

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
NOVEMBER 17, 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 and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

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

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54956.9 (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

Council Member Bowman

INVOCATION

Pastor Donald Rucker, First Church of the Nazarene

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 October 20, 2015, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills September 20, 2015 through October 3, 2015 and **Payroll** September 20, 2015 through October 3, 2015, when audited by the Finance Committee.

3. AUTHORIZE THE PURCHASE OF REPLACEMENT FLEET VEHICLES/NATIONAL AUTO FLEET GROUP

That the City Council authorize the cooperative purchase and delivery of one 2016 Ford Super Duty F-250 truck for the Engineering Department in the amount of \$23,053; one 2016 Chevrolet Silverado truck for the Fire Department in the amount of \$30,274; and five 2016 Chevrolet Silverado trucks for the Facilities, Custodial and Utilities Departments in the amount of \$116,432 from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 102811.

4. FISCAL YEAR 2015-16 FIRST BUDGET UPDATE REPORT

That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2015-16 First Budget Update Report.

5. CONTRACT CHANGE ORDER AND REIMBURSEMENT AGREEMENT FOR SEWER IMPROVEMENTS IN INLAND EMPIRE BOULEVARD/WEKA, INC./VINEYARD INDUSTRIAL I, LLC

That the City Council:

- (A) Approve and authorize the City Manager to execute a change order to the existing construction contract (on file with the Records Management Department) with Weka, Inc. of Highland, California, to construct sewer laterals as part of the Sewer Improvements in the Inland Empire Boulevard Project for a not-to-exceed amount of \$116,079 (including 15% contingency); and
- (B) Approve and authorize the City Manager to execute a reimbursement agreement (on file with the Records Management Department) with Vineyard Industrial I, LLC of Irvine, California, for the additional construction services.

6. A RESOLUTION APPROVING FINAL PARCEL MAP NO. 19507 LOCATED ON THE NORTHEAST CORNER OF GROVE AVENUE AND ACACIA STREET

That the City Council adopt a resolution approving Final Parcel Map No. 19507 for condominium purposes located on the northeast corner of Grove Avenue and Acacia Street.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 19507 FOR CONDOMINIUM PURPOSES LOCATED ON THE NORTHEAST CORNER OF GROVE AVENUE AND ACACIA STREET.

7. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING AND DESIGN SERVICES FOR THE I-10 FREEWAY AT GROVE AVENUE AND FOURTH STREET INTERCHANGE AND GROVE AVENUE CORRIDOR PROJECT/PARSONS CORPORATION

That the City Council approve Amendment No. 2 to the Professional Services Agreement (on file in the Records Management Department) with Parsons Corporation (Parsons) of Ontario, California, for additional engineering and design services for the I-10 Freeway at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project in the amount of \$792,657; and authorize the City Manager to execute said amendment and future extensions.

8. CONSIDERATION OF A RESOLUTION ESTABLISHING A POLICY FOR THE GIFT OF PUBLIC ART

That the City Council adopt a resolution establishing a policy for the gift of public art.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, ESTABLISHING A POLICY FOR THE GIFT
OF PUBLIC ART.

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.

9. A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO VACATE THAT PORTION OF ALLEY LOCATED EAST OF MOUNTAIN AVENUE APPROXIMATELY 150 FEET NORTH OF HOLT BOULEVARD

That the City Council conduct a public hearing to consider adoption of a resolution to vacate that portion of alley located east of Mountain Avenue approximately 150 feet north of Holt Boulevard.

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, ORDERING THE VACATION OF THAT PORTION OF ALLEY LOCATED EAST OF MOUNTAIN AVENUE APPROXIMATELY 150 FEET NORTH OF HOLT BOULEVARD.

10. A REVISION TO CERTAIN PROVISIONS OF A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (PREVIOUSLY REVIEWED BY THE PLANNING COMMISSION ON 6/23/2015, AND INTRODUCED TO THE CITY COUNCIL ON 9/1/2015), AS FOLLOWS: [1] ESTABLISH CONSISTENCY WITH SENATE BILL NO. 582, ALLOWING ELECTRIFIED FENCES IN COMMERCIAL ZONES UP TO 10 FEET IN HEIGHT, AND WITHIN INDUSTRIAL ZONES UP TO 16 FEET IN HEIGHT; [2] ALLOW “ARCHITECTURAL AND STRUCTURAL METAL MANUFACTURING” AND “CONVERTED PAPER PRODUCT MANUFACTURING” AS CONDITIONALLY PERMITTED LAND USES WITHIN THE PROPOSED IL (LIGHT INDUSTRIAL) ZONING DISTRICT; AND [3] MODIFY TABLE 5.02-1 (LAND USE MATRIX) TO ENSURE THAT THE ALLOWED LAND USES WITHIN THE PROPOSED ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DISTRICT ARE CONSISTENT WITH THE ALLOWED LAND USES IN THE CURRENT M3 (GENERAL INDUSTRIAL) ZONING DISTRICT.

That the City Council introduce and waive further reading of an ordinance approving a revision to File No. PDCA11-003, an amendment to the City of Ontario Development Code (Ontario Municipal Code Title 9) to include: [1] a revision of the electrified fences provisions (§§ 6.02.025.f) consistent with Senate Bill No. 582; [2] a revision of the land use matrix (Table 5.02-1) to allow “architectural and structural metal manufacturing” and “converted paper product manufacturing” as conditionally permitted land uses within the proposed IL (Light Industrial) zoning district; and [3] a revision of the land use matrix (Table 5.02-1) to ensure that the allowed land uses within the current General Industrial (M3) zoning district, and the proposed Ontario International Airport (ONT) zoning district, are consistent with one another.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A REVISION TO FILE NO. PDCA11-003, AMENDING THE CITY OF ONTARIO DEVELOPMENT CODE, INCLUDING: [1] ESTABLISH CONSISTENCY WITH SENATE BILL NO. 582 ADDRESSING ELECTRIFIED FENCES IN NONRESIDENTIAL ZONES; [2] ALLOW “ARCHITECTURAL AND STRUCTURAL METAL MANUFACTURING” AND “CONVERTED PAPER PRODUCT MANUFACTURING” AS CONDITIONALLY PERMITTED LAND USES WITHIN THE PROPOSED IL (LIGHT INDUSTRIAL) ZONING DISTRICT; AND [3] MODIFY DEVELOPMENT CODE TABLE 5.02-1 (LAND USE MATRIX) TO ESTABLISH CONSISTENCY IN ALLOWED LAND USES BETWEEN THE PROPOSED ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DISTRICT AND EXISTING M3 (GENERAL INDUSTRIAL) ZONING DISTRICTS.

11. A CITY INITIATED REQUEST TO:

1) CHANGE THE GENERAL PLAN LAND USE DESIGNATION ON TWELVE PARCELS (FILE NO. PGPA15-001) FROM:

(A) BUSINESS PARK TO INDUSTRIAL ON SEVEN PARCELS GENERALLY LOCATED ON THE NORTH SIDE OF BROOKS STREET EAST OF MOUNTAIN AVENUE (APNS: 1011-132-17 THRU 1011-132-19, 1011-132-21, 1011-141-34, 1011-141-37, AND 1011-141-39); AND

(B) NEIGHBORHOOD COMMERCIAL TO LOW DENSITY RESIDENTIAL ON THREE PARCELS WITH AN INDUSTRIAL OVERLAY LOCATED AT THE NORTHEAST CORNER OF PARK STREET AND SULTANA AVENUE (APNS: 1049-231-24 THRU 1049-231-26); AND

(C) LOW DENSITY RESIDENTIAL TO INDUSTRIAL ON ONE PARCEL GENERALLY LOCATED BETWEEN STATE AND PARK STREETS WEST OF MONTEREY AVENUE (APN: 1049-231-12); AND

(D) INDUSTRIAL TO OPEN SPACE-NON RECREATION ON ONE PARCEL GENERALLY LOCATED ON THE NORTH SIDE OF PHILADELPHIA STREET WEST OF WINEVILLE AVENUE (APN: 0238-152-15); AND

2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES (AMENDING EXHIBITS LU-01 AND LU-03)

That the City Council adopt a resolution approving an addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), adopted by City Council on January 27, 2010, and adopt a resolution approving General Plan Amendment File No. PGPA15-001, to change the land use designations of certain properties (Exhibit LU-01 and LU-03).

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 AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH NO. 2008101140) FOR FILE NO. PGPA15-001 FOR WHICH AN INITIAL STUDY HAS BEEN PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1011-132-17 THRU 1011-132-19; 1011-132-21, 1011-141-34, 1011-141-37, 1011-141-39, 1049-231-24 THRU 1049-231-26; 1049-231-12 AND 0238-152-15.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA15-001, A CITY INITIATED REQUEST TO 1) CHANGE THE GENERAL PLAN LAND USE DESIGNATIONS ON TWELVE PARCELS FROM: A) BUSINESS PARK TO INDUSTRIAL ON SEVEN PARCELS GENERALLY LOCATED ON THE NORTH SIDE OF BROOKS STREET EAST OF MOUNTAIN AVENUE (APNS: 1011-132-17 THRU 1011-132-19, 1011-132-21, 1011-141-34, 1011-141-37, AND 1011-141-39); AND B) NEIGHBORHOOD COMMERCIAL TO LOW DENSITY RESIDENTIAL ON THREE PARCELS WITH AN INDUSTRIAL OVERLAY LOCATED AT THE NORTHEAST CORNER OF PARK STREET AND SULTANA AVENUE (APNS: 1049-231-24 THRU 1049-231-26); AND C) LOW DENSITY RESIDENTIAL TO INDUSTRIAL ON ONE PARCEL GENERALLY LOCATED BETWEEN STATE AND PARK STREETS WEST OF MONTEREY AVENUE (APN: 1049-231-12); AND D) INDUSTRIAL TO OPEN SPACE-NON RECREATION ON ONE PARCEL GENERALLY LOCATED ON THE NORTH SIDE OF PHILADELPHIA STREET WEST OF WINEVILLE AVENUE (APN: 0238-152-15); AND 2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES (AMENDING EXHIBITS LU-01 AND LU-03), AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1011-132-17 THRU 1011-132-19; 1011-132-21, -231-26; 1049-231-12 AND 0238-152-15. (LAND USE CYCLE 2 FOR THE 2015 CALENDAR YEAR).

12. A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS (FILE NO. PZC15-002) ON VARIOUS PROPERTIES LOCATED THROUGHOUT THE CITY TO BP (BUSINESS PARK), IP (INDUSTRIAL PARK), IL (LIGHT INDUSTRIAL), AND RC (RAIL CORRIDOR), AND TO CHANGE THE ZONING ON VARIOUS M3 (GENERAL INDUSTRIAL) ZONED PROPERTIES TO IG (GENERAL INDUSTRIAL) AND VARIOUS OTHER ZONES IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES

That the City Council introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC15-002) to create consistency between the zoning and the General Plan land use designations of the subject properties.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC15-002, A REQUEST TO CHANGE THE ZONING ON VARIOUS PROPERTIES LOCATED THROUGHOUT THE CITY TO BP (BUSINESS PARK), IP (INDUSTRIAL PARK), IL (LIGHT INDUSTRIAL), AND RC (RAIL CORRIDOR), AND TO CHANGE THE ZONING ON VARIOUS M3 (GENERAL INDUSTRIAL) ZONED PROPERTIES TO IG (GENERAL INDUSTRIAL) AND VARIOUS OTHER ZONES IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: (AS SHOWN IN EXHIBIT A ATTACHED).

13. AN ORDINANCE TO IMPLEMENT LOCAL REGULATIONS APPLICABLE TO HOLDERS OF A STATE VIDEO FRANCHISE GRANTED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION PURSUANT TO THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT (DIVCA)

That City Council introduce and waive further reading of an ordinance which will authorize the City to enforce the regulatory authority retained under the Digital Infrastructure and Video Competition Act (DIVCA) over holders of State video franchises operating within the City of Ontario; and ensure collection of fees the City is entitled to collect under DIVCA.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, ENACTING NEW CHAPTER 20A OF
TITLE 4, RELATING TO STATE VIDEO SERVICE FRANCHISES.

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

APPOINTMENT OF MUSEUM BOARD TRUSTEE

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 // Other // (GC 54957.1)
November 17, 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
November 17, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF REPLACEMENT FLEET VEHICLES

RECOMMENDATION: That the City Council authorize the cooperative purchase and delivery of one 2016 Ford Super Duty F-250 truck for the Engineering Department in the amount of \$23,053; one 2016 Chevrolet Silverado truck for the Fire Department in the amount of \$30,274; and five 2016 Chevrolet Silverado trucks for the Facilities, Custodial and Utilities Departments in the amount of \$116,432 from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 102811.

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

FISCAL IMPACT: The Fiscal Year 2015-16 Adopted Budget includes appropriations in the amount of \$187,000 for the purchase of the replacement vehicles listed above. The total cost of the vehicles recommended for purchase is \$169,759.

BACKGROUND: The vehicles recommended for replacement in this action have outlived their useful lives, and it is no longer cost effective to maintain them. They are between 10 and 18 years old and 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 operation.

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. 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.

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

Prepared by: Craig Grabow
Department: Fleet Services

City Manager
Approval: 

Submitted to Council/O.H.A. 11/17/2015

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
November 17, 2015

SECTION:
CONSENT CALENDAR

SUBJECT: FISCAL YEAR 2015-16 FIRST BUDGET UPDATE REPORT

RECOMMENDATION: That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2015-16 First Budget Update Report.

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

FISCAL IMPACT: The recommended actions will affect several fund budgets as outlined in the FY 2015-16 First Budget Update Report and supporting schedules.

BACKGROUND: This first budget update report for Fiscal Year 2015-16 reflects the Administrative Services Agency's continued efforts to provide timely, accurate, and understandable financial information to assist the City Council with decision making and achieve their core goals. All funds have been reviewed in preparing this report. The emphasis of this report is on the General Fund, which funds the majority of government services including public safety, recreation, library, museum, parks, building, and planning. This report also discusses prior year results, budget trends, and the economic outlook that may impact the City's resources.

The primary purposes of this report are to:

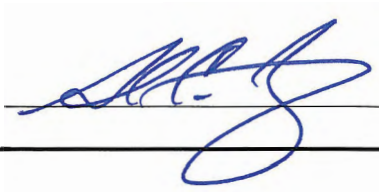
- Provide a reconciliation of budgeted-to-actual financial data from the prior fiscal year;
- Address annual carryforward appropriations across all funds;
- Recognize budgetary carryforward amounts for prior year approved Capital Improvement Projects and Grant appropriations, which are ongoing;
- Revise the City's budget to reflect the City Council's actions taken since the beginning of the current fiscal year;
- Recommend personnel and organizational changes to enhance program operations and efficiency;
- Recommend budget changes to align the budget with projected year-end results;
- Recommend budget adjustments that are consistent with City Council goals and objectives; and

STAFF MEMBER PRESENTING: Grant D. Yee, Administrative Services/Finance Director

Prepared by: Doreen M. Nunes

Department: Fiscal Services

City Manager

Approval: 

Submitted to Council/O.H.A. 11/17/2015

Approved: _____

Continued to: _____

Denied: _____

4

- Comment on significant budget and economic trends which may impact next fiscal year's budget development.

Fiscal Year 2014-15 Results

The General Fund activity for the year resulted in a favorable balance of \$17.5 million. The positive year-end balance was primarily due to revenue increases in sale tax of \$7.5 million, property taxes of \$3.4 million, and development related revenue of \$2.4 million, as well as overall one-time expenditure savings of approximately \$4.2 million.

First Budget Update Recommendations

First Budget Update recommendations are routine in nature and comprised predominately by City Council actions taken since the beginning of the fiscal year, encumbrance carryforward items to rollover purchase orders that have not yet been expended, and Capital Improvement Program (CIP) carryforward items to rollover budget from approved projects that have not yet been completed. For the General Fund, these actions will bring the General Fund estimated available ending fund balance to \$36,665,632 or 19.1% of the General Fund operating budget. This amount achieves the 18% goal set by City Council. Major items proposed for the First Budget Update in the General Fund are: \$1.1 million for police helicopter avionics equipment (funding from the Public Safety Equipment reserve); engineering plan check services for \$300,000 (offset with plan check fee revenue); transfer of \$290,000 toward the downtown parking facility and improvements (offset with revenues from property sales and reimbursement agreement); \$158,000 for additional police reimbursable overtime duty (offset with Special Police Service fee revenue); transfer of \$4.5 million to the City Facilities reserve (funding from the positive year-end results); and appropriations of \$32.1 million for the Ontario International Airport Authority (OIAA) (funding from the remaining balance of the Economic Uncertainties reserve of \$19.1 million and \$13.0 million from the positive year-end results).

