

V-243



LEGEND

 INDICATE EXISTING ALLEY TO BE VACATED
RETAIN PUBLIC UTILITY
AND DRAINAGE EASEMENT
(3,511 SQ. FT. / 0.081 AC.)

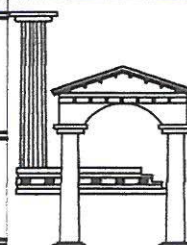
NOTE:
THE BEARING OF
N 00° 02' 45" W ON
MOUNTAIN AVENUE
CENTERLINE IN TRACT
NO. 6862, M.B. 87, PAGES
97-98, WAS USED AS THE
BASIS OF BEARINGS FOR
THIS MAP.


NORTH
SCALE 1"=60'



LANDIN & ASSOCIATES

5594 Western Ave.
San Bernardino Ca. 92407
(909) 489-0466 T.
(909) 883-3086 F.
landin.associates@yahoo.com



DWN BY: V.K.	JOB#
DATE 6/02/15	
SHEET 2 of 2	

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION: CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN AND IMPLEMENTATION OF THE TRANSPORTATION MANAGEMENT CENTER

RECOMMENDATION: That the City Council approve a Professional Services Agreement (on file in the Records Management Department) in the amount of \$199,860 with Albert Grover and Associates of Fullerton, California, to provide professional engineering services to design and implement the City's Transportation Management Center, and authorize the City Manager to execute said agreement and future amendments consistent with the approved budget.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2015-2016 budget includes appropriations from the Gas Tax Fund in the amount of \$348,555 for design and construction of the Traffic Signal Systems Upgrade and Traffic Management Center Project.


BACKGROUND: Earlier this year, the City Council approved a Cooperative Funding Agreement with San Bernardino Associated Governments (SANBAG) to partially fund the City's Transportation Management Center (TMC) with Mobile Source Reduction Committee (MSRC) fees collected by AQMD and administered by SANBAG. The City operates 185 traffic signals, and with the continued development of the Ontario Ranch area, many more will come on line in the future. City staff continues to deploy upgrades to the signal system to keep pace with growth. The TMC will allow staff to operate and view in real time from a central room located next to the Emergency Operations Center, all of the city's traffic signals that are interconnected through the Centrac's master system software platform.

In June, the City issued a Request for Proposals from qualified firms to design and implement the TMC. Proposals were received from three firms: Advantec Consulting Engineers, Diamond Bar; Albert Grover and Associates, Fullerton; and Transportation and Energy Solutions, Inc., Anaheim.

STAFF MEMBER PRESENTING: Louis Abi-younes, City Engineer

Prepared by: Mauricio Diaz

Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

7

Using quality based selection, a panel of City staff reviewed the proposals, and Albert Grover and Associates was judged to be the most qualified firm. Staff recommends awarding a Professional Services Agreement to Albert Grover and Associates for an amount not to exceed \$199,860.

CITY OF ONTARIO

Agenda Report

October 20, 2015

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY AND PUBLIC SERVICE EASEMENTS IN PORTIONS OF PARKVIEW STREET AND CELEBRATION AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN

RECOMMENDATION: That the City Council adopt a resolution ordering the summary vacation of the rights-of-way and public service easements in portions of Parkview Street and Celebration Avenue and reconveying any of the City's interest therein; and authorize the City Manager to execute the documents necessary to evidence the vacation and the reconveyance of the City's interest therein.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: None. The City did not pay to acquire the subject property. There will be no revenue as a result of the reconveyance. The applicant has paid applicable processing fees to defray the City's cost to process this request.

BACKGROUND: Parkview Street and Celebration Avenue were offered for dedication in fee simple to the City for street and public utility purposes by the subdivider, SL Ontario Development Company, LLC (Damon Gascon, Vice President of Regional Planned Communities), as one of the requirements for the development of Final Tract Map Nos. 17821 and 18913-2 within the Subarea 29 Specific Plan area. Due to the realignment of the cross streets along Parkview Street and Celebration Avenue, the leftover sliver of properties (as shown in Exhibit 1) will not be needed for any present or future street and/or public utility purposes. SL Ontario Development Company has requested the City to vacate these portions of Parkview Street and Celebration Avenue and reconvey the vacated portions to the company.


Section 66477.5(c) of the California Government Code requires the City to reconvey the subject properties in interest to the subdivider if the dedication was made in fee simple and the City has determined that the same public purpose for which the dedication was required no longer exist. Since the subdivider offered

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

Prepared by: Antonio Alejos

Department: Engineering

City Manager

Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

8

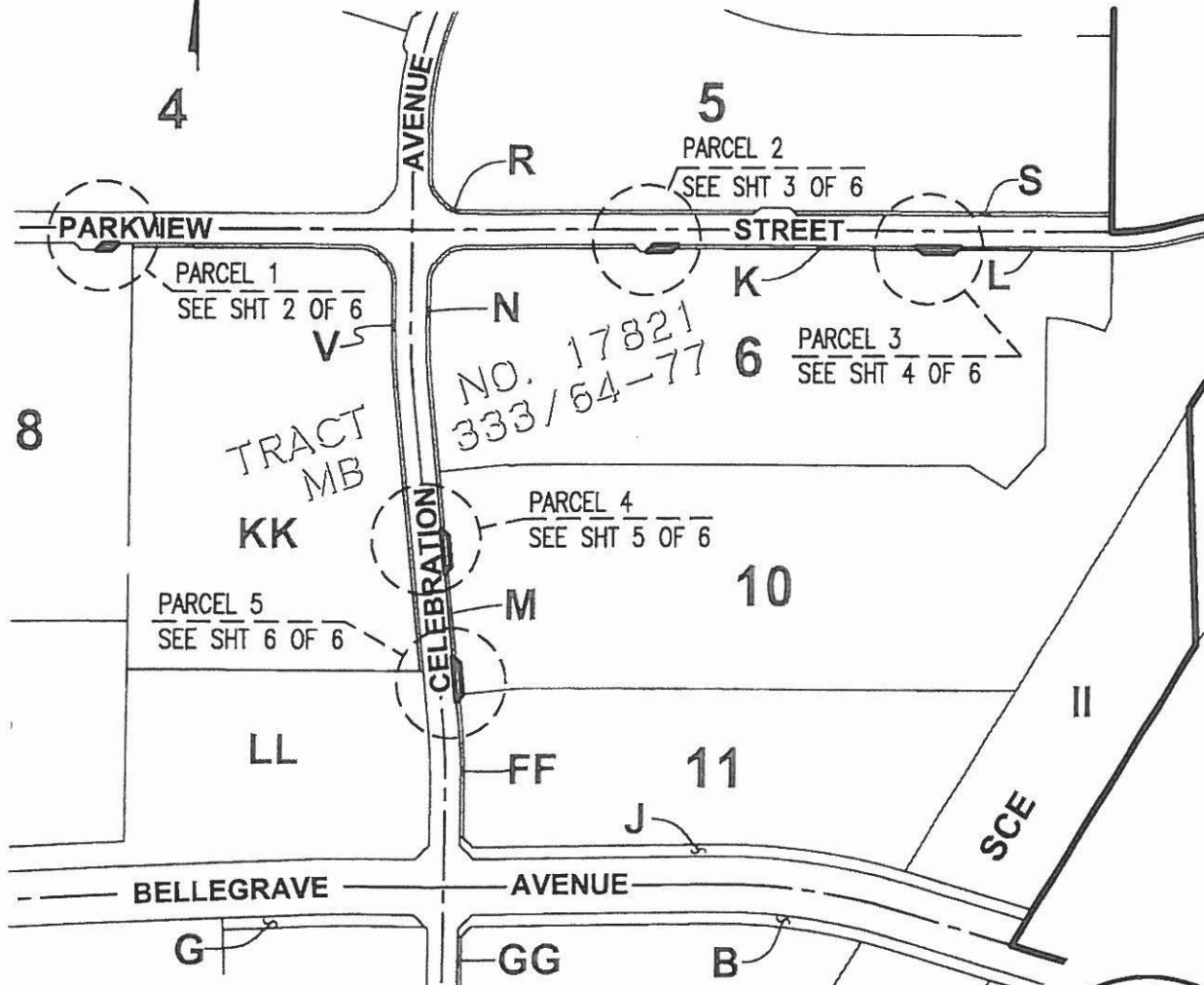
subdivider offered the right-of-ways in fee simple, and these portions of Parkview Street and Celebration Avenue are not required for street and/or public utility purposes, the City will reconvey the subject properties to the subdivider.

Sections 8330-8336 of the California Streets and Highways Code authorize the City to summarily vacate (by resolution with no public hearing) excess public service easement or right-of-way of a street not required for street or highway purposes.

This summary vacation and reconveyance meets the California Government Code, Streets and Highways Code and Ontario Municipal Code and has been reviewed and approved by the City Attorney.

EXHIBIT 1

SCALE: 1"=500'



LEGEND



INDICATES VACATION AREA



LDKING
Engineers/Planners/Surveyors

10390 Commerce Center Drive
Suite C-250
Rancho Cucamonga, CA 91730
Phone: (909) 945-0526

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY AND PUBLIC SERVICE EASEMENTS IN PORTIONS OF PARKVIEW STREET AND CELEBRATION AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN.

WHEREAS, SL Ontario Development Company, LLC offered for dedication to the City of Ontario, for right-of-way purposes, in fee simple, certain property located within the City, commonly known as Parkview Street and Celebration Avenue, and consisting of areas more specifically described and depicted in the attached Exhibits A and B ("Property"); and

WHEREAS, such offer was made on Final Map Nos. 17821 and 18913-2, and the City has not accepted the offer of dedication; and

WHEREAS, the Property was originally intended to be developed for street and road purposes, but never has been so developed, and changes in the planned development patterns for the vicinity of the Property have rendered the Property unnecessary for such purposes; and

WHEREAS, this vacation of the rights-of-way and any public service easement on the Property is made pursuant to the requirements of California Streets and Highways Code, Division 9 - Change of Grade and Vacation, Part 3 - Public Streets, Highways, and Service Easements Vacation Law (Streets & Highways Code Sections 8300 et seq.), Chapter 4 - Summary Vacation; and

WHEREAS, the California Government Code requires the City to reconvey the subject property in interest to the subdivider if the dedication was made to the City in fee simple and the City has determined that the same public purpose for which the dedication was required no longer exist; and

WHEREAS, the California Government Code provides that offers for dedication that are made on a final map may be terminated and abandoned by way of the "summary vacation" process set forth in the California Streets and Highways Code; and

WHEREAS, Section 8330-8336 of the California Streets and Highways Code authorizes the City to summarily vacate (by resolution with no public hearing) excess public service easement or right-of-way of a street not required for street or highway purposes; and

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

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 portions of Parkview Street and Celebration Avenue more specifically described in Exhibit A and depicted on Exhibit B attached hereto, are hereby vacated and shall be reconveyed to the subdivider SL Ontario Development Company, LLC.
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.
4. That upon the recordation required hereby, the vacation is complete, and the street and any public service easements vacated no longer constitute a street or public service easement.
5. That City Manager is authorized to execute the documents necessary to evidence the vacation and reconveyance of the City's interest in the Property to the subdivider, SL Ontario Development Company, LLC.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

LEGAL DESCRIPTION

PARKVIEW STREET AND CELEBRATION AVENUE VACACTION

THOSE PORTIONS OF PARKVIEW STREET AND CELEBRATION AVENUE, TRACT MAP NO. 17821, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 333, PAGES 64 THROUGH 77, OF MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE NORTHEAST CORNER OF LOT 8 OF SAID TRACT MAP NO. 17821, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF PARKVIEW STREET; THENCE NORTH 89°40'53" WEST ALONG SAID SOUTHERLY RIGHT OF WAY, 27.79 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 45°19'07" WEST ALONG SAID SOUTHERLY RIGHT OF WAY, 18.38 FEET; THENCE SOUTH 89°40'53" WEST ALONG SAID SOUTHERLY RIGHT OF WAY, 29.20 FEET; THENCE NORTH 45°19'07" EAST, 18.38 FEET TO A POINT ON A LINE PARALLEL WITH AND 30.00 FEET SOUTHERLY OF THE CENTERLINE OF PARKVIEW STREET; THENCE SOUTH 89°40'53" EAST ALONG SAID PARALLEL LINE, 29.20 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 380 SQUARE FEET MORE OR LESS.

PARCEL 2

BEGINNING AT THE NORTHWEST CORNER OF LOT K OF SAID TRACT MAP NO. 17821, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF PARKVIEW STREET; THENCE SOUTH 45°19'07" WEST ALONG SAID SOUTHERLY RIGHT OF WAY, 18.38 FEET; THENCE SOUTH 89°40'53" WEST ALONG SAID SOUTHERLY RIGHT OF WAY, 47.69 FEET; THENCE NORTH 45°19'07" EAST, 18.38 FEET TO A POINT ON A LINE PARALLEL WITH AND 30.00 FEET SOUTHERLY OF THE CENTERLINE OF PARKVIEW STREET; THENCE SOUTH 89°40'53" EAST ALONG SAID PARALLEL LINE, 47.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 620 SQUARE FEET MORE OR LESS.

PARCEL 3

BEGINNING AT THE NORTHWEST CORNER OF LOT L OF SAID TRACT MAP NO. 17821, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF PARKVIEW STREET; THENCE SOUTH 45°19'07" WEST ALONG SAID SOUTHERLY RIGHT OF WAY, 18.38 FEET; THENCE SOUTH 89°40'53" WEST ALONG SAID SOUTHERLY RIGHT OF WAY, 60.00 FEET; THENCE NORTH 44°40'53" WEST ALONG SAID SOUTHERLY RIGHT OF WAY, 18.38 FEET TO A POINT ON A LINE PARALLEL WITH AND 30.00 FEET SOUTHERLY OF THE CENTERLINE OF PARKVIEW STREET; THENCE SOUTH 89°40'53" EAST ALONG SAID PARALLEL LINE, 86.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 949 SQUARE FEET MORE OR LESS.

PARCEL 4

BEGINNING AT THE SOUTHWEST CORNER OF LOT N OF SAID TRACT MAP NO. 17821, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY OF CELEBRATION AVENUE; THENCE SOUTH 50°36'40" EAST ALONG SAID EASTERLY RIGHT OF WAY, 18.38 FEET; THENCE SOUTH 05°36'40" EAST ALONG SAID EASTERLY RIGHT OF WAY, 60.00 FEET; THENCE SOUTH 39°23'20" WEST ALONG SAID EASTERLY RIGHT OF WAY, 18.38 FEET TO A POINT ON A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE CENTERLINE OF CELEBRATION AVENUE; THENCE NORTH 05°36'40" WEST ALONG SAID PARALLEL LINE, 86.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 949 SQUARE FEET MORE OR LESS.

PARCEL 5

BEGINNING AT THE SOUTHWEST CORNER OF LOT M OF SAID TRACT MAP NO. 17821, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY OF CELEBRATION AVENUE; THENCE SOUTH 50°36'40" EAST ALONG SAID EASTERLY RIGHT OF WAY, 18.38 FEET; THENCE SOUTH 05°36'40" EAST ALONG SAID EASTERLY RIGHT OF WAY, 60.00 FEET; THENCE SOUTH 39°23'20" WEST ALONG SAID EASTERLY RIGHT OF WAY, 18.38 FEET TO A POINT ON A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE CENTERLINE OF CELEBRATION AVENUE; THENCE NORTH 05°36'40" WEST ALONG SAID PARALLEL LINE, 86.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 949 SQUARE FEET MORE OR LESS.

SEE EXHIBIT B ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.





MICHAEL A. BAINE, PLS 7326 Aug. 25, 2015
DATE

EXHIBIT B

SCALE: 1"=500'

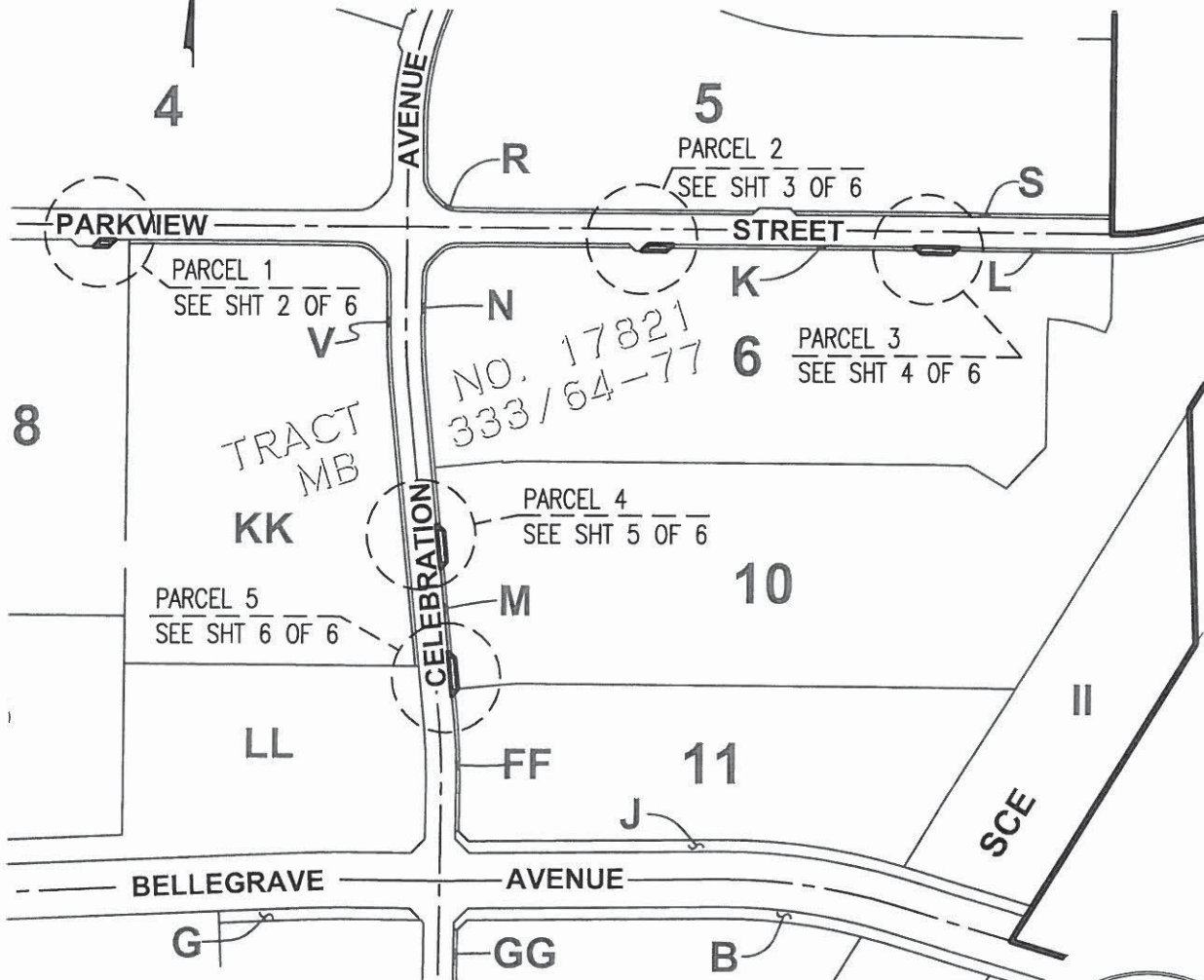


EXHIBIT B
PARCEL 1

SCALE: 1"=500'

LOT 4

PARKVIEW STREET

30'

30'

N45°19'07"E 18.38'
S89°40'53"E 29.20'
N89°40'53"W 27.79'
T.P.O.B.
S45°19'07"W 18.38'
29.20'
N89°40'53"W

P.O.B.
PARCEL 1

LOT V

LOT KK

LOT 8

LEGEND



INDICATES VACATION AREA
380 SQUARE FEET, PARCEL 1



LDKING
Engineers/Planners/Surveyors

10390 Commerce Center Drive
Suite C-250
Rancho Cucamonga, CA 91730
Phone: (909) 945-0526

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

EXHIBIT B
PARCEL 2

SCALE: 1"=500'



LOT R

PARKVIEW STREET

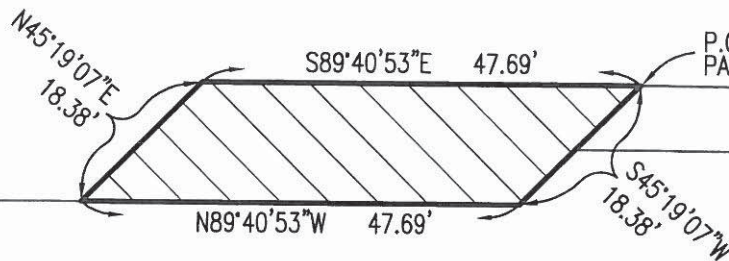
30'

30'

LOT N

P.O.B.
PARCEL 2

LOT K



LOT 6

LEGEND



INDICATES VACATION AREA
620 SQUARE FEET, PARCEL 2



LDKING
Engineers/Planners/Surveyors

10390 Commerce Center Drive
Suite C-250
Rancho Cucamonga, CA 91730
Phone: (909) 945-0526

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

EXHIBIT B
PARCEL 3

SCALE: 1"=20'



LOT S

30'

30'



PARKVIEW STREET

LOT K

S89°40'53"E 86.00'

P.O.B.
PARCEL 3

LOT L

N44°40'53"W
18.38'

N89°40'53"W 60.00'

S45°19'07"W
18.38'

LOT 6

LEGEND



INDICATES VACATION AREA
949 SQUARE FEET, PARCEL 3



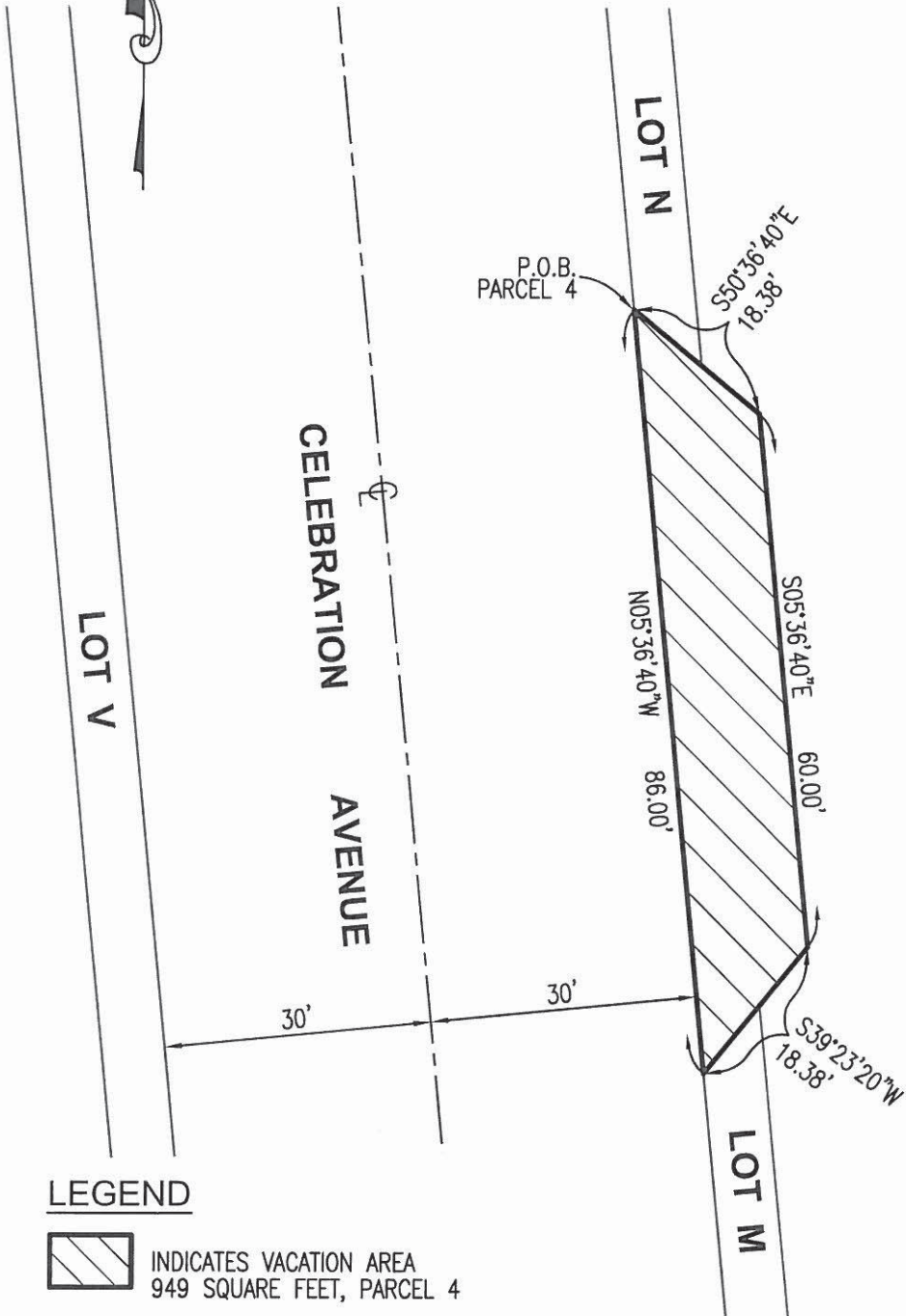
LDKING
Engineers/Planners/Surveyors

10390 Commerce Center Drive
Suite C-250
Rancho Cucamonga, CA 91730
Phone: (909) 945-0526

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

EXHIBIT B
PARCEL 4

SCALE: 1"=20'



LEGEND



INDICATES VACATION AREA
949 SQUARE FEET, PARCEL 4



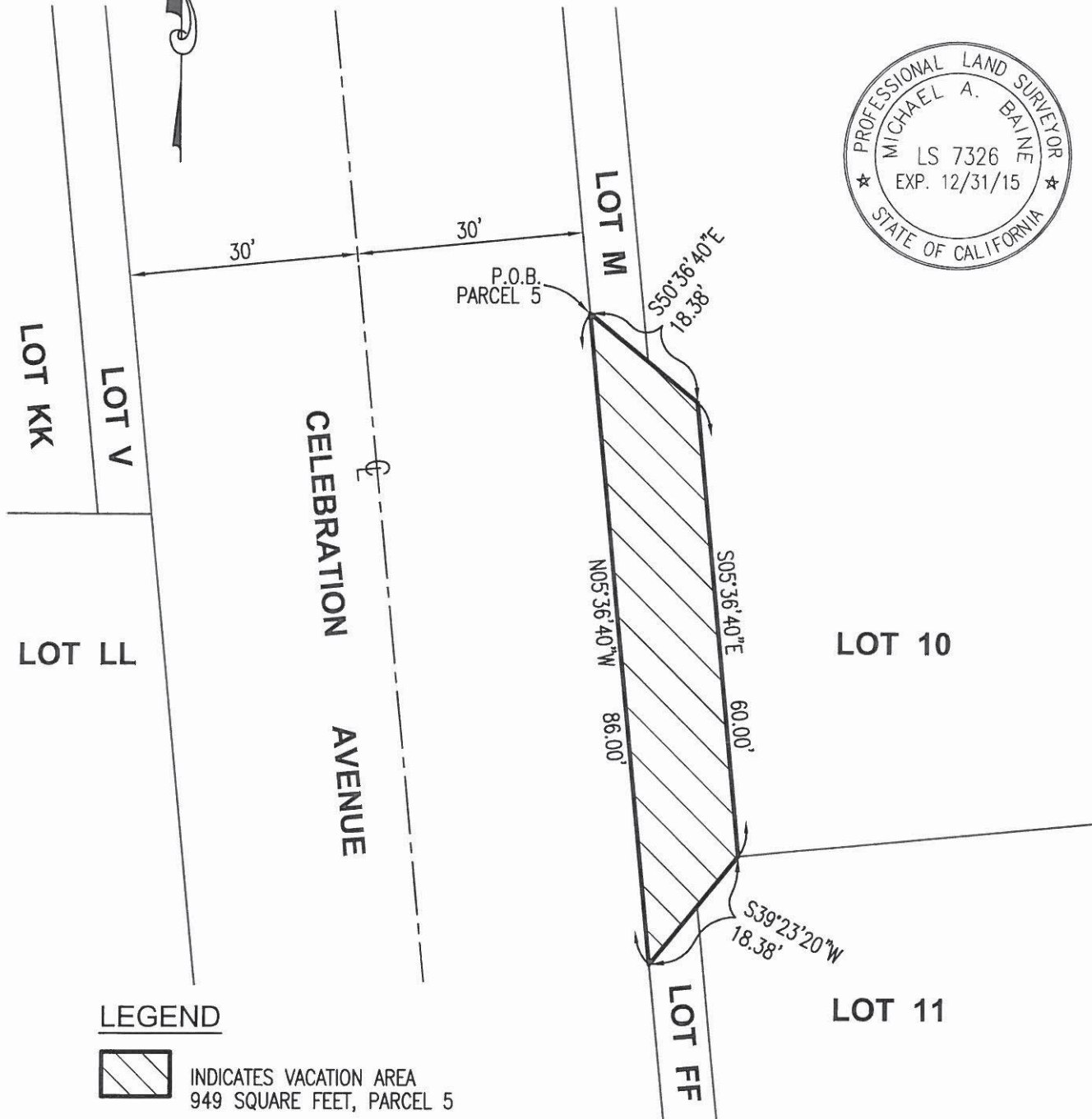
LDKING
Engineers/Planners/Surveyors

10390 Commerce Center Drive
Suite C-250
Rancho Cucamonga, CA 91730
Phone: (909) 945-0526

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

EXHIBIT B
PARCEL 5

SCALE: 1"=20'



LEGEND



INDICATES VACATION AREA
949 SQUARE FEET, PARCEL 5

LDKING
Engineers/Planners/Surveyors

10390 Commerce Center Drive
Suite C-250
Rancho Cucamonga, CA 91730
Phone: (909) 945-0526

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING CHAPTER 21, OF TITLE 4, OF THE ONTARIO MUNICIPAL CODE RELATING TO FIREWORKS, PYROTECHNIC DEVICES, EXPLOSIVES, DESTRUCTIVE DEVICES, OR THEIR COMPONENTS

RECOMMENDATION: That the City Council consider and adopt an ordinance amending Chapter 21, of Title 4, of the Ontario Municipal Code, relating to the regulation of fireworks, pyrotechnic devices, explosives, destructive devices, or their components.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Maintain the Current High Level of Public Safety
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: There is no additional cost associated with implementing this amendment. The Fiscal Year 2015-16 Adopted Budget includes annual appropriations of \$10,000 for fireworks and explosives public awareness and education program including signage, banners, and other educational materials and \$10,600 for the storage and destruction of confiscated fireworks and explosives. Revenue received from fines collected offset a portion of these annual expenses.

