

**CITY OF ONTARIO  
CITY COUNCIL, REDEVELOPMENT AGENCY,  
AND HOUSING AUTHORITY  
AGENDA  
NOVEMBER 1, 2011**

**Paul S. Leon**  
Mayor

**Debra Dorst-Porada**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Sheila Mautz**  
Council Member

**Jim W. Bowman**  
Council Member



**Chris Hughes**  
City Manager

**John E. Brown**  
City Attorney

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

**James R. Milhiser**  
Treasurer

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

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

**ORDER OF BUSINESS:** The regular City Council, Redevelopment Agency, and Housing Authority meeting begins with 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*)**

**6:30 p.m.**

***ROLL CALL***

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

***PLEDGE OF ALLEGIANCE/NATIONAL ANTHEM***

Council Member Bowman/Ryan Andreas

***INVOCATION***

Pastor Mike Schreib, Bible Baptist Church

**PUBLIC COMMENTS**

**6:30 p.m.**

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

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

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

## **SPECIAL CEREMONIES**

**RECOGNITION OF RYAN ANDREAS, ONTARIO RESIDENT - PARTICIPANT IN AMERICA'S GOT TALENT**

**RECOGNITION OF ROBERT LYN NELSON, ONTARIO NATIVE – WORLD-RENOWNED ARTIST, AUTHOR AND ENVIRONMENTALIST**

## **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, Redevelopment Agency and Housing Authority of October 4, 2011, and approving same as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

**Bills** August 28, 2011 through September 10, 2011 and **Payroll** August 28, 2011 through September 10, 2011, when audited by the Finance Committee.

### **3. ADOPTION OF AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 1 (GENERAL PROVISIONS), CHAPTER 5 (ADMINISTRATIVE CITATIONS), SECTION 1-5.04 AND TITLE 4 (PUBLIC SAFETY), CHAPTER 13 (PARKING ON UNPAVED SURFACES), SECTION 4-13.04; AND RESOLUTIONS ESTABLISHING THE ASSOCIATED FINES AND CIVIL PENALTIES FOR ADMINISTRATIVE CITATIONS AND PARKING VIOLATIONS**

That the City Council adopt:

- (A) An ordinance amending Ontario Municipal Code Title 1 (General Provisions), Chapter 5 (Administrative Citations), Section 1-5.04 pertaining to fine amounts for administrative citations; and Title 4 (Public Safety), Chapter 13 (Parking On Unpaved Surfaces), Section 4-13.04 pertaining to civil penalty amounts for violation of provisions restricting parking on unpaved surfaces;
- (B) A resolution establishing fine and penalty amounts for administrative citations in accordance with Section 1-5.04 of the Ontario Municipal Code and repealing previous actions in conflict; and
- (C) A resolution establishing civil penalties pursuant to Section 4-13.04 of the Ontario Municipal Code.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING ONTARIO MUNICIPAL CODE TITLE 1, CHAPTER 5, SECTION 1-5.04 TO ESTABLISH THE AMOUNTS FOR ADMINISTRATIVE CITATION PENALTIES BY RESOLUTION; AND AMENDING TITLE 4, CHAPTER 13, SECTION 4-13.04 TO ESTABLISH THE CIVIL PENALTIES FOR PARKING ON UNPAVED SURFACES BY RESOLUTION.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING FINE AND PENALTY AMOUNTS FOR ADMINISTRATIVE CITATIONS, AND REPEALING PREVIOUS ACTIONS IN CONFLICT HEREWITH.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING CIVIL PENALTIES PURSUANT TO SECTION 4-13.04 OF THE ONTARIO MUNICIPAL CODE.

**4. A RESOLUTION ESTABLISHING FEES FOR NUISANCE PROPERTY ABATEMENT ACTIVITIES IN ACCORDANCE WITH ONTARIO MUNICIPAL CODE TITLE 5, CHAPTER 22, ARTICLE 06 (RECORD OF COST OF ABATEMENT) AND ARTICLE 07 (ASSESSMENT OF COSTS)**

That the City Council adopt a resolution establishing standard fees for routine activities performed by the Code Enforcement Department to abate property nuisances and provide for recording of abatement costs in accordance with Ontario Municipal Code Title 5 (Public Welfare, Morals and Conduct), Chapter 22 (Property Appearance – Nuisance), Article 06 (Record of Cost of Abatement); and establishing the basis for collection of such costs as permitted by Article 07 (Assessment of Costs).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING FEES FOR NUISANCE PROPERTY ABATEMENT ACTIVITIES IN ACCORDANCE WITH ONTARIO MUNICIPAL CODE TITLE 5 (PUBLIC WELFARE, MORALS AND CONDUCT), CHAPTER 22 (PROPERTY APPEARANCE – NUISANCE), ARTICLE 06 (RECORD OF COST OF ABATEMENT) AND ARTICLE 07 (ASSESSMENT OF COSTS).