Noteworthy budget adjustments in Other Funds include: \$7.8 million for the Francis Street storm drain reimbursement agreement with San Bernardino County Flood Control District; \$4.5 million additional appropriations for the South Milliken grade separation project (\$3.6 million funding from SANBAG and \$900,000 funding from developer impact fee revenue); \$1.4 million for various new grants citywide; and \$1.1 million for Inland Empire Boulevard sewer improvements (offset with developer impact fee revenue).

Interim budget updates also present recommendations for personnel and organizational changes necessary to enhance program operations and efficiency. Current recommendations include organizational changes to the Administrative Services, Development, and Information Technology agencies. The proposed recommendations will result in a net increase of two positions and overall annual increase of \$257,103 across all funds (annual General Fund savings of \$140,362 and an increase of \$397,465 across other funds).

Economic Outlook

The local economy is continuing to show signs of improvement, with continued growth in retail and motor vehicles sales, and employment, as well as strong gains in the housing market. Sales tax revenue for the second quarter 2015 grew approximately 9.5% compared to same quarter a year ago, with office equipment and new auto sales continuing to be the highest producing sectors. Ontario's unemployment rate declined to 5.8% in September 2015 from 8.2% a year ago. Continued job gains over the last several months continue to drive unemployment down. Home values are strengthening as demonstrated by the 8.0% increase compared to the prior year in the median sale price of single-family homes in San Bernardino County for September 2015. Home sales also increased by 9.2% as a result of home buyers being pushed out of the Los Angeles and Orange County housing market due

to the higher home prices reflected in those regions. However, the Consumer Confidence Index continues to be at pre-recession levels with a reported 97.6 for October 2015, a decline from the previous month reading of 102.6. This is a result of consumers becoming less optimistic about the long-term growth in the economy.

In addition, the declining passenger traffic at the Ontario International Airport is of utmost concern for the City. The airport has lost over 40% of passenger traffic since 2007, which equates to a loss of approximately \$540 million dollars of regional economic impact and over 10,000 local jobs. The transfer of Ontario Airport management decisions to local control is in the best interest for the region and will help the Airport regain its status as the economic engine for the Inland Empire while ensuring sufficient airport capacity in the long-term for all of Southern California.

CalPERS

The California State Public Employees Retirement System (CalPERS) is considerably underfunded, primarily due to lower than projected earning rates combined with significant investment losses incurred during the Great Recession. All of this has contributed to dramatic increases to the City's CalPERS contribution rates. With the recent adoption of amortization and smoothing policy changes by the CalPERS Board to address the severity of the underfunding, significant employer contribution rate increases have begun in this fiscal year. CalPERS' proposed rates will increase by approximately 50% by Fiscal Year 2019-20. These rates are dependent upon CalPERS earning a 7.5% return on their investments in the future.

Conclusion

While the City is experiencing improvement during this economic recovery, challenges still remain. The economy is projected to grow slowly over the next couple of years due to a continued stagnant wage growth, the potential negative impact to the economy resulting from the unstable global economy, and the Federal Reserve's current actions to taper back its bond purchases (quantitative easing) which has kept borrowing costs low. The City still needs to be attentive during this economic recovery stage to ensure that the City of Ontario is positioned to take advantage of opportunities in the next economic growth cycle.

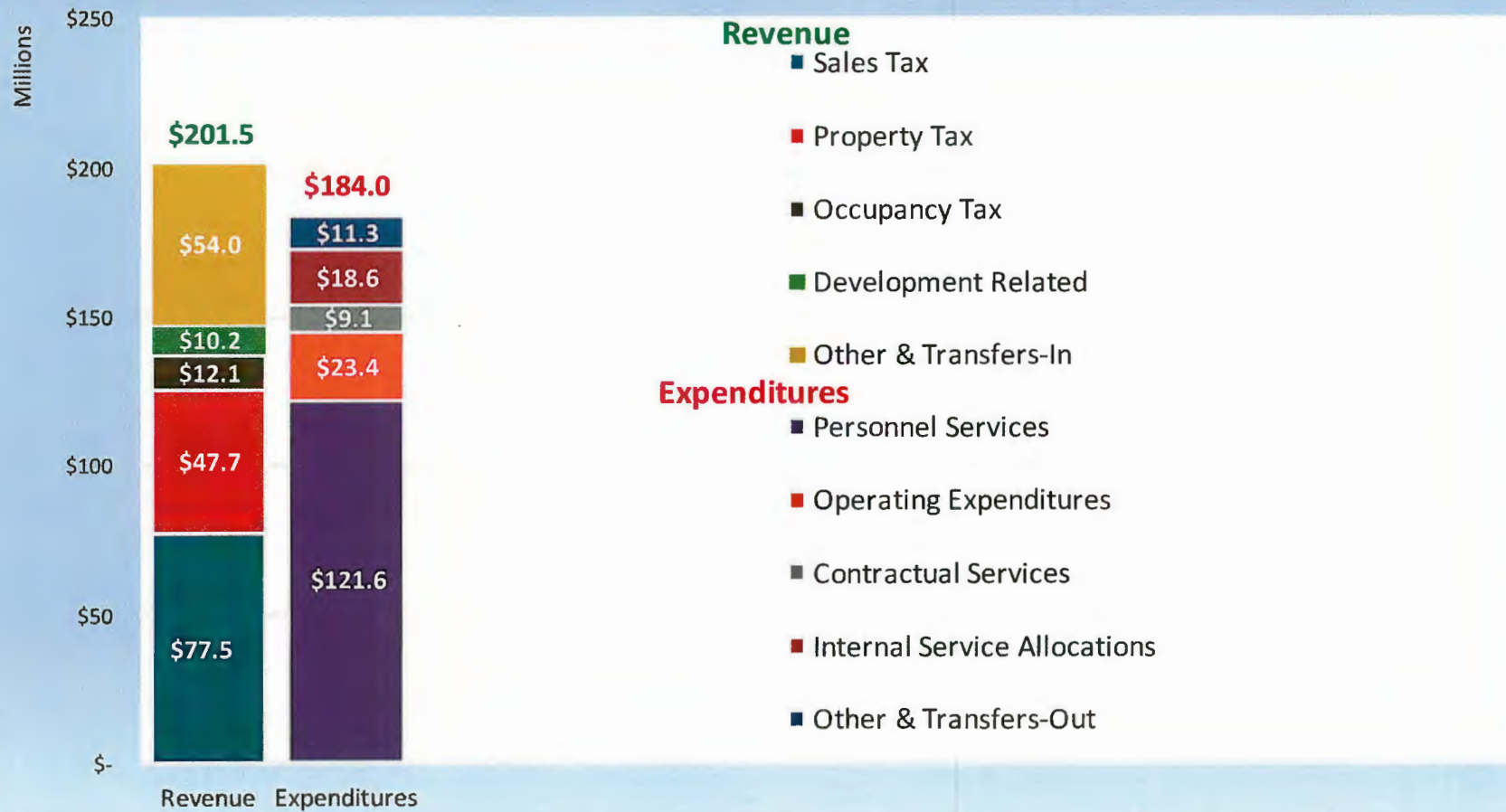
The Adopted Operating Budget for FY 2015-16, as modified through this First Budget Update, reflects the City Council's continued commitment to foster steady, controlled growth and to provide the highest level of service to the community within the City's fiscal constraints. With the City Council's leadership and their prudent fiscal policies, the City's long-term fiscal health will further solidify its standing as the economic leader in the Inland Empire, and a formidable player in California and the nation.

First Budget Update FY 2015-16

November 17, 2015



FY 2014-15 General Fund Results



Economic Outlook

September-15	Median Sold Price of Existing Single-Family Homes			Sales
State/Region/County	Sep-15	Sep-14	YTY% Chg	YTY% Chg
Los Angeles Metro Area	\$438,120	\$413,730	5.9%	11.9%
Inland Empire	\$288,680	\$275,160	4.9%	9.9%
Southern California				
Los Angeles	\$517,750	\$486,030	6.5%	9.6%
Orange	\$707,700	\$696,190	1.7%	13.8%
Riverside	\$329,200	\$316,500	4.0%	10.4%
San Bernardino	\$229,890	\$212,790	8.0%	9.2%
San Diego	\$539,340	\$519,420	3.8%	4.8%
Ventura	\$599,710	\$589,080	1.8%	34.7%

Source: California Association of Realtors

GDP

Third Quarter 2015
Increased 1.5%

Economic growth remains the same

Consumer Confidence Index
Oct 2015
97.6

Purchasing Manufacturing Index
Sept 2015
50.2%

September 2015

UNEMPLOYED

U.S. 5.1

CA 5.9

Riverside-San Bernardino-Ontario 6.1

Ontario 5.8

"Fragile global economy"

"Slow but relatively steady growth...little is likely to change in the coming months"

FY 2015-16
General
Fund

First Budget
Update

Total Revenue Budget	\$192,375,232
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<u>Revenue Adjustments</u>	
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Development Related	\$ 643,126
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Other & Transfers-In	\$ 20,661,582
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Revised Revenue Budget	<u>\$213,679,940</u>
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Total Expenditure Budget	\$192,375,232
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<u>Expenditure Adjustments</u>	
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Public Safety	\$ 1,280,500
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Development	\$ 300,000
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Community Services & Recreation	\$ 186,956
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Other & Transfers-Out	\$ 37,936,386
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Revised Expenditure Budget	<u>\$232,079,074</u>
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See Schedules I -VI

FY 2015-16 Citywide Budget By Fund

First Budget Update Highlights

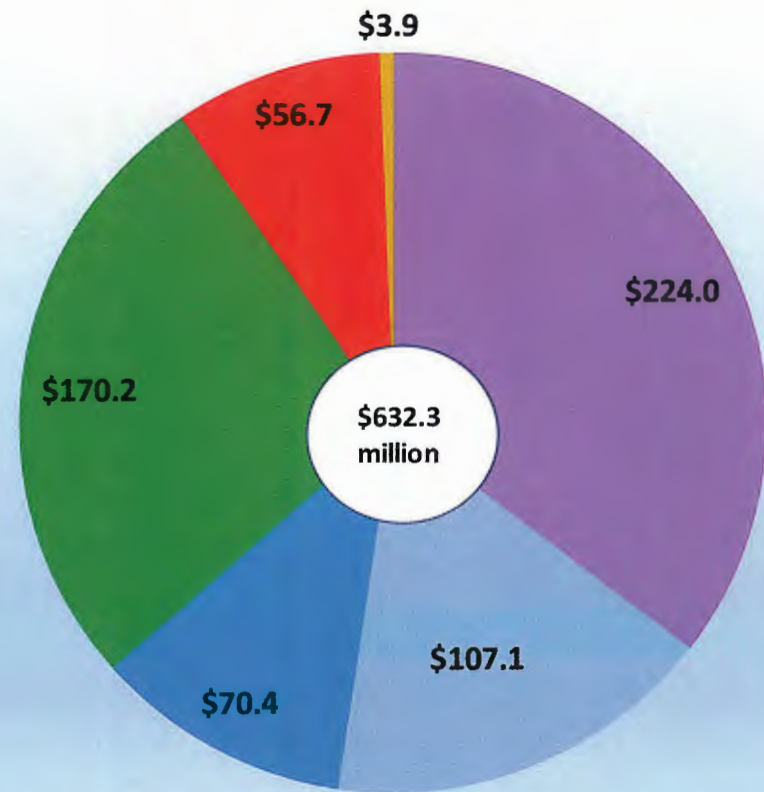
- New Grants \$1,362,856
- South Milliken Grade Separation \$4.5m
- Inland Empire Blvd Sewer Improvements \$1.1m
- Francis Street Storm Drain Reimbursement Agreement \$7.8m

See Schedules V-VI



\$32,120,000 Funding Support

- General Fund
- Special Revenue
- Capital Projects
- Enterprise
- Internal Service
- Fiduciary



Excluding Transfers-Out

FY 2015-16 Personnel Recommendations First Budget Update

Agency	Position	Action
Administrative Services	Management Analyst	Addition
Information Technology	Broadband Operations Manager	Addition
Information Technology	Senior Systems Analyst	Addition
Development	Assistant City Engineer	Addition
Development	Principal Engineer	Deletion
Housing & Municipal Services	Housing Manager	Deletion

See Schedule VII

City of Ontario
Summary of General Fund Recommended Revenue Adjustments
Fiscal Year 2015-16
First Budget Update

Revenue Source	Original Budget	Current Budget	Recommended First Budget Update Adjustments	Current Budget After Adjustments	Actuals As of 10/31/2015	Percent of Budget Received
Sales Tax	\$ 71,000,000	\$ 71,000,000	\$ -	\$ 71,000,000	\$ 7,138,812	10.05%
Business License Tax	6,400,000	6,400,000	-	6,400,000	214,692	3.35%
Occupancy Tax	10,900,000	10,900,000	-	10,900,000	3,197,556	29.34%
Parking Tax	2,700,000	2,700,000	-	2,700,000	595,274	22.05%
Franchises	3,200,000	3,200,000	-	3,200,000	-	0.00%
Property Tax	44,750,000	44,750,000	-	44,750,000	-	0.00%
Development Related	6,734,988	6,734,988	643,126	7,378,114	3,696,197	50.10%
Recreation Programs	896,300	896,300	-	896,300	345,900	38.59%
Interest & Rentals	1,777,930	1,777,930	-	1,777,930	-	0.00%
Miscellaneous Revenues	4,814,295	4,814,295	145,000	4,959,295	1,354,369	27.31%
Total Recurring Revenues	<u>\$ 153,173,513</u>	<u>\$ 153,173,513</u>	<u>\$ 788,126</u>	<u>\$ 153,961,639</u>	<u>\$ 16,542,800</u>	10.74%
Reimbursables	<u>2,448,717</u>	<u>2,448,717</u>	<u>303,000</u>	<u>2,751,717</u>	<u>1,717,019</u>	62.40%
Total General Fund Revenues	<u><u>\$ 155,622,230</u></u>	<u><u>\$ 155,622,230</u></u>	<u><u>\$ 1,091,126</u></u>	<u><u>\$ 156,713,356</u></u>	<u><u>\$ 18,259,819</u></u>	11.65%

City of Ontario
Summary of General Fund Recommended Expenditure Adjustments
Fiscal Year 2015-16
First Budget Update

	Expenditures
Adopted Budget	\$ 188,979,590
Current Budget	\$ 188,979,590
Recommended Adjustments:	
Police Helicopter avionic equipment <i>(CC Apprvd 8/4/2015)</i>	\$ 1,100,000
Engineering Plan Check Services (offset with Development Related Revenue)	300,000
Police reimbursable overtime duty <i>(CC Apprvd 7/21/2015)</i>	158,000
Citywide custodial maintenance services <i>(CC Apprvd 6/16/2015)</i>	48,156
Ontario Museum of History and Art Walkway Rehabilitation	42,000
Ontario Museum of History and Art Signage Study	40,000
Armsley Square tree preservation maintenance services	30,000
City of Ontario Boards and Commissions stipends <i>(CC Apprvd 8/18/2015)</i>	18,600
Park Place parkway landscape maintenance services <i>(CC Apprvd 7/7/2015)</i>	15,400
Real-time data monitoring for Fire calls	12,500
Ontario Ranch weed abatement services <i>(CC Apprvd 10/6/2015)</i>	11,400
Asset Seizure Investigation Fund/offset with Transfer-in (Fund 010)	10,000
OIAA Funding Support	32,120,000
FY 2014-15 Carryforward Encumbrances	1,080,042
Recommended personnel changes	(68,811)
Total Recommended Adjustments	<u>\$ 34,917,287</u>
Recommended Budget	<u><u>\$ 223,896,877</u></u>

City of Ontario
Summary of General Fund Recommended Transfer Adjustments
Fiscal Year 2015-16
First Budget Update