BACKGROUND: On October 6, 2015, the City Council introduced an ordinance amending Chapter 21, of Title 4, of the Ontario Municipal Code, relating to the regulation of fireworks, pyrotechnic devices, explosives, destructive devices, or their components.


In 2007, the City Council adopted Ordinance No. 2859, which regulates fireworks, pyrotechnic devices, explosives, and destructive devices or their components. That ordinance contains strict prohibitions on the use of these items and also establishes an administrative fine which provides the Fire and Police Departments with an additional tool to help reduce and prevent damage and injuries associated with illegal/dangerous fireworks and explosives. Nevertheless, fireworks usage within the City has persisted; and there is a need to amend the City's Municipal Code to further deter the use of fireworks within the City.

STAFF MEMBER PRESENTING: Fire Chief Floyd E. Clark/Police Chief Brad Kaylor

Prepared by: Art Andres

Department: Fire

City Manager

Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

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Ontario Fire and Police Departments are tasked with the enforcement of fireworks and explosives laws as well as the response to and investigation of fire and medical emergencies caused by misuse or accidental discharge of these materials. Seeking ways to reduce fireworks usage, staff has consulted with law enforcement personnel in the cities surrounding Ontario: Chino, Chino Hills, Fontana, Montclair, Rancho Cucamonga, and Upland. Additionally, staff has reviewed the State Fire Marshal's model ordinance, and has reviewed the fireworks ordinances of the cities surrounding Ontario.

Chino and Fontana allow the sale as well as the usage of safe and sane fireworks within their jurisdictions, but prohibit dangerous fireworks. Their numbers for citations issued this past Fourth of July were much higher than Ontario and the other neighboring City's that prohibit the sale and usage of all fireworks. While staffing levels on or near the fourth of July play a large role in the number of citations issued by Chino and Fontana, the enforceability of their respective municipal codes is also significant.

The number of citations issued by city on or near July 4, 2015 is provided below for comparison purposes.

- Chino – 70
- Fontana – 32
- Ontario – 9
- Rancho Cucamonga – 2
- Chino Hills – 0
- Montclair – 0
- Upland - 0

Staff recommends that the City Council consider amending Ontario's fireworks ordinance to include provision similar to those seen in Chino and Fontana. These changes would include:

- Holding residential property owners responsible for violations occurring on their property
- Holding parents and legal guardians responsible for any violations of the code by a minor
- Issuing citations via mail
- Including corporations and partnerships in the definition of "persons"
- Making it unlawful to permit the storage of prohibited items

These changes will allow for more effective enforcement of the City's prohibition on fireworks and will serve as further deterrence against the use of illegal fireworks.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 21 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO FIREWORKS, PYROTECHNIC DEVICES, EXPLOSIVES, DESTRUCTIVE DEVICES OR THEIR COMPONENTS.

WHEREAS, in 2007, the City Council adopted Ordinance No. 2859, which comprehensively regulated fireworks, pyrotechnic devices, explosives, dangerous devices or their components; and

WHEREAS, the use of fireworks within the City is ongoing, and enforcement of these regulations has proven difficult; and

WHEREAS, the number of complaints about fireworks usage in the community has risen in recent years; and

WHEREAS, there is a need to amend the City's Ordinance to further deter the use of fireworks within the City; and

WHEREAS, there is a need to make enforcement of the Ordinance safe and effective.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference. The findings associated with the adoption of Ordinance 2859 are also incorporated by reference.

SECTION 2. Chapter 21, of Title 4 of the Ontario Municipal Code is amended, in its entirety, to read as follows:

“ CHAPTER 21: FIREWORKS, PYROTECHNIC DEVICES, EXPLOSIVES, DESTRUCTIVE DEVICES OR THEIR COMPONENTS

4-21.01 Definitions

4-21.02 Prohibitions

4-21.03 Responsible Persons – Violations Occurring on Real Property

4-21.04 Responsible Persons – Parental Responsibilities.

4-21.05 Administrative Fines

4-21.06 Dangerous Fireworks

Sec. 4-21.01. Definitions.

(a) "Explosives" and "Destructive Devices" shall include any items listed as such in: Articles 2 and 77 of the California Fire Code; Section 12000 of the California Health & Safety Code; and Section 12301 of the California Penal Code. These items include, but are not limited to, the following:

- (1) Bombs, grenades, explosive missiles, firecracker-type devices containing fifty (50) mg or more of pyrotechnic/explosive composition.
- (2) Detonators and blasting caps.
- (3) Firebombs consisting of an ignitable liquid, breakable container and a wick or similar device capable of being ignited.
- (4) Homemade destructive devices including pipe bombs, chemical bombs, acid bombs, dry ice bombs, etc.
- (5) Military explosives and explosive devices such as grenades, mines, rockets, missiles, detonation cord.
- (6) Components to construct or manufacture explosives or destructive devices, including explosives, gunpowder/propellant, pyrotechnic compositions and fuses.

(b) "Fireworks" and "Pyrotechnic Devices" shall mean any items or materials listed as such in: Articles 2 and 78 of the California Fire Code; Sections 12500 through 12726 of the California Health & Safety Code; and Chapter 6 of the California Code of Regulations. These items include, but are not limited to, the following:

- (1) 'Dangerous fireworks' as that term is defined by Section 12505 of the California Health & Safety Code, which includes, but is not limited to, the following: firecrackers, rockets, skyrockets, Roman candles, and torpedoes among others.
- (2) 'Safe and sane fireworks' as that term is defined by Section 12529 of the California Health & Safety Code, which includes, but is not limited to, the following: cones; fountains; smoke bombs; and "Piccolo-Pete" type fountains/cones among others.
- (3) Homemade fireworks or pyrotechnic devices that are constructed using pyrotechnic compositions/filler with the intent to explode or burn, including fireworks kits and components to construct fireworks or pyrotechnic devices.
- (4) Military pyrotechnic devices, such as smoke signals and signal flares.
- (5) Components to construct or manufacture fireworks or pyrotechnic devices including explosives, gunpowder/propellant, pyrotechnic compositions and fuses.

(c) "Person" means a natural person, legal entity (such as a partnership, corporation, or joint venture), or any other entity of any nature.

(d) "Responsible Person" means a person who causes a violation of this Chapter to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur, or allows a violation to exist or continue.

(e) "Use" shall include the acts of lighting, discharging, displaying, or attempting to do any of these.

Sec. 4-21.02. Prohibitions.

(a) Any violation of this Chapter is punishable as a misdemeanor. All provisions of Chapter 2 of Title 1 of this Code shall apply to this Chapter unless contradicted by the specific provisions of this Chapter. Responsible Persons are considered in violation of this Chapter to the same extent as if they committed the violation themselves.

(b) No Person may Use Fireworks, Pyrotechnic Devices, Explosives, Destructive Devices, or the components of Fireworks, Pyrotechnic Devices, Explosives, or Dangerous Devices, without a permit issued by the Fire Department, in any location in the City.

(c) No Person may possess, store, manufacture, or grant permission to store Fireworks, Pyrotechnic devices, Explosives, Destructive Devices, or the components of Fireworks, Pyrotechnic Devices, Explosives, or Destructive Devices, without a permit issued by the Fire Department, in any location in the City.

(d) The failure of any Person to comply with any permit conditions or requirements imposed by the Fire Department for the possession, Use, storage or manufacture of Fireworks, Pyrotechnic Devices, Explosives, Destructive Devices, or the components of Fireworks, Pyrotechnic Devices, Explosives, or Destructive Devices is prohibited.

Sec. 4-21.03. Responsible Persons – Violations Occurring on Real Property.

(a) There is a rebuttable presumption that the record owner of a residential parcel, as shown on the County's latest equalized property taxes assessment rolls, and lessee of a residential parcel has a notice of any violation existing on said property. As such, these individuals shall be treated as Responsible Persons for all violations of this Chapter occurring on their real property.

(b) For purposes of this Chapter, there may be more than one Responsible Person for a violation.

Sec. 4-21.04. Responsible Persons – Parental Responsibilities.

(a) Every parent, guardian or other person, having the legal care, custody or control of any Person under the age of 18 years, who knows or reasonably should know that a minor is in violation of this Chapter, may be issued a citation in accordance with the provisions of this Chapter, in addition to any citation that may be issued to the offending minor.

Sec. 4-21.05. Administrative Fines.

(a) In addition to any other remedy available at law, any Person in violation of this Chapter is subject to an administrative fine of one thousand dollars (\$1,000).

(b) The provisions and procedures concerning administrative citations set forth in Chapter 5 of Title 1 of the Ontario Municipal Code shall apply to administrative citations issued for violations of this Chapter. A violation of this Chapter shall constitute a “transient” violation within the meaning of that Chapter. To the extent there are any conflicts between the provisions of the two Chapters, the provisions of this Chapter shall supersede and control administrative citations issued for violations of this Chapter.

Sec. 4-21.06. Dangerous Fireworks – Additional Costs.

(a) Where dangerous fireworks are involved, to the extent this Ordinance is subject to Section 12557 of the California Health & Safety Code, the Ordinance shall apply only to the seizure of 25 pounds or less of such fireworks. In such cases, in addition to the administrative fines set forth above, violators will be subject to an additional fine to reimburse the Office of the State Fire Marshal for the cost of transportation and disposal of the seized fireworks. In such cases, the citation for the violation of this Chapter will indicate that the violator may be responsible for such additional costs. Fines collected in connection with this procedure shall not be subject to Section 12706 of the California Health & Safety Code.”

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

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

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

would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

SECTION 7. 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 20th day of October 2015.

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. 3029 was duly introduced at a regular meeting of the City Council of the City of Ontario held October 8, 2015 and adopted at the regular meeting held October 20, 2015 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. 3029 duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015 and that Summaries of the Ordinance were published on October 13, 2015 and October 27, 2015, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

October 20, 2015

SECTION: CONSENT CALENDAR

SUBJECT: AWARD OF BIDS FOR THE PURCHASE OF REPLACEMENT FLEET VEHICLES

RECOMMENDATION: That the City Council take the following actions:

- (A) Award Bid No. 574 to Fairway Ford of Placentia, California, in the amount of \$272,658 for the purchase and delivery of ten (10) Ford Interceptor SUV's for the Police Department;
- (B) Award Bid No. 576 to Rotolo Chevrolet of Fontana, California, in the amount of \$51,835 for the purchase and delivery of one (1) Chevrolet Silverado for the Fire Department;
- (C) Award Bid No. 577 to Los Angeles Truck Center, LLC of Whittier, California, in the amount of \$788,537 for the purchase and delivery of three (3) CNG Autocar Front Loaders for the Solid Waste Department;
- (D) Award Bid No. 374 to Los Angeles Truck Center, LLC of Whittier, California, in the amount of \$779,720 for the purchase and delivery of three (3) CNG Autocar Side Loaders for the Solid Waste Department;
- (E) Authorize the cooperative purchase and delivery for replacement of three (3) CNG Autocar Roll Off Refuse Trucks to Los Angeles Truck Centers, LLC of Whittier, California, in the amount of \$699,811 consistent with the terms and conditions of the City of Riverside Invitation for Bid (IFB) No. 7262 and Purchase Order No. 152012.


**COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner**

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

Prepared by: Craig Grabow

Department: Fleet Services

City Manager

Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

10

FISCAL IMPACT: The Fiscal Year 2015-16 Adopted budget includes appropriations in the amount of \$2,685,000 for the purchase of the replacement vehicles and equipment listed above. The total cost of the vehicles and equipment recommended for purchase is \$2,592,561.

BACKGROUND: The vehicles and equipment recommended for replacement in this action have outlived their useful life, and it is no longer cost effective to maintain them. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet equipment while ensuring safe and reliable fleet operation.

(A) Bid No. 574: Ten (10) Ford Interceptor SUVs for the Police Department

Ten (10) Ford Interceptor SUVs		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Fairway Ford	Placentia, CA	\$272,658
Fairview Ford	San Bernardino, CA	\$273,305
Star Ford Lincoln	Glendale, CA	\$275,355
Frontier Ford	Santa Clara, CA	\$276,016

Staff recommends award to Fairway Ford, located in Placentia, California, in the amount of \$272,658 as the lowest responsive bidder to meet specifications to replace identified vehicles.

(B) Bid No. 576: One (1) Chevrolet Silverado for the Fire Department

One (1) Chevrolet Silverado		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Rotolo Chevrolet	Fontana, CA	\$51,835
Lake Chevrolet	Lake Elsinore, CA	\$52,388

Staff recommends award to Rotolo Chevrolet, located in Fontana, California, in the amount of \$51,835 as the lowest responsive bidder to meet specifications to replace a Battalion Chief Command vehicle that obtained extensive damage in an accident and has been deemed inoperable.

(C) Bid No. 577: Three (3) CNG Autocar Front Loaders for the Solid Waste Department

Three (3) CNG Autocar Front Loaders		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Los Angeles Truck Center	Whittier, CA	\$788,537

Staff recommends award to Los Angeles Truck Center LLC, located in Whittier, California, in the amount of \$788,537 as the lowest responsive bidder to meet specifications to replace identified vehicles.

(D) Bid No. 374: Three (3) CNG Autocar Side Loaders for the Solid Waste Department

In August 2013, the City solicited and received two (2) bids for CNG Automated Side Loading Solid Waste Trucks. The results were as follows:

Three (3) CNG Autocar Side Loaders		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Los Angeles Truck Center	Whittier, CA	\$779,720
E-W Truck & Equipment	San Diego, CA	\$782,884

On October 1, 2013, the City Council authorized the purchase of three (3) Autocar Side Loading Refuse Trucks from Los Angeles Truck Centers, LLC, located in Whittier, California, in the amount of \$779,720. The awarded bid states the City reserves the right to order more, less, or no items at the “per unit cost” stated in the bid proposal. City Staff and Los Angeles Freightliner have negotiated the purchase of three (3) additional units at the same price per unit, as previously ordered in the FY 2013-14 and FY 2014-15 budgets. The total amount for this recommended purchase is \$779,720 to replace vehicles that are 12 years old.

(E) Three (3) CNG Autocar Roll Off Trucks for the Solid Waste Department

Staff recommends the purchase of three (3) CNG Autocar Roll Off Refuse Trucks from Los Angeles Truck Centers, LLC of Whittier, California, in the amount of \$699,811 consistent with the terms and conditions of the City of Riverside Invitation for Bids (IFB) No. 7262 and Purchase Order No. 152012. This cooperative purchasing opportunity will allow the City to pool its procurement power with another public agency to obtain prices lower than would otherwise be possible. The City of Ontario Municipal Code Section 2-6.11 (b) (3) allows for the purchase of supplies and equipment through cooperative purchasing when another governmental agency generally follows the provisions of Government Code Section 54201 through 54204.

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION: CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE REPLACEMENT AND INSTALLATION OF TREMCO ROOF SYSTEM AT CITY HALL ANNEX

RECOMMENDATION: That the City Council award Contract No. MS 1516-6 to Chapman Coast Roof Company, Inc. of Fullerton, California, for the replacement and installation of a new Tremco Roof System at City Hall Annex in the amount of \$111,302 plus a 10% contingency (\$11,130) for a total amount of \$122,432; authorize the City Manager to execute said contract (on file in the Records Management Department), and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport

Operate in a Businesslike Manner

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

FISCAL IMPACT: The Fiscal Year 2015-16 Public Facilities Repairs budget includes appropriations in the amount of \$350,000 for urgent repairs. The recommended contract authorization is \$111,302 plus a 10% contingency (\$11,130) for a total amount of \$122,432.

BACKGROUND: Approximately 3,000 square feet of the existing roof located over the Fire Prevention Offices at the City Hall Annex has recently required increased maintenance due to deterioration. The roof of City Hall Annex is approximately 30 years old. The recommend replacement is an energy-efficient "Cool Roof" that meets California Title 24 specifications. The new roof system will provide better drainage, faster evaporation and lower roof-top temperatures thus increasing life expectancy. In addition, by reducing roof-top temperatures this system decreases interior building temperatures, resulting in reduced air conditioning and energy needs.

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

Prepared by: Pat Malloy
Department: Municipal Services

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

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On September 3, 2015, six bids were received for the replacement and installation of a Tremco Roof at City Hall Annex. The six bids ranged from \$158,900 to \$111,302 and are summarized below.

<u>Vendor</u>	<u>Location</u>	<u>Bid Amount</u>
Chapman Coast Roof	Fullerton	\$111,302
Bell Roof Company	San Bernardino	\$121,593
Letner Roofing	Orange	\$124,950
Rite-Way Roof Corp	Fontana	\$134,698
Best Contracting Services	Gardena	\$154,475
Tecta America So. Cal	Santa Ana	\$158,900

Chapman Coast Roof Company, Inc. submitted the lowest responsive bid and has previously performed roof replacement and repair work for the City in a timely manner.

Once the contract is approved, it is estimated roof construction will commence November 30, 2015, and will be completed by January 15, 2016.

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION: CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURES

RECOMMENDATION: That the City Council award a Construction Contract to Shade Structures Inc. of Dallas, Texas, to purchase and install shade structures at the Police Department in the amount of \$124,880 plus a 15% contingency (\$18,732) for a total amount of \$143,612 consistent with the terms and conditions of the San Joaquin County Office of Education Agreement; authorize the City Manager to execute said contract (on file in the Records Management Department); and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport

Operate in a Businesslike Manner

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

FISCAL IMPACT: The recommended contract amount is \$124,880 plus a 15% contingency (\$18,732) for a total amount of \$143,612. Funding for this project is provided by cost savings from the Police Department and Convention Center reroofing and solar projects. If approved, budget appropriations will be included in the Fiscal Year 2015-16 First Quarter Update.

BACKGROUND: The Police Department south parking lot stalls and exterior lockers are currently exposed to direct sunlight. The installation of new engineered fabric shade structures will provide weather protection coverage for Police personnel, City vehicles and equipment. Due to the space configuration, a custom built shade structure is required so as not to interfere with the existing outside lighting and fire sprinkler system. Staff contacted three companies; but, only Shade Structures Inc. was willing and capable of designing, engineering and building the unique shade structure.

Based on several letters of recommendations from other government agencies and multiple site inspections of work performed by Shade Structures, Inc., staff recommends the purchase and installation of the shade structures consistent with the terms and conditions of the San Joaquin County Office of Education agreement effective through June 27, 2016. The cooperative purchase allows the City to pool

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

Prepared by: Pat Malloy
Department: Municipal Services

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

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its procurement power with other public agencies to obtain prices lower than would otherwise be possible at this time. The Ontario Municipal Code Section 2-6.11 (b) (3), allows for the purchase of supplies and equipment through cooperative purchasing when another governmental agency generally follows the provisions of Government Code Section 54201 through 54204.

It is estimated that work will commence in November and will be completed by January 2016.

CITY OF ONTARIO

Agenda Report
October 20, 2015

**SECTION:
CONSENT CALENDAR**

SUBJECT: AN AGREEMENT FOR A FIBER OPTIC BACKHAUL CONNECTION FROM ONTARIO TO ONE WILSHIRE IN LOS ANGELES AND THE PROVISION OF WHOLESALE INTERNET CONNECTION

RECOMMENDATION: That the City Council authorize the City Manager to execute a five year agreement with Inyo Networks, Inc. of Vallejo, California, for a backhaul transport connection to One Wilshire in Los Angeles and a wholesale internet connection to meet the City's growing bandwidth requirements.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport

Operate in a Businesslike Manner

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

FISCAL IMPACT: This agreement is for \$5,000 per month and will provide a 10 Gbps connection from Ontario to One Wilshire in Los Angeles and will allow for additional and/or redundant connections as additional bandwidth is required. In addition, the agreement includes a wholesale internet connection at approximately \$1.50 per 1Mbps (Megabit). The adopted fiscal year 2015-2016 budget includes appropriations for this expense to cover City service needs.

BACKGROUND: By partnering with Inyo Networks, the City is positioned to be one of the first Gigabit communities in the State of California. The Ontario Fiber infrastructure will be a market differentiator and a strategic advantage for builders, businesses and residents. Inyo Networks is able to provide the City with a cost effective long haul transport connection to One Wilshire, which is the major Internet Point of Presence in the region. By making this connection, the City's network can truly scale at Gigabit speeds for both City and customer demands. In comparison, the City has been paying approximately \$15 per Megabit for 100 Mbps through existing retail carriers.

The City will own its own municipal wide area fiber network and will partner with Inyo Networks in service delivery and operations.

STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: Elliott Ellsworth

Department: Information Technology

City Manager

Approval:



Submitted to Council/O.H.A.

10/20/2015

Approved:

Continued to:

Denied:

13

Inyo Networks was one of three companies that responded to the City's RFQ for fiber network operations services. Inyo Networks builds and operates backhaul, middle mile and last mile networks, most recently the "digital 395 project" and Inyo County FTTH and fiber to the business distribution solutions. Inyo Networks is a certified Competitive Local Exchange Carrier that provides competitive broadband services in California and Nevada with numerous public and private sector clients including: AT&T, California Broadband Cooperative, Inc., Ericsson/Entrisphere, Google, Lennar Homes, Pacific Gas and Electric, County of Inyo, County of Merced, City of Roseville, and Tule River Indian Reservation. The Inyo Networks team has extensive background in commercial voice projects and is extremely knowledgeable and well positioned to deliver broadband IP voice, video and data services.

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE PROVIDER AGREEMENT FOR USE OF ONTARIO FIBER INFRASTRUCTURE TO DELIVER GIGABIT INTERNET, VOICE AND VIDEO SERVICES THROUGHOUT THE CITY

RECOMMENDATION: That the City Council authorize the City Manager to amend the existing Park Place provider agreement with Inyo Networks, Inc. of Vallejo, California, expanding the service area boundaries, defining roles, and updating revenue sharing terms.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike Manner

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

FISCAL IMPACT: This agreement will allow services to be delivered over the City's fiber optic network to serve Ontario Ranch, the underserved commercial areas throughout the city as well as City owned facilities. The City anticipates new annual gross revenues of approximately \$300,000 in the first year and growing as the subscriber base increases each year as well as direct cost savings of approximately \$3,500 per month by eliminating existing leased connections at City owned facilities. The City will purchase a backhaul connection from Ontario to One Wilshire in Los Angeles as well as a 1 Gbps Internet connection out to the internet (to increase as necessary). The revenue sharing arrangement is designed to cover the City's investment in capital and Inyo Network's ongoing costs of customer support and operations.

BACKGROUND: Through its partnership with Inyo Networks, the City is positioned to be one of the first Gigabit communities in the State of California. The Ontario Fiber infrastructure will be a market differentiator and a strategic advantage for builders, businesses and residents. Inyo Networks will assist the City in making necessary interim connections until the full planned fiber backbone is in place. A pilot project with Inyo Networks has been successfully deployed and will soon be serving customers in the Ontario Ranch area at Park Place. Several other tracts have conduit infrastructure in place and are scheduled to be bid out for procurement and installation of fiber optic cable, cabinets and electronics.

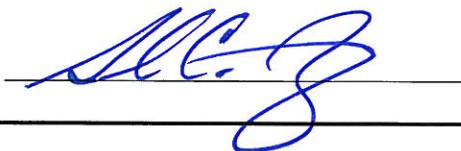
STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: Elliott Ellsworth

Department: Information Technology

City Manager

Approval:



Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

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The City will own the network and will partner with Inyo Networks in service delivery and operations. Inyo Networks will be responsible for service delivery to the customer, network maintenance, operations, customer service and billing inquiries. Inyo Networks may also offer additional IP enabled voice, video and data services under the agreement. The amended agreement will be a five-year exclusive agreement, allowing for automatic one-year renewals with mutual agreement.

Revenue sharing will be 60/40 with the City receiving the larger share, generally as follows:

- Ontario Ranch FTTH – City receives 60% of gross revenues, excluding video services or \$30/Mo/subscriber whichever is greater.
- HOA bulk internet deal – City receives 60% of gross bulk internet revenues, excluding video services, plus 30% of other services revenues (ie. phone, security, etc).
- Commercial Services – City receives 60% of gross revenues.
- City Facilities – No revenues or revenue sharing.

As an example, an internet service for \$59.99 / month would result in the City's revenue share at approximately \$36 / month. Commercial internet services are expected to range from 100 Mbps to 10 Gbps and will be priced starting from \$250 / month and up depending upon desired speeds and terms.