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

That the City Council adopt a resolution approving the filing of an application for grant funds through the California Natural Resources Agency for the Urban Greening for Sustainable Communities Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the Downtown Ontario "Town Square" Community Plaza Project.

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

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

**6. RESOLUTION PERTAINING TO DECLARED PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY**

That the City Council adopt a resolution rescinding Resolution R2010-024 and declaring prima facie speed limits on certain streets within the City.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION R2010-024 AND DECLARING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY.

**7. AUTHORIZE AND AWARD THE PURCHASE OF REPLACEMENT FLEET VEHICLES AND EQUIPMENT/RUSH TRUCK CENTER/LONG BEACH BMW MOTORCYCLES/INLAND BOBCAT, INC.**

That the City Council:

- (A) Reject as non-responsive the bid submitted by Trinity Diversified, Inc. of Long Beach, California, in response to Bid No. 138;
- (B) Award Bid No. 138 to Rush Truck Center located in Fontana, California, in the amount of \$149,193 for the purchase and delivery of one (1) 2012 Isuzu Truck Cab Chassis and Paint Striping Equipment;
- (C) Authorize the purchase of replacement police vehicles including two (2) 2012 BMW RT-P 1200 motorcycles from Long Beach BMW Motorcycles of Long Beach, California, in the amount of \$48,532 consistent with the terms and conditions of the City of San Diego Police Department Purchase Order No. 4600000385; and
- (D) Authorize the purchase of replacement fleet equipment including one (1) S205 Bobcat Skid-Steer Loader and attachment from Inland Bobcat, Inc. of Riverside, California, in the amount of \$25,989 consistent with the terms and conditions of the National Joint Powers Alliance Contract (NJPA) Invitation for Bids (IFB) No. 100907.

**8. AWARD OF BID FOR THE PROCUREMENT OF MISCELLANEOUS MATERIALS AND SUPPLIES FOR WATER SYSTEM REPAIRS/WESTERN WATER WORKS SUPPLY COMPANY**

That the City Council award purchase agreements under Bid No. 136 to Western Water Works Supply Company of Chino Hills, California, in an estimated amount of \$100,000 and Inland Water Works Supply Company of San Bernardino, California, in an estimated amount of \$60,000 for the procurement of miscellaneous materials and supplies on an as-needed basis for water system repairs through June 2012.

**9. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA11-002) REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), SECTION 9-1.1305**

That the City Council adopt an ordinance approving a Development Code amendment (File No. PDCA11-002) revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 13 (Land Use and Special Requirements), Section 9-1.1305 to include criteria pertaining to alcoholic beverage sales operating standards and approval requirements.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-002, A DEVELOPMENT CODE AMENDMENT TO INCLUDE CRITERIA PERTAINING TO ALCOHOLIC BEVERAGE SALES OPERATING STANDARDS AND APPROVAL REQUIREMENTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

**PUBLIC HEARINGS**

**10. A RECONSIDERATION OF THE CITY COUNCIL'S DECISION ON FILE NO. PDEV10-013, A DEVELOPMENT PLAN MODIFICATION TO A PREVIOUSLY APPROVED PROJECT ALLOWING FOR THE PHASED CONSTRUCTION OF A PROJECT LOCATED AT THE NORTHEAST CORNER OF MOUNTAIN AVENUE AND FOURTH STREET**

That City Council reconsider its previous decision and approve File No. PDEV10-013, to allow for the phasing of a previously approved project at the northeast corner of Mountain Avenue and Fourth Street, subject to the departmental conditions of approval and revised architectural elevations, to include a 13,570 square foot Walgreens, remodel of an existing 4,110 square foot U.S. Post Office, and construction of 6,159 square feet of retail space and 177 senior apartments.

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV10-013, A REQUEST TO RECONSIDER THE PREVIOUS DENIAL FOR FILE NO. PDEV10-013, A DEVELOPMENT PLAN MODIFICATION TO A PREVIOUSLY APPROVED PROJECT TO ALLOW FOR THE PHASING OF THE DEVELOPMENT. PHASE I WILL INCLUDE THE DEVELOPMENT OF A 13,570 SQUARE FOOT WALGREENS, THE REMODEL OF AN EXISTING 4,110 SQUARE FOOT UNITED STATES POSTAL OFFICE AND THE EXTERIOR REMODEL OF A MULTI-TENANT BUILDING LOCATED ALONG THE CENTER PORTION OF THE SITE. PHASE II WILL INCLUDE 6,159 SQUARE FEET OF NEW RETAIL AND 177 MARKET RATE SENIOR HOUSING UNITS, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1008-522-01, 02 & 03.