	Operating Transfers-In	Operating Transfers-Out
Adopted Budget	\$ 36,753,002	\$ 3,395,642
Current Budget	\$ 36,753,002	\$ 3,395,642
Recommended Adjustments:		
Transfer-in from Public Safety Equipment Reserve (Fund 098) - Police Helicopter avionic equipment <i>(CC Apprvd 8/4/2015)</i>	\$ 1,100,000	\$ -
Transfer-in from Asset Seizure (Fund 010) - Investigation Fund	10,000	-
Transfer-in from Economic Uncertainties Reserve (Fund 098) - OIAA Funding Support	19,103,582	-
Transfer-out to Capital Projects (Fund 017) - Downtown Parking Facility & Improvements project <i>(CC Apprvd 2/3/2015)</i>	-	290,000
Transfer-out to City Facilities Reserve (Fund 098)	-	4,488,342
Transfer-out to General Fund Grants (Fund 015) - FY2015 FEMA/DHS Assistance to Firefighters Grant (City's match) <i>(CC Apprvd 7/7/2015)</i>	-	8,213
Total Recommended Adjustments	\$ 20,213,582	\$ 4,786,555
Recommended Budget	\$ 56,966,584	\$ 8,182,197

City of Ontario
General Fund Balance with Recommended Adjustments
Fiscal Year 2015-16
First Budget Update

General Fund	Actual 2014-15 Unaudited	Adopted 2015-16 Budget	Prior Budget Update Approved Adjustments	Current 2015-16 Budget	First Budget Update Recommended Adjustments	Recommended Budget 2015-16
Total Revenues	\$ 173,389,492	\$ 155,622,230	\$ -	\$ 155,622,230	\$ 1,091,126	\$ 156,713,356
Total Expenditures	(171,670,632)	(188,979,590)	-	(188,979,590)	(34,917,287)	(223,896,877)
Excess (Deficiency) of Revenues Over (Under) Expenditures	\$ 1,718,860	\$ (33,357,360)	\$ -	\$ (33,357,360)	\$ (33,826,161)	\$ (67,183,521)
Other Sources (Uses):						
Operating Transfer In	\$ 28,114,147	\$ 36,753,002	\$ -	\$ 36,753,002	\$ 20,213,582	\$ 56,966,584
Operating Transfer Out	(11,248,205)	(3,395,642)	-	(3,395,642)	(4,786,555)	(8,182,197)
Total Other Sources (Uses)	\$ 16,865,942	\$ 33,357,360	\$ -	\$ 33,357,360	\$ 15,427,027	\$ 48,784,387
Excess (Deficiency) of Revenues and Other Financing Sources Over (Under) Expenditures and Other Financing Uses	\$ 18,584,802	\$ -	\$ -	\$ -	\$ (18,399,134)	\$ (18,399,134)
Fund Balance, Beginning of Year	85,894,027	104,478,829	-	104,478,829	-	104,478,829
Fund Balance, End of Year	<u>\$ 104,478,829</u>	<u>\$ 104,478,829</u>	<u>\$ -</u>	<u>\$ 104,478,829</u>	<u>\$ (18,399,134)</u>	<u>\$ 86,079,695</u>
FUND BALANCE						
Non-Spendable:						
Inventory	\$ 123,798	\$ 123,798	\$ -	\$ 123,798	\$ -	\$ 123,798
Advanced to Other Funds (RDA loan Repayment)	3,500,000	3,500,000	-	3,500,000	-	3,500,000
Long-Term Receivable	15,000	15,000	-	15,000	-	15,000
Prepays	73,591	73,591	-	73,591	-	73,591
Total Non-Spendable	\$ 3,712,389	\$ 3,712,389	\$ -	\$ 3,712,389	\$ -	\$ 3,712,389
Assigned:						
Continuing Appropriations	1,080,042	1,080,042	-	1,080,042	(1,080,042)	-
ORA Loan Payments	37,456,674	37,456,674	-	37,456,674	-	37,456,674
DOF Settlement/State Sales Tax	8,245,000	8,245,000	-	8,245,000	-	8,245,000
18% Stabilization Plan	53,984,724	53,984,724	-	53,984,724	(17,319,092)	36,665,632
Total Assigned	\$ 100,766,440	\$ 100,766,440	\$ -	\$ 100,766,440	\$ (18,399,134)	\$ 82,367,306
Total Fund Balance (Non-Spendable, Assigned)	<u>104,478,829</u>	<u>104,478,829</u>	<u>-</u>	<u>104,478,829</u>	<u>(18,399,134)</u>	<u>86,079,695</u>
Total Available for Contingencies and Emergencies	<u>\$ 55,064,766</u>	<u>\$ 55,064,766</u>	<u>\$ -</u>	<u>\$ 55,064,766</u>	<u>\$ (18,399,134)</u>	<u>\$ 36,665,632</u>

City of Ontario
Unreserved Fund Balance with Recommended Adjustments for All Funds
Fiscal Year 2015-16
First Budget Update

Funds/Sources	Total Unreserved Fund Balance July 1, 2015	Current Budget Control					Estimated Total Unreserved Fund Balance June 30, 2016	Recommended First Budget Update Adjustments Increase(Decrease) to Fund Balance Net Adjustments	Adjusted Unreserved Fund Balance June 30, 2016	
		Revenues	Operating Transfers-In	Operating Transfers-Out	Total Available	Expenditures				
General Fund (incl. encumbrances)										
001 General Fund	\$ 55,064,766	\$ 155,622,230	\$ 36,753,002	\$ 3,395,642	\$ 244,044,356	\$ 188,979,590	\$ 55,064,766	\$ (18,399,134)	\$ 36,665,632	
Total General Fund	\$ 55,064,766	\$ 155,622,230	\$ 36,753,002	\$ 3,395,642	\$ 244,044,356	\$ 188,979,590	\$ 55,064,766	\$ (18,399,134)	\$ 36,665,632	
Special Revenue Funds										
002 Quiet Home Program	-	\$ 2,855,575	\$ -	\$ -	\$ 2,855,575	\$ 2,855,575	\$ -	\$ -	\$ -	
003 Gas Tax	4,427,488	3,702,946	900,000	2,496,997	6,533,437	2,982,956	3,550,481	(2,244,516)	1,305,965	
004 Measure I	6,096,863	2,576,410	-	-	8,673,273	3,564,200	5,109,073	(3,521,113)	1,587,960	
005 Measure I -Valley Major Projects	-	6,560,800	-	-	6,560,800	6,560,800	-	-	-	
007 Park Impact/Quimby	8,523,062	54,000	-	-	8,577,062	-	8,577,062	-	8,577,062	
008 C.D.B.G.	-	2,562,234	-	-	2,562,234	2,562,234	-	-	-	
009 HOME Grants	-	1,306,426	-	-	1,306,426	1,306,426	-	-	-	
010 Asset Seizure	3,709,532	-	-	-	3,709,532	863,508	2,846,024	(255,185)	2,590,839	
011 Neighborhood Stabilization	-	-	-	-	-	-	-	-	-	
013 A.D. Administration	970,263	13,000	-	-	983,263	213,746	769,517	(34,587)	734,930	
014 Mobile Source Air	878,727	205,000	-	14,685	1,069,042	33,801	1,035,241	(539,396)	495,845	
015 General Fund Grants	-	1,374,000	-	-	1,374,000	1,374,000	-	-	-	
018 Building Safety	391,432	910,000	-	56,096	1,245,336	1,221,502	23,834	-	23,834	
019 Parkway Maintenance	917,777	590,080	279,970	186,400	1,601,427	700,245	901,182	(9,434)	891,748	
021 Storm Drain Fee District	67,906	400	-	-	68,306	-	68,306	-	68,306	
060 OMC CFD #21-Parkside Services	27,918	41,610	-	16,110	53,418	25,500	27,918	-	27,918	
061 NMC CFD #31-Lennar Services	-	28,840	-	23,840	5,000	5,000	-	-	-	
062 NMC CFD #23-Park Place Services	-	155,736	-	150,736	5,000	5,000	-	-	-	
069 NMC CFD #20-Walmart Services	24,609	25,980	-	2,980	47,609	23,000	24,609	-	24,609	
048 Ontario Housing Authority	2,583,263	544,800	-	-	3,038,476	615,508	2,422,968	-	2,422,968	
070 Street Light Maintenance	1,914,655	485,079	15,672	89,587	2,404,618	339,411	2,065,207	(15,723)	2,049,484	
071 CFD #10-Public Services	-	10,788	-	10,788	-	-	-	-	-	
072 NMC CFD #9-Edenglen Services	27,532	524,218	-	511,818	39,932	12,400	27,532	(27,532)	-	
076 Facilities Maintenance	425,636	-	750,000	-	1,175,636	750,000	425,636	(425,636)	-	
077 Storm Drain Maintenance	1,115,090	1,242,000	-	-	2,357,090	1,645,578	711,512	(430)	711,082	
114 Historic Preservation	195,172	1,300	-	-	196,472	-	196,472	-	196,472	
119 NMC Public Services	3,688,400	25,000	-	-	3,713,400	-	3,713,400	-	3,713,400	
Total Special Revenue Funds	\$ 35,985,325	\$ 25,796,222	\$ 1,945,642	\$ 3,560,037	\$ 60,156,364	\$ 27,660,390	\$ 32,495,974	\$ (7,073,552)	\$ 25,422,422	
Capital Project Funds										
016 Ground Access	7,854,709	\$ -	\$ -	\$ -	\$ 7,854,709	\$ -	\$ 7,854,709	\$ -	\$ 7,854,709	
017 Capital Projects	27,180,046	-	2,713,000	-	29,893,046	2,713,000	27,180,046	(16,071,595)	11,108,451	
101 Law Enforcement Impact	(1,900,491)	5,800	-	-	(1,894,691)	-	(1,894,691)	(15,316)	(1,910,007)	
102 Fire Impact	125,398	1,000	-	-	126,398	-	126,398	(2,377,456)	(2,251,058)	
103 OMC Street Impact	5,094,481	49,000	-	-	5,143,481	5,239,200	(95,719)	(15,858,561)	(15,954,280)	
104 OMC Water Impact	8,034,626	55,000	-	-	8,089,626	-	8,089,626	(117,368)	7,972,258	
105 OMC Sewer Impact	3,169,232	22,000	-	-	3,191,232	-	3,191,232	(1,147,502)	2,043,730	
106 Solid Waste Impact	1,709,789	11,000	-	-	1,720,789	100,000	1,620,789	-	1,620,789	
107 General Facility Impact	1,540,907	10,000	-	-	1,550,907	-	1,550,907	-	1,550,907	
108 Library Impact	959,805	6,000	-	-	965,805	-	965,805	-	965,805	
109 Public Meeting Impact	1,841,224	12,000	-	-	1,853,224	-	1,853,224	(145,000)	1,708,224	
110 Aquatics Impact	179,839	1,200	-	-	181,039	-	181,039	-	181,039	

City of Ontario
Unreserved Fund Balance with Recommended Adjustments for All Funds
Fiscal Year 2015-16
First Budget Update

Funds/Sources	Total Unreserved Fund Balance July 1, 2015	Current Budget Control					Estimated Total Unreserved Fund Balance June 30, 2016	Recommended First Budget Update Adjustments Increase(Decrease) to Fund Balance Net Adjustments	Adjusted Unreserved Fund Balance June 30, 2016
		Revenues	Operating Transfers-In	Operating Transfers-Out	Total Available	Expenditures			
111 OMC Storm Drainage Impact	14,815,650	103,000	-	-	14,918,650	30,000	14,888,650	(7,768,199)	7,120,451
112 Species Habitat Impact	1,376,480	9,000	-	-	1,385,480	-	1,385,480	-	1,385,480
113 Fiber Impact	6,384	-	-	-	6,384	-	6,384	-	6,384
115 NMC Street Impact	444,539	4,400	-	-	448,939	-	448,939	(4,108,423)	(3,659,484)
116 NMC Water Impact	-	-	-	-	-	-	-	-	-
117 NMC Sewer Impact	213,588	1,400	-	-	214,988	-	214,988	-	214,988
118 NMC Storm Drainage Impact	1,447,401	10,000	-	-	1,457,401	-	1,457,401	-	1,457,401
120 Affordability In-Lieu	3,059,751	19,000	-	-	3,078,751	-	3,078,751	-	3,078,751
170 OMC - Regional Streets	4,994,760	33,000	-	-	5,027,760	-	5,027,760	(50,000)	4,977,760
171 OMC - Local Adjacent Streets	2,199,375	14,000	-	-	2,213,375	-	2,213,375	-	2,213,375
172 OMC - Regional Storm Drains	269,535	1,800	-	-	271,335	-	271,335	-	271,335
173 OMC - Local Adjacent Storm Drain	5,118,819	34,000	-	-	5,152,819	-	5,152,819	(2,300,000)	2,852,819
174 OMC - Regional Water	3,075,804	20,000	-	-	3,095,804	-	3,095,804	-	3,095,804
175 OMC - Local Adjacent Water	770,390	5,100	-	-	775,490	-	775,490	-	775,490
176 OMC - Regional Sewer	455,255	3,000	-	-	458,255	-	458,255	-	458,255
177 OMC - Local Adjacent Sewer	681,496	4,000	-	-	685,496	-	685,496	-	685,496
178 OMC - Fire Impact	181,746	-	-	-	181,746	-	181,746	-	181,746
180 OMC - Regional Streets	491,568	2,000	-	-	493,568	-	493,568	-	493,568
181 NMC - Local Adjacent Streets	1,773,533	2,000	-	-	1,775,533	-	1,775,533	-	1,775,533
182 NMC - Regional Storm Drains	252,496	2,000	-	-	254,496	-	254,496	-	254,496
183 NMC - Local Adjacent Storm Drain	824,790	6,000	-	-	830,790	-	830,790	-	830,790
184 NMC - Regional Water	423,318	2,500	-	-	425,818	-	425,818	-	425,818
185 NMC - Local Adjacent Water	541,322	3,000	-	-	544,322	-	544,322	-	544,322
186 NMC - Regional Sewer	34,081	-	-	-	34,081	-	34,081	-	34,081
187 NMC - Local Adjacent Sewer	51,665	500	-	-	51,665	-	51,665	-	51,665
188 NMC - Local Regional Fiber	12,555	60	-	-	12,615	-	12,615	-	12,615
189 NMC - Local Adjacent Fiber	101,590	540	-	-	102,130	-	102,130	-	102,130
190 NMC - Fire Impact	7,312,464	-	-	-	7,312,464	-	7,312,464	-	7,312,464
501 CFD #9-Edenglen	-	-	-	-	-	-	-	-	-
502 CFD #10-OAT	150	-	-	-	150	-	150	-	150
503 CFD #11-Armada	27,371	190	-	-	27,561	-	27,561	-	27,561
504 CFD #21-Ontario Parkside	74,846	-	-	-	74,846	-	74,846	-	74,846
505 CFD #13-Commerce Center	58,441	300	-	-	58,741	-	58,741	-	58,741
508 CFD #20-Walmart	67	-	-	-	67	-	67	-	67
509 CFD #23 & #24-Park Place Services	-	-	-	-	-	-	-	-	-
510 NMC CFD #27-New Haven Services	29,224	-	-	-	29,224	-	29,224	-	29,224
511 Richland Countryside CFD	75,000	-	-	-	75,000	-	75,000	-	75,000
512 NMC CFD #19-Forestar Services	82,788	-	-	-	82,788	-	82,788	-	82,788
513 NMC CFD #1-Lennar Services	33,667	-	-	-	33,667	-	33,667	-	33,667
514 NMC CFD #2-Archibald/Schaefer Services	22,943	-	-	-	22,943	-	22,943	-	22,943
Total Capital Project Funds	\$ 107,123,917	\$ 453,790	\$ 2,713,000	\$ -	\$ 110,290,707	\$ 8,082,200	\$ 102,208,507	\$ (49,959,420)	\$ 52,249,087
Enterprise Funds									
024 Water Operating	56,315,160	\$ 47,369,000	\$ -	\$ 28,118,079	\$ 75,566,081	\$ 40,119,342	\$ 35,446,739	\$ (279,461)	\$ 35,167,278
025 Water Capital	58,931,277	1,347,000	17,600,000	5,267,530	72,610,747	43,892,207	28,718,540	(20,467,034)	8,251,506
026 Sewer Operating	23,818,270	21,802,000	-	8,716,754	36,903,516	16,700,729	20,202,787	(431)	20,202,356
027 Sewer Capital	17,502,662	126,000	3,500,000	761,600	20,367,062	4,234,955	16,132,107	(1,662,371)	14,469,736
029 Solid Waste	34,277,886	30,764,500	-	6,979,002	58,063,384	26,347,502	31,715,882	(4,356,957)	27,358,925
031 Solid Waste Facilities	637,122	4,400	-	-	641,522	-	641,522	(63,838)	577,684
Total Enterprise Funds	\$ 191,482,377	\$ 101,412,900	\$ 21,100,000	\$ 49,842,965	\$ 264,152,312	\$ 131,294,735	\$ 132,857,577	\$ (26,830,092)	\$ 106,027,485