Inyo Networks was one of three companies that responded to the City's RFQ for fiber network operations services. Inyo Networks builds and operates backhaul, middle mile and last mile networks, most recently the "digital 395 project" and Inyo County FTTH and fiber to the business distribution solutions. Inyo Networks is a certified Competitive Local Exchange Carrier that provides competitive broadband services in California and Nevada with numerous public and private sector clients including: AT&T, California Broadband Cooperative, Inc., Ericsson/Entrisphere, Google, Lennar Homes, Pacific Gas and Electric, County of Inyo, County of Merced, City of Roseville, and Tule River Indian Reservation. The Inyo Networks team has extensive background in commercial voice project and is extremely knowledgeable and well positioned to deliver broadband IP voice, video and data services.

CITY OF ONTARIO

Agenda Report
October 20, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A ZONE CHANGE FOR 3 PARCELS, TOTALING 1.4 ACRES, FROM R1 (SINGLE FAMILY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL) AND TO CHANGE 11 PARCELS, TOTALING 3.25 ACRES, FROM R2 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), LOCATED ON FOURTH STREET BETWEEN BAKER AND CORONA AVENUES FROM 1673 TO 1733 EAST FOURTH STREET

RECOMMENDATION: That City Council consider and adopt an ordinance approving a Zone Change (File No. PZC15-001) from R1 (Single Family Residential) to HDR-45 (High Density Residential) and from R2 (Medium Density Residential) to HDR-45 (High Density Residential) to create consistency between the zoning and The Ontario Plan land use designation of High Density Residential.


COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The potential fiscal impacts were analyzed as part of The Ontario Plan ("TOP") adoption in January 2010. The Zone Change proposed is implementing TOP. The Zone Change will not introduce any fiscal impacts that were not previously analyzed as part of TOP.

BACKGROUND: On October 6, 2015, the City Council introduced an Ordinance approving the Zone Change. TOP designates the project site as High Density Residential ("HDR"), allowing for residential development at a range of 25.1-45 dwelling units per acre. The applicant, Dayu Capital, Inc., has requested a zone change for three properties located at the northwest corner of Fourth Street and Corona Avenue that are currently developed with a church. The current zoning of R1 (Single Family Residential) is not consistent with the current TOP land use designation. The applicant is in escrow to purchase the properties and plans, in the future, to develop the site with multi-family units in

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Clarice Burden
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

15

conformance with TOP. In order to allow the future development of the properties in this manner, the zoning and land use designation must be consistent.

Staff analyzed the surrounding area and determined that the 11 parcels to the west of the applicant's property are also in need of zone changes from R2 (Medium Density Residential) to HDR-45 (High Density Residential) in order to be in conformance with their TOP land use designation of High Density Residential. Therefore, as shown in Exhibit A (attached), staff expanded the zone change area to incorporate these parcels. The zone change encompasses a total of 14 parcels and is part of the on-going effort to achieve consistency between TOP land use designation and zoning throughout the City.

A community open house was held on July 8, 2015 to receive input from the surrounding property owners on the proposed zone changes. Twelve people attended the meeting. After staff's presentation regarding the zone changes, there were many questions about the continued use of the existing single family homes. Staff assured the property owners that the existing single family residences may remain within the proposed High Density Residential zone but that new development would need to comply with the zoning requirements in place at the time of development. There were no objections to the proposed zone changes from those attending the open house.

On August 25, 2015 the Planning Commission voted 6 to 0 to recommend City Council adopt an Addendum to The Ontario Plan Environmental Impact Report and approve the Zone Change.

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 provides 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.

Exhibit A: Proposed Zone Changes

F25 EXISTING ZONING	PARCELS	PROPOSED ZONING
<p>R1, Single Family Residential</p>	<p>10855101 10855134 – 10855135</p> <p>(3 Properties)</p>	<p>HDR-45, High Density Residential</p>

F26 EXISTING ZONING	PARCELS	PROPOSED ZONING
<p>R2, Medium Density Residential</p>	<p>10855106 – 10855109 10855144 – 10855150</p> <p>(11 Properties)</p>	<p>HDR-45, High Density Residential</p>

Legend:

	R1, Single Family Residential
	R2, Medium Density Residential
	C3, Commercial Service
	PF, Public Facilities
	HDR-45, High Density Residential



PLANNING COMMISSION STAFF REPORT

August 25, 2015

SUBJECT: A request to change the zoning (**File No. PZC15-001**) on 3 parcels, totaling 1.4 acres, from R1 (Single Family Residential) to HDR-45 (High Density Residential) and to change 11 parcels, totaling 3.25 acres, from R2 (Medium Density Residential) to HDR-45 (High Density Residential), located on Fourth Street between Baker and Corona Avenues from 1673 to 1733 E. Fourth Street. (APNs: 0108-551-01, 06-09, 34-35, and 44-50) **Submitted by Dayu Capital, Inc. and City initiated.** City Council action is required.

PROPERTY OWNER: Summit Ridge Church and various

RECOMMENDED ACTION: That the Planning Commission recommend City Council approval of an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010, and recommend approval of File No. PZC15-001, pursuant to the facts and reasons contained in the staff report and attached resolutions.

PROJECT SETTING: The project site is comprised of 1.4 acres of land within the R1 (Single Family Residential) zone and 3.25 acres of land within the R2 (Medium Density Residential) zone located on the north side of Fourth Street between Baker and Corona Avenues, and is depicted in **Figure 1: Project Location**, below. The subject site is currently developed with a church and single family residences. The properties to the north are developed with multi-family apartments. The properties to the south, across Fourth Street, consist of a shopping center, single family homes and multi-family apartments. To the east is a public elementary school and to the west is a motel and fast food restaurants.

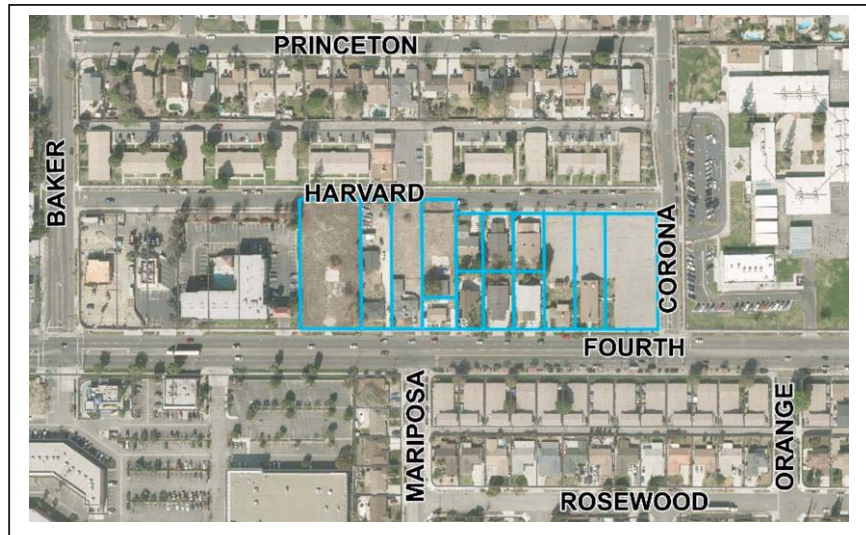
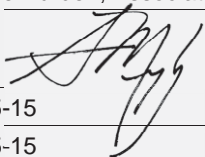


Figure 1: Project Location

Case Planner:	Clarice Burden, Associate Planner	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	05-05-15	ZA			
Hearing Deadline:	11-05-15	PC	08-25-15	Approved	Recommend
		CC	10-06-15		Final

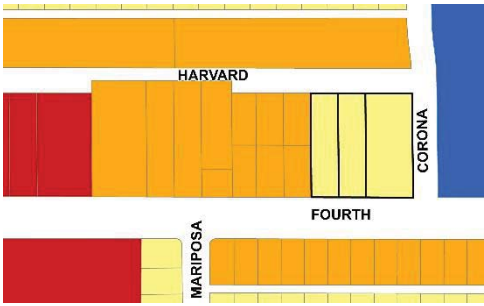
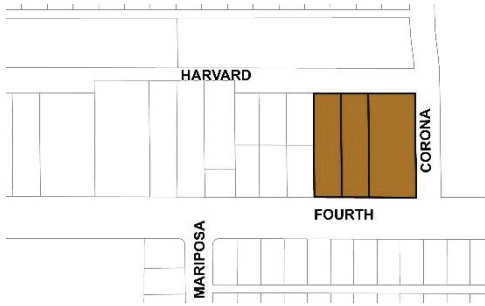
PROJECT ANALYSIS:

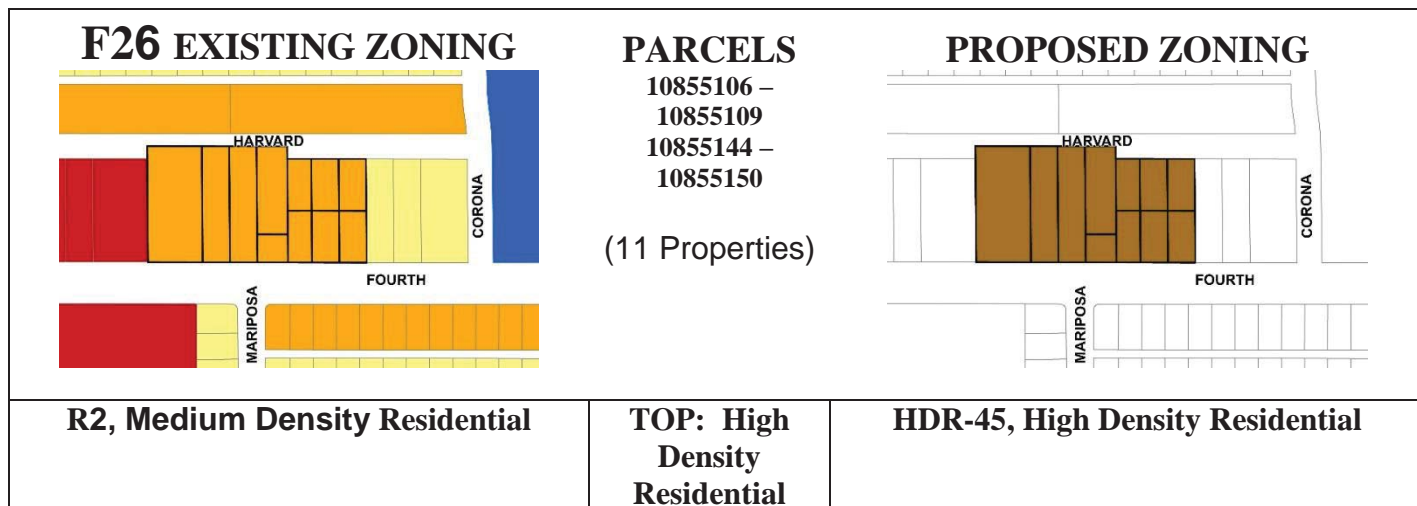
[1] Background — In 2010, The Ontario Plan (“TOP”) was adopted containing the Policy Plan (General Plan) which sets forth the land use pattern for the City to achieve its Vision. After the adoption of TOP, staff embarked on an effort to ensure that the zoning and TOP land use designations are consistent for all properties in the City. While this work is underway, staff continues to process applicant-driven zone change applications. This project includes an applicant zone change request and City initiated zone changes that are part of the zoning consistency effort.

The applicant, Dayu Capital, Inc., is in escrow to acquire the 3 parcels at the northwest corner of Fourth Street and Corona Avenue that are currently developed with a church and are zoned R1 (Single family Residential) with TOP land use designation of High Density Residential. Although no development plans are being processed at this time, the applicant is requesting a zone change to HDR-45 and intends to develop the property with high density residential, multi-family units in the future, consistent with TOP.



In analyzing the surrounding area, staff found that the 11 parcels to the west were similarly situated in that they required zone changes from R2 (Medium Density Residential) to HDR-45 (High Density Residential). In order to be consistent with TOP land use designation of High-Density Residential, staff expanded the zone change to include these properties.

[2] Zone Changes - The proposed changes in zoning are intended to make the zoning of the 14 properties consistent with the existing TOP land use designation as itemized below:

F25 EXISTING ZONING 	PARCELS 10855101 10855134 – 10855135 (3 Properties)	PROPOSED ZONING 
R1, Single Family Residential	TOP: High Density Residential	HDR-45, High Density Residential



Legend:

	R1, Single Family Residential
	R2, Medium Density Residential
	C3, Commercial Service
	PF, Public Facilities
	HDR-45, High Density Residential

[3] Open House – Property owners within 300 feet of the site were invited to a Community Open House on July 8, 2015 in order to inform the neighborhood of the proposal and receive any input from the community on the proposed zone changes. Twelve people attended the meeting. Staff explained the project and answered questions. Owners asked if, and were informed that, their houses can continue to stay and be used as residences after the zone change. Concern was also expressed over the property value of single family vs high density residential property. A real estate agent representing the seller of the church property indicated that the ability to construct more units would increase the value of the property. Several concerns were expressed unrelated to the zone change including from school over-crowding (responsibility of the School District) to sofas and trash being dumped behind the motel (responsibility of the property owner and enforcement thru Code Enforcement). There were no objections from those attending the meeting regarding the proposed zone change.

Staff is recommending approval of the change in zoning on these 14 properties as part of the on-going effort to achieve consistency between TOP and zoning throughout the City.

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

specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Priorities

Primary Goal: Regain Local Control of the Ontario International Airport

Supporting Goals: [1] Invest in the Growth and Evolution of the City's Economy; [2] Operate in a businesslike manner; and [3] Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Policy Plan (General Plan)

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

Compliance: TOP identified strategic locations which will help achieve the sense of place and identity desired. Consistency between the zoning and TOP land use designations will allow growth to occur in these locations and will encourage reinvestment and revitalization of the neighborhood.

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

Compliance: The subject zone changes provide consistency between the zoning and TOP land use designations and will further the City's intent of becoming a complete community by providing sites for high density residential development which will allow for a wider spectrum of housing choices within Ontario.

LU4-1 Commitment to Vision. We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.

Compliance: The zone changes to bring consistency between the zoning and TOP land use which is a stepping stone to achieving Vision.

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

Compliance: The zone changes to bring consistency between the zoning and TOP land use designation which will allow for high density residential development as envisioned by The Ontario Plan paving the way for revitalization of this neighborhood

S4-6 Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The proposed zone changes are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario Airport and Chino Airport.

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

ENVIRONMENTAL REVIEW: The 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 provides 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.

CONDITIONS OF APPROVAL: None.

CITY OF ONTARIO

ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE ONTARIO PLAN RE: ZONE CHANGES TO HIGH DENSITY RESIDENTIAL ALONG THE NORTH SIDE OF FOURTH STREET TO MAKE ZONING CONSISTENT WITH THE ONTARIO PLAN

A. PROJECT INFORMATION

1. **Project Title:** Zone Change (**File No. PZC15-001**) A request to change the zoning on 3 parcels, totaling 1.4 acres, from R1 (Single Family Residential) to HDR-45 (High Density Residential) and to change 11 parcels, totaling 3.25 acres, from R2 (Medium Density Residential) to HDR-45 (High Density Residential), located on Fourth Street between Baker and Corona Avenues from 1673 to 1733 E. Fourth Street; submitted by Dayu Capital, Inc. and 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** Scott Murphy, Planning Director
4. **Project Location:** Fourth Street between Baker and Corona Avenues from 1673 to 1733 E. Fourth Street within the City of Ontario, County of San Bernardino.

BACKGROUND:

On January 27, 2010, the Ontario City Council adopted The Ontario Plan (TOP). The 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 (6) 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 the TOP and certified (SCH # 2008101140) by the City Council on January 27, 2010 that included Mitigation Findings and a Statement of Overriding Considerations pursuant to CEQA. The TOP 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 resultant of population and employment growth in the City. The significant unavoidable adverse impacts that were identified in the EIR included; agriculture resources, air quality, cultural resources, greenhouse gas emissions, noise and transportation/traffic.

PROJECT DESCRIPTION:

Dayu Capital, Inc. requested that the zoning of 3 properties on Fourth Street be changed in order to be consistent with the TOP landuse designation for the properties. The City expanded the zone change to include an additional 11 adjacent properties that also needed zone changes to provide consistency with the TOP landuse designation of the properties. In addition, the proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in the TOP and, pursuant to Section 65860 of the Government Code, providing consistency between zoning ordinances and general plans.

ANALYSIS:

According to the California Environmental Quality Act 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 are 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 the TOP EIR. The TOP 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 Zone Changes are consistent with the TOP land use designations that were already analyzed in the TOP EIR. 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.

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 the TOP EIR. 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.*

No new information has been provided that would indicate the proposed project would result in any new significant effects not previously discussed in the TOP EIR. 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.

CEQA REQUIREMENTS FOR AN ADDENDUM:

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

Under Section 15162, a subsequent EIR or negative declaration is required only when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

CONCLUSION:

The Ontario Plan Environmental Impact Report (TOP EIR), certified in January 27, 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the EIR focused on impacts from changes to land use associated with buildout of the City's Land Use Plan, within the Policy Plan, and impacts from the resultant population and employment growth in the City. The proposed zone changes are to create consistency with the TOP. Subsequent activities within the TOP Program EIR must be evaluated 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 the TOP EIR. No changes or additions to the 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 the TOP EIR.

Exhibit 1

(Proposed Zone Changes)

EXISTING

PROPOSED

F25

HARVARD

CORONA

FOURTH

MARIPOSA

Parcels: (3 Properties)
10855101 10855134 – 10855135

TOP: High Density Residential
Zoning: R1, Single Family Residential

TOP: No Change
Zoning: HDR-45, High Density Residential

EXISTING

PROPOSED

F26

Harvard

Corona

Mariposa

FOURTH

Parcels: (11 Properties)

10855106 – 10855109

10855144 – 10855150

TOP: High Density Residential

Zoning: R1, Single Family Residential

PROPOSED: No Change

Zoning: HDR-45, High Density Residential

Exhibit 2
(Area F Zone Change Consistency Analysis
PZC15-001 consists of Groups F25 and F26)

AIRPORT LAND USE COMPATIBILITY PLANNING
CONSISTENCY DETERMINATION REPORT



Project File No.: Zone Change Consistency Program - Group F
Address: Various - See Attached Map
APN: Various
Existing Land Use: Various
Proposed Land Use: Zone Changes to create consistency with General Plan land use designations
Site Acreage: _____ Proposed Structure Height: n/a
ONT-IAC Project Review: _____
Airport Influence Area: ONT

Reviewed By: Lorena Mejia
Contact Info: 909-395-2276
Project Planner: Melanie Mullis
Date: 2/4/15
CD No.: 2015-004
PALU No.: _____

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input checked="" type="checkbox"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 0' - 100'	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Compatibility Zones:

☐ Zone A ☐ Zone B1 ☐ Zone C ☐ Zone D ☐ Zone E

CONSISTENCY DETERMINATION

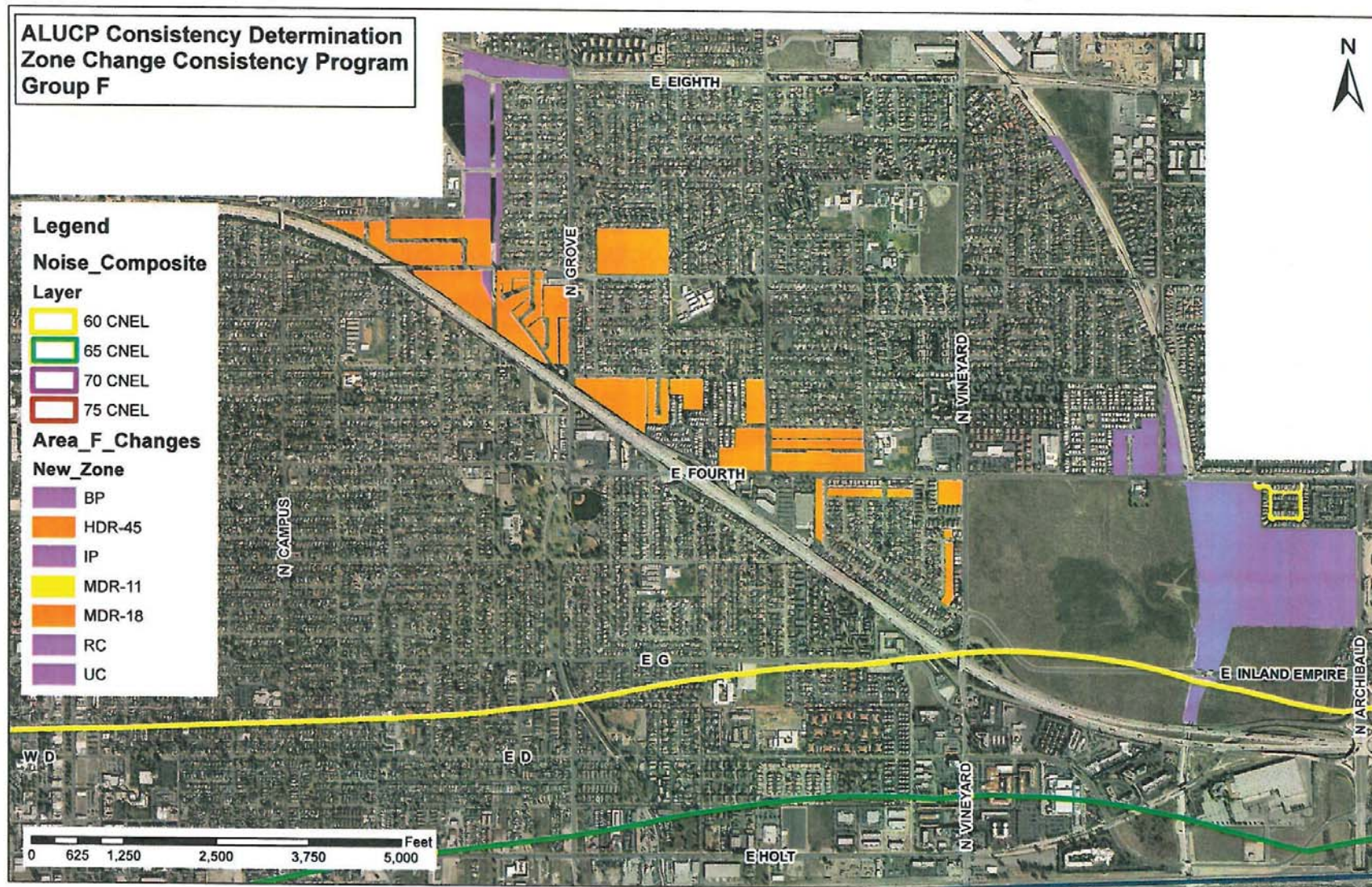
This proposed Project is: ☐ Exempt from the ALUCP ☒ Consistent ☐ Consistent with Conditions ☐ Inconsistent

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

Airport Planner Signature: _____

Lorena Mejia

Form Updated: 11/14/2014



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.: PZC15-001

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

Contact Person: Clarice Burden, Associate Planner (909)395-2036

Project Sponsor: City of Ontario, 303 E. B Street, Ontario, CA 91764

Project Location: The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site is located on the north side of Fourth Street between Baker and Corona Avenues.