## **COUNCIL MATTERS**

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

## **STAFF MATTERS**

City Manager Hughes

## **ADJOURNMENT**

# CITY OF ONTARIO

*Agenda Report*  
November 1, 2011

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

**SUBJECT:** ADOPTION OF AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 1 (GENERAL PROVISIONS), CHAPTER 5 (ADMINISTRATIVE CITATIONS), SECTION 1-5.04 AND TITLE 4 (PUBLIC SAFETY), CHAPTER 13 (PARKING ON UNPAVED SURFACES), SECTION 4-13.04; AND RESOLUTIONS ESTABLISHING THE ASSOCIATED FINES AND CIVIL PENALTIES FOR ADMINISTRATIVE CITATIONS AND PARKING VIOLATIONS

**RECOMMENDATION:** That the City Council adopt:

- (A) An ordinance amending Ontario Municipal Code Title 1 (General Provisions), Chapter 5 (Administrative Citations), Section 1-5.04 pertaining to fine amounts for administrative citations; and Title 4 (Public Safety), Chapter 13 (Parking On Unpaved Surfaces), Section 4-13.04 pertaining to civil penalty amounts for violation of provisions restricting parking on unpaved surfaces;
- (B) A resolution establishing fine and penalty amounts for administrative citations in accordance with Section 1-5.04 of the Ontario Municipal Code and repealing previous actions in conflict; and
- (C) A resolution establishing civil penalties pursuant to Section 4-13.04 of the Ontario Municipal Code.

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

**FISCAL IMPACT:** The City last adjusted amounts for administrative citation penalties and civil penalties for parking on unpaved surfaces in 1997 and 1993, respectively. Since that time, the City's costs of enforcement efforts and processing citations have increased. It is estimated that the recommended adjustments will result in approximately \$55,000 per year to help offset the cost increases that have occurred since the 1990's. The actual amount the City receives in fine amounts and civil

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

Prepared by: Barbara Paine  
Department: Code Enforcement

City Manager  
Approval: \_\_\_\_\_



Submitted to Council/O.R.A./O.H.A. 11/01/2011

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

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

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

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penalties in any given year is generally dependent upon the number of violators cited for non-compliance with provisions of the Ontario Municipal Code (OMC) and the number of those violators who are repeat offenders.

**BACKGROUND:** At the meeting of October 18, 2011, the City Council introduced this ordinance modifying the Administrative Citation Penalties and Civil Penalties for parking on unpaved surfaces. Staff recommends taking final action on this matter.

Administrative Citations: California Government Code sections 53069.4 and 36900 grant cities the authority to assess fines and penalties for administrative citations issued to violators of provisions of local law. The City of Ontario last reviewed and updated its administrative citation fine amounts in March 1997. In general, penalties serve as a deterrent to unlawful actions making Ontario less attractive to violators; and help ensure that City residents and business owners who maintain their property and comply with City ordinances do not unduly subsidize the actions of those who refuse to comply.

In the OMC, three penalty categories are called out: Minor Penalty, General Penalty, and Health and Safety Penalty; and there are graduated fines for subsequent citations for the same offense. Currently fine amounts range from \$30 as the lowest fine for a minor penalty (first offense) and \$450 as the highest penalty for a third or subsequent offense on a Health and Safety Violation.

Staff recommends that the City Council amend OMC Section 1-05.04 to provide for the establishment of fine amounts by resolution of the City Council; and increase citation penalties for the three violation categories. Minor Penalties which include OMC violations such as illegal vendors or trash containers stored in public view will increase to \$50/\$100/\$200 for the first, second and third or subsequent offense. General Penalties which include OMC violations pertaining to public nuisance affecting the aesthetics of the community and being detrimental to property values in the area such as exterior trash and debris, illegal businesses, and graffiti will increase to amounts of \$100/\$200/\$400. Health and Safety Penalties, which are reserved for the most serious offenses such as collapsing structures, exposed electrical wiring, and sewage outflow will increase to amounts of \$150/\$300/\$500.

Staff performed a review of administrative citation fine amounts for other local cities including Riverside, Corona, Rialto, Pomona, Chino, and Rancho Cucamonga. With the exception of Rancho Cucamonga, which fines \$200/\$500/\$1,000 for Building Code violations, these other cities do not differentiate between minor, general, and health and safety penalties but rather fine the same amount for all types of violations. The common fine amounts are \$100 for the first offense, increasing to \$200 and \$500 for the second and third offense, respectively. Chino differs from the survey cities in that their fines are \$75 for the first offense, and increase to \$150 and \$300 for the second and third offenses, respectively.

Parking Violations: California Vehicle Code section 40203.5 expressly authorizes the cities the ability to assess penalties related to parking violations. The City of Ontario last reviewed and updated the civil penalty for parking on an unpaved surface in September 1993. Currently, per OMC Section 4-13.04 the civil penalty is \$30.00 which includes a State mandated court-related surcharge.

Staff recommends that the City Council amend OMC Section 4-13.04 to provide for the establishment of civil penalty amounts by resolution of the City Council; and increase the civil penalty amount for parking on unpaved surfaces to \$37.50 plus the State mandated court surcharge for a total of \$45.00. In

December 2010, the City Council adopted Ordinance No. 2930, raising the fines charged by the Police Department for parking violations and related charges. Adjusting the civil penalties for parking on unpaved surfaces would make them a consistent amount with the citations issued by the Police Department.