City of Ontario
Unreserved Fund Balance with Recommended Adjustments for All Funds
Fiscal Year 2015-16
First Budget Update

Funds/Sources	Total Unreserved Fund Balance July 1, 2015	Current Budget Control					Estimated Total Unreserved Fund Balance June 30, 2016	Recommended First Budget Update Adjustments Increase(Decrease) to Fund Balance Net Adjustments	Adjusted Unreserved Fund Balance June 30, 2016
		Revenues	Operating Transfers-In	Operating Transfers-Out	Total Available	Expenditures			
Internal Service Funds									
032 Equipment Services	38,241,333	\$ 11,291,015	\$ -	\$ -	\$ 49,532,348	\$ 17,775,705	\$ 31,756,643	\$ (2,508,704)	\$ 29,247,939
033 Self Insurance	13,215,019	9,414,726	-	-	22,629,745	7,266,246	\$ 15,363,499	(215,688)	15,147,811
034 Information Technology	30,402,343	8,420,830	90,000	840,000	38,073,173	14,063,848	\$ 24,009,325	(14,901,977)	9,107,348
Total Internal Service Funds	<u>\$ 81,858,695</u>	<u>\$ 29,126,571</u>	<u>\$ 90,000</u>	<u>\$ 840,000</u>	<u>\$ 110,235,266</u>	<u>\$ 39,105,799</u>	<u>\$ 71,129,467</u>	<u>\$ (17,626,369)</u>	<u>\$ 53,503,098</u>
Fiduciary Funds									
098 General Fund Trust	43,534,171	\$ -	\$ 1,450,000	\$ 6,413,000	\$ 38,571,171	\$ -	\$ 38,571,171	\$ (15,715,240)	\$ 22,855,931
099 Other Post Employment Benefits (OPEB)	106,067,443	9,470,175	-	-	115,537,618	3,900,000	111,637,618	-	111,637,618
Total Trust Funds	<u>\$ 149,601,614</u>	<u>\$ 9,470,175</u>	<u>\$ 1,450,000</u>	<u>\$ 6,413,000</u>	<u>\$ 154,108,789</u>	<u>\$ 3,900,000</u>	<u>\$ 150,208,789</u>	<u>\$ (15,715,240)</u>	<u>\$ 134,493,549</u>
	<u>\$ 621,116,694</u>	<u>\$ 321,881,888</u>	<u>\$ 64,051,644</u>	<u>\$ 64,051,644</u>	<u>\$ 942,987,794</u>	<u>\$ 399,022,714</u>	<u>\$ 543,965,080</u>	<u>\$ (135,603,807)</u>	<u>\$ 408,361,273</u>

* Fund Balance amount is the Fund's actual working capital

City of Ontario
Recommended Adjustments by Fund
Fiscal Year 2015-16
First Budget Update

SCHEDULE VI

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 001 - General Fund					
<i>Current Year Adjustments to Fund Balance</i>					
Police Helicopter avionics equipment (CC Apprvd 8/4/2015) Transfer-In (From Fund 098)	1,100,000		1,100,000		-
Engineering Plan Check Services (offset with Development Related Revenue)	300,000	300,000			-
Police reimbursable overtime duty (offset with Special Police Services Fees) (CC Apprvd 7/21/2015)	158,000	158,000			-
Citywide custodial maintenance services (CC Apprvd 6/16/2015)	48,156				(48,156)
Ontario Museum of History and Art slate walkway rehabilitation	42,000				(42,000)
Ontario Museum of History and Art monument and building signage study	40,000				(40,000)
Armsley Square tree preservation maintenance services	30,000				(30,000)
City of Ontario Boards and Commissions stipends (CC Apprvd 8/18/2015)	18,600				(18,600)
Park Place parkway landscape maintenance services (CC Apprvd 7/7/2015)	15,400				(15,400)
Real-time data monitoring for Fire calls	12,500				(12,500)
Ontario Ranch weed abatement services (CC Apprvd 10/6/2015)	11,400				(11,400)
Asset Seizure Investigation Fund/Transfer-in (From Fund 010)	10,000		10,000		-
Transfer-in (From Fund 098) Economic Uncertainties Reserve			19,103,582		19,103,582
Transfer-out (To Fund 017) Downtown Parking Facility & Improvements (offset with revenues: property sales & reimbursement) (CC Apprvd 2 3 2015)		290,000		290,000	-
Transfer-out (To Fund 098) City Facilities Reserve				4,488,342	(4,488,342)
Transfer-out (To Fund 015) FY2014 FEMA/DHS Assistance to Firefighters Grant - City's match (CC Apprvd 7/7/2015)				8,213	(8,213)
OIAA Funding Support	32,120,000				(32,120,000)
FY 2014-15 Carryforward Encumbrances	1,080,042	343,126			(736,916)
Recommended personnel changes	(68,811)				68,811
Total General Fund Adjustments	34,917,287	1,091,126	20,213,582	4,786,555	(18,399,134)
 +/- Required Reserve Changes:					
Carryforward Appropriations Reserve	-				1,080,042
Total General Fund Adjustments					(17,319,092)
Fund 002 - Quiet Home					
Recommend personnel changes	(167,889)	(167,889)			-
Carryforward Encumbrances from FY 2014-15	2,000	2,000			-
Carryforward Grant Appropriations from FY 2014-15	423,182	423,182			-
	257,293	257,293	-	-	-
Fund 003 - Gas Tax					
Traffic Signal: Mission/Mountain	150,000				(150,000)
Carryforward Encumbrances from FY 2014-15	556,340				(556,340)
Carryforward CIP Appropriations from FY 2014-15	1,590,145	51,969			(1,538,176)
	2,296,485	51,969	-	-	(2,244,516)
Fund 004 - Measure I Five-Year Capital Improvement Plan					
Carryforward Encumbrances from FY 2014-15	1,169,707				(1,169,707)
Carryforward CIP Appropriations from FY 2014-15	2,351,406				(2,351,406)
	3,521,113	-	-	-	(3,521,113)

City of Ontario
Recommended Adjustments by Fund
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SCHEDULE VI

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 005 - Measure I-Valley Major Projects					
South Milliken Grade Separation/Revise Budget	3,600,000	3,600,000			-
Carryforward Encumbrances from FY 2014-15	44,153,308	44,153,308			-
Carryforward CIP Appropriations from FY 2014-15	17,400,096	17,400,096			-
	<u>65,153,404</u>	<u>65,153,404</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund 008 - Community Development Block Grant					
Carryforward Encumbrances from FY 2014-15	784,015	784,015			-
Carryforward Grant Appropriations from FY2014-15	294,507	294,507			-
	<u>1,078,522</u>	<u>1,078,522</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund 010 - Asset Seizure					
Police Honor Guard uniform replacement	29,760				(29,760)
Polygraph training	18,240				(18,240)
Transfer-out (To Fund 001) Investigation Fund				10,000	(10,000)
Carryforward Encumbrances from FY 2014-15	197,185				(197,185)
	<u>245,185</u>	<u>-</u>	<u>-</u>	<u>10,000</u>	<u>(255,185)</u>
Fund 013 - Assessment District Administration					
Recommended personnel changes	34,587				(34,587)
	<u>34,587</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(34,587)</u>
Fund 014 - Mobile Source Air					
CNG Slow Fill Posts at Ontario Municipal Services Center (transfer from Equipment Services Fund 032)	300,000				(300,000)
Carryforward Encumbrances from FY 2014-15	10,000				(10,000)
Carryforward CIP Appropriations from FY 2014-15	229,396				(229,396)
	<u>539,396</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(539,396)</u>
Fund 015 - General Fund Grants					
OTS/STEP Avoid Lead Agency (CC Apprvd 2 3 2015)	510,000	510,000			-
FY2015 Homeland Security Grant Program: Aviation Downlink Program Mapping System - Police (CC Apprvd 11 3 2015)	440,000	440,000			-
Front Line Law Enforcement Grant/Revise budget	151,840	151,840			-
FY2014 FEMA/DHS Assistance to Firefighters Grant (CC Apprvd 7 7 2015)	90,350	82,137	8,213		-
FY2014 Homeland Security Grant Program (Police)/Revise budget	36,368	36,368			-
FY2014-15 ELEAS/COPS Grant/Revise budget	38,641	38,641			-
FY2015 Homeland Security Grant Program (Fire)	36,016	36,016			-
Edward Byrne Memorial Justice Assistance Grant (JAG) FY 2015 (CC Apprvd 6 2 2015)	34,641	34,641			-
Library Services and Technology Act Grant (California State Library) - KinderGo	20,000	20,000			-
Library Services and Technology Act Grant (California State Library) - Teens, College and Preparedness	5,000	5,000			-
Carryforward Encumbrances from FY 2014-15	1,081,111	1,081,111			-
Carryforward Grant Appropriations from FY 2014-15	3,339,527	3,339,527			-
	<u>5,783,494</u>	<u>5,775,281</u>	<u>8,213</u>	<u>-</u>	<u>-</u>

City of Ontario
Recommended Adjustments by Fund
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SCHEDULE VI

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 016 - Ground Access					
North Vineyard Grade Separation/Revise budget	450,000	450,000			-
Carryforward Encumbrances from FY 2014-15	1,840,131	1,840,131			-
Carryforward CIP Appropriations from FY 2014-15	1,678,816	1,678,816			-
	<u>3,968,947</u>	<u>3,968,947</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund 017 - Capital Projects					
Francis Street Storm Drain Reimbursement Agreement with San Bernardino County Flood Control District (CC Apprvd 9 1 2015)	7,805,000	7,805,000			-
Downtown Parking Facility & Improvements/Revise budget (Transfer-in from Fund 001) (CC Apprvd 2 3 2015)	290,000		290,000		-
Dog Park at John Galvin Park/Revise budget	150,000				(150,000)
Carryforward Encumbrances from FY 2014-15	3,049,946				(3,049,946)
Carryforward CIP Appropriations from FY 2014-15	12,871,649				(12,871,649)
	<u>24,166,595</u>	<u>7,805,000</u>	<u>290,000</u>	<u>-</u>	<u>(16,071,595)</u>
Fund 019 - Parkway Maintenance					
Recommended personnel changes	9,434				(9,434)
	<u>9,434</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(9,434)</u>
Fund 024 - Water Operating					
Carryforward Encumbrances from FY 2014-15	279,461				(279,461)
	<u>279,461</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(279,461)</u>
Fund 025 - Water Capital					
Wellhead Treatment System Well No. 41/Revise budget (CC Apprvd 6 1 2015)	250,000				(250,000)
Recommended personnel changes	859				(859)
Carryforward Encumbrances from FY 2014-15	3,122,849	1,175,163			(1,947,686)
Carryforward CIP Appropriations from FY 2014-15	28,857,341	10,588,852			(18,268,489)
	<u>32,231,049</u>	<u>11,764,015</u>	<u>-</u>	<u>-</u>	<u>(20,467,034)</u>
Fund 026 - Sewer Operating					
Carryforward Encumbrances from FY 2014-15	431				(431)
	<u>431</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(431)</u>
Fund 027 - Sewer Capital					
Recommended personnel changes	859				(859)
Carryforward Encumbrances from FY 2014-15	1,107,879				(1,107,879)
Carryforward CIP Appropriations from FY 2014-15	553,633				(553,633)
	<u>1,662,371</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(1,662,371)</u>
Fund 029 - Solid Waste					
FY2015-16 Used Oil Payment Program (OPP6)	46,402	46,402			-
Carryforward Encumbrances from FY 2014-15	344,527	66,040			(278,487)
Carryforward CIP Appropriations from FY 2014-15	4,321,757	243,287			(4,078,470)
	<u>4,712,686</u>	<u>355,729</u>	<u>-</u>	<u>-</u>	<u>(4,356,957)</u>

City of Ontario
Recommended Adjustments by Fund
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SCHEDULE VI

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 031 - Solid Waste Facilities					
Carryforward CIP Appropriations from FY 2014-15	63,838				(63,838)
	<u>63,838</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(63,838)</u>
Fund 032 - Equipment Services					
Fire vehicle replacement	65,000				(65,000)
CNG Slow Fill Posts at Ontario Municipal Services Center (Transfer to Mobile Source Air)	(300,000)				300,000
Carryforward Encumbrances from FY 2014-15	2,218,093				(2,218,093)
Carryforward CIP Appropriations from FY 2014-15	525,611				(525,611)
	<u>2,508,704</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(2,508,704)</u>
Fund 033 - Self Insurance					
Settlement claim/Wisteria Street retaining block wall (CC Apprvd 8 4 2015)	215,688				(215,688)
	<u>215,688</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(215,688)</u>
Fund 034 - Information Technology					
Fiber optics network operations set-up	40,000				(40,000)
Recommended personnel changes	238,181				(238,181)
Carryforward Encumbrances from FY 2014-15	5,664,654				(5,664,654)
Carryforward CIP Appropriations from FY 2014-15	8,959,142				(8,959,142)
	<u>14,901,977</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(14,901,977)</u>
Fund 070 - Street Light Maintenance					
Recommended personnel changes	15,723				(15,723)
	<u>15,723</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(15,723)</u>
Fund 072 - NMC CFD #9-Edenglen Services					
Carryforward Encumbrances from FY 2014-15	27,532				(27,532)
	<u>27,532</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(27,532)</u>
Fund 076 - Facilities Maintenance					
Carryforward Encumbrances from FY 2014-15	425,636				(425,636)
	<u>425,636</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(425,636)</u>
Fund 077 - Storm Drain Maintenance					
Recommended personnel changes	430				(430)
	<u>430</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(430)</u>
Fund 098 - General Fund Trust					
Transfer-in (From Fund 001) City Facilities Reserve			4,488,342		4,488,342
Transfer-out: (To Fund 001) Police Helicopter avionics equipment (CC Apprvd 8 4 2015) (Public Safety Equip Reserve)				1,100,000	(1,100,000)
Transfer-out (To Fund 001) OIAA Funding Support (Economic Uncertainties Reserve)				19,103,582	(19,103,582)
	<u>-</u>	<u>-</u>	<u>4,488,342</u>	<u>20,203,582</u>	<u>(15,715,240)</u>

City of Ontario
Recommended Adjustments by Fund
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SCHEDULE VI

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 101 - Law Enforcement Impact					
Carryforward Encumbrances from FY 2014-15	15,316				(15,316)
	<u>15,316</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(15,316)</u>
Fund 102 - Fire Impact					
Carryforward Encumbrances from FY 2014-15	318,911				(318,911)
Carryforward CIP Appropriations from FY 2014-15	2,058,545				(2,058,545)
	<u>2,377,456</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(2,377,456)</u>
Fund 103 - OMC Street Impact					
South Milliken Grade Separation/Revise budget	666,000				(666,000)
Carryforward Encumbrances from FY 2014-15	10,659,070				(10,659,070)
Carryforward CIP Appropriations from FY 2014-15	4,777,391	243,900			(4,533,491)
	<u>16,102,461</u>	<u>243,900</u>	<u>-</u>	<u>-</u>	<u>(15,858,561)</u>
Fund 104 - OMC Water Impact					
Downtown Parking Facility & Improvements <i>(CC: Apprvd 2 3 2015)</i>	117,368				(117,368)
	<u>117,368</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(117,368)</u>
Fund 105 - OMC Sewer Impact					
Downtown Parking Facility & Improvements <i>(CC: Apprvd 2 3 2015)</i>	50,301				(50,301)
Inland Empire Boulevard Sewer Improvements <i>(CC: Apprvd 8 4 2015)</i>	1,097,201				(1,097,201)
	<u>1,147,502</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(1,147,502)</u>
Fund 109 - Public Meeting Impact					
Carryforward CIP Appropriation from FY2014-15	145,000				(145,000)
	<u>145,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(145,000)</u>
Fund 111 - OMC Storm Drainage Impact					
Carryforward Encumbrances from FY 2014-15	6,290				(6,290)
Carryforward CIP Appropriations from FY 2014-15	7,761,909				(7,761,909)
	<u>7,768,199</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(7,768,199)</u>
Fund 115 - NMC Street Impact					
South Milliken Grade Separation/Revise budget	234,000				(234,000)
Carryforward Encumbrances from FY 2014-15	2,219,622				(2,219,622)
Carryforward CIP Appropriations from FY 2014-15	1,736,101	81,300			(1,654,801)
	<u>4,189,723</u>	<u>81,300</u>	<u>-</u>	<u>-</u>	<u>(4,108,423)</u>
Fund 170 - OMC Regional Streets					
Carryforward CIP Appropriations from FY 2014-15	50,000				(50,000)
	<u>50,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(50,000)</u>