Figure 1—REGIONAL LOCATION MAP

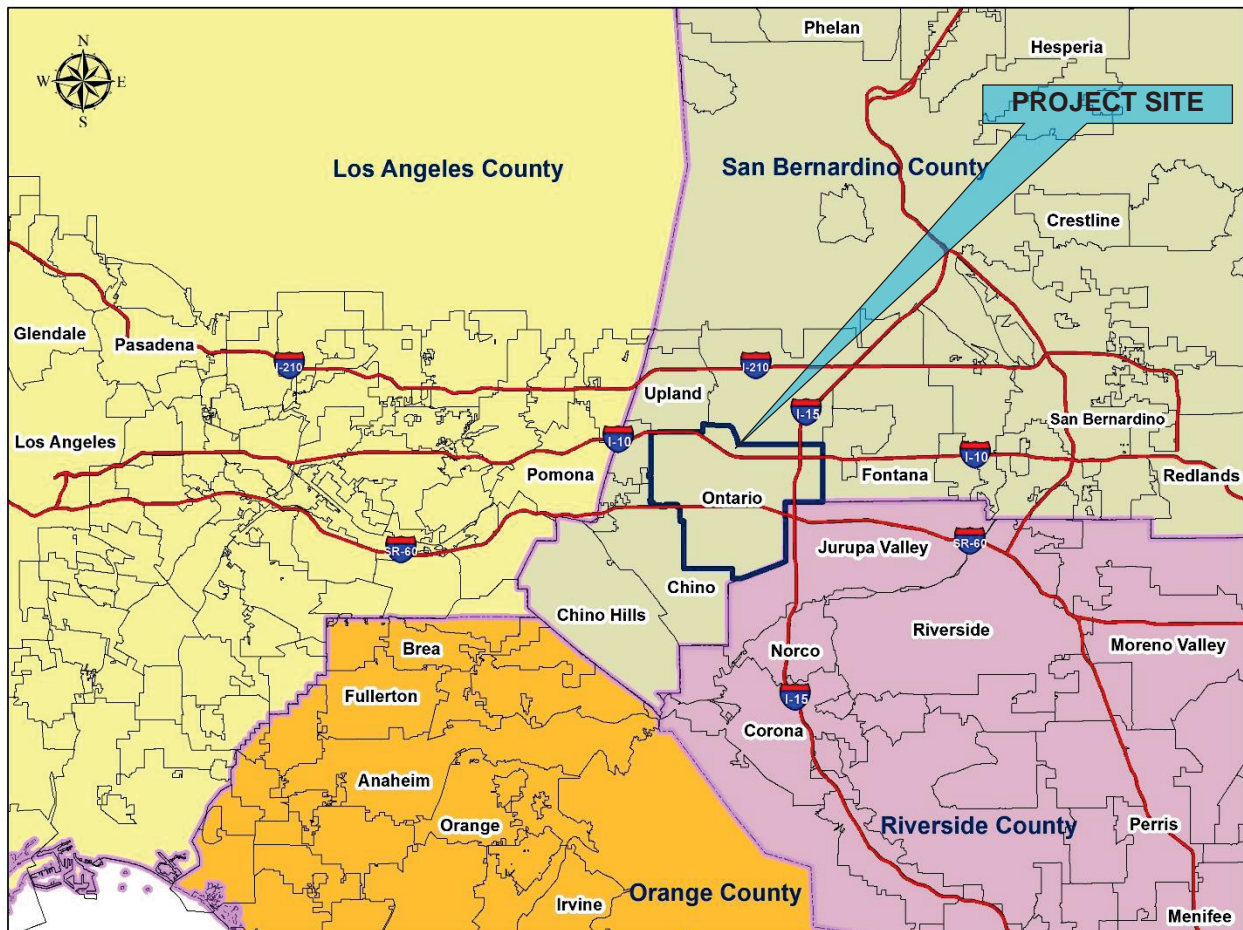


Figure 2—VICINITY MAP

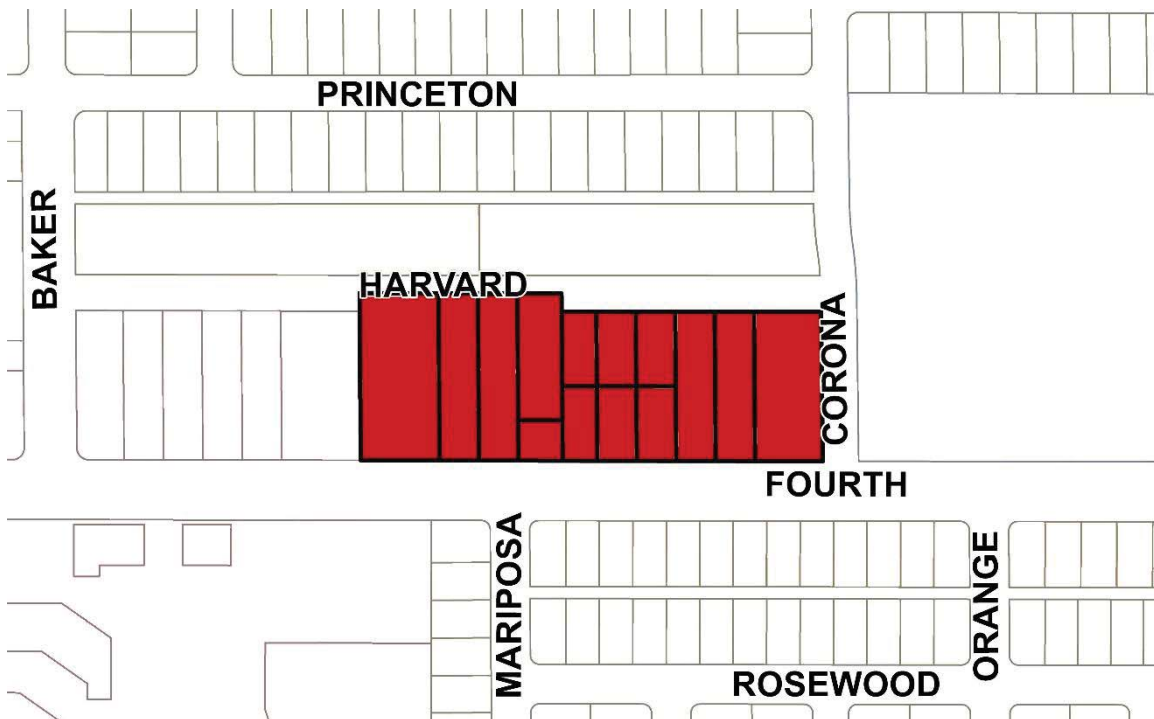
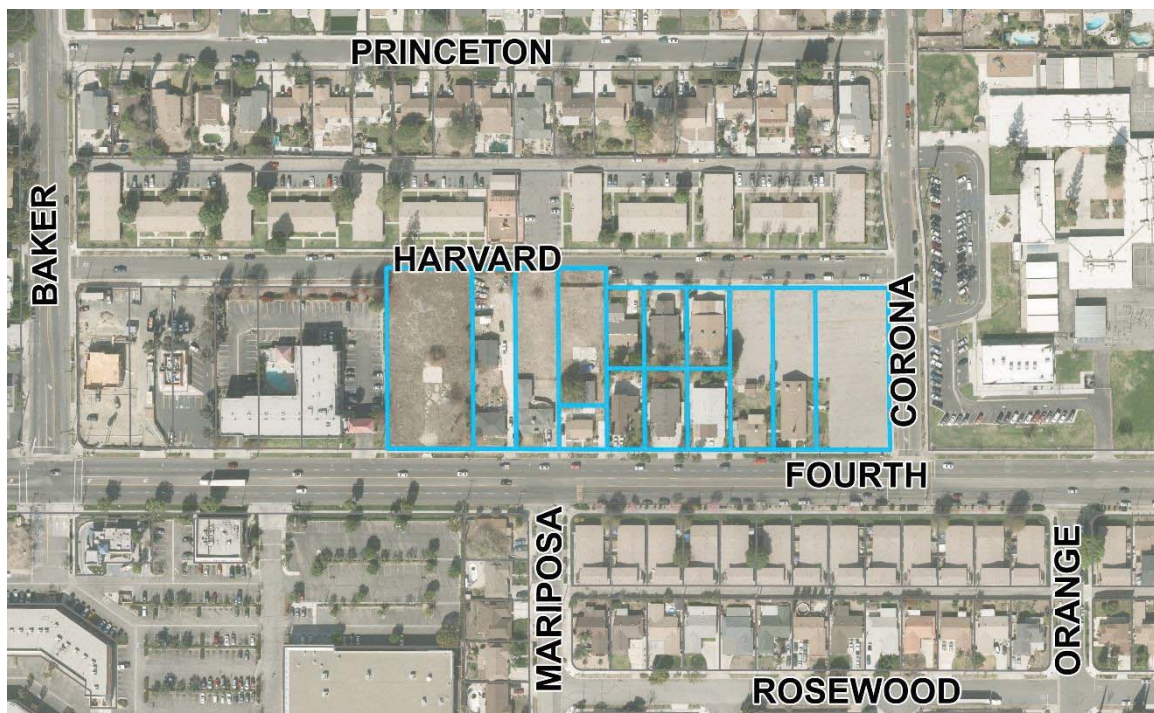


Figure 3—AERIAL PHOTOGRAPH



General Plan Designation: High Density Residential

Zoning: 3 parcels, totaling 1.4 acres, R1 (Single Family Residential) and 11 parcels, totaling 3.25 acres, R2 (Medium Density Residential)

Background: On January 27, 2010, the Ontario City Council adopted The Ontario Plan (TOP). The 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 (6) 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 the TOP and certified (SCH # 2008101140) by the City Council on January 27, 2010 that included Mitigation Findings and a Statement of Overriding Considerations pursuant to CEQA. The TOP 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 resultant of population and employment growth in the City. The significant unavoidable adverse impacts that were identified in the EIR included; agriculture resources, air quality, cultural resources, greenhouse gas emissions, noise and transportation/traffic.

Description of Project: A request to change the zoning on 3 parcels, totaling 1.4 acres, from R1 (Single Family Residential) to HDR-45 (High Density Residential) and to change the zoning on 11 parcels, totaling 3.25 acres, from R2 (Medium Density Residential) to HDR-45 (High Density Residential), located on Fourth Street between Baker and Corona Avenues from 1673 to 1733 E. Fourth Street in order to make the zoning consistent with TOP land use designations for the properties. In addition, the proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in the TOP and, pursuant to Section 65860 of the Government Code, providing consistency between zoning ordinances and general plans.

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

As illustrated in Figure 2, the project site is located on the north side of Fourth Street, between Corona and Baker Avenues.

Surrounding Land Uses:

	<u>Zoning</u>	<u>Current Land Use</u>
▪ North—	R2 (Medium Density Residential)	Residential
▪ South—	R1 (Single Family Residential) and R2 (Medium Density Residential)	Residential
▪ East—	PF (Public Facilities)	Public Elementary School
▪ West—	C3 (Commercial Service)	Motel

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"/> Population / Housing | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Certified The 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

Clarice Burden, Associate Planner
Printed Name and Title

July 23, 2015
Date

City of Ontario Planning Department
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 the "Earlier Analyses" Section 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.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1) AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<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"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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"/>
4) BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
5) CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 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 Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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"/>
7) GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
8) HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9) HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
10) LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11) MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12) NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
13) POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
14) PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15) RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16) TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
17) UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18) MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

EXPLANATION OF ISSUES

The project under consideration proposes that the zoning be changed for the subject parcels along Fourth Street (as shown in Exhibit 1) in order to provide consistency with TOP land use designations. In addition, the proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans.

The project does not permit construction of new structures, nor the introduction of any new uses that were not part of the project description in TOP EIR. Therefore, the project will not introduce any impacts beyond those previously analyzed in TOP EIR.

1) **AESTHETICS.** Would the project:

a) **Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The proposed Project will not have a significant adverse effect aesthetically. As provided in TOP EIR, the City of Ontario's physical setting lends opportunities for many views of the community and surrounding natural features, including panoramic views of the San Bernardino and San Gabriel Mountains and stretches of open space and undeveloped land south of Riverside Drive. TOP EIR provides that compliance with TOP Policy CD1-5 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect public views of the San Gabriel Mountains. The project under consideration only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. In addition, the proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. The Project does not permit construction of new buildings and so does not conflict with Policy CD1-5 as it will not alter existing public views of the San Gabriel Mountains. Since no adverse aesthetic impacts are expected, no mitigation is necessary.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?**

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east-west direction. I-15 traverses the northeastern portion of the City in a north-south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. In addition, there are no historic buildings or any scenic resources identified on or in the vicinity of the project site. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Discussion of Effects: As concluded in TOP EIR, implementation of The Ontario Plan would change the existing visual character but the impacts are not considered significant because The Ontario Plan policies of the Community Design Element have the common goal of improving the visual quality of the area by developing guidelines to improve future development projects. In addition, Title 9: Development Code of the City's Municipal Code, requires that individual development projects submit to site-specific review pursuant to the City of Ontario processes. These design guidelines and standards would regulate the features of buildings and streets that affect the public

realm and would guide the physical development of any development project within the City's boundaries. Implementation of the Project would not substantially degrade the existing visual character or quality of the site and its surroundings, as the Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. In addition, the TOP EIR provides that compliance with TOP Policy CD1-5, CD2-5 and CD4-2 in the Community Design Element will avoid significant impacts to the existing visual character or quality of the site and its surroundings.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

d) **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

Discussion of Effects: The proposed Project in itself will not increase the amount of light and glare within the City, since it only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. In addition, as concluded in TOP EIR, adherence to the design standards of the City of Ontario Development Code (Section 9-1.3325, *Light, Glare, and Heat*) would ensure that light and glare from new developments would be minimized and that significant impacts would not occur. Therefore, the Project will not result in any new, increased or substantially different impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

2) **AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Discussion of Effects: The subject properties are currently developed with single family residences and a church and do not contain any agricultural uses. Further, the site is identified as developed land on the map prepared by the California Resources Agency, pursuant to the Farmland Mapping and Monitoring Program. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Discussion of Effects: The project site is not zoned for agricultural use. The project site zoned is residential use. The proposed project is consistent with the development standards and allowed land uses of the proposed zone. Furthermore, there is no Williamson Act contract in effect on the subject site. Therefore, no impacts to agricultural uses are anticipated, nor will there be any conflict with existing or Williamson Act contracts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No

changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Discussion of Effects: The City of Ontario does not have any land zoned for forest, timberland, or timberland production.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

Discussion of Effects: Implementation of the Project would not result in changes to the existing environment other than those previously addressed in TOP FEIR. While conversion of farmland increases the potential for adjacent areas to also be converted from farmland to urban uses, the Project does not directly result in conversion of farmland. No new cumulative impacts beyond those identified in TOP FEIR would result from Project implementation. The potential for growth inducement due to extension of utility systems into the City is addressed in TOP FEIR.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. The Project only proposes Zone Changes throughout the City (as shown in Exhibit 1) in order to be consistent with TOP. The TOP EIR provides that compliance with TOP Policy ER5-2 and ER5-3 in the Environmental Resources Element will avoid significant impacts to loss of farmland. Thus, the proposed Project would not result in conversion of forest land to non-forest use.

Mitigation Required: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

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

- a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Discussion of Effects: The City is located in a non-attainment region of South Coast Air Basin (SCAB). However, this impact has already been evaluated and mitigated to the extent feasible in TOP FEIR. The Project only proposes Zone Changes throughout the City (as shown in Exhibit 1) in order to be consistent with TOP. In addition, the proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and,

pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. TOP FEIR has addressed short-term construction impacts, however, and adequate mitigation (Mitigation Measure 3-1) has been adopted by the City that would help reduce emissions and air quality impacts. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. 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. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable air quality related policies of TOP.

c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

d) **Expose sensitive receptors to substantial pollutant concentrations?**

Discussion of Effects: As discussed in Section 5.3 of TOP FEIR, the proposed Project is within a non-attainment region of the SCAB. Essentially this means that any new contribution of emissions into the SCAB would be considered significant and adverse. The Project only proposes Zone Changes throughout the City (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce air pollutants to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

e) **Create objectionable odors affecting a substantial number of people?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. The Project will create no significant objectionable odors. Therefore the Project will not introduce new odors beyond those previously analyzed in TOP EIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

4) **BIOLOGICAL RESOURCES.** Would the project:

a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: The Project area is located within an area that has not been identified as containing 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 the U.S. Fish and Wildlife Service. The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

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?**

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. However, adequate mitigation (Policy ER5-1, as revised under TOP) would reduce the impacts of habitat loss to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

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?**

Discussion of Effects: No federally protected wetlands as defined by Section 404 of the Clean Water Act in the Project area have been identified. In any event, adequate mitigation for impacts to water bodies is set out for in TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- 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?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. In addition, TOP FEIR requires implementation of regulatory and standard conditions of approval to mitigate for impacts to species and project-specific CEQA review will be undertaken at the appropriate time. Policy ER5-1 encourages efforts to conserve flood control channels and transmission line corridors as wildlife movement corridors. Consequently, impacts would be less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: The City of Ontario does not have any ordinances protecting biological resources. The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?**

Discussion of Effects: There is one Habitat Conservation Plan in the City: a 19-acre area near the intersection of Greystone Drive and the eastern City boundary established to protect the DSFLF. Any development project proposed for development within this HCP pursuant to the Ontario Plan would be required to consult with the USFWS regarding project impacts on DSFLF and mitigation of any such impacts. However, implementation of the Project would not conflict with the HCP, due to the fact that the Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. The TOP EIR provides that compliance with TOP Policy ER5-1 and ER5-5 in the Environmental Resources Element will avoid significant impacts to conservation plans. Therefore, the Project will not conflict with the provisions of the adopted HCP. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

5) **CULTURAL RESOURCES.** Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

Discussion of Effects: Implementation of the Project would not cause a substantial adverse change in the significance of any historical resource as defined in §15064.5, due to the fact that the Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. In addition, Title 9, Chapter 1, Article 4, Section 9-1.0412 and 9-1.0413, and Article 26 of the City of Ontario Municipal Code protects sensitive historical resources of local interest. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Discussion of Effects: The Ontario Plan FEIR (Section 5.5) indicates no archeological sites or resources have been recorded in the City. Because archaeological resources are largely buried resources and the site is currently undisturbed below ground, the presence of fossils on the proposed site and their individual significance cannot be determined at this time. Adequate mitigation (Mitigation Measure C-1) has already been adopted by the City that would reduce impacts to cultural resources to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation. If a find is discovered to be historical or unique archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Discussion of Effects: The City of Ontario is underlain by deposits of Quaternary and Upper-Pleistocene sediments deposited during the Pliocene and early Pleistocene time, Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are, therefore, considered to have high sensitivity at depths of 10 feet or more below ground surface. In addition, the Ontario Plan FEIR (Section 5.5) indicates that one paleontological resource has been discovered in the City. The Project does not propose any excavation it only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Disturb any human remains, including those interred outside of formal cemeteries?**

Discussion of Effects: No known human burial grounds are known to exist on, or in the vicinity of, the Project area. Because burial grounds are largely a buried resource and the site is currently undisturbed below ground, the presence of human remains on the proposed site and their individual

significance cannot be determined at this time. Adequate mitigation (Mitigation Measure 5-2) has already been adopted by the City that would reduce impacts to cultural resources to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

6) **GEOLOGY & SOILS.** Would the project:

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Ontario Plan FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All future development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

ii) **Strong seismic ground shaking?**

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Land Use Plan (Figure LU-6) of the Policy Plan (General Plan) FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. The closest fault zone is located more than ten miles from the project site. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. All future construction will be in compliance with the California Building Code, the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

iii) **Seismic-related ground failure, including liquefaction?**

Discussion of Effects: As identified in the TOP FEIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than 10 feet to the surface can cause the highest liquefaction susceptibility. Depth to ground water at the project site during the winter months is estimated to be between 250 to 450 feet below ground surface. Therefore, the liquefaction potential within the project area is minimal. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP

FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

iv) **Landslides?**

Discussion of Effects: The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Result in substantial soil erosion or the loss of topsoil?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the Project in itself would not result in substantial soil erosions or the loss of topsoil. Nevertheless, adequate mitigation has already been adopted by the City that would reduce soil impacts to a less-than-significant level. In addition, with implementation of regulatory requirements (CBC requirements – Chapter 18) and standard conditions of approval would reduce soil impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. 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. Consistent with the mitigation adopted for TOP, the Project will be subject to all applicable geology and soils related policies of TOP..

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Discussion of Effects: The Project would not result in the location of development on a geologic unit or soil that is unstable, or that would become unstable because as previously discussed, the potential for liquefaction and landslides associated with the Project is less than significant. TOP EIR (Section 5.7) indicates that subsidence is generally associated with large decreases or withdrawals of water from the aquifer. The Project would not withdraw water from the existing aquifer. Further, implementation of TOP strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level. Chapter 18 of the CBC contains requirements for foundation and soils investigations; excavation, grading, and fill; load-bearing values of soils; and foundations, footings, and piles. The Project, which does not permit construction of new buildings, will not result in adverse impacts. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Discussion of Effects: The majority of Ontario is located on alluvial soil deposits. These types of soils are not considered to be expansive. The Project, which does not permit construction of new buildings, will not result in adverse impacts. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not necessary. The Project does not require the use or installation of septic tanks or alternative wastewater disposal systems. Adequate mitigation has already been adopted by the City that would reduce geologic hazard impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

7) **GREENHOUSE GAS EMISSIONS.** Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Discussion of Effects: Implementation of the Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. As part of TOP EIR, the City conducted a greenhouse gas (GHG) emissions inventory for full buildout of the proposed land use plan. In addition, with mitigation measures 6-1, 6-2, 6-3, 6-4, 6-5, and 6-6 with regard to applicable plans, policies, or regulations for the reduction of GHG emissions would be less than significant due to the TOP's achievement of AB 32's emission reduction goals. Therefore the Project will not introduce new GHG emissions beyond those previously analyzed in TOP EIR.

Mitigation Required: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: Implementation of the Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. As part of TOP EIR, the City conducted a greenhouse gas (GHG) emissions inventory for full buildout of the proposed land use plan. In addition, with mitigation measures 6-1, 6-2, 6-3, 6-4, 6-5, and 6-6 with regard to applicable plans, policies, or regulations for the reduction of GHG emissions would be less than significant due to the TOP's achievement of AB 32's emission reduction goals. Therefore the Project will not introduce new GHG emissions beyond those previously analyzed in TOP EIR.

Mitigation Required: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

8) **HAZARDS & HAZARDOUS MATERIALS.** Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Adequate mitigation has already been adopted by the City that would reduce dangers associated with hazardous materials to a less-than-significant level. In addition, current federal and state regulations, City ordinances, and TOP policies would regulate the handling of hazardous substances to reduce potential releases; exposures; and risks of transporting, storing, treating, and disposing of hazardous materials and wastes. Additional hazardous waste transport, use, and/or disposal that would occur upon the buildout of TOP would be less than significant with adherence to the existing regulations. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. Adequate mitigation has already been adopted by the City that would reduce dangers associated with hazardous materials to a less-than-significant level. In addition, current federal and state regulations, City ordinances, and TOP policies would regulate the handling of hazardous substances to reduce potential releases; exposures; and risks of transporting, storing, treating, and disposing of hazardous materials and wastes. Additional hazardous waste transport, use, and/or disposal that would occur upon the buildout of TOP would be less than significant with adherence to the existing regulations. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Adequate mitigation has already been adopted by the City that would reduce dangers associated with hazardous materials to a less-than-significant level. Additional hazardous waste transport, use, and/or disposal that would occur upon the buildout of TOP would be less than significant with adherence to the existing regulations. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: The proposed Project area is not listed on the hazardous materials site compiled pursuant to Government Code § 65962.5. Therefore, the Project will not result in adverse impacts. The TOP contains policies and programs to ensure compliance with federal, state, and local regulations relating to hazardous waste. Policy S6-5 states that it is the policy of the City to regulate facilities that will be involved in the production, use, storage, transport, or disposal of hazardous materials, pursuant to federal, state, and local regulations so that impacts to the environment and sensitive land uses are mitigated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: There proposed Zone Change locations are located along the north side of Fourth Street between Baker and Corona Avenues and the 14 properties are located within the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) Safety Zones. Exhibit 2 (Zone Change Consistency Analysis) identifies the property locations within Area F of the zoning consistency effort and evaluates the proposed zone changes for consistency with the ONT ALUCP. The analysis concluded that the proposed zone changes are consistent with the ONT ALUCP. Also, none of the proposed properties are located within the Chino Airport Influence Area. Therefore, the Project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: There are no private airstrips in the City of Ontario that would result in a safety hazard for people residing or working in the Project area. Therefore, the Project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: The City's Safety Element, as contained within TOP, includes policies and procedures to be administered in the event of a disaster. TOP seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from everyday and disaster emergencies. The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. There are a number of Policy Plan policies that encourage the establishment and incorporation of emergency plans (Policies S8-1 through S8-5). These policies are meant to help agencies plan for emergencies, to educate staff and citizens about emergency response, and to improve coordination between departments and agencies. Therefore, impacts would be less than significant and no mitigation measures would be required.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

9) **HYDROLOGY & WATER QUALITY.** Would the project:

- a) **Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: The project site is served by City water and sewer service and will not affect water quality standards or waste discharge requirements. The project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Adequate Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to groundwater to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Discussion of Effects: The proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property will be negligible. The project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Adequate Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to groundwater to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental**

harm or potential for significant increases in erosion of the project site or surrounding areas?

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. However, Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to existing hydrology patterns to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the Project in itself would not involve conversion of permeable soils to an impermeable surface, resulting in an increase in surface runoff. Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to existing hydrology patterns to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the Project in itself would not involve conversion of permeable soils to an impermeable surface, resulting in an increase in surface runoff. Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to existing hydrology patterns to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's

Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the proposed Project in itself is not anticipated to violate any water quality standards, or cause wastewater discharges that would adversely affect human health, wildlife, or plant species. Policy Measures (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce impacts to existing water quality to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Discussion of Effects: The project site is not located 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. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

h) **Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?**

Discussion of Effects: As identified in the Safety Element (Exhibit S-2) of the Policy Plan (General Plan), the site lies outside of the 100-year flood hazard area. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Discussion of Effects: As identified in the Safety Element (Exhibit S-2) of The Ontario Plan, the site lies outside of the 100-year flood hazard area. No levees or dams are located near the project site. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

j) **Expose people or structures to inundation by seiche, tsunami or mudflow?**

Discussion of Effects: There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

10) **LAND USE & PLANNING.** Would the project:

a) **Physically divide an established community?**

Discussion of Effects: The project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Implementation of the Project would not result in physical improvements that would divide an established community. In addition, Land Use Policies LU2-3, LU2-4, LU2-5, and LU2-6 would reduce the amount of conflict between contradicting land uses. Therefore, no impacts would result..

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?**

Discussion of Effects: The proposed project is consistent with The Ontario Plan and does not interfere with any policies for environmental protection. As such, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Discussion of Effects: There are no adopted habitat conservation plans in the project area. As such no conflicts or impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

11) **MINERAL RESOURCES.** Would the project:

a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Discussion of Effects: The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Discussion of Effects: There are no known mineral resources in the area. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No

changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

12) **NOISE.** Would the project result in:

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Adequate mitigation (Mitigation Measures 12-1, 12-2, 12-3, and 12-4) has already been adopted by the City that would reduce severe noise levels to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the proposed Project in itself would not expose people to or generate excessive groundborne vibration or groundborne noise levels. Appropriate mitigation (Mitigation Measures 12-1, 12-2, 12-3, and 12-4) that have been adopted by the City that would reduce severe noise levels to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, implementation of the Project in itself would not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Adequate mitigation (Mitigation Measures 12-1, 12-2, 12-3, and 12-4) has already been adopted by the City that would reduce noise impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's

Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, implementation of the Project in itself would not create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Adequate mitigation (Mitigation Measures 12-1, 12-2, 12-3, and 12-4) has already been adopted by the City that would reduce noise impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The location of Noise Impact Zones of ONT are identified on Compatibility Policy Map 2-3 and land use restrictions are identified in Table 2-3 of the ONT ALUCP. The 14 properties are located outside of the 65CNEL noise contour. Exhibit 2 (Zone Change Consistency Analysis) evaluates the proposed zone changes for consistency with the ONT ALUCP. The analysis concluded that the proposed zone changes are consistent with the ONT ALUCP. None of the properties listed in Exhibit 1 are located within Chino Airport Noise Impact Zones or Airport Influence Area. Therefore, the Project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

13) **POPULATION & HOUSING.** Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. In October 2008, the NOP of the EIR for the City's General Plan update was circulated, thus establishing the baseline environmental conditions. At that time, the population growth for the entire City was included in the baseline conditions and analyzed in the TOP EIR. Therefore the project will not induce substantial population growth directly, nor indirectly beyond those previously analyzed in the TOP EIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The project will not displace existing housing without creating additional housing on site, and will not create any impact on residential housing beyond those that would occur under TOP land use designation. The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. Therefore, no adverse impacts on existing housing are anticipated as a result of this project.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The project will not displace existing housing without creating additional housing on site, and will not create any impact on residential housing beyond those that would occur under TOP land use designation. The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. Therefore, no adverse impacts on existing housing are anticipated as a result of this project.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

14) **PUBLIC SERVICES.** Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

- i) **Fire protection?**

Discussion of Effects: The site is in a developed area currently served by the Ontario Fire Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- ii) **Police protection?**

Discussion of Effects: The site is in a developed area, currently served by the Ontario Police Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- iii) **Schools?**

Discussion of Effects: The project will be required to pay school fees as prescribed by state law prior to the issuance of building permits. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

iv) **Parks?**

Discussion of Effects: The site is in a developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

v) **Other public facilities?**

Discussion of Effects: The site is in a developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

15) **RECREATION.** Would the project:

a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. The project does not propose the construction of new buildings. In October 2008, the NOP of the EIR for the City's General Plan update was circulated, thus establishing the baseline environmental conditions. At that time, the potential increases of use of existing neighborhood and regional parks and other recreational facilities associated with the use of the site were included in the baseline conditions. Therefore the project will not introduce new demands for other recreational facilities beyond those previously analyzed in the TOP EIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. The project will not introduce new demands for recreational facilities services beyond those previously analyzed in the TOP EIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

16) **TRANSPORTATION/TRAFFIC.** Would the project:

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: The project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. When the TOP EIR was prepared, the impacts associated with land use were included in the baseline conditions. Here, the project is being proposed to be consistent with TOP. Therefore the project will not introduce new traffic impacts beyond those previously analyzed in the TOP EIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the proposed Project in itself would not conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. In addition, as shown in Table 5.16-5 (TOP FEIR), at buildout of the Proposed Land Use Plan, all intersections with the recommended future lane configurations (Mitigation Measure 16-1) are projected to operate at LOS E or better during both AM and PM peak hours. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- 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?**

Discussion of Effects: Implementation of the Project would not result in a change in air traffic patterns, as the Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, these impacts would be considered less than significant and no mitigation measures are required.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Discussion of Effects: The project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. In October 2008, the NOP of the EIR for the City's General Plan update was circulated, thus establishing the baseline environmental conditions. At that time, the project area was analyzed accordingly. When the TOP EIR was prepared, the impacts associated with the uses of the project area were included in the baseline conditions. Here, the project is being proposed to be consistent with the established land use pursuant to the TOP EIR. Therefore, the project will not introduce new traffic beyond those previously analyzed in the TOP EIR. At that time, all intersections in the immediate area of the project site operated at a "C" or better level of service, within acceptable levels. Accordingly, the project will not conflict with an applicable congestion management program.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Result in inadequate emergency access?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the proposed Project would not result in inadequate emergency access. Future roadway construction would increase access into areas that were previously void of them. Details of road placement are given in section 5.16.3 in TOP FEIR. No new impacts beyond those identified in TOP FEIR would result from Project implementation. Therefore, no mitigation measures are necessary.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **Result in inadequate parking capacity?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Any future development will provide on-site parking as required at the time of development. Therefore, the proposed Project will not result in any unmet demand for new parking.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- g) **Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Discussion of Effects: There will be no adverse impacts on existing programs supporting alternative transportation such as transit services. A detailed description of existing transit services in the City is described in section 5.16.1 in TOP FEIR. The proposed Project includes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures

specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Appropriate strategies and approaches to improvements to public transit and nonmotorized transportation have been adopted by the City through the TOP. In addition, future development will encourage the placement of bus routes and turnouts throughout the area.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

17) **UTILITIES AND SERVICE SYSTEMS.** Would the project:

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the project in itself will not necessitate the building or any use of a sewer or septic tank, therefore no mitigation measures are necessary. Nevertheless, with implementation of TOP Mitigation 5.17-1, the impacts on water supply and demand from buildout of the TOP would be less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore the proposed project will not 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. Nevertheless, with implementation of TOP Mitigation 5.17-1, the impacts on water supply and demand from buildout of the TOP would be less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the Project in itself will not 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. However, future roadway construction may impact and alter existing storm water drainage systems. Nevertheless, adequate Policies (ER1-5, ER1-6 and ER1-7) have already been adopted by the City that would reduce stormwater impacts to less-than-significant levels, with no additional mitigation required.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. No intensification of uses beyond what was previously analyzed that could result in increased demand for water resulting in a need to prepare a water supply assessment pursuant to Water Code section 10910. Therefore, the Project in itself will not necessitate the altering of existing conditions, therefore no mitigation measures are necessary.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. No intensification of uses would occur that could result in increased demand for sewer facilities other than those previously considered and addressed in the TOP EIR. Therefore, the Project in itself will not increase demands on wastewater. No impacts would result.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. No intensification of uses would occur that could result in increased demand for waste disposal other than those previously considered and addressed in the TOP EIR. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

- g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Discussion of Effects: Implementation of the Project is anticipated to comply with all federal, state, and local statutes and regulations related to solid waste. No impacts are anticipated and therefore no mitigation measures are necessary.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

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: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the Project in itself does not 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.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

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

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Therefore, the Project in itself does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. The proposed Project is being pursued pursuant to TOP. Therefore, the Project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

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

Discussion of Effects: The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. When the TOP EIR was prepared, the impacts associated with the project area were included in the baseline conditions. Here, the project is being proposed to be consistent with the established land use pursuant to the TOP. Therefore the project will not result in any new cumulatively considerable impacts beyond what was previously analyzed in the TOP EIR. Therefore, the project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No

changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

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

Discussion of Effects: The project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary, nor is there a need for any additional mitigation measures.