# CITY OF ONTARIO

*Agenda Report*  
November 1, 2011

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION ESTABLISHING FEES FOR NUISANCE PROPERTY ABATEMENT ACTIVITIES IN ACCORDANCE WITH ONTARIO MUNICIPAL CODE TITLE 5, CHAPTER 22, ARTICLE 06 (RECORD OF COST OF ABATEMENT) AND ARTICLE 07 (ASSESSMENT OF COSTS)**


**RECOMMENDATION:** That the City Council adopt a resolution establishing standard fees for routine activities performed by the Code Enforcement Department to abate property nuisances and provide for recording of abatement costs in accordance with Ontario Municipal Code Title 5 (Public Welfare, Morals and Conduct), Chapter 22 (Property Appearance – Nuisance), Article 06 (Record of Cost of Abatement); and establishing the basis for collection of such costs as permitted by Article 07 (Assessment of Costs).

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

**FISCAL IMPACT:** The City currently tracks and records by parcel the major components of costs incurred in abating public nuisance properties. Such costs typically include attorney fees and the direct costs of abatement by outside service providers for corrective actions, rehabilitation, demolition or repair. Although authorized to collect both direct and indirect costs, the City has not historically sought routine reimbursement for such abatement activities as: the preparation of the Notice of Violation, preparation of specifications and contracts, inspections of work, conducting hearings, and other costs associated with carrying out the provisions of OMC 5-22 et. seq. The establishment of standard fees for these routine activities will reduce the staff time needed for tracking and timekeeping, minimize administrative costs, and facilitate the reimbursement of the total costs of abatement. The proposed fees are based upon a review of common services required in the abatement process and represent a reasonable estimate of the actual costs incurred.

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

Prepared by: Barbara Paine  
Department: Code Enforcement

City Manager  
Approval: 

Submitted to Council/O.R.A./O.H.A. 11/01/2011  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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**BACKGROUND:** Both State law and OMC Sections 5-22.06 and 07 allow the City to seek reimbursement for actions taken by City staff to abate nuisances and achieve compliance with the City's ordinances. While the majority of City residents with code violations choose to comply soon after being contacted by Code Enforcement staff, there are some cases that continue for months or years without resolution. These cases, which involve only a small number of properties, can cost the City thousands of dollars in staff time and incidental expenses as defined in OMC Section 5-22.06(c).

The City has been and continues to be successful in seeking reimbursement for legal expenses charged on a time and materials basis for code enforcement actions. The recommended resolution would establish a schedule of standard fees in order to seek reimbursement for Code Enforcement staff time and incidental expenses. The recommended fees are based on the amount of time that it takes to pursue the average enforcement action and represent the actual average cost including administration, overhead, and vehicle expenses. Reimbursement of expenses based on standard fees is more efficient because it requires less tracking and time keeping, and lowers administrative costs.

The resolution also allows for a pass-thru of the County Recording Fee to rescind Notices of Administrative Proceedings (currently \$11). This pass-thru provision allows the City to modify its standard fees to reflect future changes in the County Recording Fee. The recommended standard fees are comparable to those charged by other cities such as Fontana, Riverside, Moreno Valley, and Pasadena which follow the same fee study approach.

The recommended fees for services are intended for and applicable to violators who refuse and fail to comply with City ordinances pertaining to property appearance and maintenance. If violators do not pay the fees, the City will pursue collection through the County Assessor's office using the same process as for unpaid rental inspection fees and legal expenses. The collection of enforcement fees ensures that City residents and business owners who are maintaining their properties and complying with the City's ordinances do not subsidize those who refuse to comply. It may also help to make more staff time available to pursue other activities that will enhance appearance and property values in the City. Future changes to the fee schedule will be adopted by resolution of the City Council after fee studies are conducted.

# CITY OF ONTARIO

*Agenda Report*  
November 1, 2011

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

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

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

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

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

The project recommended for inclusion in the grant application is the Downtown Ontario "Town Square" Community Plaza Project with requested grant funds of \$950,000. There is no local matching funds requirement.


**BACKGROUND:** In July 2011, the City submitted a second round application proposal for review and approval by the Strategic Growth Council (SGC). The proposed application was approved in September 2011 and the City will move forward with a full application submittal. The goal of the SGC and intent of the grant program is to improve the sustainability and livability of California's communities and reduce energy consumption, conserve water, improve air/water quality, and provide community benefits.

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

Prepared by: Vern Stiner

Department: Parks and Maintenance

City Manager

Approval: 

Submitted to Council/O.R.A./O.H.A. 11/01/2011

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

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

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This new facility will benefit the health of families, youth, senior citizens and other population group by meeting their recreational, cultural, social, educational, and environmental needs.

The development of the Downtown Ontario “Town Square” Community Plaza will involve construction of a green amphitheatre that will also act to capture storm water, arbor structures, children’s interactive garden, energy efficient lighting throughout the plaza, pervious pavers that will reduce storm water run-off and outdoor space for community events and programs. The project will use water efficiently and create a smart growth urban environment in a previously suburban area.