City of Ontario
Recommended Adjustments by Fund
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SCHEDULE VI

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 173 - OMC Local Adjacent Storm Drainage					
Carryforward CIP Appropriations from FY 2014-15	2,300,000				(2,300,000)
	<u>2,300,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(2,300,000)</u>
 Total Other Fund Adjustments	 <u>198,313,006</u>	 <u>96,535,360</u>	 <u>4,786,555</u>	 <u>20,213,582</u>	 <u>(117,204,673)</u>

SCHEDULE VII

City of Ontario
Recommended Personnel and Organizational Changes
Fiscal Year 2015-16
First Budget Update

<u>Agency/Department</u>	<u>Position</u>	<u>Action</u>	<u>Salary Range</u>
Administrative Services/Management Services	Management Analyst	Addition	\$ 5,166 - \$ 6,280
Information Technology	Broadband Operations Manager	Addition	\$ 8,887 - \$ 10,802
Information Technology	Senior Systems Analyst	Addition	\$ 7,082 - \$ 8,608
Development/Engineering	Assistant City Engineer	Addition	\$ 10,806 - \$ 13,135
Development/Engineering	Principal Engineer	Deletion	\$ 9,181 - \$ 11,159
Housing & Municipal Services/Housing	Housing Manager	Deletion	\$ 8,223 - \$ 9,995

<u>Impact by Fund</u>	<u>Current</u>	<u>Annual</u>
Fund 001 General Fund	\$ (68,811)	\$ (140,362)
Fund 002 Quiet Home	(167,889)	(184,996)
Fund 013 A.D. Administration	34,587	59,293
Fund 019 Parkway Maintenance	9,434	16,171
Fund 025 Water Capital	859	26,952
Fund 027 Sewer Capital	859	1,473
Fund 034 Information Technology	238,181	1,473
Fund 070 Street Light Maintenance	15,723	736
Fund 077 Storm Drain Maintenance	430	476,363
	<u>\$ 63,373</u>	<u>\$ 257,103</u>

CITY OF ONTARIO

Agenda Report
November 17, 2015

SECTION: CONSENT CALENDAR

SUBJECT: CONTRACT CHANGE ORDER AND REIMBURSEMENT AGREEMENT FOR SEWER IMPROVEMENTS IN INLAND EMPIRE BOULEVARD

RECOMMENDATION: That the City Council:

- (A) Approve and authorize the City Manager to execute a change order to the existing construction contract (on file with the Records Management Department) with Weka, Inc. of Highland, California, to construct sewer laterals as part of the Sewer Improvements in the Inland Empire Boulevard Project for a not-to-exceed amount of \$116,079 (including 15% contingency); and
- (B) Approve and authorize the City Manager to execute a reimbursement agreement (on file with the Records Management Department) with Vineyard Industrial I, LLC of Irvine, California, for the additional construction services.

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: This project is included in the City's current Development Impact Fee program funded from the Old Model Colony Sewer Impact Fund, with the exception of sewer laterals, which are the responsibility of the developer or property owner. The proposed reimbursement agreement with Vineyard Industrial I, LLC will provide funding to the City to cover the cost of adding the sewer laterals to the current construction contract with Weka, Inc., including related costs for design and contract administration. If approved, the revised not-to-exceed amount for Weka, Inc. will be \$1,085,512 (including 15% contingency). There is no impact to the General Fund or to the City overall.

BACKGROUND: On August 4, 2015, the City Council approved a construction contract with Weka, Inc. for the construction of sewer improvements in Inland Empire Boulevard to provide sewer service to the Meredith International Center Specific Plan area. The current project consists of the installation of approximately 1,600 linear feet of 12-inch and 15-inch sewer pipeline, an interim sewer lift station, and 1,000 linear feet of 4-inch sewer force main.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Katie Gienger
Department: MU/Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 11/17/2015

Approved: _____

Continued to: _____

Denied: _____

5

After award of the construction contract, the developer requested that the City install sewer laterals for future development on adjacent vacant parcels in conjunction with the sewer main installation. Installing these laterals now as part of the City's contract with Weka, Inc. will minimize future construction impacts to Inland Empire Boulevard. The developer will reimburse the City for all costs associated with the change order.

CITY OF ONTARIO

Agenda Report
November 17, 2015

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING FINAL PARCEL MAP NO. 19507 LOCATED ON THE NORTHEAST CORNER OF GROVE AVENUE AND ACACIA STREET

RECOMMENDATION: That the City Council adopt a resolution approving Final Parcel Map No. 19507 for condominium purposes located on the northeast corner of Grove Avenue and Acacia Street.

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: None. All public infrastructure improvements required for this subdivision were constructed by the developer per Parcel Map No. 16838.

BACKGROUND: Final Parcel Map No. 19507 for condominium purposes, consisting of two industrial lots on 3.62 acres, as shown on the attached Exhibit, has been submitted by the developer, Anerky, Inc. (Mr. Eric Homme, President) of Yorba Linda, California.

Public improvements for this development, including curb and gutter, A.C. Pavement, drive approaches, sidewalk, access ramps, parkway landscaping, street lights, water and sewer main extension, storm drain and traffic signal, were constructed per Parcel Map No. 16838.

Tentative Parcel Map No. 19507 was approved by the Planning Commission on June 24, 2014.

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

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

Prepared by: Miguel Sotomayor
Department: Engineering

City Manager
Approval: 

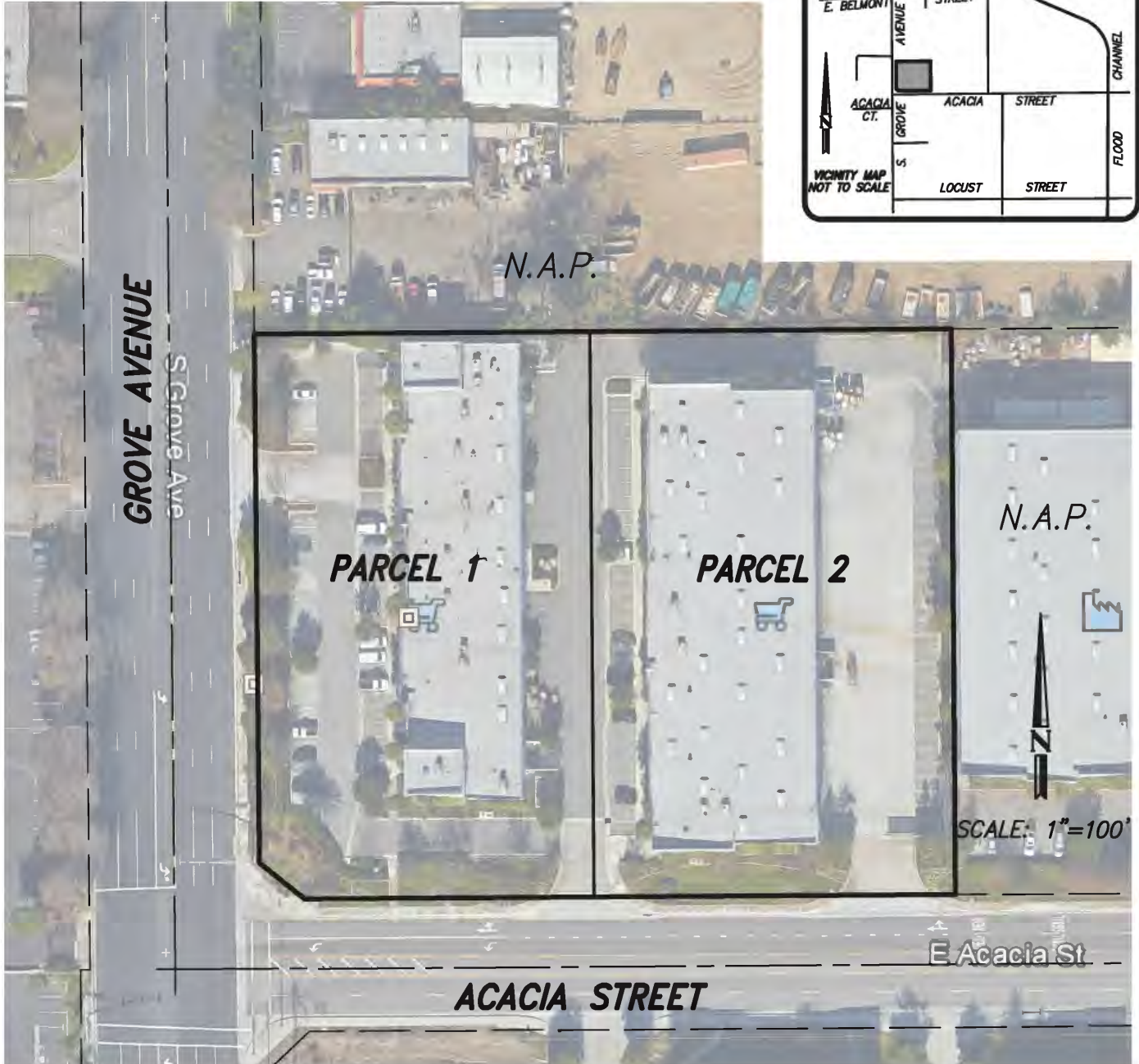
Submitted to Council/O.H.A. 11/17/2015

Approved: _____

Continued to: _____

Denied: _____

EXHIBIT



LEGEND

	BOUNDARY LINE
	LOT LINE
	STREET CENTERLINE

CITY OF ONTARIO
ENGINEERING DEPARTMENT

FILE NO. PM 19507

APPLICANT: ANERKY, INC. A
CALIFORNIA CORPORATION

PROJECT: NE CORNER OF ACACIA ST
AND GROVE AVENUE

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 19507 FOR CONDOMINIUM PURPOSES LOCATED ON THE NORTHEAST CORNER OF GROVE AVENUE AND ACACIA STREET.

WHEREAS, Tentative Parcel Map No. 19507 submitted for approval by the developer, Anerky, Inc. (Mr. Eric Homme, President) of Yorba Linda, California, consisting of two industrial lots, being a subdivision of Parcel 1 and 2 of Parcel Map No. 16838, as per map recorded in Book 213 of Parcel Maps, pages 83 through 85, inclusive, Records of San Bernardino County, California, was approved by the Planning Commission of the City of Ontario on June 24, 2014; and

WHEREAS, all necessary public improvements for said subdivision required as prerequisite to final approval of a final map have been previously constructed and accepted as complete by the City; and

WHEREAS, said developer has prepared Covenants, Conditions and Restrictions (CC&R's), approved by the City Attorney's Office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by commonly affected property owners.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, that Final Parcel Map No. 19507 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 17th day of November 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 November 17, 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 November 17, 2015.

MARY E. WIRTES, MMC, CITY CLERK

CITY OF ONTARIO

Agenda Report
November 17, 2015

SECTION: CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING AND DESIGN SERVICES FOR THE I-10 FREEWAY AT GROVE AVENUE AND FOURTH STREET INTERCHANGE AND GROVE AVENUE CORRIDOR PROJECT

RECOMMENDATION: That the City Council approve Amendment No. 2 to the Professional Services Agreement (on file in the Records Management Department) with Parsons Corporation (Parsons) of Ontario, California, for additional engineering and design services for the I-10 Freeway at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project in the amount of \$792,657; and authorize the City Manager to execute said amendment and future extensions.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The amendment will provide engineering and design services for the Grove Avenue and Holt Boulevard Intersection Widening (Intersection). The improvements at this intersection are included as part of the overall I-10 Freeway at Grove Avenue and Fourth Street Interchange (Interchange) and Grove Avenue Corridor (Corridor) Project. The existing agreement with Parsons covers the Project Approval and Environmental Document (PA&ED) phase for the Interchange and Corridor as well as the Intersection. The FY 2015-16 Capital Improvement Program (CIP) includes appropriations to complete the remaining phases of the Intersection project. Amendment No. 2 will provide the design, right of way support and construction support for the Intersection project.

In December 2012, the City Council approved a professional services agreement with Parsons in the amount of \$3,000,000 for PA&ED of the Interchange and Corridor. Amendment No. 1 was authorized for \$22,540 for a total agreement amount of \$3,022,540. Amendment No. 2 will add \$792,657 to the Parsons agreement for a total of \$3,815,197. Per the San Bernardino Associated Governments (SANBAG) Valley Major Street Program – Arterial Subprogram, the City's share of the Intersection

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

Prepared by: Jay Bautista
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 11/17/2015
Approved: _____
Continued to: _____
Denied: _____

7

improvements is 44.4% of the actual expenses and is split in accordance with SANBAG's approved Measure I 2010-2040 Strategic Plan.

BACKGROUND: The scope of the I-10 Freeway at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project encompasses widening of the intersection of Grove Avenue and Holt Boulevard. The Interchange, Corridor and Intersection are currently in the PA&ED phase with completion of the Project Report and Environmental Document scheduled for 2017. Funding for the subsequent design, right of way and construction phases for the Interchange and Corridor are not programmed at this time. However, the current FY 2015-16 CIP Budget includes funding to complete the Intersection improvements. The Intersection currently operates at unacceptable levels of service during the morning and evening peak hours. In an effort to alleviate this current deficiency, improvements at the Intersection are being advanced ahead of the Interchange and Corridor Project.

CITY OF ONTARIO

Agenda Report
November 17, 2015

SECTION: CONSENT CALENDAR

SUBJECT: CONSIDERATION OF A RESOLUTION ESTABLISHING A POLICY FOR THE GIFT OF PUBLIC ART

RECOMMENDATION: That the City Council adopt a resolution establishing a policy for the gift of public art.

COUNCIL GOALS: Regain Local Control of Ontario International Airport
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: None.

BACKGROUND: Over the past year, cultural arts has taken on greater significance in the City through the efforts of the Ontario Museum of History and Art and the Chaffey Community Museum of Art as well as the introduction of public art within Town Square and several private developments in the City. This increased focus has resulted in the City being approached by individuals proposing donations of public art to the City. The City has no existing policy dealing with the acceptance of art, and it is appropriate to bring forward a policy that will to create a uniform approach to dealing with public art donations.

Under the proposed donation policy, a written proposal or letter of intent shall be submitted to the City Manager for each proposed gift of public art. The proposal shall include specifications of the proposed gift, including: artist, title, dimensions, materials, date, and proposed location (as appropriate). The City Manager (or his designee) shall review the proposal against the criteria in the policy and, upon determination that the criteria is met, forward a recommendation to the City Council for final review and approval. Upon acceptance of the proposal and completion of the artwork, the artwork shall be deemed part of the permanent collection of the City.

ENVIRONMENTAL REVIEW: The project is exempt from the requirements of the California Environmental Quality Act pursuant to pursuant to Section 15061(b)(3) (General Rule).