EARLIER ANALYZES

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

- 1) Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.
 - a) The Ontario Plan Final EIR
 - b) The Ontario Plan
 - c) The Ontario Land Use Plan
 - d) The Ontario Plan Mitigation Monitoring and Reporting Program
 - e) The Ontario Plan CEQA Findings and Statement of Overriding Consideration

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

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

Most of the checklist items were analyzed in The Ontario Plan (TOP) EIR. The Project only proposes Zone Changes along Fourth Street (as shown in Exhibit 1) in order to be consistent with TOP. The proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans. Here, the Project does not permit the introduction of any new uses that were not part of the project description in TOP EIR. Therefore the Project will not result in any new impacts beyond what was previously analyzed in TOP EIR.

OTHER REFERENCE DOCUMENTS

- Ontario International Airport Land Use Compatibility Plan
- Ontario International Airport Land Use Compatibility Plan Negative Declaration (SCH 2011011081)
- Group F ONT ALUCP Zone Change Consistency Analysis (includes PZC15-001 which consists of Groups F25 & F26)

RESOLUTION NO. PC15-050

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING APPROVAL OF AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140).

WHEREAS, Dayu Capital, Inc. ("Applicant") has filed an Application for the approval of a zone change, File No. PZC15-001, as described below; and

WHEREAS, the Applicant's application requested a Zone Change for 3 parcels from R1 (Single Family Residential) to HDR-45 (High Density Residential) in order to be consistent with their TOP designation of High Density Residential; and

WHEREAS, the City of Ontario has expanded the application to include 11 additional parcels to the west of the Applicant's parcels that are in need of a zone change from R2 (Medium Density Residential) to HDR-45 (High Density Residential) in order to be consistent with their TOP designation of High Density Residential; and

WHEREAS, the combination of the Applicant's application and the additional parcels added by the City of Ontario are hereinafter referred to as "Application" or "Project"; and

WHEREAS, the Application applies to 14 parcels totaling approximately 4.65 acres of land located on the north side of Fourth Street between Baker and Corona Avenues from 1673 to 1733 E. Fourth Street that are currently developed with a church and single family residences; and

WHEREAS, an Environmental Impact Report ("EIR") was certified on January 27, 2010, in which development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, to consider the potential environmental impacts of the Project, the City prepared an addendum to the certified EIR pursuant to CEQA and the Guidelines promulgated thereunder (hereinafter referred to as "Addendum"); and

WHEREAS, pursuant to CEQA Guidelines Section 15164(c), the Addendum is not required to be circulated for public review, but can be attached to the certified EIR; and

WHEREAS, the Planning Commission has reviewed the Addendum and all other relevant information presented to it regarding the Addendum; and

WHEREAS, the Planning Commission, after evaluating the environmental impacts associated with the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred; and

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

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

SECTION 1. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the Addendum and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the Planning Commission finds as follows:

- a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Addendum has been completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- c. The Addendum reflects the independent judgment of the Planning Commission.

SECTION 2. Based upon the Addendum and all related information presented to the Planning Commission, the Planning Commission finds that the preparation of a subsequent or supplemental EIR is not required for the Project, as the Project:

- a. Does not constitute substantial changes to the certified EIR that will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- b. Does not constitute substantial changes with respect to the circumstances under which the certified EIR was prepared, that will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.
- c. Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, that shows any of the following:
 1. The project will have one or more significant effects not discussed in the certified EIR; or

2. Significant effects previously examined will be substantially more severe than shown in the certified EIR; or

3. 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 City declined to adopt such measures; or

4. Mitigation measures or alternatives considerably different from those analyzed in the certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. The Planning Commission hereby recommends that the City Council approve the Addendum to the certified EIR.


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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 25th day of August, 2015, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Scott Murphy
Planning Director/Secretary of Planning
Commission

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

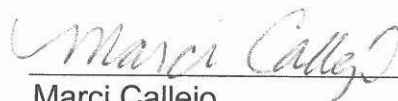
I, Marci Callejo, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC15-050 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 25, 2015 by the following roll call vote, to wit:

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

NOES: None

ABSENT: Downs

ABSTAIN: None

A handwritten signature in cursive script, reading "Marci Callejo", is written over a horizontal line.

Marci Callejo
Secretary Pro Tempore

RESOLUTION NO. PC15-051

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PZC15-001, A REQUEST TO CHANGE THE ZONING ON 3 PARCELS, TOTALING 1.4 ACRES, FROM R1 (SINGLE FAMILY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL) AND TO CHANGE 11 PARCELS, TOTALING 3.25 ACRES, FROM R2 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), LOCATED ON FOURTH STREET BETWEEN BAKER AND CORONA AVENUES FROM 1673 TO 1733 E. FOURTH STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0108-551-01, 06-09, 34-35, AND 44-50.

WHEREAS, Dayu Capital, Inc. ("Applicant") has filed an Application for the approval of a zone change, File No. PZC15-001, as described in the title of this Resolution; and

WHEREAS, the Applicant's application requested a Zone Change for 3 parcels from R1 (Single Family Residential) to HDR-45 (High Density Residential) in order to be consistent with their TOP designation of High Density Residential; and

WHEREAS, the City of Ontario has expanded the application to include 11 additional parcels to the west of the Applicant's parcels that are also in need of a zone change from R2 (Medium Density Residential) to HDR-45 (High Density Residential) in order to be consistent with their TOP designation of High Density Residential; and

WHEREAS, the combination of the Applicant's application and the additional parcels added by the City of Ontario as shown in Exhibit A are hereinafter referred to as "Application" or "Project"; and

WHEREAS, the Application applies to 14 parcels totaling approximately 4.65 acres of land located on the north side of Fourth Street between Baker and Corona Avenues from 1673 to 1733 E. Fourth Street that are currently developed with a church and single family residences; 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 designation of the properties as shown in Exhibit A; and

WHEREAS, the City of Ontario held a Community Open House on July 8, 2015, to gain input from impacted property owners and property owners within a 300 foot radius; and

WHEREAS, 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; and

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

WHEREAS, as the first action on the Project, on August 25, 2015, the Planning Commission approved a resolution recommending that the City Council adopt an Addendum to a previously approved Environmental Impact Report ("EIR"), prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on August 25, 2015, the Planning Commission of the City of Ontario conducted a hearing to consider the EIR Addendum, the initial study, and the Project, and concluded said hearing on that date; and

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

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

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

- a. The Addendum, initial study, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and
- b. The Addendum and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Planning Commission; and
- c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and
- d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Addendum.

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

a. The proposed zone change is consistent with the goals and policies of the general plan.

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

c. The project site is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designation and anticipated development.

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 Planning Commission recommends that the City Council approve the Project.

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

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

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

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 25th day of August, 2015, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Scott Murphy
Planning Director/Secretary of Planning
Commission

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

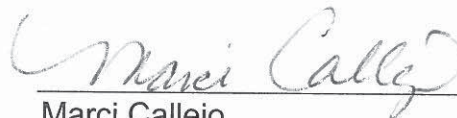
I, Marci Callejo, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC15-051 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 25, 2015 by the following roll call vote, to wit:

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

NOES: None

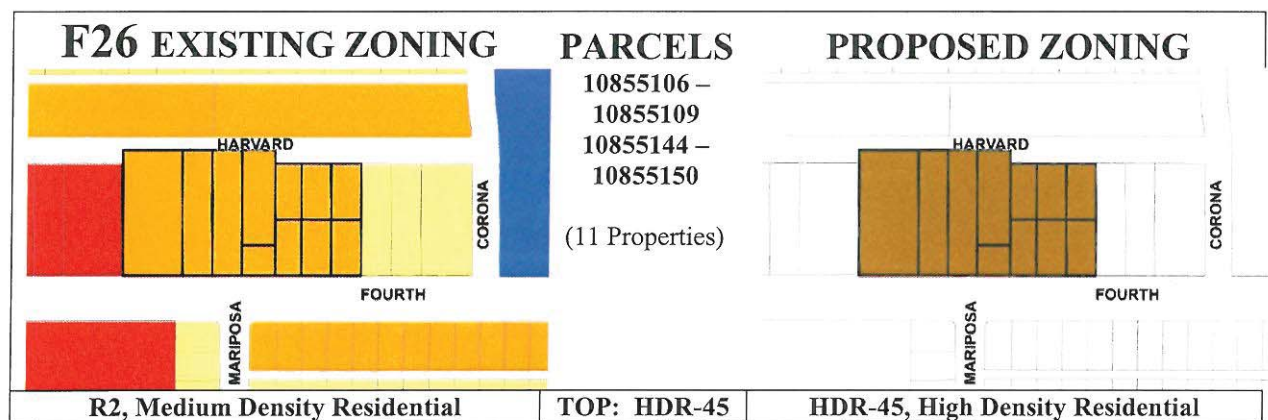
ABSENT: Downs

ABSTAIN: None

A handwritten signature in cursive script, reading "Marci Callejo", is written over a horizontal line.

Marci Callejo
Secretary Pro Tempore

Exhibit A
(Proposed Zone Changes)



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC15-001, A REQUEST TO CHANGE THE ZONING ON 3 PARCELS, TOTALING 1.4 ACRES, FROM R1 (SINGLE FAMILY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL) AND TO CHANGE THE ZONING ON 11 PARCELS, TOTALING 3.25 ACRES, FROM R2 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), LOCATED ON FOURTH STREET BETWEEN BAKER AND CORONA AVENUES FROM 1673 TO 1733 E. FOURTH STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 0108-551-01, 0108-551-06 THRU 09; 0108-551-34 THRU 35, AND 0108-551-44 THRU 50.

WHEREAS, Dayu Capital, Inc. ("Applicant") has filed an application for the approval of a zone change, File No. PZC15-001, as described in the title of this Ordinance; and

WHEREAS, the Applicant's application requested a Zone Change for 3 parcels from R1 (Single Family Residential) to HDR-45 (High Density Residential) in order to be consistent with their TOP designation of High Density Residential; and

WHEREAS, the City of Ontario has expanded the application to include 11 additional parcels to the west of the Applicant's parcels that are also in need of a zone change from R2 (Medium Density Residential) to HDR-45 (High Density Residential) in order to be consistent with their TOP designation of High Density Residential; and

WHEREAS, the combination of the Applicant's application and the additional parcels added by the City of Ontario as shown in Exhibit A are hereinafter referred to as "Application" or "Project"; and

WHEREAS, the Application applies to 14 parcels totaling approximately 4.65 acres of land located on the north side of Fourth Street between Baker and Corona Avenues from 1673 to 1733 E. Fourth Street that are currently developed with a church and single family residences; and

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

WHEREAS, the City of Ontario held a community open house on July 8, 2015, to gain input from impacted property owners and property owners within a 300 foot radius; and

WHEREAS, 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; and

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

WHEREAS, on August 25, 2015, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and approved Resolution No. PC15-051 recommending City Council approve the application; and

WHEREAS, as the first action on the Project, on October 6, 2015, the City Council approved a resolution adopting an Addendum to a previously approved Environmental Impact Report ("EIR"), prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on October 6, 2015, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

a. The Addendum, initial study, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The Addendum and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the City Council; and

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

d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Addendum.

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 site is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designation and anticipated development.

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 Project.

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

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 3030 was duly introduced at a regular meeting of the City Council of the City of Ontario held (insert full date written out), and adopted at the regular meeting held October 20, 2015 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. 3030 duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015 and that Summaries of the Ordinance were published on October 13, 2015 and October 27, 2015, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit A
(Proposed Zone Changes)

F25 EXISTING ZONING	PARCELS	PROPOSED ZONING
<p>R1, Single Family Residential</p>	<p>0108-551-01 0108-551-34 and 0108-551-35</p> <p>(3 Properties)</p>	<p>HDR-45, High Density Residential</p>

F26 EXISTING ZONING	PARCELS	PROPOSED ZONING
<p>R2, Medium Density Residential</p>	<p>0108-551-06 thru 0108-551-09 0108-551-44 thru 0108-551-50</p> <p>(11 Properties)</p>	<p>HDR-45, High Density Residential</p>

Legend:

	R1, Single Family Residential
	R2, Medium Density Residential
	C3, Commercial Service
	PF, Public Facilities
	HDR-45, High Density Residential

CITY OF ONTARIO

Agenda Report
October 20, 2015

**SECTION:
CONSENT CALENDAR**

SUBJECT: ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENT TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION: That the City Council:

- (A) Accept a written petition (on file with the Records Management Department) from Forestar Development Company located in Newport Beach, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopt a Resolution of Intent to establish City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities); authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting scheduled for Tuesday, December 1, 2015; and
- (C) Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 34 (Countryside Phase 1 North – Facilities).

COUNCIL GOALS: Regain Local Control of the Ontario International Airport

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the Countryside Phase 1 North - Facilities project is estimated to generate approximately \$7.5 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the

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

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

16

project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no general fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. With the adoption of Resolution 2014-117 on December 2, 2014, the City Council authorized the levy of special taxes to fund various city services for the district. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention to establish a community facilities district and levy special taxes, and to issue bonds.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony ("First Amended and Restated Construction Agreement") between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts. Forestar Development Company has provided a written petition to the City requesting formation of a community facilities district for the Countryside Phase 1 North - Facilities project in Ontario Ranch. The Countryside Phase 1 North - Facilities project addresses the development of approximately 50 gross acres located East of the Cucamonga Creek Channel, generally west of Archibald Avenue, south of Riverside Avenue and north of Chino Avenue. At build out, the development is projected to include 226 single-family units. Included, as part of the resolution of intention for the proposed district, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos Local Goals and Policies.

Under the proposed Rate and Method of Apportionment, **the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not increase over time.** The amount of bonds authorized (\$30 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$7.5 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The term and structure of the Rates and Methods of Apportionment of Special Tax for the Countryside Phase 1 North - Facilities projects are consistent with those of the previously adopted Rates and Methods of Apportionment for Ontario Ranch community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in Ontario Ranch be developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in Ontario Ranch community facilities districts will be required to disclose the maximum annual special tax amount to each homeowner before entering into a sales contract.

City staff has discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the Community Facilities District for the regularly scheduled City Council meeting on Tuesday, December 1, 2015 to consider the matter.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

WHEREAS, Section 53318 of the Mello-Roos Community Facilities Act of 1982 (the "Act") provides that proceedings for the establishment of a Community Facilities District shall be instituted by a legislative body of a local agency when a petition requesting the institution of the proceedings signed by the owners of not less than 10% of the area of land proposed to be included in the community facilities district and not proposed to be exempt from the special tax, describing the boundaries of the territory that is proposed for inclusion in the community facilities district and specifying the types of facilities and services to be financed by the community facilities district is filed with the clerk of the legislative body; and

WHEREAS, Section 53318 of the Act further provides that such a petition is not required to be acted upon until the payment of a fee in an amount that the legislative body determines, within 45 days of receiving such petition, is sufficient to compensate the legislative body for all costs incurred in conducting proceedings to create a community facilities district pursuant to the Act; and

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received a written petition (the "Petition") from Forestar Development Company (the "Landowner") requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of facilities and services to be financed by the Community Facilities District; and

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land proposed to be included within the Community Facilities District; and

WHEREAS, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district; and

WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53321 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

WHEREAS, the City and the Landowner entered into a Deposit and Reimbursement Agreement, dated as of October 1, 2015 (the "Deposit Agreement"), relating to the Community Facilities District, that provides for the advancement of funds by the Landowner to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to the Landowner of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, the City desires to include in this Resolution, in accordance with Section 53314.9 of the Act, the proposal to repay funds pursuant to the Deposit Agreement.

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

SECTION 1. The City Council hereby finds that the Petition is signed by the requisite number of owners of land proposed to be included in the Community Facilities District.

SECTION 2. The City Council proposes to establish a community facilities district under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community Facilities District are described in the map showing the proposed Community Facilities District (the "Boundary Map") on file with the City Clerk of the City (the "City Clerk"), which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the Boundary Map with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 3. The name proposed for the Community Facilities District is "City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities)".

SECTION 4. The public facilities (the “Facilities”) proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption “Facilities” on Exhibit A hereto, which is by this reference incorporated herein. Those Facilities proposed to be purchased as completed public facilities are described under the caption “Facilities to be Purchased” on Exhibit A hereto. The services (the “Services”) proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption “Services” on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption “Incidental Expenses” on Exhibit A hereto. All or any portion of the Facilities may be financed through a financing plan, including, but not limited to, a lease, lease-purchase or installment-purchase arrangement.

SECTION 5. Except where funds are otherwise available, a special tax sufficient to pay for all Facilities and Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the “Rate and Method”), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The conditions under which the obligation to pay the special tax to pay for Facilities may be prepaid and permanently satisfied are specified in the Rate and Method. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

SECTION 6. The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 7. The tax year after which no further special tax to pay for Facilities will be levied against any parcel used for private residential purposes is specified in the Rate and Method. Under no circumstances shall the special tax to pay for Facilities in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the Community Facilities District by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. For purposes of this paragraph, a parcel shall be considered “used for private residential purposes” not later than the date on which an occupancy permit for private residential use is issued.

SECTION 8. Pursuant to Section 53344.1 of the Act, the City Council hereby reserves to itself the right and authority to allow any interested owner of property within the Community Facilities District, subject to the provisions of said Section 53344.1 and to those conditions as it may impose, and any applicable prepayment penalties as prescribed in the bond indenture or comparable instrument or document, to tender to the Community Facilities District treasurer in full payment or part payment of any

installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

SECTION 9. The City Council hereby fixes Tuesday, December 1, 2015, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities District.

SECTION 10. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 11. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

SECTION 12. Each officer of the City who is or will be responsible for providing one or more of the proposed types of Facilities or Services is hereby directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the Facilities and Services by type which will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing the Facilities and Services. Such officers are hereby also directed to estimate the fair and reasonable cost of the Facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said public hearing.

SECTION 13. The Landowner has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

SECTION 14. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 15. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES AND INCIDENTAL EXPENSES

Facilities

The types of facilities to be financed by the Community Facilities District are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Facilities to be Purchased

The types of facilities to be purchased as completed facilities are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- (a) the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities;
- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH – FACILITIES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North – Facilities) ("CFD No. 34") and collected each Fiscal Year, commencing in Fiscal Year 2015-16, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 34, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, condominium plan, or other recorded County map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 34: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 34 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 34 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 34 of complying with City, CFD No. 34, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 34 related to the analysis and reduction, if any, of the Special Tax on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 34 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 34; and amounts estimated or advanced by the City or CFD No. 34 for any other

administrative purposes of the CFD, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"Assigned Special Tax" means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

"Backup Special Tax" means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.3 below.

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 34 under the Act and payable from Special Taxes.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 34 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

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

"CFD No. 34" means City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North – Facilities).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 34.

"County" means the County of San Bernardino.

"Designated Buildable Lot" means a Buildable Lot for which a building permit has not been issued by the City as of the date of calculation of the Backup Special Tax.

"Developed Property" means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2014, and before May 1 of the prior Fiscal Year.

“Expected Residential Lot Count” means 226 Buildable Lots of Single Family Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 34.

“Final Mapped Property” means, for each Fiscal Year, all Taxable Property, exclusive of Developed Property, Taxable Property Owner Association Property, and Taxable Public Property, which as of January 1 of the previous Fiscal Year was located within a Final Subdivision Map. The term Final Mapped Property shall include any parcel map or Final Subdivision Map, or portion thereof, that creates individual lots for which a building permit may be issued, including Parcels that are designated as a remainder Parcel (i.e., one where the size, location, etc., precludes any further subdivision or taxable use).

“Final Subdivision Map” means a final tract map, parcel map, or lot line adjustment approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or a condominium plan recorded pursuant to California Civil Code 1352 that, in either case, creates individual lots for which building permits may be issued without further subdivision.

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

“Indenture” means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which Bonds are issued, as modified, amended, and/or supplemented from time to time.

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

“Maximum Special Tax” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax determined in accordance with Section C.1 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Minimum Sale Price” means the minimum price at which Units of a given Land Use Class have sold or are expected to be sold in a normal marketing environment and shall not include prices for such Units that are sold at a discount to expected sales prices for the purpose of stimulating the initial sales activity with respect to such Land Use Class.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City permitting the construction of one or more non-residential structures or facilities.

“Other Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for purposes of constructing Units, excluding Single Family Attached Property and Single Family Detached Property.

“Outstanding Bonds” means all Bonds which are outstanding under and in accordance with the provisions of the Indenture.

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 34 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 34 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 34, (ii) the City, (iii) any owner of real property in CFD No. 34, or (iv) any real property in CFD No. 34, and (e) is not connected with CFD No. 34 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 34 or the City.

“Price Point Study” means a price point study or a letter updating a previous price point study prepared by the Price Point Consultant pursuant to Section C herein.

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 34 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means (a) for Developed Property in the first step of Section D below, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D below, Proportionately means that the amount of the increase above the Assigned Special Tax, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax limits the increase on any Assessor’s Parcel(s), then the amount of the increase shall be equal for the remaining Assessor’s Parcels; (b) for Final Mapped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Final Mapped Property; (c) for Undeveloped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property; (d) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property Owner Association Property; and (e) for Taxable Public Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 34 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Rate and Method of Apportionment” means this Rate and Method of Apportionment of Special Tax.

“Residential Floor Area” means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor’s Parcel, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 34. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor’s Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 34.

“Single Family Attached Property” means all Assessor’s Parcels of Developed Property for which a building permit or use permit was issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel Numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the Unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued for construction of a Unit, on one legal lot, that does not share a common wall with another Unit.

“Single Family Property” means all Assessor’s Parcels of Single Family Attached Property and Single Family Detached Property.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 34 to be levied within the boundaries of CFD No. 34.

“Special Tax Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 34 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax levy on Final Mapped Property or Undeveloped Property; (vi) provide an amount equal to Special Tax delinquencies based on the historical delinquency rate for the Special Tax as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 34, issued for construction of Single Family Property, Other Residential Property, or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 34 that are not exempt from the Special Tax pursuant to law or Section E below.

“Taxable Property Owner Association Property” means, for each Fiscal Year, all Assessor’s Parcels of Property Owner Association Property that are not exempt from the Special Tax pursuant to Section E below.

“Taxable Public Property” means, for each Fiscal Year, all Assessor’s Parcels of Public Property that are not exempt from the Special Tax pursuant to law or Section E below.

“Tentative Tract Map” means a map: (i) showing a proposed subdivision of an Assessor’s Parcel(s) and the conditions pertaining thereto; (ii) that may or may not be based on a detailed survey; and (iii) that is not recorded by the County to create legal lots.

“Total Tax Burden” means for any Unit, the annual Special Tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees, and charges which are levied and imposed on such Unit and the real property on which it is located and collected by the County on *ad valorem* tax bills and which are secured by such Unit and the real property on which it is located, assuming such Unit had been completed, sold, and subject to such levies and impositions, excluding service charges such as those related to sewer and trash.

“Trustee” means the trustee or fiscal agent under the Indenture.

“TTM 16045” means Tentative Tract Map No. 16045, the area of which is located within CFD No. 34.

“TTM 18855” means Tentative Tract Map No. 18855, the area of which is located within CFD No. 34.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Final Mapped Property, Taxable Public Property, or Taxable Property Owner Association Property.

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2015-16, all Taxable Property within CFD No. 34 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Single Family Property shall be assigned to Land Use Classes 1 through 13, as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor’s Parcels. Other Residential Property shall be assigned to Land Use Class 14, and Non-Residential Property shall be assigned to Land Use Class 15.

C. MAXIMUM SPECIAL TAX

1. Special Tax

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 34 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within CFD No. 34 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. The Special Tax reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 34 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A. The reductions in this section apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) Maximum Special Tax

The Maximum Special Tax that may be levied in any Fiscal Year for each Assessor's Parcel classified as Developed Property shall be the greater of (i) the amount derived by application of the Assigned Special Tax or (ii) the amount derived by application of the Backup Special Tax. The Maximum Special Tax shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) Assigned Special Tax

The Assigned Special Tax that may be levied in any Fiscal Year for each Land Use Class is shown below in Table 1.

TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Property	< 1,701	\$1,800 per Unit
2	Single Family Property	1,701 – 1,900	\$1,887 per Unit
3	Single Family Property	1,901 – 2,100	\$2,224 per Unit
4	Single Family Property	2,101 – 2,300	\$2,236 per Unit
5	Single Family Property	2,301 – 2,500	\$2,488 per Unit
6	Single Family Property	2,501 – 2,700	\$2,752 per Unit
7	Single Family Property	2,701 – 2,900	\$2,796 per Unit
8	Single Family Property	2,901 – 3,100	\$3,017 per Unit
9	Single Family Property	3,101 – 3,300	\$3,118 per Unit
10	Single Family Property	3,301 – 3,500	\$3,368 per Unit
11	Single Family Property	3,501 – 3,700	\$3,467 per Unit
12	Single Family Property	3,701 – 3,900	\$3,650 per Unit
13	Single Family Property	> 3,900	\$3,824 per Unit
14	Other Residential Property		\$22,929 per Acre
15	Non-Residential Property		\$22,929 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$2,901 per Unit for Single Family Property. However, if the Expected Residential Lot Count does not equal 226 for Single Family Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated according to the following formula:

$$\text{Backup Special Tax} = \$655,595 \div \text{the Expected Residential Lot Count for Single Family Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 34 to become Final Mapped Property, such as the area within TTM 16045, TTM 18855, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax for all Designated Buildable Lots of Single Family Property subject to the change shall be calculated according to the following steps:

Step 1: Determine the total Backup Special Taxes that could have been collected from Designated Buildable Lots of Single Family Property prior to the Final Subdivision Map or expected Final Mapped Property change.