The Downtown Ontario “Town Square” Community Plaza is consistent with the grant program criteria and will create new green space that improves the sustainability and livability of California’s communities. Second round grant applications are due November 17, 2011. A Resolution of the City Council is required as a mandatory element of the application.

# CITY OF ONTARIO

*Agenda Report*  
November 1, 2011

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

**SUBJECT: RESOLUTION PERTAINING TO DECLARED PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY**

**RECOMMENDATION:** That the City Council adopt a resolution rescinding Resolution 2010-024 and declaring prima facie speed limits on certain streets within the City.

**COUNCIL GOALS:** Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health  
Maintain the Current High Level of Public Safety

**FISCAL IMPACT:** The annual operating budget of the Community and Public Services Agency includes recurring appropriations for the repair, maintenance, and routine replacement of various street signs throughout the City.

**BACKGROUND:** In accordance with Sections 4-6.1501 and 4-6.1502 of the Ontario Municipal Code, the City Council declares new or revised prima facie speed limits by resolution. In April 2010, the City Council adopted Resolution 2010-024 establishing speed limits on certain City streets. These limits were established pursuant to, and in accordance with the requirements of the California Vehicle Code that engineering and traffic surveys be conducted before establishing speed limits on local roadways.

New engineering and traffic surveys are completed throughout the city as a matter of routine practice to ensure that surveys remain valid, and enforcement complies with the Vehicle Code. During the latest review, it was observed that several roadways had surveys at very frequent intervals, as short as one-quarter mile in some instances. This resulted in speed postings that also changed frequently even though the general characteristic of the roadway remained unchanged. Staff has carefully evaluated this situation and has determined that in most cases, fewer surveys can be taken, and more consistent limits be recommended along longer stretches of roadways.

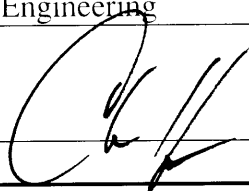
During the past year, 26 roadways have been evaluated and by consolidating segments, the amount of surveys taken were reduced from approximately 160 down to 65. The consolidation and re-surveying

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

Prepared by: Mauricio Diaz

Department: Engineering

City Manager  
Approval: \_\_\_\_\_



Submitted to Council/O.R.A./O.H.A. 11/01/2011

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

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

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

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results in 14 short roadway segments having the existing speed limit either increase or decrease by 5 mph to be consistent with the adjacent speed posting on a longer segment. The following changes are proposed:

Archibald Avenue	from Inland Empire Boulevard to Guasti Road: 45 mph to 50 mph from Jurupa Street to Mission Boulevard: 40 mph to 45 mph from Philadelphia Street to Walnut Street: 40 mph to 45 mph
Chino Avenue	from Euclid Avenue to Bon View Avenue: 45 mph to 50 mph from Grove Avenue to Ontario Avenue: 55 mph to 50 mph
Eucalyptus Avenue	from Euclid Avenue to Bon View Avenue: 50 mph to 45 mph
G Street	from Benson Avenue to Mountain Avenue: 40 mph to 35 mph
Inland Empire Boulevard	from Archibald Avenue to Turner Avenue: 50 mph to 45 mph
Mission Boulevard	from Vine Avenue to Euclid Avenue: 45 mph to 50 mph from Campus Avenue to Grove Avenue: 50 mph to 45 mph
Philadelphia Street	from Benson Avenue to Mountain Avenue: 40 mph to 45 mph from San Antonio Avenue to Euclid Avenue: 40 mph to 45 mph
Phillips Street	from Benson Avenue to Mountain Avenue: 35 mph to 40 mph from Vine Avenue to Sultana Avenue: 35 mph to 40 mph

There are also four new speed limits proposed for roadways that currently do not have declared speed limits. They are:

Cleveland Avenue	from Edison Avenue to Eucalyptus Avenue: 45 mph
Concours Street	from Center Avenue to Milliken Avenue: 40 mph
Guasti Road	from Holt Boulevard to Haven Avenue: 45 mph
Rockefeller Avenue	from Airport Drive to Jurupa Street: 35 mph

The last proposed change is to remove Allyn Avenue from the Resolution and revert from 30/35 mph posted limit back to a residential speed limit of 25 mph in accordance with the California Vehicle Code.

Staff recommends that Resolution 2010-024 be rescinded thereby abolishing all existing speed limits, and adopting a new resolution thereby re-establishing existing speed limits with the proposed additions and revisions.