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Scott Murphy
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 11/17/2015

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, ESTABLISHING A POLICY FOR THE GIFT OF PUBLIC
ART

WHEREAS, the City recognizes the importance of public art in the development of the City; and

WHEREAS, unsolicited gifts to the City can be an important part of the City's art collection; and

WHEREAS, the City desires to ensure that proposed gifts of public art undergo a review process to ensure that acceptance of such gifts takes place in a fair and uniform manner; and

WHEREAS, it is the intent of this policy to ensure that potential gifts of public artworks are evaluated as carefully as artworks that are commissioned, and that such artworks undergo a careful review process that evaluates a gift based upon acceptance criteria established according to the purposes, guidelines, goals, and selection process that guides artworks that are commissioned; and

WHEREAS, on November 17, 2015, the City Council of the City of Ontario conducted a hearing to consider the policy, and concluded said hearing on that date; and

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

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

SECTION 1. Based upon the findings and conclusions set forth above, the City Council approves the policy for the gift of public art and establishes the following procedures and criteria for the gift of public art:

- A. Procedures for Gifts. For each proposed gift of public art, a written proposal or letter of intent shall be submitted to the City Manager. The proposal shall include specifications of the proposed gift, including: artist, title, dimensions, materials, date, and proposed location (as appropriate). The City Manager (or his designee) shall review the proposal against the criteria in the policy and, upon determination that the criteria is met, forward a recommendation to the City Council for final review and approval.
- B. Criteria for the Evaluation of Proposed Gifts of Public Art. The following criteria shall be used in evaluating proposed gifts of public art for review and acceptance by the City:

1. Artworks must be one-of-a-kind or part of an original series. Reproductions of originals are not considered eligible for acceptance;
 2. Gifts must maintain high artistic standards, and are appropriate in relationship or historical relevance to the City;
 3. The proposed location is available and is appropriate to the artwork's content, scale, and material. Factors to be considered in selecting an appropriate site include relationship to architectural and natural features, visibility and public access, traffic patterns, future development plans for the area (if known), and public use patterns of the site and surround area;
 4. Restrictions from the donor, if any;
 5. Community groups that generate artwork proposals must demonstrate how the surrounding community has been involved and consulted in the process; and
 6. Costs of installation, and maintenance and repair over the expected life of the artwork shall be defined.
- C. Acceptance or Gifts of Public Art. Upon recommendation by the Public Art Program Advisory Committee and acceptance by the City Council, gifts of artworks will be deemed part of the permanent collection of the City once the donor has supplied the City with the following:
1. Written certification of the installation of the artwork;
 2. A written bill of sale conveying title of the artwork to the City;
 3. Written instructions for the care, maintenance, preservation, and handling of the artwork, prepared with the assistance of a professional art conservator;
 4. A sworn statement of no liens, claims, or other encumbrances associated with the artwork;
 5. A written assignment of any and all warranties for materials used, or labor performed by subcontractors or other persons; and
 6. A written assignment conveying all rights, including copyrights and waiver of all rights under the Visual Artist's Rights Act of 1990, and its amendments (Section 106A of the United States Copyright Act; Pub. L. No. 101-650).
- D. Title and Ownership. Permanent gifts of artwork to the City shall become the property of the City once an *Agreement for Acceptance Donated Artwork* has been fully executed and the Donor has delivered the Bill of Sale. At such time,

all rights of title and ownership shall be conveyed to the City, and all future decisions regarding the use and continued ownership of the artwork shall be under the sole discretion of the City. As owner of the artwork, the City may exercise any and all legal rights of ownership, including, but not limited to, sale, relocation, or removal of the artwork.

- E. Removal, Relocation, or Deaccession of an Artwork. Artworks gifted to the City may be relocated, removed, or deaccessioned from the City's public art collection if the artwork becomes a hazard or liability, if the approved terms of acceptance are not fulfilled, or for any other reason as determined by the City Council, upon recommendation by the Public Art Program Advisory Committee.

SECTION 2. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of November, 2015.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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 November 17, 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 November 17, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 17, 2015

SECTION: CONSENT CALENDAR

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

RECOMMENDATION: That the City Council conduct a public hearing to consider adoption of a resolution to vacate that portion of alley located east of Mountain Avenue approximately 150 feet north of Holt Boulevard.

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.

On October 20, 2015, the City Council, at its regular meeting, adopted a resolution declaring the City's intent to vacate the subject right-of-way as shown on the attached exhibit and setting the date and time for this Public Hearing. Appropriate notice of intention to vacate, as required by law, has been posted as prescribed. Also, an announcement of this November 17, 2015 Public Hearing was published in the Inland Valley Daily Bulletin prior to this meeting and the full text of the said adopted resolution has been made available to the Records Management Department.

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

Prepared by: Miguel Sotomayor
Department: Engineering

City Manager
Approval: 

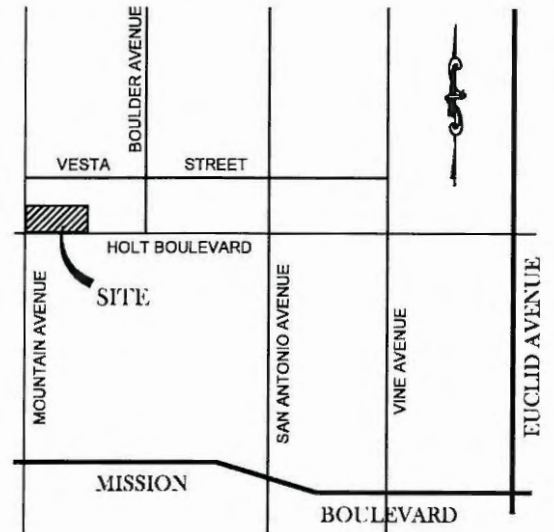
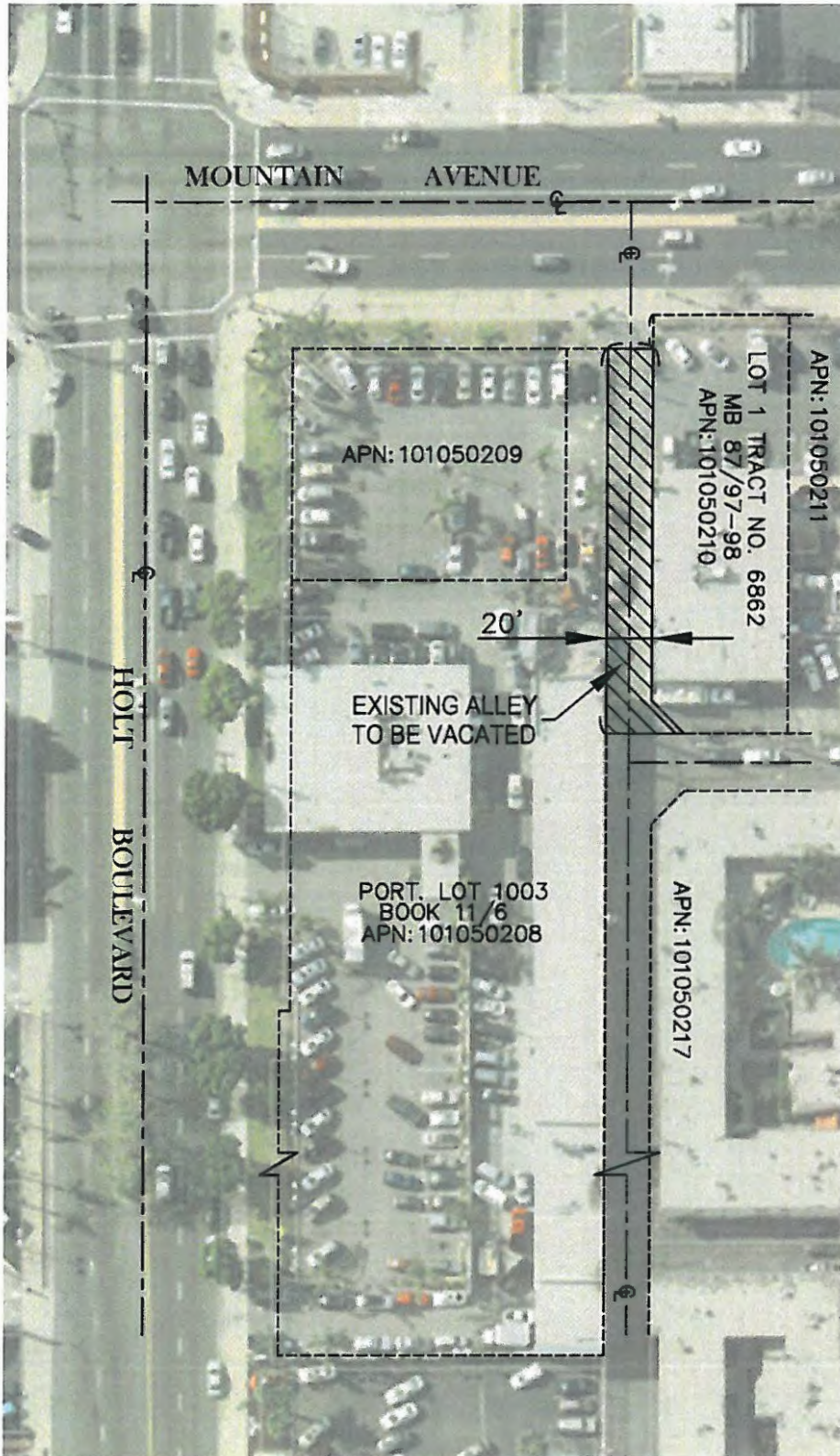
Submitted to Council/O.H.A. 11/17/2015

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 Lombera & 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, ORDERING THE VACATION OF THAT PORTION OF ALLEY LOCATED EAST OF MOUNTAIN AVENUE APPROXIMATELY 150 FEET NORTH OF HOLT BOULEVARD.

WHEREAS, the City Council of the City of Ontario, California, did on the 20th day of October 2015 adopt a Resolution of Intent, entitled:

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; and

WHEREAS, notice of the date, time and place of hearing any and all persons interested in, or objecting to, the proposed vacation has been published and posted in the manner prescribed by law; and

WHEREAS, a hearing on the proposed vacation was duly and regularly held by said City Council at the time and place specified in said Resolution of Intent, and the said Council has determined that said alley, as described in said Resolution of Intent, is no longer necessary for present or prospective traffic circulation or public necessity;

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

SECTION 1. That pursuant to the provisions of Division 9, Part 3, Chapter 3, Section 8320-8325 of the Streets and Highways Code of the State of California, the following described public alley is vacated and abandoned, except retaining an easement over the entire area for public utility and drainage purposes: (see Exhibits "A" & "B").

SECTION 2. That title to the above described easement and portion thereof shall revert to the owners of the underlying fee title thereof, free from use as a public alley.

SECTION 3. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.

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

PASSED, APPROVED, AND ADOPTED this 17th day of November 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 November 17, 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 November 17, 2015.

MARY E. WIRTES, MMC, CITY CLERK

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.

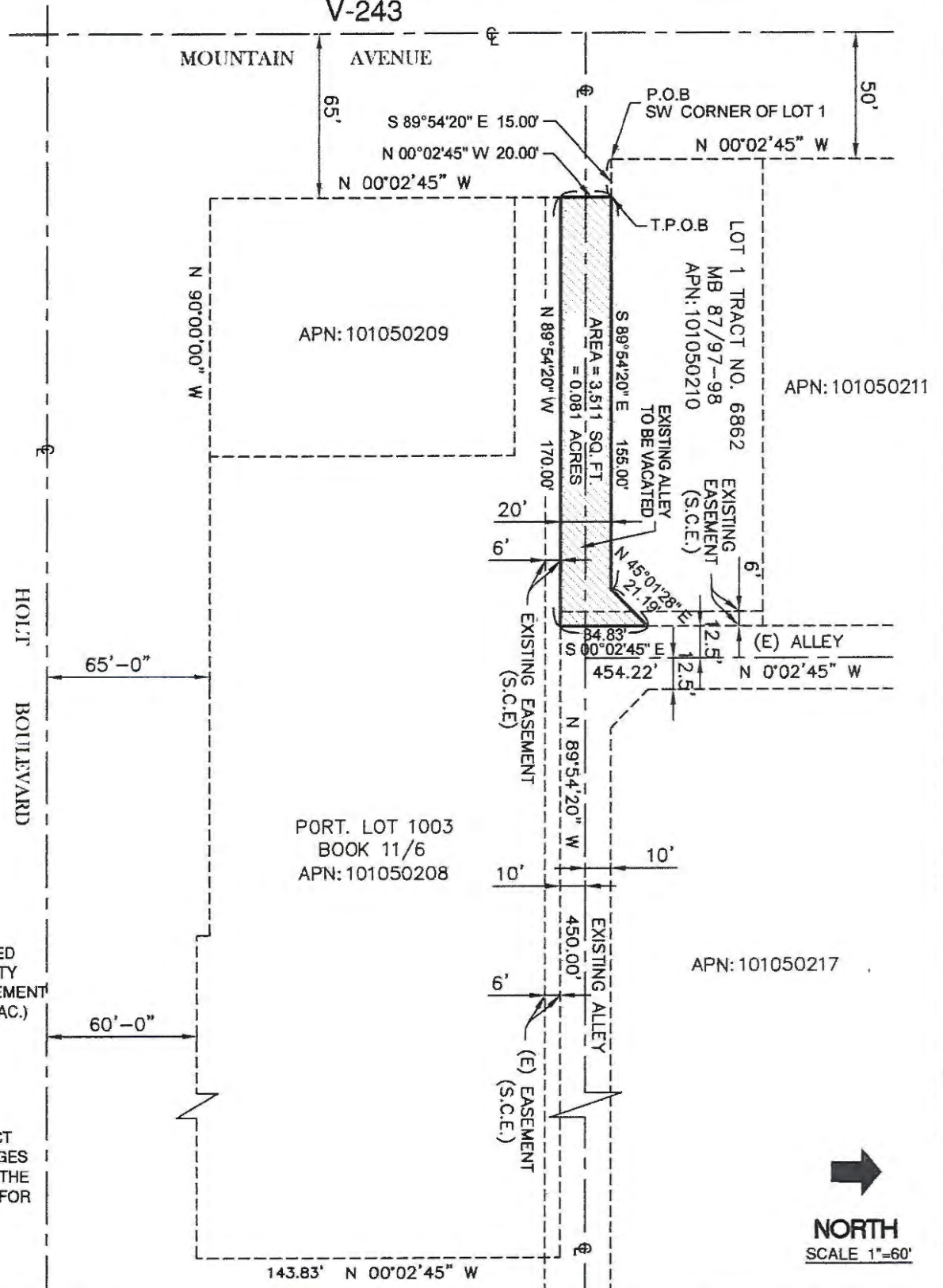

RAYMUNDO A. LOMBERA, PLS 7740

6-2-15
DATE



EXHIBIT "B"

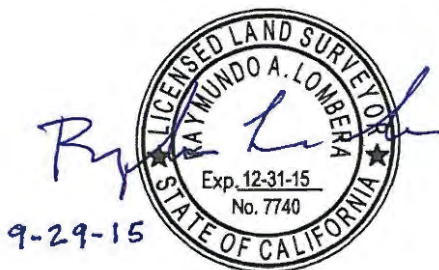
V-243



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.



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
November 17, 2015

**SECTION:
PUBLIC HEARINGS**

SUBJECT: A REVISION TO CERTAIN PROVISIONS OF A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (PREVIOUSLY REVIEWED BY THE PLANNING COMMISSION ON 6/23/2015, AND INTRODUCED TO THE CITY COUNCIL ON 9/1/2015), AS FOLLOWS: [1] ESTABLISH CONSISTENCY WITH SENATE BILL NO. 582, ALLOWING ELECTRIFIED FENCES IN COMMERCIAL ZONES UP TO 10 FEET IN HEIGHT, AND WITHIN INDUSTRIAL ZONES UP TO 16 FEET IN HEIGHT; [2] ALLOW "ARCHITECTURAL AND STRUCTURAL METAL MANUFACTURING" AND "CONVERTED PAPER PRODUCT MANUFACTURING" AS CONDITIONALLY PERMITTED LAND USES WITHIN THE PROPOSED IL (LIGHT INDUSTRIAL) ZONING DISTRICT; AND [3] MODIFY TABLE 5.02-1 (LAND USE MATRIX) TO ENSURE THAT THE ALLOWED LAND USES WITHIN THE PROPOSED ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DISTRICT ARE CONSISTENT WITH THE ALLOWED LAND USES IN THE CURRENT M3 (GENERAL INDUSTRIAL) ZONING DISTRICT.

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a revision to File No. PDCA11-003, an amendment to the City of Ontario Development Code (Ontario Municipal Code Title 9) to include: [1] a revision of the electrified fences provisions (§§ 6.02.025.f) consistent with Senate Bill No. 582; [2] a revision of the land use matrix (Table 5.02-1) to allow "architectural and structural metal manufacturing" and "converted paper product manufacturing" as conditionally permitted land uses within the proposed IL (Light Industrial) zoning district; and [3] a revision of the land use matrix (Table 5.02-1) to ensure that the allowed land uses within the current General Industrial (M3) zoning district, and the proposed Ontario International Airport (ONT) zoning district, are consistent with one another.