Step 2: Divide the amount determined in Step 1 by the number of Designated Buildable Lots of Single Family Property that exists after the Final Subdivision Map or expected Final Mapped Property change.

Step 3: Apply the amount determined in Step 2 as the Backup Special Tax per Unit for Single Family Property.

The Backup Special Tax for an Assessor's Parcel shall not change once an Assessor's Parcel is classified as Developed Property.

b. Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property

The Maximum Special Tax for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$22,929 per Acre, and shall not be subject

to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Multiple Land Use Classes on an Assessor's Parcel

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Single Family Property and Acres of Other Residential Property and Non-Residential Property (based on the pro rata share of Square Footage between Other Residential Property and Non-Residential Property, according to the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2015-16, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year. The Special Tax shall then be levied as follows:

First: If needed to satisfy the Special Tax Requirement, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Assigned Special Tax;

Second: If additional monies are needed to satisfy the Special Tax Requirement after the first step has been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Final Mapped Property up to 100% of the Maximum Special Tax for Final Mapped Property;

Third: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Fourth: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the levy of the Special Tax on each Assessor's Parcel of Developed Property whose Maximum Special Tax is determined through the application of the Backup Special Tax shall be increased Proportionately from the Assigned Special Tax up to the Maximum Special Tax for each such Assessor's Parcel;

Fifth: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Property Owner Association Property up to the Maximum Special Tax for Taxable Property Owner Association Property;

Sixth: If additional monies are needed to satisfy the Special Tax Requirement after the first five steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property up to the Maximum Special Tax for Taxable Public Property.

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 34 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

E. EXEMPTIONS

No Special Tax shall be levied on up to 14.67 Acres of Public Property and up to 3.52 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax under this section shall be subject to the levy of the Special Tax and shall be taxed Proportionately as part of the fifth or sixth step, respectively, in Section D above, up to 100% of the applicable Maximum Special Tax for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax shall be levied in any Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax obligation pursuant to the formula set forth in Section H.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 34 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash

refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. MANNER OF COLLECTION

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

“CFD Public Facilities” means \$6,899,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 34.

“Expenditures Fund” means funds or accounts, regardless of their names, that are established to hold moneys that are available to acquire or construct Facilities and to fund Services.

“Future Facilities Costs” means the CFD Public Facilities minus (i) Facilities and Services costs previously paid from the Expenditures Fund during the Prepayment Period in which the prepayment is being made, (ii) moneys currently on deposit in the Expenditures Fund from deposits made during the Prepayment Period in which the prepayment is being made, and (iii) moneys currently on deposit in an escrow fund that are expected to be available to finance Facilities costs. In no event shall the amount of Future Facilities Costs be less than zero.

“Prepayment Period” means one of three periods of time during which a Special Tax prepayment may be made.

“Prepayment Period 1” means July 1, 2015, through June 30, 2049.

“Prepayment Period 2” means July 1, 2049, through June 30, 2082.

“Prepayment Period 3” means July 1, 2082, through June 30, 2116.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2014, and only if there are no delinquent Special Taxes with respect to such

Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

The Special Tax Prepayment Amount (defined below) shall be calculated as summarized below (capitalized terms as defined below):

Bond Redemption Amount	
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
Total	Prepayment Amount

As of the proposed date of prepayment, the Special Tax Prepayment Amount (defined below) shall be calculated by the CFD Administrator as follows:

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 34 based on the Developed Property Special Tax which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 34, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax computed pursuant to Paragraph 2 by the estimated total Backup Special Tax at buildout of CFD No. 34, excluding any Assessor's Parcels which have been prepaid.

4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the “Bond Redemption Amount”).
5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the “Redemption Premium”).
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the “Future Facilities Amount”).
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax levied on the Assessor’s Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the “Defeasance Amount”.
11. Verify the administrative fees and expenses of CFD No. 34, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the “Administrative Fees and Expenses”).
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “Reserve Fund Credit”). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the “Prepayment Amount”).
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 34.

The Special Tax Prepayment Amount may be sufficient to redeem other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000, or integral multiple thereof, will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of Bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year's Special Tax levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year's Special Tax levy for such Assessor's Parcel from the County tax rolls. With respect to any Assessor's Parcel that is prepaid during Prepayment Period 3, the CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been prepaid and that the obligation of such Assessor's Parcel to pay the Special Tax shall cease.

With respect to the Special Tax for any Assessor's Parcel that is prepaid during Prepayment Period 1 or Prepayment Period 2, the obligation of such Assessor's Parcel to pay the Special Tax shall be tolled, or suspended, through the end of such Prepayment Period, but shall resume in the first Fiscal Year of the subsequent Prepayment Period. The CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay the Special Tax will resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the prepayment was made. Once the obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Maximum Special Tax that may be levied on Taxable Property within CFD No. 34 (after excluding 14.67 Acres of Public Property and 3.52 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2014, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

$$PP = PF \times \%$$

The terms above have the following meaning:

PP = the partial prepayment

PF = the Prepayment Amount (full prepayment) for the Special Tax calculated according to Section H.1

% = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax

The Special Tax partial prepayment amount must be sufficient to redeem at least a \$5,000 increment of Bonds.

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 34 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

For partial prepayments made during Prepayment Period 1 or Prepayment Period 2, the full amount of the Special Tax shall resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the partial prepayment was made. Once the obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax shall be levied or collected is Fiscal Year 2115-2116, except that the Special Tax that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years.

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX (PAGE 1 OF 2)

CITY OF ONTARIO AND CFD No. 34 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North – Facilities) (“CFD No. 34”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 34 has been modified.
 - a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 34, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Property	< 1,701	\$[] per Unit
2	Single Family Property	1,701 – 1,900	\$[] per Unit
3	Single Family Property	1,901 – 2,100	\$[] per Unit
4	Single Family Property	2,101 – 2,300	\$[] per Unit
5	Single Family Property	2,301 – 2,500	\$[] per Unit
6	Single Family Property	2,501 – 2,700	\$[] per Unit
7	Single Family Property	2,701 – 2,900	\$[] per Unit
8	Single Family Property	2,901 – 3,100	\$[] per Unit
9	Single Family Property	3,101 – 3,300	\$[] per Unit
10	Single Family Property	3,301 – 3,500	\$[] per Unit
11	Single Family Property	3,501 – 3,700	\$[] per Unit
12	Single Family Property	3,701 – 3,900	\$[] per Unit
13	Single Family Property	> 3,900	\$[] per Unit
14	Other Residential Property		\$[] per Acre
15	Non-Residential Property		\$[] per Acre

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX (PAGE 2 OF 2)

- b. The Backup Special Tax for Developed Property, as stated in Section C.1.a.3, shall be modified as follows:

The Backup Special Tax shall be \$[_____] per Unit for Single Family Property. However, if the Expected Residential Lot Count does not equal 226 for Single Family Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated according to the following formula:

$$\text{Backup Special Tax} = \$[\text{_____}] \div \text{the Expected Residential Lot Count for Single Family Property}$$

2. The Special Tax for Developed Property may only be modified prior to the first issuance of CFD No. 34 Bonds.
3. Upon execution of this certificate by CFD No. 34, CFD No. 34 shall cause an amended notice of Special Tax lien for CFD No. 34 to be recorded reflecting the modifications set forth herein.

By execution hereof, the undersigned acknowledge, on behalf of the City and CFD No. 34, receipt of this certificate and modification of the Rate and Method of Apportionment as set forth in this certificate.

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH – FACILITIES)

By:_____

Date:_____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES).

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), has this date adopted its Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities), and to Authorize the Levy of Special Taxes," stating its intention to establish City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities) (the "Community Facilities District") for the purpose of financing certain public facilities (the "Facilities") and services, as further provided in said Resolution; and

WHEREAS, in order to finance the Facilities it is necessary to incur bonded indebtedness in the amount of up to \$30,000,000.

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

SECTION 1. The City Council hereby declares that in order to finance the Facilities, it is necessary to incur bonded indebtedness.

SECTION 2. The purpose for which the proposed debt is to be incurred is to provide the funds necessary to pay the costs of the Facilities, including all costs and estimated costs incidental to, or connected with, the accomplishment of said purpose and of the financing thereof, as permitted by Section 53345.3 of the Act.

SECTION 3. The maximum amount of the proposed debt is \$30,000,000.

SECTION 4. The City Council hereby fixes Tuesday, December 1, 2015, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the proposed debt authorization.

SECTION 5. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53346 of the Act.

SECTION 6. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 7. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

October 20, 2015

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION: That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 28 (New Haven Facilities – Area A), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 28 (New Haven Facilities – Area A);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

COUNCIL GOALS: Regain Local Control of the Ontario International Airport

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

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FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the New Haven Facilities – Area A project is estimated to generate approximately \$8 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no general fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. With the adoption of Resolution 2014-061 on June 17, 2014, the City Council authorized the levy of special taxes to fund various city services for the district. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City’s intention to establish a community facilities district and levy special taxes, and to issue bonds. On September 15, 2015, the City Council approved Resolution No. 2015-098, a Resolution of Intention to establish City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A) and authorize the levy of special taxes, and Resolution No. 2015-099, declaring its intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting of October 20, 2015 to consider formation matters.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony (“First Amended and Restated Construction Agreement”) between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts. Brookcal Ontario, LLC., a member of NMC Builders, LLC., has provided a written petition to the City requesting formation of a community facilities district for the New Haven Facilities - Area A project in Ontario Ranch. The New Haven Facilities - Area A project addresses the development of approximately 53 acres located generally east of Turner Avenue, west of Haven Avenue, south of Schaefer Avenue and north of Ontario Ranch Road (formerly Edison Avenue). At build out, the development is projected to include 240 detached units and 92 attached units.

Included, as part of the Resolution of Formation, is the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council’s adopted Mello-Roos Local Goals and Policies in all aspects, except that the percentage of assessed value of the total annual tax obligation plus the Homeowners Association (HOA) fee exceeds the adopted policy thresholds, in aggregate, by .19% for detached units, and by .45% for attached units. However, as was previously authorized for another developer in the Ontario Ranch, and as is consistent with the “enhanced level of amenities” provisions of the Memorandum of Agreement executed between the City and NMC Builders on July 21, 2015, it is recommended that the policy threshold limitations be waived in this instance in recognition of the enhanced level of amenities and services to be provided by the project’s HOA(s), which are of the type contemplated by the Memorandum of Agreement. The CFD is being formed pursuant to the provisions of the Brookcal Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

Under the proposed Rate and Method of Apportionment, **the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not**

increase over time. The amount of bonds authorized (\$33 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$8 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The term and structure of the Rate and Method of Apportionment of Special Tax for the New Haven Facilities – Area A project is consistent with those of the previously adopted Rates and Methods of Apportionment for Ontario Ranch community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in Ontario Ranch be developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in New Model Colony community facilities districts will be required to disclose the maximum annual special tax amount to each homeowner before entering into a sales contract.

Attached are four resolutions and an ordinance. The first resolution establishes the CFD, with the rate and method of apportionment of special taxes, and authorizes the levy of special taxes within the Community Facilities District. The second resolution deems the necessity of incurring bonded indebtedness. The third calls for a special landowner election to be held on October 20, 2015. The fourth resolution declares the results of the election, including a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on September 15, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

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

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

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of public facilities or services was directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the public facilities and services by type that will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing such public facilities and services; such officers were also directed to estimate the fair and reasonable cost of the public facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid; and

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

WHEREAS, at the hearing, the testimony of all persons for or against the establishment of the Community Facilities District, the extent of the Community

Facilities District and the furnishing of the specified types of public facilities and services was heard; and

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

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district; and

WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53521 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

WHEREAS, the City and BrookCal Ontario, L.L.C. (the "Landowner") entered into a Deposit and Reimbursement Agreement, dated as of September 1, 2015 (the "Deposit Agreement"), that provides for the advancement of funds by the Landowner to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to the Landowner of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, in accordance with Section 53314.9 of the Act, the City desires to accept such advances and to reimburse the Landowner therefor, without interest, from the proceeds of special tax bonds issued by the Community Facilities District;

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

SECTION 1. The foregoing recitals are true and correct.

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

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)."

SECTION 4. The public facilities (the "Facilities") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Facilities" on Exhibit A hereto, which is by this reference incorporated herein. Those Facilities proposed to be purchased as completed public facilities are described under the caption "Facilities to be Purchased" on Exhibit A hereto. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit A hereto. All or any portion of the Facilities may be financed through a financing plan, including, but not limited to, a lease, lease-purchase or installment-purchase arrangement.

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

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Facilities and Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The conditions under which the obligation to pay the special tax to pay for Facilities may be prepaid and permanently satisfied are specified in the Rate and Method. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

SECTION 7. The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 8. The tax year after which no further special tax to pay for Facilities will be levied against any parcel used for private residential purposes is specified in the Rate and Method. Under no circumstances shall the special tax to pay for Facilities in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the Community Facilities District by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. For purposes of this paragraph, a parcel shall be considered "used for private residential purposes" not later than the date on which an occupancy permit for private residential use is issued.

SECTION 9. Pursuant to Section 53344.1 of the Act, the City Council hereby reserves to itself the right and authority to allow any interested owner of property within the Community Facilities District, subject to the provisions of said Section 53344.1 and to those conditions as it may impose, and any applicable prepayment penalties as prescribed in the bond indenture or comparable instrument or document, to tender to the Community Facilities District treasurer in full payment or part payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

SECTION 10. The name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, Management Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

SECTION 11. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 12. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 86 at Page 97 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2015-0414026).

SECTION 13. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$33,000,000.

SECTION 14. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that no persons were registered

to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 15. The Landowner has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council has previously approved the acceptance of such funds for the purpose of paying costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

SECTION 16. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 17. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 18. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES, SERVICES AND INCIDENTAL EXPENSES

Facilities

The types of facilities to be financed by the Community Facilities District are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Facilities to be Purchased

The types of facilities to be purchased as completed facilities are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- (a) the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities;
- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A) ("CFD No. 28") and collected each Fiscal Year, commencing in Fiscal Year 2015-16, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 28, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, condominium plan, or other recorded County map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 28: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 28 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 28 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 28 of complying with City, CFD No. 28, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 28 related to the analysis and reduction, if any, of the Special Tax on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 28 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 28; and amounts estimated or advanced by the City or CFD No. 28 for any other

administrative purposes of the CFD, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"Assigned Special Tax" means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

"Backup Special Tax" means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.3 below.

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 28 under the Act and payable from Special Taxes.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 28 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

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

"CFD No. 28" means City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 28.

"County" means the County of San Bernardino.

"Designated Buildable Lot" means a Buildable Lot for which a building permit has not been issued by the City as of the date of calculation of the Backup Special Tax.

"Developed Property" means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2014, and before May 1 of the prior Fiscal Year.

“Expected Residential Lot Count” means 332 Buildable Lots of Single Family Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 28.

“Final Mapped Property” means, for each Fiscal Year, all Taxable Property, exclusive of Developed Property, Taxable Property Owner Association Property, and Taxable Public Property, which as of January 1 of the previous Fiscal Year was located within a Final Subdivision Map. The term Final Mapped Property shall include any parcel map or Final Subdivision Map, or portion thereof, that creates individual lots for which a building permit may be issued, including Parcels that are designated as a remainder Parcel (i.e., one where the size, location, etc., precludes any further subdivision or taxable use).

“Final Subdivision Map” means a final tract map, parcel map, or lot line adjustment approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or a condominium plan recorded pursuant to California Civil Code 1352 that, in either case, creates individual lots for which building permits may be issued without further subdivision.

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

“Indenture” means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which Bonds are issued, as modified, amended, and/or supplemented from time to time.

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

“Maximum Special Tax” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax determined in accordance with Section C.1 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Minimum Sale Price” means the minimum price at which Units of a given Land Use Class have sold or are expected to be sold in a normal marketing environment and shall not include prices for such Units that are sold at a discount to expected sales prices for the purpose of stimulating the initial sales activity with respect to such Land Use Class.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City permitting the construction of one or more non-residential structures or facilities.

“Other Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for purposes of constructing Units, excluding Single Family Attached Property and Single Family Detached Property.

“Outstanding Bonds” means all Bonds which are outstanding under and in accordance with the provisions of the Indenture.

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 28 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 28 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 28, (ii) the City, (iii) any owner of real property in CFD No. 28, or (iv) any real property in CFD No. 28, and (e) is not connected with CFD No. 28 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 28 or the City.

“Price Point Study” means a price point study or a letter updating a previous price point study prepared by the Price Point Consultant pursuant to Section C herein.

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 28 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means (a) for Developed Property in the first step of Section D below, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D below, Proportionately means that the amount of the increase above the Assigned Special Tax, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax limits the increase on any Assessor’s Parcel(s), then the amount of the increase shall be equal for the remaining Assessor’s Parcels; (b) for Final Mapped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Final Mapped Property; (c) for Undeveloped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property; (d) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property Owner Association Property; and (e) for Taxable Public Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 28 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Rate and Method of Apportionment” means this Rate and Method of Apportionment of Special Tax.

“Residential Floor Area” means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor’s Parcel, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 28. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor’s Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 28.

“Single Family Attached Property” means all Assessor’s Parcels of Developed Property for which a building permit or use permit was issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel Numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the Unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued for construction of a Unit, on one legal lot, that does not share a common wall with another Unit.

“Single Family Property” means all Assessor’s Parcels of Single Family Attached Property and Single Family Detached Property.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 28 to be levied within the boundaries of CFD No. 28.

“Special Tax Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 28 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax levy on Final Mapped Property or Undeveloped Property; (vi) provide an amount equal to Special Tax delinquencies based on the historical delinquency rate for the Special Tax as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 28, issued for construction of Single Family Property, Other Residential Property, or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 28 that are not exempt from the Special Tax pursuant to law or Section E below.

“Taxable Property Owner Association Property” means, for each Fiscal Year, all Assessor’s Parcels of Property Owner Association Property that are not exempt from the Special Tax pursuant to Section E below.

“Taxable Public Property” means, for each Fiscal Year, all Assessor’s Parcels of Public Property that are not exempt from the Special Tax pursuant to law or Section E below.

“Tentative Tract Map” means a map: (i) showing a proposed subdivision of an Assessor’s Parcel(s) and the conditions pertaining thereto; (ii) that may or may not be based on a detailed survey; and (iii) that is not recorded by the County to create legal lots.

“Total Tax Burden” means for any Unit, the annual Special Tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees, and charges which are levied and imposed on such Unit and the real property on which it is located and collected by the County on *ad valorem* tax bills and which are secured by such Unit and the real property on which it is located, assuming such Unit had been completed, sold, and subject to such levies and impositions, excluding service charges such as those related to sewer and trash.

“Trustee” means the trustee or fiscal agent under the Indenture.

“TTM 18991” means Tentative Tract Map No. 18991, the area of which is located within CFD No. 28.

“TTM 18992” means Tentative Tract Map No. 18992, the area of which is located within CFD No. 28.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Final Mapped Property, Taxable Public Property, or Taxable Property Owner Association Property.

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2015-16, all Taxable Property within CFD No. 28 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Single Family Detached Property shall be assigned to Land Use Classes 1 through 17, and Assessor’s Parcels of Single Family Attached Property shall be assigned to Land Use Classes 18 through 27, as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor’s Parcels. Other Residential Property shall be assigned to Land Use Class 28, and Non-Residential Property shall be assigned to Land Use Class 29.

C. MAXIMUM SPECIAL TAX

1. Special Tax

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 28 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within CFD No. 28 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. The Special Tax reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 28 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A. The reductions in this section apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) Maximum Special Tax

The Maximum Special Tax that may be levied in any Fiscal Year for each Assessor's Parcel classified as Developed Property shall be the greater of (i) the amount derived by application of the Assigned Special Tax or (ii) the amount derived by application of the Backup Special Tax. The Maximum Special Tax shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) Assigned Special Tax

The Assigned Special Tax that may be levied in any Fiscal Year for each Land Use Class is shown below in Table 1.

**TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Detached Property	< 1,701	\$1,823 per Unit
2	Single Family Detached Property	1,701 – 1,900	\$2,061 per Unit
3	Single Family Detached Property	1,901 – 2,100	\$2,133 per Unit
4	Single Family Detached Property	2,101 – 2,300	\$2,324 per Unit
5	Single Family Detached Property	2,301 – 2,500	\$2,483 per Unit
6	Single Family Detached Property	2,501 – 2,700	\$2,632 per Unit
7	Single Family Detached Property	2,701 – 2,900	\$2,935 per Unit
8	Single Family Detached Property	2,901 – 3,100	\$3,114 per Unit
9	Single Family Detached Property	3,101 – 3,300	\$3,214 per Unit
10	Single Family Detached Property	3,301 – 3,500	\$3,429 per Unit
11	Single Family Detached Property	3,501 – 3,700	\$3,591 per Unit
12	Single Family Detached Property	3,701 – 3,900	\$3,770 per Unit
13	Single Family Detached Property	3,901 – 4,100	\$3,956 per Unit
14	Single Family Detached Property	4,101 – 4,300	\$4,141 per Unit
15	Single Family Detached Property	4,301 – 4,500	\$4,326 per Unit
16	Single Family Detached Property	4,501 – 4,700	\$4,512 per Unit
17	Single Family Detached Property	> 4,700	\$4,697 per Unit
18	Single Family Attached Property	< 801	\$943 per Unit
19	Single Family Attached Property	801 – 950	\$984 per Unit

20	Single Family Attached Property	951 – 1,100	\$1,100 per Unit
21	Single Family Attached Property	1,101 – 1,300	\$1,185 per Unit
22	Single Family Attached Property	1,301 – 1,500	\$1,377 per Unit
23	Single Family Attached Property	1,501 – 1,700	\$1,628 per Unit
24	Single Family Attached Property	1,701 – 1,900	\$1,678 per Unit
25	Single Family Attached Property	1,901 – 2,100	\$1,900 per Unit
26	Single Family Attached Property	2,101 – 2,300	\$1,993 per Unit
27	Single Family Attached Property	> 2,300	\$2,154 per Unit
28	Other Residential Property		\$32,777 per Acre
29	Non-Residential Property		\$32,777 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$2,585 per Unit for Single Family Detached Property and \$1,509 per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 240 for Single Family Detached Property or 92 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

$$\text{Backup Special Tax} = \$620,475 \div \text{number of Designated Buildable Lots of Single Family Detached Property}$$

$$\text{or } \$138,832 \div \text{number of Designated Buildable Lots of Single Family Attached Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 28 to become Final Mapped Property, such as the area within TTM 18991, TTM 18992, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax for all Designated Buildable Lots of Single Family Detached Property or Single Family Attached Property subject to the change shall be calculated according to the following steps:

Step 1: Determine the total Backup Special Taxes that could have been collected from Designated Buildable Lots, separately for Single Family Detached Property and Single Family Attached

Property, prior to the Final Subdivision Map or expected Final Mapped Property change.

Step 2: Divide the amount(s) determined in Step 1 by the number of Designated Buildable Lots, separately for Single Family Detached Property and Single Family Attached Property, that exists after the Final Subdivision Map or expected Final Mapped Property change.

Step 3: Apply the amount(s) determined in Step 2 as the Backup Special Tax per Unit for Single Family Detached Property or Single Family Attached Property.

The Backup Special Tax for an Assessor's Parcel shall not change once an Assessor's Parcel is classified as Developed Property.

b. Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property

The Maximum Special Tax for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$32,777 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Multiple Land Use Classes on an Assessor's Parcel

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Single Family Property and Acres of Other Residential Property and Non-Residential Property (based on the pro rata share of Square Footage between Other Residential Property and Non-Residential Property, according to the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2015-16, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year. The Special Tax shall then be levied as follows:

First: If needed to satisfy the Special Tax Requirement, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Assigned Special Tax;

Second: If additional monies are needed to satisfy the Special Tax Requirement after the first step has been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Final Mapped Property up to 100% of the Maximum Special Tax for Final Mapped Property;

Third: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Fourth: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the levy of the Special Tax on each Assessor's Parcel of Developed Property whose Maximum Special Tax is determined through the application of the Backup Special Tax shall be increased Proportionately from the Assigned Special Tax up to the Maximum Special Tax for each such Assessor's Parcel;

Fifth: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Property Owner Association Property up to the Maximum Special Tax for Taxable Property Owner Association Property;

Sixth: If additional monies are needed to satisfy the Special Tax Requirement after the first five steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property up to the Maximum Special Tax for Taxable Public Property.

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 28 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

E. EXEMPTIONS

No Special Tax shall be levied on up to 18.62 Acres of Public Property and up to 8.88 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax under this section shall be subject to the levy of the Special Tax and shall be taxed Proportionately as part of the fifth or sixth step, respectively, in Section D above, up to 100% of the applicable Maximum Special Tax for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax shall be levied in any

Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax obligation pursuant to the formula set forth in Section H.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 28 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. MANNER OF COLLECTION

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

"CFD Public Facilities" means \$8,627,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 28.

"Expenditures Fund" means funds or accounts, regardless of their names, that are established to hold moneys that are available to acquire or construct Facilities and to fund Services.

“Future Facilities Costs” means the CFD Public Facilities minus (i) Facilities and Services costs previously paid from the Expenditures Fund during the Prepayment Period in which the prepayment is being made, (ii) moneys currently on deposit in the Expenditures Fund from deposits made during the Prepayment Period in which the prepayment is being made, and (iii) moneys currently on deposit in an escrow fund that are expected to be available to finance Facilities costs. In no event shall the amount of Future Facilities Costs be less than zero.

“Prepayment Period” means one of three periods of time during which a Special Tax prepayment may be made.

“Prepayment Period 1” means July 1, 2015, through June 30, 2049.

“Prepayment Period 2” means July 1, 2049, through June 30, 2082.

“Prepayment Period 3” means July 1, 2082, through June 30, 2116.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2014, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

The Special Tax Prepayment Amount (defined below) shall be calculated as summarized below (capitalized terms as defined below):

Bond Redemption Amount	
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
Total	Prepayment Amount

As of the proposed date of prepayment, the Special Tax Prepayment Amount (defined below) shall be calculated by the CFD Administrator as follows:

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 28 based on the Developed Property Special Tax which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 28, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax computed pursuant to Paragraph 2 by the estimated total Backup Special Tax at buildout of CFD No. 28, excluding any Assessor's Parcels which have been prepaid.
4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".

11. Verify the administrative fees and expenses of CFD No. 28, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the “Administrative Fees and Expenses”).
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “Reserve Fund Credit”). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the “Prepayment Amount”).
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 28.

The Special Tax Prepayment Amount may be sufficient to redeem other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000, or integral multiple thereof, will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of Bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year’s Special Tax levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year’s Special Tax levy for such Assessor’s Parcel from the County tax rolls. With respect to any Assessor’s Parcel that is prepaid during Prepayment Period 3, the CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been prepaid and that the obligation of such Assessor’s Parcel to pay the Special Tax shall cease.