# CITY OF ONTARIO

Agenda Report  
November 1, 2011

SECTION:  
CONSENT CALENDAR

**SUBJECT: AUTHORIZE AND AWARD THE PURCHASE OF REPLACEMENT FLEET VEHICLES AND EQUIPMENT**

**RECOMMENDATION:** That the City Council:

- (A) Reject as non-responsive the bid submitted by Trinity Diversified, Inc. of Long Beach, California, in response to Bid No. 138;
- (B) Award Bid No. 138 to Rush Truck Center located in Fontana, California, in the amount of \$149,193 for the purchase and delivery of one (1) 2012 Isuzu Truck Cab Chassis and Paint Striping Equipment;
- (C) Authorize the purchase of replacement police vehicles including two (2) 2012 BMW RT-P 1200 motorcycles from Long Beach BMW Motorcycles of Long Beach, California, in the amount of \$48,532 consistent with the terms and conditions of the City of San Diego Police Department Purchase Order No. 4600000385; and
- (D) Authorize the purchase of replacement fleet equipment including one (1) S205 Bobcat Skid-Steer Loader and attachment from Inland Bobcat, Inc. of Riverside, California, in the amount of \$25,989 consistent with the terms and conditions of the National Joint Powers Alliance Contract (NJPA) Invitation for Bids (IFB) No. 100907.

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

**FISCAL IMPACT:** The Fiscal Year 2011-12 Adopted Budget includes appropriations in the amount of \$258,000 for the purchase of the replacement vehicles listed above. The total cost of the vehicles and equipment recommended for purchase is \$223,714.

**BACKGROUND:** Vehicles and equipment are scheduled for replacement pursuant to an on-going effort to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet vehicles while ensuring safe and reliable operation.

**STAFF MEMBER PRESENTING:** Mohamed El-Amamy, Utilities General Manager

Prepared by: Allen Rothey  
Department: MU/Fleet Services

Submitted to Council/O.R.A./O.H.A. 11/01/2011

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

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

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

City Manager  
Approval: \_\_\_\_\_



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The two (2) 2012 BMW RT-P1200 motorcycles recommended for purchase are replacements that will be assigned to the Police Department. The cooperative purchase is recommended in order to take advantage of favorable pricing in advance of anticipated price increases. The Bobcat is a scheduled replacement to be assigned to the Parks/Maintenance Division and the cooperative purchase is recommended due to the significant cost savings (up to \$11,500) based on recent price comparisons. Cooperative purchasing opportunities allow the City to pool 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.

The paint striping truck is a replacement vehicle that will be assigned to the Streets Maintenance Division. Staff recommends that the City Council find the bid submitted by Trinity Diversified, Inc. as non-responsive as it does not fully comply with the submission instructions provided in the City's Special Terms and Conditions, fails to meet the minimum specification requirements, and does not appropriately identify all exceptions to the specifications. The following is a summary of Bid No. 138 results:

#### **One (1) 2012 Isuzu Truck Cab Chassis and Paint Striping Equipment**

<b><u>Supplier (Location)</u></b>	<b><u>Bid Amount</u></b>
Trinity Diversified, Inc. (Long Beach, CA)	\$110,431*
<b>Rush Truck Center (Fontana, CA)</b>	<b>\$149,193</b>
Thorson Motor Center (Pasadena, CA)	\$151,622
Ernest Industries, Inc. (Springfield, OH)	\$182,266

\* Bid is incomplete and therefore non-responsive.

# CITY OF ONTARIO

*Agenda Report*  
November 1, 2011

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

**SUBJECT: AWARD OF BID FOR THE PROCUREMENT OF MISCELLANEOUS MATERIALS AND SUPPLIES FOR WATER SYSTEM REPAIRS**

**RECOMMENDATION:** That the City Council award purchase agreements under Bid No. 136 to Western Water Works Supply Company of Chino Hills, California, in an estimated amount of \$100,000 and Inland Water Works Supply Company of San Bernardino, California, in an estimated amount of \$60,000 for the procurement of miscellaneous materials and supplies on an as-needed basis for water system repairs through June 2012.


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

**FISCAL IMPACT:** The Fiscal Year 2011-12 Water Operating Budget includes appropriations in the amount of \$200,000 for the purchase of miscellaneous materials and supplies. Expenditures will be based on actual materials purchased in order to meet operational requirements and fixed contract unit prices. At the City's discretion, the contract may be extended for one additional year consistent with City Council approved work programs and budgets. Pricing for the additional year may include up to a three percent (3%) cost escalation in unit pricing, subject to negotiation. There is no impact to the General Fund.

**BACKGROUND:** The City's water distribution system includes over 500 miles of pipelines that are currently maintained by City forces. The recommended bid award will assist staff with planned maintenance and emergency repairs due to sudden and unexpected system failures.

In October 2011, the City solicited bids based on a sample listing of commonly used water supplies and parts, estimated quantities and resulting unit pricing. From the five (5) companies listed, bids were received which responded in varying degrees to the City's desire to obtain materials and supplies from more than one vendor to ensure availability and timeliness of delivery.