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

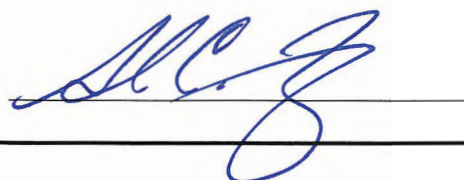
STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier

Department: Planning

City Manager

Approval:



Submitted to Council/O.H.A.

Approved:

Continued to:

Denied:

11/17/2015

10

Operate in a Businesslike Manner

FISCAL IMPACT: None

BACKGROUND: In August 2015, the City Council conducted a public hearing and approved the introduction of a comprehensive update to the City's Development Code, along with several other changes to the Municipal Code. Since the City Council action, staff has identified the need for several revisions for inclusion with the Development Code Update. The purpose of the recommended changes is to [1] gain compliance with recent changes in State law; [2] address comments received during several open house meetings conducted by Planning Department staff in conjunction with City initiated zone changes currently under review by the City Council; and [3] achieve consistency between the current M3 (General Industrial) and the proposed ONT (Ontario International Airport) zoning districts.

The first proposed revision is in response to Senate Bill No. 582, which was signed into law in July 2015. The bill authorizes owners of properties in nonresidential zoning districts to install electrified security fences. Electrified fence provisions were included with the Development Code update based upon industry recommendations available at the time; however, with the adoption of the new State law, additional changes to the provisions are necessary. The complete recommended provisions are included in *Exhibit A: Electrified Fences* of the attached Planning Commission staff report. The proposed changes include standards for the fence electrical energizers, changes in warning sign requirements, and changes in the maximum electrified fence height, allowing the electrified portion of a fence to extend a maximum of 2 feet beyond the maximum standard fence height, not to exceed 10 feet for commercial zones and 16 feet for industrial zones.

The second revision will allow "architectural and structural metal manufacturing," and "converted paper product manufacturing" land uses within the proposed LI (Light Industrial) zoning district, subject to Conditional Use Permit approval. "Architectural and structural metal manufacturing" includes land uses such as the manufacture of prefabricated metal buildings, structural metal components, ornamental metal products, metal windows and doors, and sheet metal components. Additionally, "converted paper product manufacturing" includes land uses such as the manufacture of corrugated, paperboard and solid fiber boxes; paper bags; coated and treated paper products; stationery products; disposable diapers; and other miscellaneous paperboard items. Following discussion of these land uses with property and business owners, staff felt that any adverse effects associated with the uses (such as noise, use and storage of hazardous chemicals, or compressed gases) can be controlled through conditioning of the Conditional Use Permit.

And third, due to a change in the City's approach in dealing with zone changes affecting the Ontario International Airport, and current and proposed General Industrial zoned properties, a revision to the Development Code Land Use Matrix is necessary which will ensure that no changes occur in the land uses allowed on airport properties, and to the extent feasible, on General Industrial (current M3 and proposed IG) zoned properties remain consistent. The proposed allowed land uses for the industrial land use districts are shown in *Exhibit B: Excerpt from Development Code Table 5.02-1 (Land Use Matrix); Industrial Zoning Districts* of the attached Planning Commission staff report. Although not all industrial zoning districts are affected by the proposed land use changes, the entire industrial zoning classification has been included in Exhibit B for the purpose of land use comparison.

On October 27, 2015, the Planning Commission conducted a public hearing on the proposed revisions to the Development Code update. After considering all public hearing, the Planning Commission voted unanimously (5-0, Gage, Downs - absent) to approve Resolution No. PC15-058 recommending that the City Council approve the proposed revisions to the Development Code update.

CONSISTENCY WITH THE ONTARIO PLAN: Government Code Section 65860 requires that zoning ordinances must be consistent with the General Plan of the City (Policy Plan component of The Ontario Plan). A zoning ordinance is consistent with the Policy Plan if, upon consideration of all of its aspects, it is found to further the purposes, principles, goals and policies of the Plan.

A list of The Ontario Plan principles, goals and policies of the Policy Plan would be furthered by the approval of the proposed Development Code update are contained in the October 27, 2015. The Planning Commission staff report is provided.

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The proposed Development Code Amendment affects properties 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 environmental impacts of the proposed revision to the comprehensive Development Code update were reviewed in conjunction with the previous Addendum to The Ontario Plan Environmental Impact Report (State Clearing House No. 2008101140), approved by the Ontario City Council on September 1, 2015 (Resolution No. 2015-095). The proposed revision will not introduce any new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures are a condition of project approval and are incorporated by reference.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A REVISION TO FILE NO. PDCA11-003, AMENDING THE CITY OF ONTARIO DEVELOPMENT CODE, INCLUDING: [1] ESTABLISH CONSISTENCY WITH SENATE BILL NO. 582 ADDRESSING ELECTRIFIED FENCES IN NONRESIDENTIAL ZONES; [2] ALLOW "ARCHITECTURAL AND STRUCTURAL METAL MANUFACTURING" AND "CONVERTED PAPER PRODUCT MANUFACTURING" AS CONDITIONALLY PERMITTED LAND USES WITHIN THE PROPOSED IL (LIGHT INDUSTRIAL) ZONING DISTRICT; AND [3] MODIFY DEVELOPMENT CODE TABLE 5.02-1 (LAND USE MATRIX) TO ESTABLISH CONSISTENCY IN ALLOWED LAND USES BETWEEN THE PROPOSED ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DISTRICT AND EXISTING M3 (GENERAL INDUSTRIAL) ZONING DISTRICTS.

WHEREAS, THE CITY OF ONTARIO HAS INITIATED ("Applicant") has initiated an Application for the approval of a revision to the City of Ontario Development Code, a revision to File No. PDCA11-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, on June 23, 2015, the Planning Commission adopted Resolution No. PC15-042, recommending the City Council approve a comprehensive update to the City of Ontario Development Code (Ontario Municipal Code Title 9) to establish consistency with The Ontario Plan. Additionally, several amendments to the Ontario Municipal Code were recommended in order to provide for the logical arrangement of Municipal Code provisions, as well as the elimination of duplicate and inconsistent provisions; and

WHEREAS, on September 1, 2015, the City Council approved the introduction of an Ordinance adopting the comprehensive Development Code update (first reading of the enacting ordinance). Final City Council action on the ordinance (second reading of the enacting ordinance) will occur concurrently with the final action on a group of City initiated zone changes, which are necessary to bring the City's official zoning map into consistency with the Land Use Map of The Ontario Plan, Policy Plan; and

WHEREAS, since City Council action on the comprehensive Development Code update, several necessary changes to the Development Code have been identified, including: [1] Establish consistency with Senate Bill No. 582, signed by the Governor on September 4, 2015, which amends California Civil Code §§ 835, authorizing property owners to install and operate electrified security fences in nonresidential zoning districts, subject to certain standards; [2] Allow "architectural and structural metal manufacturing" and "converted paper product manufacturing" land uses within the proposed IL (Light Industrial) zoning district; and [3] Modify draft Development Code Table 5.02-1 (Land Use Matrix) to ensure that the allowed land uses within the current and proposed General Industrial and Ontario International Airport zoning districts are each consistent with the other, to ensure that the allowed land uses within each zoning district will remain

consistent as City initiated zone changes occur in order to make the zoning of each affected property consistent with The Ontario Plan Land Use Map designation for each property; 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, 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 environmental impacts of this project were reviewed in conjunction with a previously prepared Addendum to The Ontario Plan Environmental Impact Report (State Clearing House No. 2008101140), which was certified by the Ontario City Council on September 1, 2015 (Resolution No. 2015-095). The Addendum found that subject application will not introduce any new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures are a condition of project approval and are incorporated by this reference.

WHEREAS, on October 27, 2015, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC15-058 recommending the City Council approve the application; and

WHEREAS, on November 17, 2015, the City Council of the City of Ontario conducted a duly noticed public hearing 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 Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

b. The proposed Development Code Amendment is consistent with the goals and policies of the Development Code

c. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the Development Code Amendment, as shown in *Exhibit A: Electrified Fences* and *Exhibit B: Amendment to Land Uses Allowed in the ONT, IL (Light Industrial), and IG (General Industrial) Zoning Districts*, attached.

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 jobs, 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 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 _____ 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 _____, 2015, 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)

Exhibit A: Electrified Fences

E. Electrified Fences.

1. No electrified fence shall be installed or used unless first approved by the Planning Director. As used herein, “electrified fence” means any fence that meets the following requirements.

a. The fence is powered by an electrical energizer with both of the following output characteristics:

(1) The impulse repetition rate does not exceed 1 hertz (hz).

(2) The impulse duration does not exceed 10 milliseconds, or 10/10,000 of a second.

b. The fence is used to protect and secure commercial or industrial property.

2. An owner of real property may install and operate an electrified fence on their property subject to all of the following:

a. The property is not located in a residential zone.

b. The fence meets the 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in “International Standard IEC 60335, Part 2-76.”

c. The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(1) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 FT.

(2) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(3) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.

d. Within nonresidential zoning districts, except industrial zoning districts, an electrified fence shall not exceed 10 FT in height, and shall be located behind a fully enclosed perimeter wall or fence that is no less than 2 FT below the height of the electrified fence.

e. Within industrial zoning districts, an electrified fence shall not exceed 16 FT in height, and shall be located behind a fully enclosed perimeter wall or fence that is no less than 2 FT below the height of the electrified fence.

f. A “Knox Box Electrical Shunt Switch” and a “Knox Box” or other similarly approved device, shall be installed for emergency access of Police and Fire Departments.

g. By issuance of a building and/or electrical permit to install or use an electric fence as provided by this Subsection, the applicant and property owner shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of Ontario and its agents, officers, consultants, independent contractors, and employees, from any and all claims, actions, or proceedings arising out of any personal injury, including death or property damage caused by the electrified fence.

h. In the event that access by the City of Ontario Fire Department and/or Police Department personnel to a property where a permitted electrified fence has been installed and is operating required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this Subsection is absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property, is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electrified fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electrified fence as provided in this Subsection will agree to waive any and all claims for damages to the electrified fence against the City of Ontario and/or its personnel under such circumstances.

i. It shall be unlawful, and a misdemeanor, for any person to install, maintain, or operate an electrified fence in violation of this Subsection.

Exhibit B: Amendment to Land Uses Allowed in the ONT, IL (Light Industrial), and IG (General Industrial) Zoning Districts

2012 NAICS Code	Land Uses, Activities, and Facilities	ONT	IL Zone	IG Zone
	<i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>			
00	RESIDENTIAL			
	Accessory Residential Structures (limited to guesthouses, garages, carports, garden and tool sheds, and other ancillary buildings and structures constructed in conjunction with a single-family dwelling)	---	---	---
	Animal Keeping (as an accessory use)			
	Birds			
	• Fewer than 25 birds	---	---	---
	• 25 to 100 birds	---	---	---
	• More than 100 birds	---	---	---
	Cattle & Buffalo	---	---	---
	Exotic Pets	---	---	---
	Horses	---	---	---
	Household Pets (limited to any combination of dogs, cats, potbellied pigs, rabbits, chinchillas, and other small, domesticated animals that are maintained for non-breeding purposes only)			
	• 4 or fewer pets	---	---	---
	• 5 to 8 pets	---	---	---
	• More than 8 pets	---	---	---
	Llamas, Alpacas, Burros, Donkeys, and Mules	---	---	---
	Ostriches, Emus, and Rheas	---	---	---
	Poultry and Fowl	---	---	---
	Rabbits and Chinchillas	---	---	---
	Swine	---	---	---
	Sheep, Goats, and Similar Livestock	---	---	---
	Caretaker Quarters (excludes Caretaker Quarters established in conjunction with Self-Storage Facilities (NAICS 493190))	C	C	C
	Community Gardens, Urban Farms, and Related Uses	---	A	A
	Employee (Farmworker) Housing			
	• 6 or fewer employees	---	---	---
	• 7 to 12 employees	---	---	---
	Home Occupations	---	---	---

Legend: **P:** Permitted **C:** Conditional Use Permit **A:** Administrative Use Permit

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	ONT	IL Zone	IG Zone
	Mixed-Use Developments (commercial developments incorporating single-family and/or multiple-family dwellings)	---	---	---
	Mobilehome Parks	---	---	---
	Multiple-Family Dwellings	---	---	---
	Second Dwellings	---	---	---
	Senior Citizen Housing Developments	---	---	---
	Single-Family Dwellings	---	---	---
	Single Room Occupancy (SRO) Facilities	---	---	---
	Supportive Housing	C	P	C
	Work/Live Units	---	---	---
11	COMMERCIAL AGRICULTURE			
111	Commercial Crop Production and Farming	P	---	---
112	Commercial Animal Production			
1121	Cattle Ranching and Farming	---	---	---
1122	Hog and Pig Farming	---	---	---
1123	Poultry and Egg Production	---	---	---
1124	Sheep and Goat Farming	---	---	---
1125	Aquaculture	---	---	---
1129	Other Animal Production	---	---	---
11291	<i>Apiculture (bee keeping and production)</i>	---	---	---
11292	<i>Horses and Other Equine Production</i>	---	---	---
11293	<i>Fur-Bearing Animal Production (limited to rabbits, chinchillas, and other similar small, fur-bearing animals)</i>	---	---	---
11299	<i>All Other Animal Production, limited to the following (NAICS 112990):</i>			
112990	Kennels and Catteries (includes animals owned by the owner or occupant of the property, and those kept and/or boarded for remuneration)			
	• Fewer than 8 animals	---	P	P
	• 8 or more animals	P	C	P
112990	Alpaca and Llama Farming	---	---	---
112990	Aviaries	---	---	---
112990	Ostrich, Emu, and Rhea Farming	---	---	---
115	Support Activities for Agriculture			
115110	Support Activities for Crop Production (limited to cotton ginning; soil preparation, planting and cultivating; crop harvesting; postharvest crop activities; farm labor contractors and crew leaders; and farm management services)	---	---	---

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2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	ONT	IL Zone	IG Zone
115210	Support Activities for Animal Production	---	---	---
21	MINING, QUARRYING, AND OIL AND GAS EXTRACTION			
211	Oil and Gas Extraction	---	---	---
212	Mining (except oil and gas)	---	---	---
22	UTILITIES			
221	Utilities			
2211	Electric Power Generation, Transmission and Distribution			
22111	<i>Electric Power Generation</i>			
221111	Hydroelectric Power Generation	---	---	---
221112	Fossil Fuel Electric Power Generation	C	---	C
221113	Nuclear Electric Power Generation	---	---	---
221114, 221115	Solar and Wind Electric Power Generation	---	---	---
221116, 221117, 221118	Geothermal, Biomass, and All Other Electric Power Generation (excepting solar and wind electric power generation)	---	---	---
22112	<i>Electric Power Transmission, Control and Distribution (transformer stations and substations)</i>	C	C	C
23	CONSTRUCTION			
236, 237, 238	Contractors (limited to businesses whose primary activity is performing specific activities involved in building construction, engineering and capital improvement projects, or the preparation of sites for construction)			
	• Completely within a Building	P	P	P
	• With Outdoor Storage (screened from public view)	P	C	P
31-33	MANUFACTURING			
311	Food Manufacturing			
3111	Animal Food Manufacturing	P	---	P
3112	Grain and Oilseed Milling	C	---	P
3113	Sugar and Confectionery Product Manufacturing	---	---	P
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing	P	---	P
3115	Dairy Product Manufacturing	P	---	P
3116	Animal Slaughtering and Processing	C	---	---
3117	Seafood Product Preparation and Packaging	C	---	---
3118	Bread and Tortilla Manufacturing	P	P	P