With respect to the Special Tax for any Assessor’s Parcel that is prepaid during Prepayment Period 1 or Prepayment Period 2, the obligation of such Assessor’s Parcel to pay the Special Tax shall be tolled, or suspended, through the end of such Prepayment Period, but shall resume in the first Fiscal Year of the subsequent Prepayment Period. The CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay the Special Tax will resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the prepayment was made. Once the

obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Maximum Special Tax that may be levied on Taxable Property within CFD No. 28 (after excluding 18.62 Acres of Public Property and 8.88 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2014, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

$$PP = PF \times \%.$$

The terms above have the following meaning:

PP = the partial prepayment

PF = the Prepayment Amount (full prepayment) for the Special Tax calculated according to Section H.1

% = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax

The Special Tax partial prepayment amount must be sufficient to redeem at least a \$5,000 increment of Bonds.

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 28 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

For partial prepayments made during Prepayment Period 1 or Prepayment Period 2, the full amount of the Special Tax shall resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the partial prepayment was made. Once the obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax shall be levied or collected is Fiscal Year 2115-2116, except that the Special Tax that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years.

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX (PAGE 1 OF 3)

CITY OF ONTARIO AND CFD No. 28 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A) (“CFD No. 28”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 28 has been modified.
 - a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 28, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Detached Property	< 1,701	\$[] per Unit
2	Single Family Detached Property	1,701 – 1,900	\$[] per Unit
3	Single Family Detached Property	1,901 – 2,100	\$[] per Unit
4	Single Family Detached Property	2,101 – 2,300	\$[] per Unit
5	Single Family Detached Property	2,301 – 2,500	\$[] per Unit
6	Single Family Detached Property	2,501 – 2,700	\$[] per Unit
7	Single Family Detached Property	2,701 – 2,900	\$[] per Unit
8	Single Family Detached Property	2,901 – 3,100	\$[] per Unit
9	Single Family Detached Property	3,101 – 3,300	\$[] per Unit
10	Single Family Detached Property	3,301 – 3,500	\$[] per Unit
11	Single Family Detached Property	3,501 – 3,700	\$[] per Unit
12	Single Family Detached Property	3,701 – 3,900	\$[] per Unit
13	Single Family Detached Property	3,901 – 4,100	\$[] per Unit
14	Single Family Detached Property	4,101 – 4,300	\$[] per Unit
15	Single Family Detached Property	4,301 – 4,500	\$[] per Unit
16	Single Family Detached Property	4,501 – 4,700	\$[] per Unit
17	Single Family Detached Property	> 4,700	\$[] per Unit

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX (PAGE 2 OF 3)

18	Single Family Attached Property	< 801	\$[] per Unit
19	Single Family Attached Property	801 – 950	\$[] per Unit
20	Single Family Attached Property	951 – 1,100	\$[] per Unit
21	Single Family Attached Property	1,101 – 1,300	\$[] per Unit
22	Single Family Attached Property	1,301 – 1,500	\$[] per Unit
23	Single Family Attached Property	1,501 – 1,700	\$[] per Unit
24	Single Family Attached Property	1,701 – 1,900	\$[] per Unit
25	Single Family Attached Property	1,901 – 2,100	\$[] per Unit
26	Single Family Attached Property	2,101 – 2,300	\$[] per Unit
27	Single Family Attached Property	> 2,300	\$[] per Unit
28	Other Residential Property		\$[] per Acre
29	Non-Residential Property		\$[] per Acre

- b. The Backup Special Tax for Developed Property, as stated in Section C.1.a.3, shall be modified as follows:

The Backup Special Tax shall be \$[_____] per Unit for Single Family Detached Property and \$[_____] per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 240 for Single Family Detached Property or 92 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

Backup Special Tax = \$[_____] ÷ number of Designated Buildable Lots of Single Family Detached Property

or \$[_____] ÷ number of Designated Buildable Lots of Single Family Attached Property

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX
(PAGE 3 OF 3)**

2. The Special Tax for Developed Property may only be modified prior to the first issuance of CFD No. 28 Bonds.
3. Upon execution of this certificate by CFD No. 28, CFD No. 28 shall cause an amended notice of Special Tax lien for CFD No. 28 to be recorded reflecting the modifications set forth herein.

By execution hereof, the undersigned acknowledge, on behalf of the City and CFD No. 28, receipt of this certificate and modification of the Rate and Method of Apportionment as set forth in this certificate.

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN
FACILITIES – AREA A)

By:_____

Date:_____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

WHEREAS, on September 15, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District") and to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services; and

WHEREAS, on September 15, 2015, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, to Incur Bonded Indebtedness of the Proposed City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)" (the "Resolution to Incur Bonded Indebtedness") declaring the necessity for incurring bonded indebtedness and setting the date for a public hearing to be held on the proposed debt issue; and

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

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

WHEREAS, at said public hearing, any person interested, including persons owning property within the area and desiring to appear and present any matters material to the questions set forth in the Resolution to Incur Bonded Indebtedness appeared and presented such matters; and

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

WHEREAS, on this date, the City Council adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"); and

WHEREAS, the City Clerk of the City (the "City Clerk") is the election official that will conduct the special election on the proposition to incur bonded indebtedness for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on October 20, 2015, and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on October 20, 2015;

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City Council deems it necessary to incur the bonded indebtedness.

SECTION 3. The bonded indebtedness will be incurred for the purpose of financing the costs of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose.

SECTION 4. In accordance with the previous determination of the City Council, the whole of the Community Facilities District will pay for the bonded indebtedness.

SECTION 5. The maximum aggregate amount of debt to be incurred is \$33,000,000.

SECTION 6. The maximum term the bonds to be issued shall run before maturity is 40 years.

SECTION 7. The maximum annual rate of interest to be paid shall not exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds, payable semiannually or at such times as the City Council or its designee shall determine, the actual rate or rates and times of payment of such interest to be determined by the City Council or its designee at the time or times of sale of the bonds.

SECTION 8. The proposition to incur the bonded indebtedness will be submitted to the voters.

SECTION 9. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings held by the City Council on the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 10. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), and (b) to the holding of said election on October 20, 2015. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on October 20, 2015.

SECTION 11. The date of the special community facilities district election (which shall be consolidated with the special district election to levy a special tax within the Community Facilities District) at which time the proposition shall be submitted to the voters is October 20, 2015.

SECTION 12. The election is to be conducted by mail ballot. The mailed ballots are required to be received in the office of the City Clerk no later than 7:30 p.m. on October 20, 2015; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 13. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 14. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, on this date, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)" (the "Resolution Deeming it Necessary to Incur"), deeming it necessary to incur bonded indebtedness in the maximum amount of \$33,000,000; and

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

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the

holding of said special election on October 20, 2015 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on October 20, 2015.

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

SECTION 1. Pursuant to Sections 53351, 53326 and 53325.7 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

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

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

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), (b) to the holding of said election on October 20, 2015, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on October 20, 2015.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on October 20, 2015. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, the Resolution of Deeming it Necessary to Incur, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on October 20, 2015; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

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

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

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

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

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on October 20, 2015, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

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

SECTION 11. The specific purposes of the bonded indebtedness proposed to be incurred is the financing of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose, and the proceeds of such bonded indebtedness shall be applied only to such specific purposes.

Upon approval of the proposition to incur bonded indebtedness, and the sale of any bonds evidencing such indebtedness, the City Council shall take such action as may be necessary to cause to be established an account for deposit of the proceeds of sale of the bonds. For so long as any proceeds of the bonds remain unexpended, the Management Analyst, Management Services of the City shall cause to be filed with the City Council, no later than January 1 of each year, a report stating (a) the amount of bond proceeds received and expended during the preceding year, and (b) the status of any project funded or to be funded from bond proceeds. Said report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Management Analyst, Management Services of the City shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the City Council.

SECTION 12. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 13. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO

October 20, 2015

SPECIAL ELECTION

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

INSTRUCTIONS TO VOTERS:

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

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 28
(NEW HAVEN FACILITIES - AREA A)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$33,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$33,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)," each adopted by the City Council of the City of Ontario on October 20, 2015?

Yes: ☐

No: ☐

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 28
(NEW HAVEN FACILITIES - AREA A)

CONCURRENCE OF ELECTION OFFICIAL

I, Mary E. Wirtes, City Clerk of the City of Ontario (the "City"), hereby certify as follows:

(a) that I am the election official responsible for conducting special elections in the City; and

(b) that, pursuant to Section 53326(a) of the Mello-Roos Community Facilities Act of 1982 (the "Act"), I do hereby concur to (i) the holding of a special election on October 20, 2015, for the purpose of submitting to the qualified electors of City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District") the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, as provided in the resolution proposed to be adopted by the City Council of the City on October 20, 2015, entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)," and (ii) with respect to such special election, the waiving by the qualified electors of the Community Facilities District of any time limit specified by Section 53326 of the Act, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act).

Dated: October 20, 2015

Mary E. Wirtes, City Clerk

RESOLUTION NO. _____

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

WHEREAS, on October 20, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on October 20, 2015; and

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

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

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

SECTION 2. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328, Section 53355 and Section 53325.7 of the Act.

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

SECTION 4. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 28
(NEW HAVEN FACILITIES - AREA A)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on October 20, 2015, I canvassed the returns of the special election held on October 20, 2015, for the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner <u>Votes</u>	<u>Votes Cast</u>	<u>YES</u>	<u>NO</u>
City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) Special Election, October 20, 2015	54	54	54	0

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$33,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$33,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)," each adopted by the City Council of the City of Ontario on October 20, 2015?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 20th day of October, 2015.

By: _____
Mary E. Wirtes, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING
SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY
FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

WHEREAS, on September 15, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on October 20, 2015, the City Council held said hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on October 20, 2015, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The

special taxes are hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

SECTION 7. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Inland Valley Daily Bulletin*, a newspaper of general circulation, printed and published in the City of Ontario, State of California, together with the names of the City Council members voting for and against the same. 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.

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

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

October 20, 2015

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES – AREA B); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION: That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 29 (New Haven Facilities – Area B), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 29 (New Haven Facilities – Area B);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B); and
- (F) Adopt a resolution authorizing the execution and delivery of an acquisition and funding agreement with Brookcal Ontario, LLC, a Delaware Limited Liability Company.

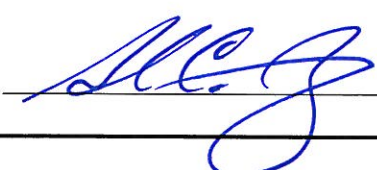
**COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Focus Resources in Ontario's Commercial and Residential Neighborhoods**

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

Prepared by: Bob Chandler

Department: Management Services

City Manager

Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

18

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

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the New Haven Facilities – Area B project is estimated to generate approximately \$7 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no general fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. With the adoption of Resolution 2014-061 on June 17, 2014, the City Council authorized the levy of special taxes to fund various city services for the district. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City’s intention to establish a community facilities district and levy special taxes, and to issue bonds. On September 15, 2015, the City Council approved Resolution No. 2015-100, a Resolution of Intention to establish City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B) and authorize the levy of special taxes, and Resolution No. 2015-101, declaring its intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting of October 20, 2015 to consider formation matters.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony (“First Amended and Restated Construction Agreement”) between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts to assist in the financing of the public improvements included in the agreement.. Brookcal Ontario, LLC., a member of NMC Builders, LLC., has provided a written petition to the City requesting formation of a community facilities district for the New Haven Facilities - Area B project in Ontario Ranch. The New Haven Facilities - Area B project addresses the development of approximately 37 acres located generally east of Turner Avenue, west of Haven Avenue, south of Schaefer Avenue and north of Ontario Ranch Road (formerly Edison Avenue). At build out, the development is projected to include 246 detached units and 42 attached units.

Included, as part of the Resolution of Formation, is the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council’s adopted Mello-Roos Local Goals and Policies in all aspects, except that the percentage of assessed value of the total annual tax obligation plus the Homeowners Association (HOA) fee exceeds the adopted policy thresholds, in aggregate, by .19% for detached units, and by .45% for attached units. However, as was previously authorized for another developer in the Ontario Ranch, and as is consistent with the “enhanced level of amenities” provisions of the Memorandum of Agreement executed between the City and NMC Builders on July 21, 2015, it is recommended that the policy threshold limitations be waived in this instance in recognition of the enhanced level of amenities and services to be provided by the project’s HOA(s), which are of the type contemplated by the Memorandum of Agreement. The CFD is

being formed pursuant to the provisions of the Brookcal Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

Under the proposed Rate and Method of Apportionment, **the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not increase over time.** The amount of bonds authorized (\$30 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$7 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The term and structure of the Rate and Method of Apportionment of Special Tax for the New Haven Facilities – Area B project is consistent with those of the previously adopted Rates and Methods of Apportionment for Ontario Ranch community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in Ontario Ranch be developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in New Model Colony community facilities districts will be required to disclose the maximum annual special tax amount to each homeowner before entering into a sales contract.

Attached are five resolutions and an ordinance. The first resolution establishes the CFD, with the rate and method of apportionment of special taxes, and authorizes the levy of special taxes within the Community Facilities District. The second resolution deems the necessity of incurring bonded indebtedness. The third calls for a special landowner election to be held on October 20, 2015. The fourth resolution declares the results of the election, including a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes, and the final resolution authorizes the execution and delivery of an acquisition and funding agreement with Brookcal Ontario, LLC.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on September 15, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

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

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

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of public facilities or services was directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the public facilities and services by type that will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing such public facilities and services; such officers were also directed to estimate the fair and reasonable cost of the public facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid; and

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

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

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

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district; and

WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53521 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

WHEREAS, the City and BrookCal Ontario, L.L.C. (the "Landowner") entered into a Deposit and Reimbursement Agreement, dated as of September 1, 2015 (the "Deposit Agreement"), that provides for the advancement of funds by the Landowner to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to the Landowner of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, in accordance with Section 53314.9 of the Act, the City desires to accept such advances and to reimburse the Landowner therefor, without interest, from the proceeds of special tax bonds issued by the Community Facilities District.

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

SECTION 1. The foregoing recitals are true and correct.

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

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)."

SECTION 4. The public facilities (the "Facilities") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Facilities" on Exhibit A hereto, which is by this reference incorporated herein. Those Facilities proposed to be purchased as completed public facilities are described under the caption "Facilities to be Purchased" on Exhibit A hereto. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit A hereto. All or any portion of the Facilities may be financed through a financing plan, including, but not limited to, a lease, lease-purchase or installment-purchase arrangement.

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

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Facilities and Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The conditions under which the obligation to pay the special tax to pay for Facilities may be prepaid and permanently satisfied are specified in the Rate and Method. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

SECTION 7. The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 8. The tax year after which no further special tax to pay for Facilities will be levied against any parcel used for private residential purposes is specified in the Rate and Method. Under no circumstances shall the special tax to pay

for Facilities in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the Community Facilities District by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. For purposes of this paragraph, a parcel shall be considered "used for private residential purposes" not later than the date on which an occupancy permit for private residential use is issued.

SECTION 9. Pursuant to Section 53344.1 of the Act, the City Council hereby reserves to itself the right and authority to allow any interested owner of property within the Community Facilities District, subject to the provisions of said Section 53344.1 and to those conditions as it may impose, and any applicable prepayment penalties as prescribed in the bond indenture or comparable instrument or document, to tender to the Community Facilities District treasurer in full payment or part payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

SECTION 10. The name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, Management Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

SECTION 11. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 12. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 86 at Page 98 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2015-0414072).

SECTION 13. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$30,000,000.

SECTION 14. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding

the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 15. The Landowner has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council has previously approved the acceptance of such funds for the purpose of paying costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

SECTION 16. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 17. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 18. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES, SERVICES AND INCIDENTAL EXPENSES

Facilities

The types of facilities to be financed by the Community Facilities District are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Facilities to be Purchased

The types of facilities to be purchased as completed facilities are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- (a) the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities;
- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES – AREA B)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B) ("CFD No. 29") and collected each Fiscal Year, commencing in Fiscal Year 2015-16, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 29, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, condominium plan, or other recorded County map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 29: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 29 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 29 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 29 of complying with City, CFD No. 29, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 29 related to the analysis and reduction, if any, of the Special Tax on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 29 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 29; and amounts estimated or advanced by the City or CFD No. 29 for any other

administrative purposes of the CFD, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"Assigned Special Tax" means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

"Backup Special Tax" means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.3 below.

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 29 under the Act and payable from Special Taxes.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 29 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

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

"CFD No. 29" means City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 29.

"County" means the County of San Bernardino.

"Designated Buildable Lot" means a Buildable Lot for which a building permit has not been issued by the City as of the date of calculation of the Backup Special Tax.

"Developed Property" means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2014, and before May 1 of the prior Fiscal Year.

“Expected Residential Lot Count” means 288 Buildable Lots of Single Family Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 29.

“Final Mapped Property” means, for each Fiscal Year, all Taxable Property, exclusive of Developed Property, Taxable Property Owner Association Property, and Taxable Public Property, which as of January 1 of the previous Fiscal Year was located within a Final Subdivision Map. The term Final Mapped Property shall include any parcel map or Final Subdivision Map, or portion thereof, that creates individual lots for which a building permit may be issued, including Parcels that are designated as a remainder Parcel (i.e., one where the size, location, etc., precludes any further subdivision or taxable use).

“Final Subdivision Map” means a final tract map, parcel map, or lot line adjustment approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or a condominium plan recorded pursuant to California Civil Code 1352 that, in either case, creates individual lots for which building permits may be issued without further subdivision.

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

“Indenture” means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which Bonds are issued, as modified, amended, and/or supplemented from time to time.

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

“Maximum Special Tax” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax determined in accordance with Section C.1 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Minimum Sale Price” means the minimum price at which Units of a given Land Use Class have sold or are expected to be sold in a normal marketing environment and shall not include prices for such Units that are sold at a discount to expected sales prices for the purpose of stimulating the initial sales activity with respect to such Land Use Class.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City permitting the construction of one or more non-residential structures or facilities.

“Other Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for purposes of constructing Units, excluding Single Family Attached Property and Single Family Detached Property.

“Outstanding Bonds” means all Bonds which are outstanding under and in accordance with the provisions of the Indenture.

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 29 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 29 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 29, (ii) the City, (iii) any owner of real property in CFD No. 29, or (iv) any real property in CFD No. 29, and (e) is not connected with CFD No. 29 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 29 or the City.

“Price Point Study” means a price point study or a letter updating a previous price point study prepared by the Price Point Consultant pursuant to Section C herein.

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 29 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means (a) for Developed Property in the first step of Section D below, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D below, Proportionately means that the amount of the increase above the Assigned Special Tax, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax limits the increase on any Assessor’s Parcel(s), then the amount of the increase shall be equal for the remaining Assessor’s Parcels; (b) for Final Mapped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Final Mapped Property; (c) for Undeveloped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property; (d) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property Owner Association Property; and (e) for Taxable Public Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 29 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Rate and Method of Apportionment” means this Rate and Method of Apportionment of Special Tax.

“Residential Floor Area” means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor’s Parcel, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 29. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor’s Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 29.

“Single Family Attached Property” means all Assessor’s Parcels of Developed Property for which a building permit or use permit was issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel Numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the Unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued for construction of a Unit, on one legal lot, that does not share a common wall with another Unit.

“Single Family Property” means all Assessor’s Parcels of Single Family Attached Property and Single Family Detached Property.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 29 to be levied within the boundaries of CFD No. 29.

“Special Tax Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 29 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax levy on Final Mapped Property or Undeveloped Property; (vi) provide an amount equal to Special Tax delinquencies based on the historical delinquency rate for the Special Tax as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 29, issued for construction of Single Family Property, Other Residential Property, or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 29 that are not exempt from the Special Tax pursuant to law or Section E below.

“Taxable Property Owner Association Property” means, for each Fiscal Year, all Assessor’s Parcels of Property Owner Association Property that are not exempt from the Special Tax pursuant to Section E below.

“Taxable Public Property” means, for each Fiscal Year, all Assessor’s Parcels of Public Property that are not exempt from the Special Tax pursuant to law or Section E below.

“Tentative Tract Map” means a map: (i) showing a proposed subdivision of an Assessor’s Parcel(s) and the conditions pertaining thereto; (ii) that may or may not be based on a detailed survey; and (iii) that is not recorded by the County to create legal lots.

“Total Tax Burden” means for any Unit, the annual Special Tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees, and charges which are levied and imposed on such Unit and the real property on which it is located and collected by the County on *ad valorem* tax bills and which are secured by such Unit and the real property on which it is located, assuming such Unit had been completed, sold, and subject to such levies and impositions, excluding service charges such as those related to sewer and trash.

“Trustee” means the trustee or fiscal agent under the Indenture.

“TTM 18993” means Tentative Tract Map No. 18993, the area of which is located within CFD No. 29.

“TTM 18994” means Tentative Tract Map No. 18994, the area of which is located within CFD No. 29.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Final Mapped Property, Taxable Public Property, or Taxable Property Owner Association Property.

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2015-16, all Taxable Property within CFD No. 29 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Single Family Detached Property shall be assigned to Land Use Classes 1 through 17, and Assessor’s Parcels of Single Family Attached Property shall be assigned to Land Use Classes 18 through 27, as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor’s Parcels. Other Residential Property shall be assigned to Land Use Class 28, and Non-Residential Property shall be assigned to Land Use Class 29.

C. MAXIMUM SPECIAL TAX

1. Special Tax

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 29 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within CFD No. 29 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. The Special Tax reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 29 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A. The reductions in this section apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) Maximum Special Tax

The Maximum Special Tax that may be levied in any Fiscal Year for each Assessor's Parcel classified as Developed Property shall be the greater of (i) the amount derived by application of the Assigned Special Tax or (ii) the amount derived by application of the Backup Special Tax. The Maximum Special Tax shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) Assigned Special Tax

The Assigned Special Tax that may be levied in any Fiscal Year for each Land Use Class is shown below in Table 1.

**TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Detached Property	< 1,701	\$1,823 per Unit
2	Single Family Detached Property	1,701 – 1,900	\$2,061 per Unit
3	Single Family Detached Property	1,901 – 2,100	\$2,133 per Unit
4	Single Family Detached Property	2,101 – 2,300	\$2,324 per Unit
5	Single Family Detached Property	2,301 – 2,500	\$2,483 per Unit
6	Single Family Detached Property	2,501 – 2,700	\$2,632 per Unit
7	Single Family Detached Property	2,701 – 2,900	\$2,935 per Unit
8	Single Family Detached Property	2,901 – 3,100	\$3,114 per Unit
9	Single Family Detached Property	3,101 – 3,300	\$3,214 per Unit
10	Single Family Detached Property	3,301 – 3,500	\$3,429 per Unit
11	Single Family Detached Property	3,501 – 3,700	\$3,591 per Unit
12	Single Family Detached Property	3,701 – 3,900	\$3,770 per Unit
13	Single Family Detached Property	3,901 – 4,100	\$3,956 per Unit
14	Single Family Detached Property	4,101 – 4,300	\$4,141 per Unit
15	Single Family Detached Property	4,301 – 4,500	\$4,326 per Unit
16	Single Family Detached Property	4,501 – 4,700	\$4,512 per Unit
17	Single Family Detached Property	> 4,700	\$4,697 per Unit
18	Single Family Attached Property	< 801	\$943 per Unit
19	Single Family Attached Property	801 – 950	\$984 per Unit

20	Single Family Attached Property	951 – 1,100	\$1,100 per Unit
21	Single Family Attached Property	1,101 – 1,300	\$1,185 per Unit
22	Single Family Attached Property	1,301 – 1,500	\$1,377 per Unit
23	Single Family Attached Property	1,501 – 1,700	\$1,628 per Unit
24	Single Family Attached Property	1,701 – 1,900	\$1,678 per Unit
25	Single Family Attached Property	1,901 – 2,100	\$1,900 per Unit
26	Single Family Attached Property	2,101 – 2,300	\$1,993 per Unit
27	Single Family Attached Property	> 2,300	\$2,154 per Unit
28	Other Residential Property		\$33,619 per Acre
29	Non-Residential Property		\$33,619 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$2,649 per Unit for Single Family Detached Property and \$1,408 per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 246 for Single Family Detached Property or 42 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

Backup Special Tax = $\$651,615 \div \text{number of Designated Buildable Lots of Single Family Detached Property}$

or $\$59,119 \div \text{number of Designated Buildable Lots of Single Family Attached Property}$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 29 to become Final Mapped Property, such as the area within TTM 18993, TTM 18994, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax for all Designated Buildable Lots of Single Family Detached Property or Single Family Attached Property subject to the change shall be calculated according to the following steps:

Step 1: Determine the total Backup Special Taxes that could have been collected from Designated Buildable Lots, separately for Single Family Detached Property and Single Family Attached

Property, prior to the Final Subdivision Map or expected Final Mapped Property change.

Step 2: Divide the amount(s) determined in Step 1 by the number of Designated Buildable Lots, separately for Single Family Detached Property and Single Family Attached Property, that exists after the Final Subdivision Map or expected Final Mapped Property change.

Step 3: Apply the amount(s) determined in Step 2 as the Backup Special Tax per Unit for Single Family Detached Property or Single Family Attached Property.

The Backup Special Tax for an Assessor's Parcel shall not change once an Assessor's Parcel is classified as Developed Property.

b. Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property

The Maximum Special Tax for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$33,619 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Multiple Land Use Classes on an Assessor's Parcel

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Single Family Property and Acres of Other Residential Property and Non-Residential Property (based on the pro rata share of Square Footage between Other Residential Property and Non-Residential Property, according to the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2015-16, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year. The Special Tax shall then be levied as follows:

First: If needed to satisfy the Special Tax Requirement, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Assigned Special Tax;

Second: If additional monies are needed to satisfy the Special Tax Requirement after the first step has been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Final Mapped Property up to 100% of the Maximum Special Tax for Final Mapped Property;

Third: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Fourth: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the levy of the Special Tax on each Assessor's Parcel of Developed Property whose Maximum Special Tax is determined through the application of the Backup Special Tax shall be increased Proportionately from the Assigned Special Tax up to the Maximum Special Tax for each such Assessor's Parcel;

Fifth: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Property Owner Association Property up to the Maximum Special Tax for Taxable Property Owner Association Property;

Sixth: If additional monies are needed to satisfy the Special Tax Requirement after the first five steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property up to the Maximum Special Tax for Taxable Public Property.

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 29 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

E. EXEMPTIONS

No Special Tax shall be levied on up to 11.16 Acres of Public Property and up to 2.55 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax under this section shall be subject to the levy of the Special Tax and shall be taxed Proportionately as part of the fifth or sixth step, respectively, in Section D above, up to 100% of the applicable Maximum Special Tax for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax shall be levied in any

Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax obligation pursuant to the formula set forth in Section H.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 29 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. MANNER OF COLLECTION

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

"CFD Public Facilities" means \$8,036,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 29.

"Expenditures Fund" means funds or accounts, regardless of their names, that are established to hold moneys that are available to acquire or construct Facilities and to fund Services.

“Future Facilities Costs” means the CFD Public Facilities minus (i) Facilities and Services costs previously paid from the Expenditures Fund during the Prepayment Period in which the prepayment is being made, (ii) moneys currently on deposit in the Expenditures Fund from deposits made during the Prepayment Period in which the prepayment is being made, and (iii) moneys currently on deposit in an escrow fund that are expected to be available to finance Facilities costs. In no event shall the amount of Future Facilities Costs be less than zero.

“Prepayment Period” means one of three periods of time during which a Special Tax prepayment may be made.

“Prepayment Period 1” means July 1, 2015, through June 30, 2049.

“Prepayment Period 2” means July 1, 2049, through June 30, 2082.