**STAFF MEMBER PRESENTING:** Mohamed El-Amamy, Utilities General Manager

Prepared by: Victor J. Moraga  
Department: MU/Building Facilities  
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 11/01/2011

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

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

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

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**Company**

American Material Company  
Ferguson Enterprises, Inc.  
Inland Water Works Supply Company  
J.W. D'angelo Co., Inc.  
Western Water Works Supply Company

**Location**

Lake Elsinore, CA  
Santa Ana, CA  
San Bernardino, CA  
La Habra, CA  
Chino Hills, CA

Staff reviewed the bids for responsiveness and pricing criteria. Not all bidders, however, could provide a majority of the items sought. Based on the proposed unit pricing and estimated quantities of the most commonly purchased materials, staff recommends awarding the bid to both Western Water Works Supply Company and Inland Water Works Supply Company. The bids from Ferguson Enterprises, Inc., J.W. D'angelo Co., Inc., and American Material Company did not include all items commonly purchased, and unit pricing was higher than that of Western Water Works Supply Company and/or Inland Water Works Supply Company. By awarding the bid to both suppliers, the City can obtain lower per unit pricing when buying the required materials and help ensure availability of items for urgency repairs in the City's water system.

# ***CITY OF ONTARIO***

*Agenda Report*  
November 1, 2011

**SECTION:  
CONSENT CALENDAR**

**SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA11-002) REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), SECTION 9-1.1305**

**RECOMMENDATION:** That the City Council adopt an ordinance approving a Development Code amendment (File No. PDCA11-002) revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 13 (Land Use and Special Requirements), Section 9-1.1305 to include criteria pertaining to alcoholic beverage sales operating standards and approval requirements.

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

**FISCAL IMPACT:** The establishment of alcoholic beverage sales operating standards and approval requirements may result in an increase in City staff resources required to process and monitor additional Conditional Use Permits (CUP). Such costs will be mostly offset by the permit fees collected from new, approved Alcoholic Beverage Control (ABC) licensed facilities.

**BACKGROUND:** At the meeting of October 18, 2011, the City Council introduced an ordinance to approve a Development Code Amendment amending Development Code Section 9-1.1305 to include alcoholic beverage sales approval requirements. Prior to 1998, the City's permitting process as established by the then existing Development Code routinely allowed the sale of alcoholic beverages for both on-sale and off-sale consumption. As alcoholic-related crimes increased, the City re-evaluated its approach to the control of ABC licensed businesses and instituted a new approach by (1) requiring a Conditional Use Permit (CUP) for all new ABC licenses, (2) designating a police officer to coordinate directly with ABC in the handling of license applications, and (3) providing routine inspections of all businesses selling or serving alcohol for compliance with ABC, City, Building Code, and Fire Code

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

Prepared by: Scott Murphy  
Department: Planning

City Manager  
Approval: 

Submitted to Council/O.R.A./O.H.A. 11/01/2011

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

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

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requirements. Further, in instances of applications for proposed business operations in over-concentrated census tracts, the City denied all ABC license requests.

In 2002, the City modified the manner in which the City Council considered off-sale licenses with the approval of a Conditional Use Permit for Superior Market. In this case, the City Council noted the relative small percent of floor area and sales devoted to alcohol sales and the general characterization of the business as a large corporate store. Accordingly, the City Council allowed that alcoholic beverage sales associated with a grocery store should be permitted, even within census tract areas with over-concentrated ABC licenses. To date, two applications have been approved for grocery stores in over-concentrated areas—Superior Market and Target.

In June 2010, Walgreens submitted a CUP application for an off-premise ABC license for their store at the northwest corner of Archibald Avenue and Riverside Drive. In keeping with the City Council's policy direction, the Zoning Administrator denied the application based on an over-concentration of off-premise licenses within the census tract. The application was subsequently appealed to the Planning Commission. During the Commission hearing, the applicant claimed that their business met the City's definition of a grocery store and, as a result, should be subject to the same consideration as Superior Market and Target. The Commission stated that the drugstore was different than a grocery store and, therefore, was not consistent with the Council's direction and denied the appeal. The applicant subsequently appealed the Planning Commission's decision but has agreed to hold the hearing in abeyance until consideration of an amendment to the Development Code was reached.

**POLICY DISCUSSION:** In reviewing the applicant's appeal, staff was concerned about the defensibility of the CUP denial. The Development Code defines grocery stores as:

Grocery Store - A retail establishment over 3,500 square feet in size, offering for sale prepackaged food and products, household items, newspapers and magazines, and sandwiches/salads and other freshly prepared foods for off-site consumption.

Under this definition, Walgreens and several other similar businesses (i.e., Rite Aid, CVS) could meet the grocery store definition. To address future situations, the Planning Commission considered three options:

1. Maintain the current policy. This approach might expose the City to possible litigation from Walgreens and other similar uses;
2. Deny all off-premise licenses in over-concentrated census tracts regardless of the user. This approach would eliminate alcohol sales for larger businesses that provide alcohol beverages as a convenience for their customers but which the sales of alcohol is minor in comparison to the overall sales of other items; or
3. Provide criteria under which the City would consider approving off-premise licenses in over-concentrated areas. This approach would allow, under specified criteria, for off-premise licenses for larger businesses that provide alcohol as a convenience for their customers and do not rely on alcohol sales to maintain the business. The suggested criterion are:
  - a) The retailer must occupy at least 12,000 square feet of gross floor area;

- b) No more than 10% of the floor area may be devoted to alcoholic beverage display;
- c) At least 10% of the floor area must be devoted to food sales;
- d) If the location of the proposed business is located within a crime reporting district that has 20 percent or greater the number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the City, the hearing body may use that fact in denying the application or the Public Convenience and Necessity finding required for ABC. Reported crimes means the most recent yearly compilation by the City of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations;
- e) The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity; and
- f) The site is properly maintained, including building improvements, landscaping, and lighting.