“Prepayment Period 3” means July 1, 2082, through June 30, 2116.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2014, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

The Special Tax Prepayment Amount (defined below) shall be calculated as summarized below (capitalized terms as defined below):

Bond Redemption Amount	
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
Total	Prepayment Amount

As of the proposed date of prepayment, the Special Tax Prepayment Amount (defined below) shall be calculated by the CFD Administrator as follows:

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 29 based on the Developed Property Special Tax which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 29, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax computed pursuant to Paragraph 2 by the estimated total Backup Special Tax at buildout of CFD No. 29, excluding any Assessor's Parcels which have been prepaid.
4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".

11. Verify the administrative fees and expenses of CFD No. 29, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the “Administrative Fees and Expenses”).
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “Reserve Fund Credit”). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the “Prepayment Amount”).
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 29.

The Special Tax Prepayment Amount may be sufficient to redeem other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000, or integral multiple thereof, will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of Bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year’s Special Tax levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year’s Special Tax levy for such Assessor’s Parcel from the County tax rolls. With respect to any Assessor’s Parcel that is prepaid during Prepayment Period 3, the CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been prepaid and that the obligation of such Assessor’s Parcel to pay the Special Tax shall cease.

With respect to the Special Tax for any Assessor’s Parcel that is prepaid during Prepayment Period 1 or Prepayment Period 2, the obligation of such Assessor’s Parcel to pay the Special Tax shall be tolled, or suspended, through the end of such Prepayment Period, but shall resume in the first Fiscal Year of the subsequent Prepayment Period. The CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay the Special Tax will resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the prepayment was made. Once the

obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Maximum Special Tax that may be levied on Taxable Property within CFD No. 29 (after excluding 11.16 Acres of Public Property and 2.55 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2014, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

$$PP = PF \times \%.$$

The terms above have the following meaning:

PP = the partial prepayment

PF = the Prepayment Amount (full prepayment) for the Special Tax calculated according to Section H.1

% = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax

The Special Tax partial prepayment amount must be sufficient to redeem at least a \$5,000 increment of Bonds.

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 29 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

For partial prepayments made during Prepayment Period 1 or Prepayment Period 2, the full amount of the Special Tax shall resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the partial prepayment was made. Once the obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax shall be levied or collected is Fiscal Year 2115-2116, except that the Special Tax that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years.

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX (PAGE 1 OF 3)

CITY OF ONTARIO AND CFD No. 29 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B) (“CFD No. 29”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 29 has been modified.
 - a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 29, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Detached Property	< 1,701	\$[] per Unit
2	Single Family Detached Property	1,701 – 1,900	\$[] per Unit
3	Single Family Detached Property	1,901 – 2,100	\$[] per Unit
4	Single Family Detached Property	2,101 – 2,300	\$[] per Unit
5	Single Family Detached Property	2,301 – 2,500	\$[] per Unit
6	Single Family Detached Property	2,501 – 2,700	\$[] per Unit
7	Single Family Detached Property	2,701 – 2,900	\$[] per Unit
8	Single Family Detached Property	2,901 – 3,100	\$[] per Unit
9	Single Family Detached Property	3,101 – 3,300	\$[] per Unit
10	Single Family Detached Property	3,301 – 3,500	\$[] per Unit
11	Single Family Detached Property	3,501 – 3,700	\$[] per Unit
12	Single Family Detached Property	3,701 – 3,900	\$[] per Unit
13	Single Family Detached Property	3,901 – 4,100	\$[] per Unit
14	Single Family Detached Property	4,101 – 4,300	\$[] per Unit
15	Single Family Detached Property	4,301 – 4,500	\$[] per Unit
16	Single Family Detached Property	4,501 – 4,700	\$[] per Unit
17	Single Family Detached Property	> 4,700	\$[] per Unit

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX (PAGE 2 OF 3)

18	Single Family Attached Property	< 801	\$[] per Unit
19	Single Family Attached Property	801 – 950	\$[] per Unit
20	Single Family Attached Property	951 – 1,100	\$[] per Unit
21	Single Family Attached Property	1,101 – 1,300	\$[] per Unit
22	Single Family Attached Property	1,301 – 1,500	\$[] per Unit
23	Single Family Attached Property	1,501 – 1,700	\$[] per Unit
24	Single Family Attached Property	1,701 – 1,900	\$[] per Unit
25	Single Family Attached Property	1,901 – 2,100	\$[] per Unit
26	Single Family Attached Property	2,101 – 2,300	\$[] per Unit
27	Single Family Attached Property	> 2,300	\$[] per Unit
28	Other Residential Property		\$[] per Acre
29	Non-Residential Property		\$[] per Acre

- b. The Backup Special Tax for Developed Property, as stated in Section C.1.a.3, shall be modified as follows:

The Backup Special Tax shall be \$[_____] per Unit for Single Family Detached Property and \$[_____] per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 246 for Single Family Detached Property or 42 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

Backup Special Tax = \$[_____] ÷ number of Designated Buildable Lots of Single Family Detached Property

or \$[_____] ÷ number of Designated Buildable Lots of Single Family Attached Property

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX
(PAGE 3 OF 3)**

2. The Special Tax for Developed Property may only be modified prior to the first issuance of CFD No. 29 Bonds.
3. Upon execution of this certificate by CFD No. 29, CFD No. 29 shall cause an amended notice of Special Tax lien for CFD No. 29 to be recorded reflecting the modifications set forth herein.

By execution hereof, the undersigned acknowledge, on behalf of the City and CFD No. 29, receipt of this certificate and modification of the Rate and Method of Apportionment as set forth in this certificate.

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN
FACILITIES – AREA B)

By:_____

Date:_____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B).

WHEREAS, on September 15, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) (the "Community Facilities District") and to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services; and

WHEREAS, on September 15, 2015, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, to Incur Bonded Indebtedness of the Proposed City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)" (the "Resolution to Incur Bonded Indebtedness") declaring the necessity for incurring bonded indebtedness and setting the date for a public hearing to be held on the proposed debt issue; and

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

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

WHEREAS, at said public hearing, any person interested, including persons owning property within the area and desiring to appear and present any matters material to the questions set forth in the Resolution to Incur Bonded Indebtedness appeared and presented such matters; and

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

WHEREAS, on this date, the City Council adopted a resolution entitled “A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District” (the “Resolution of Formation”); and

WHEREAS, the City Clerk of the City (the “City Clerk”) is the election official that will conduct the special election on the proposition to incur bonded indebtedness for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on October 20, 2015, and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on October 20, 2015.

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City Council deems it necessary to incur the bonded indebtedness.

SECTION 3. The bonded indebtedness will be incurred for the purpose of financing the costs of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose.

SECTION 4. In accordance with the previous determination of the City Council, the whole of the Community Facilities District will pay for the bonded indebtedness.

SECTION 5. The maximum aggregate amount of debt to be incurred is \$30,000,000.

SECTION 6. The maximum term the bonds to be issued shall run before maturity is 40 years.

SECTION 7. The maximum annual rate of interest to be paid shall not exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds, payable semiannually or at such times as the City Council or its designee shall determine, the actual rate or rates and times of payment of such interest to be determined by the City Council or its designee at the time or times of sale of the bonds.

SECTION 8. The proposition to incur the bonded indebtedness will be submitted to the voters.

SECTION 9. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings held by the City Council on the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 10. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), and (b) to the holding of said election on October 20, 2015. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on October 20, 2015.

SECTION 11. The date of the special community facilities district election (which shall be consolidated with the special district election to levy a special tax within the Community Facilities District) at which time the proposition shall be submitted to the voters is October 20, 2015.

SECTION 12. The election is to be conducted by mail ballot. The mailed ballots are required to be received in the office of the City Clerk no later than 7:30 p.m. on October 20, 2015; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 13. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 14. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, on this date, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)" (the "Resolution Deeming it Necessary to Incur"), deeming it necessary to incur bonded indebtedness in the maximum amount of \$30,000,000; and

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

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election

pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on October 20, 2015 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on October 20, 2015;

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

SECTION 1. Pursuant to Sections 53351, 53326 and 53325.7 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

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

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

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2015, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), (b) to the holding of said election on October 20, 2015, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on October 20, 2015.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on October 20, 2015. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, the Resolution of Deeming it Necessary to Incur, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on October 20, 2015; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

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

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

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

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

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on October 20, 2015, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

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

SECTION 11. The specific purposes of the bonded indebtedness proposed to be incurred is the financing of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose, and the proceeds of such bonded indebtedness shall be applied only to such specific purposes.

Upon approval of the proposition to incur bonded indebtedness, and the sale of any bonds evidencing such indebtedness, the City Council shall take such action as may be necessary to cause to be established an account for deposit of the proceeds of sale of the bonds. For so long as any proceeds of the bonds remain unexpended, the Management Analyst, Management Services of the City shall cause to be filed with the City Council, no later than January 1 of each year, a report stating (a) the amount of bond proceeds received and expended during the preceding year, and (b) the status of any project funded or to be funded from bond proceeds. Said report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Management Analyst, Management Services of the City shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the City Council.

SECTION 12. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 13. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO

October 20, 2015

SPECIAL ELECTION

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

INSTRUCTIONS TO VOTERS:

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

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 29
(NEW HAVEN FACILITIES - AREA B)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$30,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$30,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)," each adopted by the City Council of the City of Ontario on October 20, 2015?

Yes: ☐

No: ☐

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 29
(NEW HAVEN FACILITIES - AREA B)**

CONCURRENCE OF ELECTION OFFICIAL

I, Mary E. Wirtes, City Clerk of the City of Ontario (the "City"), hereby certify as follows:

(a) that I am the election official responsible for conducting special elections in the City; and

(b) that, pursuant to Section 53326(a) of the Mello-Roos Community Facilities Act of 1982 (the "Act"), I do hereby concur to (i) the holding of a special election on October 20, 2015, for the purpose of submitting to the qualified electors of City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) (the "Community Facilities District") the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, as provided in the resolution proposed to be adopted by the City Council of the City on October 20, 2015, entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)," and (ii) with respect to such special election, the waiving by the qualified electors of the Community Facilities District of any time limit specified by Section 53326 of the Act, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act).

Dated: October 20, 2015

Mary E. Wirtes, City Clerk

RESOLUTION NO. _____

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

WHEREAS, on October 20, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on October 20, 2015; and

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

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

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

SECTION 2. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328, Section 53355 and Section 53325.7 of the Act.

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

SECTION 4. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 29
(NEW HAVEN FACILITIES - AREA B)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on October 20, 2015, I canvassed the returns of the special election held on October 20, 2015, for the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner <u>Votes</u>	Votes <u>Cast</u>	<u>YES</u>	<u>NO</u>
City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) Special Election, October 20, 2015	38	38	38	0

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$30,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$30,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)," each adopted by the City Council of the City of Ontario on October 20, 2015?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 20th day of October, 2015.

BY: _____
MARY E. WIRTES, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING
SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY
FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B).

WHEREAS, on September 15, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on October 20, 2015, the City Council held said hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on October 20, 2015, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special

taxes are hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

SECTION 7. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Inland Valley Daily Bulletin*, a newspaper of general circulation, printed and published in the City of Ontario, State of California, together with the names of the City Council members voting for and against the same. 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.

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH BROOKCAL ONTARIO, L.L.C.

WHEREAS, certain real property within the boundaries of the City located generally south of State Route 60 is commonly known as the New Model Colony; and

WHEREAS, the City has approved a General Plan Amendment for the New Model Colony, which has been supplemented by certain water, recycled water and sewer master plans (as so supplemented, the “General Plan Amendment”) and has certified an Environmental Impact Report and adopted a Mitigated Negative Declaration in connection with the General Plan Amendment (together, the “Environmental Impact Report”); and

WHEREAS, the City has specified in the General Plan Amendment and the Environmental Impact Report the major backbone transportation, water, sewer, storm drainage, parks, public safety infrastructure and fiber optic systems required to serve the New Model Colony; and

WHEREAS, the New Model Colony is now commonly referred to as the Ontario Ranch; and

WHEREAS, BrookCal Ontario, L.L.C., a limited liability company organized and existing under the laws of the State of Delaware (“BrookCal”) is developing certain of the property within the Ontario Ranch (the “Property”); and

WHEREAS, certain of such major backbone infrastructure is required to serve the Property; and

WHEREAS, the City and BrookCal desire to provide a mechanism to fund, in a timely manner, the costs of certain of such major backbone infrastructure required to serve the Ontario Ranch (the “Facilities”) so that such development may occur; and

WHEREAS, in order to provide such a mechanism, the City has, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”), established City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A) and City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B) (each, a “Community Facilities District”), the boundaries of each of which include a portion of the Property; and

WHEREAS, each Community Facilities District is authorized to levy special taxes within such Community Facilities District (the “Special Taxes”) and issue special tax bonds (the “Bonds”) secured by such Special Taxes in order to finance certain of the Facilities; and

WHEREAS, it is anticipated that Special Taxes will be levied by each Community Facilities District and that, from time to time, Bonds will be issued by each Community Facilities District; and

WHEREAS, BrookCal proposes to construct, or cause to be constructed, certain of the Facilities proposed to be financed by each Community Facilities District pursuant to the Act, and the City proposes to purchase such Facilities from BrookCal pursuant to an Acquisition and Funding Agreement by and between the City and BrookCal (such Acquisition and Funding Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Acquisition Agreement"); and

WHEREAS, the City Council is the legislative body of each of the Community Facilities District;

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

SECTION 1. The Acquisition Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City and the Administrative Services/Finance Director of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the City, to execute and deliver the Acquisition Agreement in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Acquisition Agreement by such Authorized Officer.

SECTION 2. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 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. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

October 20, 2015

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER PROPOSED STREET NAME CHANGES WITHIN THE SOUTHERN PORTION OF THE CITY FROM MILLIKEN AVENUE TO HAMNER AVENUE, BETWEEN RIVERSIDE DRIVE AND BELLEGRAVE AVENUE, AND FROM EDISON AVENUE TO ONTARIO RANCH ROAD, BETWEEN CARPENTER AVENUE AND TURNER AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving the proposed street name changes.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Minor fiscal impact to the City associated with the replacement of street signs, changing the addresses on existing building permits, and updating geographic information systems data.


BACKGROUND: South of Riverside Drive, the centerline of Milliken/Hamner Avenue forms the boundary between San Bernardino and Riverside Counties (and the cities of Ontario and Eastvale). Historically, the San Bernardino County side of the street has been referred to as Milliken Avenue and the Riverside County side has been referred to as Hamner Avenue. As the area begins to develop, a change is proposed to minimize confusion over the street names. It is therefore recommended that the portion of Milliken Avenue from Riverside Drive to Bellegrave Avenue be changed to Hamner Avenue.

Over the past year, a new divided arterial street has been constructed from Turner Avenue to Milliken/Hamner Avenue. Through recordation of the tract map, this street has been named Ontario Ranch Road. The street name was provided as part of the naming/branding of the former ag preserve area as "Ontario Ranch." As the street continues to be widened to the west (to Carpenter Avenue), the street name is proposed to be carried forward. Thus, Ontario Ranch Road would continue from Turner

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Lorena Mejia

Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2015

Approved: _____

Continued to: _____

Denied: _____

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Avenue to Carpenter Avenue (see Exhibit “C”). The existing two-lane Edison Avenue east of Haven Avenue will remain in place.

All property owners (businesses and residents) along Milliken Avenue and Edison Avenue effected by the proposed street name changes were notified. To help eliminate any inconveniences to the business and residents by the proposed street names changes, staff is proposing the street name changes take effect on January 1, 2016, to allow businesses and residents over two months to update address postal information, advertising material such as business cards, letterhead, websites and/or any other related media.

Exhibit “A” – Milliken/Hamner Avenue – Regional Context

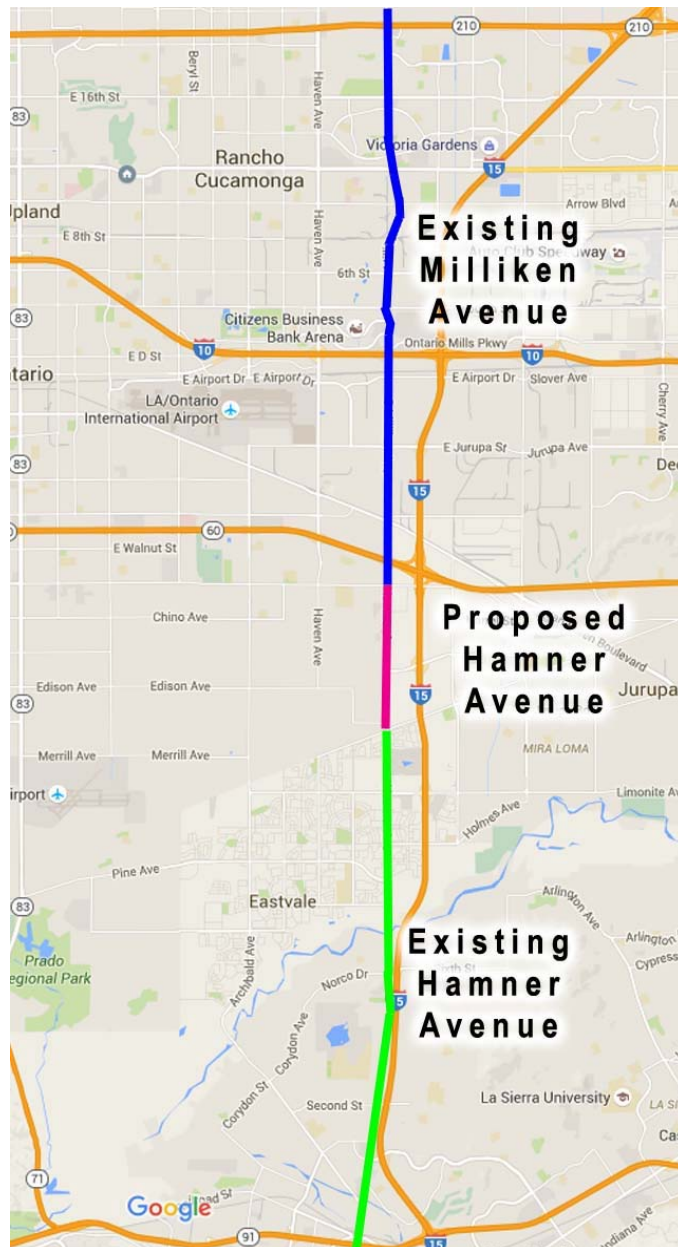


Exhibit “B” – Proposed Hamner Avenue

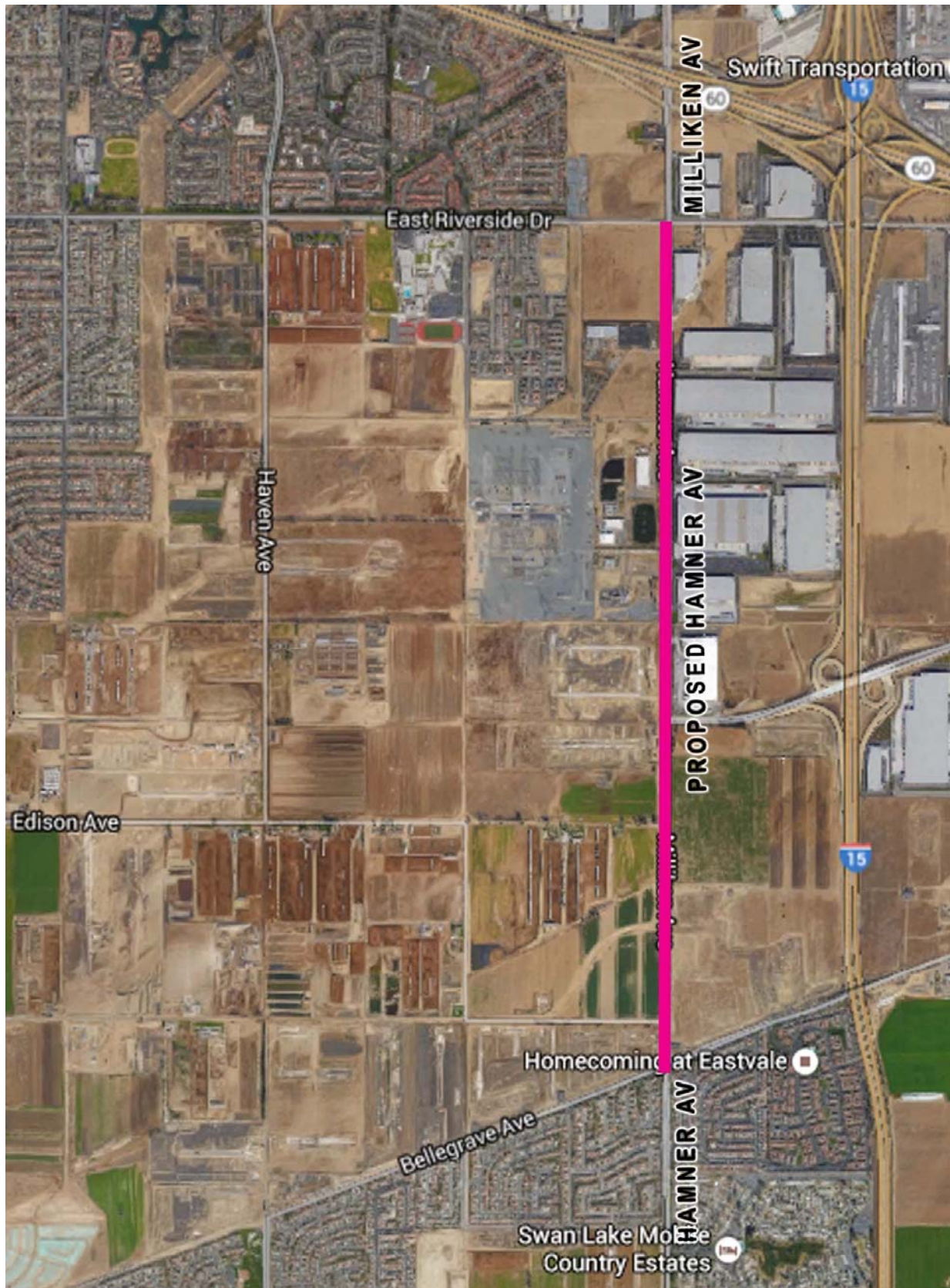


Exhibit “C” – Proposed Ontario Ranch Road



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING STREET NAME CHANGES (FILE NO. PADV15-005) FROM MILLIKEN AVENUE TO HAMNER AVENUE BETWEEN RIVERSIDE DRIVE AND BELLEGRAVE AVENUE AND FROM EDISON AVENUE TO ONTARIO RANCH ROAD BETWEEN CARPENTER AVENUE AND TURNER AVENUE.

WHEREAS, the southern portion of the City previously referred to as the “New Model Colony,” is now being referred to as “Ontario Ranch” in an effort to market the emerging community; and

WHEREAS, the proposed street name changes are to further the branding efforts of the emerging Ontario Ranch community and to create consistency with street names within the southern portion of the City; and

WHEREAS, the street name change of Edison Avenue to Ontario Ranch Road, will be the segment between Carpenter Avenue and Turner Avenue (Exhibit A –Street Name Changes); and

WHEREAS, the street name change of Milliken Avenue to Hamner Avenue, will be the segment between Riverside Drive and Bellegrave Avenue (Exhibit A –Street Name Changes); and

WHEREAS, the proposed street name changes will take effect on January 1, 2016; and

WHEREAS, on October 20, 2015, the City Council of the City of Ontario conducted a hearing to consider the proposed street name changes, 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, designates the road segment of Edison Avenue between Carpenter Avenue and Turner Avenue as Ontario Ranch Road and the road segment of Milliken Avenue between Riverside Drive and Bellegrave Avenue as Hamner Avenue, effective January 1, 2016.

SECTION 1. 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 2. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of October 2015.

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. 2015- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2015 by the following roll call vote, to wit:

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NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

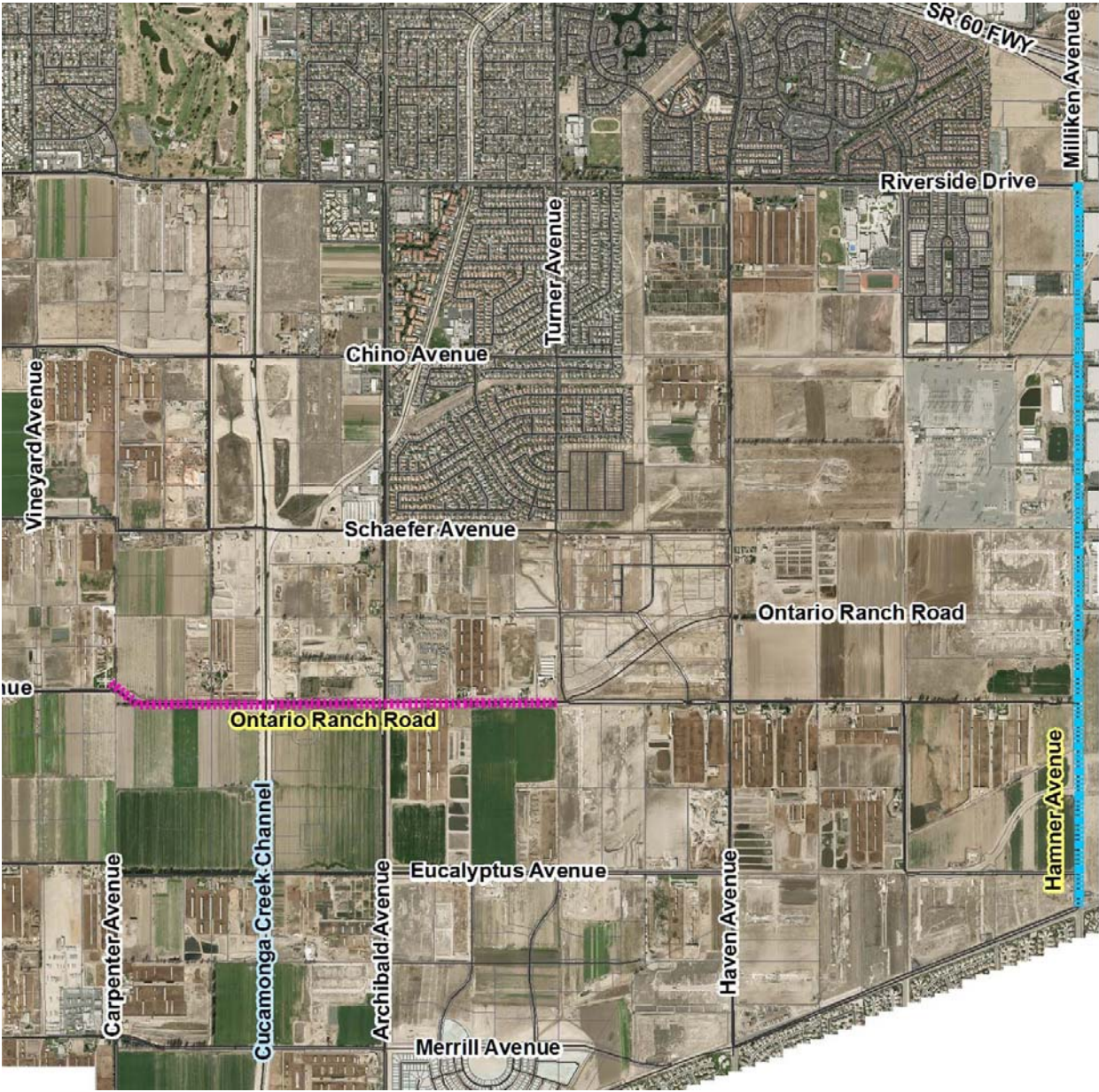
(SEAL)

The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2015.



MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT "A" – STREET NAME CHANGES



Legend

-  Milliken Avenue will be changed to Hamner Avenue
-  Edison Avenue will be changed to Ontario Ranch Road