Compliance with this criterion would provide the opportunity, but not the mandate, for CUP approval for off-premise alcohol sales in over-concentrated areas. This approach would strike a balance between the number of off-premise licenses and providing for public convenience for residents in areas of over-concentration.

The Planning Commission reviewed the three options proposed by staff and determined that the implementation of the proposed criteria (option three) was an appropriate approach and, on September 27, 2011, unanimously recommended approval of the criteria to the City Council.

# CITY OF ONTARIO

*Agenda Report*

November 1, 2011

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A RECONSIDERATION OF THE CITY COUNCIL'S DECISION ON FILE NO. PDEV10-013, A DEVELOPMENT PLAN MODIFICATION TO A PREVIOUSLY APPROVED PROJECT ALLOWING FOR THE PHASED CONSTRUCTION OF A PROJECT LOCATED AT THE NORTHEAST CORNER OF MOUNTAIN AVENUE AND FOURTH STREET**

**RECOMMENDATION:** That City Council reconsider its previous decision and approve File No. PDEV10-013, to allow for the phasing of a previously approved project at the northeast corner of Mountain Avenue and Fourth Street, subject to the departmental conditions of approval and revised architectural elevations, to include a 13,570 square foot Walgreens, remodel of an existing 4,110 square foot U.S. Post Office, and construction of 6,159 square feet of retail space and 177 senior apartments.

**COUNCIL GOALS:** Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** Development of the site with the planned uses and tenants will result in an increase of property values, thereby increasing the property tax revenue received by the City; provide jobs and sales tax revenue to the City through the retail component; and create 177 market rate senior housing units.

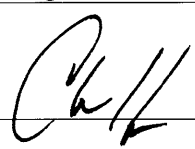
**BACKGROUND:** On July 5, 2011, the City Council reviewed, discussed and took action to deny a proposed phasing of a previously approved project at the northeast corner of Mountain Avenue and Fourth Street. Phase I included the development of a 13,570 square foot Walgreens pharmacy and the remodel of an existing 4,110 square foot United States Postal Office; and Phase II included construction of 6,159 square feet of new retail space and 177 market rate senior housing units.

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

Prepared by: Luis E. Batres

Department: Planning

City Manager

Approval: 

Submitted to Council/O.R.A./O.H.A. 11/01/2011

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

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

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The reasons for the denial were the following:

- City Council wanted to see all the proposed commercial development to be completed with Phase I.
- City Council did not want to compromise the standards and quality of development by only improving a portion of the blighted commercial shopping center.
- City Council had concerns with the deteriorated condition of the shopping center.
- City Council wanted to see similar improvements, as proposed on the pharmacy and the Post Office, to be included on the remnant portion of the existing center.

In denying the project, the City Council stated that should the applicant provide a better design solution for the interim improvements, the application could be resubmitted for Council reconsideration.

Since July 5, 2011, the applicant (JAFAM Corporation) has been meeting with Planning staff to make additional enhancements to the remaining multi-tenant commercial building located just east of the proposed pharmacy, in furtherance of the direction given by the City Council. The previous phasing plan proposed to simply paint the exterior of the remaining structures and to replace all existing signs with new enhanced signage. The proposed enhancements to the multi-tenant building will now include the following:

- Increasing the height of the existing structure and creating three tower elements that will add depth, height and articulation along the roof line.
- All existing masonry columns, along the southerly pedestrian colonnade, will be wrapped with prefinished siding and the same stone veneer that will be applied on the pharmacy and Post Office.
- The base of the columns will be furred out to match the pharmacy and Post Office.
- Exposed rafter tails and colors to match the new construction will also be incorporated to give it a Craftsman Architectural style to tie in with the new structures.

Site improvements for the remaining buildings will include landscape planters and new slurry and/or asphalt concrete overlay within the parking area.

In that the actual timing of Phase II is unknown, staff finds the proposed improvements to the interim buildings will be architecturally compatible with the new structures and the site improvements will tie in with new improvements to provide the appearance of one, integrated center consistent with City Council's previous direction. As a result, staff is recommending approval of the proposed project, including the phasing of development, consistent with the revised elevations and site plan and conditions of approval.

**ENVIRONMENTAL REVIEW:** The environmental impacts for the project were previously reviewed under a Mitigated Negative Declaration that was prepared for the approved project under (File No's. PDEV05-072, PCUP05-045, PCUP06-031, PMTT05-032). No new environmental impacts are anticipated.