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2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	ONT	IL Zone	IG Zone
3119	Other Food Manufacturing (including snack foods, roasted nuts and peanut butter, coffee and tea, flavoring syrup and concentrate, seasoning and dressing, spice and extract, and all other miscellaneous food manufacturing)	P	P	P
312	Beverage and Tobacco Product Manufacturing			
3121	Beverage Manufacturing	P	P	P
3122	Tobacco Products Manufacturing	P	---	---
313	Textile Mills (transforms basic fiber into fabric)	P	---	P
314	Textile Product Mills (transforms fabric into product, except apparel)	P	P	P
315	Apparel Manufacturing	P	P	P
316	Leather and Allied Product Manufacturing			
3161	Leather and Hide Tanning and Finishing	---	---	---
3162	Footwear Manufacturing	P	P	P
3169	Other Leather and Allied Product Manufacturing (limited to manufacturing of luggage, handbags, purses, personal leather goods and other leather products)	P	P	P
321	Wood Product Manufacturing	P	---	P
322	Paper Manufacturing			
3221	Pulp, Paper, and Paperboard Mills	P	---	P
3222	Converted Paper Product Manufacturing	P	C	P
323	Printing and Related Support Activities	P	P	P
324	Petroleum and Coal Products Manufacturing	C	---	C
325	Chemical Manufacturing			
3251	Basic Chemical Manufacturing	C	---	C
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	---	---	---
3253	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing			
32531	<i>Fertilizer Manufacturing (limited to mixing of purchased materials; excludes on-site composting facilities—see NAICS 562219)</i>	C	---	---
32532	<i>Pesticide and Other Agricultural Chemical Manufacturing</i>	---	---	---
3254	Pharmaceutical and Medicine Manufacturing (excludes biological product manufacturing—see NAICS 325414, below)	C	C	C
325414	Biological Product (except diagnostic) manufacturing	C	---	C
3255	Paint, Coating, and Adhesive Manufacturing	C	---	C
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	C	C	P
3259	Other Chemical Product and Preparation Manufacturing	C	---	C

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2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	ONT	IL Zone	IG Zone
326	Plastics and Rubber Products Manufacturing			
3261	Plastics Product Manufacturing	P	P	P
3262	Rubber Product Manufacturing	P	---	C
327	Nonmetallic Mineral Product Manufacturing	C	---	---
331	Primary Metal Manufacturing	C	---	C
332	Fabricated Metal Product Manufacturing			
3321	Forging and Stamping	C	---	C
3322	Cutlery and Hand Tool Manufacturing	P	P	P
3323	Architectural and Structural Metals Manufacturing	P	C	P
3324	Boiler, Tank and Shipping Container Manufacturing	P	---	C
3325	Hardware Manufacturing	P	P	P
3326	Spring and Wire Product Manufacturing	---	P	P
3327	Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing	P	P	P
3328	Coating (e.g., anodizing, electroplating, etc.), Engraving, Heat Treating, and Allied Activities (except painting, powder coating, and polishing metal and metal products for the trade)	P	---	P
332812	Painting, Powder Coating and Polishing Metal and Metal Products for the Trade	C	C	P
3329	Other Fabricated Metal Product Manufacturing			
33291	<i>Metal Valve Manufacturing</i>	P	---	P
33299	<i>All Other Fabricated Metal Product Manufacturing</i>			
332991	Ball and Roller Bearing Manufacturing	P	P	P
332992	Small Arms Ammunition Manufacturing	P	---	C
332993	Ammunition (except Small Arms) Manufacturing	P	---	C
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing, limited to the following:			
	• Small Arms Manufacturing	P	---	P
	• Other Ordnance and Accessories Manufacturing	P	---	C
332996	Fabricated Pipe and Pipe Fitting Manufacturing	---	---	P
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	---	C	P
333	Machinery Manufacturing	P	C	P
334	Computer and Electronic Product Manufacturing	P	P	P
335	Electrical Equipment, Appliance, and Component Manufacturing	P	P	P
336	Transportation Equipment Manufacturing	P	---	P
337	Furniture and Related Product Manufacturing	P	P	P

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2012 NAICS Code	<i>Land Uses, Activities, and Facilities</i> <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	ONT	IL Zone	IG Zone
339	Miscellaneous Manufacturing			
3391, 3399	Medical Equipment and Supplies; Jewelry and Silverware; Sporting and Athletic Goods; Dolls, Toys and Games; Office Supplies; Signs; and All Other Miscellaneous Manufacturing (excepting Boutique Manufacturing Facilities)	P	P	P
	<i>Boutique Manufacturing Facilities</i>		P	P
42	WHOLESALE TRADE			
423	Merchant Wholesalers, Durable Goods			
4231	Motor Vehicles and Motor Vehicle Parts and Supplies	P	P	P
4232	Furniture and Home Furnishings	P	P	P
4233	Lumber and Other Construction Materials	P	---	P
4234	Professional and Commercial Equipment and Supplies	P	P	P
4235	Metals and Minerals (except Petroleum)	P	---	P
4236	Household Appliances, and Electrical and Electronic Goods	P	P	P
4237	Hardware and Plumbing, and Heating Equipment and Supplies	P	P	P
4238	Machinery Equipment and Supplies	P	---	P
4239	Miscellaneous Durable Goods	P	P	P
424	Merchant Wholesalers, Nondurable Goods (excluding industrial gases, petroleum bulk stations and terminals, and fireworks and explosives merchant wholesalers)	P	P	P
424690	Fireworks and Explosives	---	---	C
424690	Industrial Gases and Liquefied Gases (except petroleum gases)	---	---	C
424710	Petroleum Bulk Stations and Terminals	---	---	C
424720	Petroleum and Petroleum Products (except bulk stations and terminals)	---	---	C
425	Wholesale Electronic Markets and Agents, and Brokers			
425110	Business to Business Electronic Markets (via internet or other electronic means)	---	---	---
425120	Wholesale Trade Agents and Brokers, limited to the following:			
	• Automobile auctions, wholesale	---	---	C
	• Durable and Nondurable Goods Agents and Brokers	---	---	---
44-45	RETAIL TRADE			
441	Motor Vehicle and Parts Dealers			
4411	Automobile Dealers, limited to new and used automobiles, and light trucks and vans (includes vehicle sales, and ancillary motor vehicle repair and maintenance activities)			
441110	New Vehicles	---	---	---

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2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	ONT	IL Zone	IG Zone
441120	Used Vehicles	---	---	---
4412	Other Motor Vehicle Dealers			
441221	Recreational Vehicles, Motorcycles, Personal Watercraft, All Terrain Vehicles, and Other Similar Vehicles	---	---	---
441222	Boats	---	---	---
441229	All Other Motor Vehicles (such as truck-tractors, utility trailers, buses, and other similar vehicles)	P	C	P
4413	Automotive Parts, Accessories and Tire Stores			
441310	Automotive Parts and Accessories (excludes automotive repair)	---	---	---
441320	Tire Stores	---	---	---
442	Furniture and Home Furnishings Stores	---	---	---
443	Electronics and Appliance Stores	---	---	---
444	Building Materials, Garden Equipment and Supplies Stores	---	---	---
445	Food and Beverage Stores			
	Alcoholic Beverage Sales for Off-Premise Consumption (except beer, wine and liquor stores (see NAICS 4453); and business to consumer internet retail wine sales (Type 85 ABC license) (NAICS 454111))	C	---	---
4451	Grocery Stores			
44511	<i>Supermarkets and Other Grocery Stores (primarily retailing a range of grocery items and meats), Commissaries and Food Stores</i>	---	---	---
44512	<i>Convenience Stores</i>	P	---	---
4452	Specialty Food Stores			
44521, 44522, 44523, 44529	<i>Confectionary and Baked Goods, Dairy Products, Ice Cream, Meat, Seafood, Produce (except farmers markets and certified farmers' markets), Soft Drink, Tea and Coffee, Water Stores, and All Other Specialty Foods</i>	---	---	---
445230	<i>Farmers Markets and Certified Farmers Markets</i>	---	---	---
4453	Beer, Wine and Liquor Stores	C	---	---
446	Health and Personal Care Stores			
446110	Pharmacies and Drug Stores	---	---	---
	Medical Marijuana Dispensary	---	---	---
44612	<i>Cosmetics, Beauty Supplies, and Perfume Stores</i>	---	---	---
44613	<i>Optical Goods Stores</i>	---	---	---
44619	<i>Other Health and Personal Care Stores (limited to hearing aids, medical equipment and supplies, and prosthetics)</i>	---	---	---
447	Gasoline and Fueling Stations			
447110	Gasoline Fueling with Convenience Stores	---	P	P

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2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	ONT	IL Zone	IG Zone
447190	Self-Serve and Full Service Fueling Stations	P	P	P
447190	Automated Fueling Facilities ("card lock" facilities)	P	C	P
447190	Truck Stops	C	---	C
448	Clothing and Clothing Accessories Stores	---	---	---
451	Sporting Goods, Hobby, Book, and Music Stores	---	---	---
452	General Merchandise Stores			
4521	Department Stores	---	---	---
4529	Other General Merchandise Stores			
452910	Warehouse Clubs and Supercenters	---	---	---
452990	All Other General Merchandise Stores (limited to dollar stores, variety stores and catalog showrooms)	---	---	---
453	Miscellaneous Store Retailers			
4531	Florists	---	---	---
4532	Office Supplies, Stationery, and Gift Stores	---	---	---
4533	Used Merchandise Stores (except motor vehicles), limited to the following (NAICS 453310):			
453310	Antique, Vintage and Collectibles Shops	---	---	---
453310	Consignment Shops	---	---	---
453310	Flea Markets and Swap Meets (indoor only)	---	---	---
453310	Precious Metals, Gemstones, Jewelry, and Similar Merchandise (includes the purchase of used items, such as "cash for gold" stores)	---	---	---
453310	Personal Property Donation Bins	---	---	---
453310	Thrift and Secondhand Stores, and Used Goods Stores	---	---	---
4539	Other Miscellaneous Store Retailers			
453910	Pet and Pet Supplies Stores	---	---	---
453920	Art Dealers	---	---	---
453930	Manufactured (Mobile) Home Dealers, limited to the following:			
	• Without Display of Homes	---	---	---
	• With Indoor Display of Homes (no outdoor display of homes permitted)	---	---	C
453991	Tobacco Stores (in-store smoking prohibited)	---	---	---
453998	All Other Miscellaneous Store Retailers, limited to the following:			
	• Art Supplies, Candles, Closet Organizers, Collectibles, Flowers, Home Security Equipment, Hot Tubs, Janitorial Supplies, Police Supplies, Religious Goods, Swimming Pool Supplies and Trophy Shops	---	---	---
	• Auction Houses	---	C	---

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2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	ONT	IL Zone	IG Zone
	<ul style="list-style-type: none"> Industrial Retail Sales (limited to the ancillary retail sales of goods and/or product either manufactured, warehoused or wholesaled on-site) 			
	[1] Up to 15% of Building GFA Area or 8,000 sq-ft, whichever is less	P	P	P
	[2] Over 8,000 sq-ft or 15% of Building GFA	C	C	C
454	Nonstore Retailers			
4541	Electronic (internet) Shopping and Auctions, and Mail-Order Houses (includes direct business to consumer internet retail sales, auction houses, and/or mail order retail sales)	P	P	P
4542	Vending Machine Operators	---	P	P
4543	Direct Selling Establishments			
454312	Fuel Dealers (liquefied petroleum gas)	---	---	C
454390	Other Direct Selling Establishments	---	P	P
48-49	TRANSPORTATION AND WAREHOUSING			
481	Air Transportation , limited to the following:			
	<ul style="list-style-type: none"> Airport 	P	---	---
	<ul style="list-style-type: none"> Helipad/Heliport 	C	---	P
482	Rail Transportation , limited to the following:			
	<ul style="list-style-type: none"> Railroad Passenger Terminals (limited to line haul) 	C	C	C
	<ul style="list-style-type: none"> Railroad Equipment Maintenance Yards 	C	---	C
484	Truck Transportation (includes general and specialized freight trucking)	P	---	P
485	Transit and Ground Passenger Transportation			
4851	Urban Transit Systems (includes public mixed-mode, commuter rail and bus transit passenger terminals and stations)	P	C	C
4853	Taxi and Limousine Services	P	---	P
4855	Charter Bus Services	P	---	P
488	Support Activities for Transportation			
4881	Support Activities for Air Transportation	P	---	---
4882	Support Activities for Rail Transportation (includes servicing and maintenance facilities)	---	---	C
4884	Support Activities for Road Transportation			
488410	Towing Services (see Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)	P	P	P
488490	Bus Passenger Terminals (independent)	---	---	C
4885	Freight Transportation Arrangement (limited to shipping agents and brokers)	---	---	---

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491	Postal Service (limited to US Postal Service and contract services. See "Private Mail Centers and Postal Services and Supplies" (NAICS 561431) for commercial mail services)	P	P	P
492	Couriers and Messengers	P	P	P
493	Warehousing and Storage			
493110	General Warehousing and Storage, limited to the following:			
	• Within a Wholly Enclosed Building	P	P	P
	• Outside Materials and Equipment Storage			
	[1] In conjunction with an allowed use	A	P	P
	[2] As a primary use of property	P	C	C
493120	Refrigerated Warehousing and Storage	P	P	P
493190	Other Warehousing and Storage, limited to the following:			
	• Bulk Petroleum Storage (tank farm)	---	---	---
	• Lumber Storage	P	---	P
	• Motor Vehicle Storage			
	[1] Indoor Vehicle Storage	P	P	P
	[2] Outdoor Vehicle Storage	P	C	C
	• Self-Storage Facilities (includes one Caretaker Quarters)	P	P	P
51	INFORMATION			
511	Publishing Industries (except Internet—see Other Information Services)			
5111	Newspaper, Periodical, Book, and Directory Publishers	---	---	P
5112	Software Publishers	---	P	P
512	Motion Picture and Sound Recording Industries			
5121	Motion Picture and Video Industries (except Motion Picture and Video Exhibition -- movie theaters)	P	P	P
51213	<i>Motion Picture and Video Exhibition (movie theaters)</i>	---	---	---
5122	Sound (Audio) Recording Facilities	P	P	P
515	Broadcasting (except Internet—see Other Information Services)			
515112	Radio Stations	P	P	P
515120	Television Broadcast Studios	P	P	P
515120	Radio and Television Transmission/Antenna Facilities	---	C	C
517	Telecommunications Facilities			
5171	Wired telecommunications Facilities	---	P	P
5172	Wireless Telecommunications Facilities	P	P	P
5174	Satellite Facilities	P	C	C

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5179	All Other Telecommunications (includes telecommunications resellers, radar station operations, and satellite telemetry operations and tracking stations)	---	C	C
518	Data Processing, Hosting and Related Services	P	P	P
519	Other Information Services			
51911	<i>News Syndicates (office only)</i>	---	---	---
51912	<i>Libraries and Archives</i>	---	---	---
51913	<i>Internet Publishing and Broadcasting</i>	---	P	---
52	FINANCE AND INSURANCE			
522	Credit Intermediation and Related Activities			
5221	Depository Credit Intermediation (limited to commercial banking, savings institutions and credit unions)	---	---	---
5222	Nondepository Credit Intermediation (limited to loan processing, reserve, and clearinghouse activities, excepting pawnshops and pawn brokers)	---	---	---
522298	Pawnshops and Pawnbrokers	---	---	---
5223	Activities Related to Credit Intermediation			
52231	<i>Mortgage and Nonmortgage Loan Brokers</i>	---	---	---
52232	<i>Financial Transactions Processing and Clearinghouse Activities</i>	---	---	---
52239	<i>Other Activities Related to Credit Intermediation (limited to check cashing, money order issuance, money transmission and payday advance services)</i>	---	---	---
523, 524, 525	Securities, Commodity Contracts, and Other Financial Investments; Insurance Carriers; and Related Activities, Funds, Trusts, and Other Financial Vehicles	---	---	---
53	REAL ESTATE, RENTAL AND LEASING			
531	Real Estate (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)	---	---	---
531120	Banquet Facilities (standalone facilities only)	---	---	---
532	Rental and Leasing Services			
5321	Automotive Equipment Rental and Leasing			
53211	<i>Passenger Car Rental and Leasing</i>	---	---	---
53212	<i>Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing</i>	P	C	P
5322	Consumer Goods Rental (limited to rental of consumer electronics and appliances, costumes, formal wear, furniture rental, home health equipment, musical instrument rental, party and banquet accessories, recreational goods, and video tapes and discs)	---	---	---

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5323	General Rental Centers (limited to home and garden tool and equipment rental)	---	---	---
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing	C	C	C
54	PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES			
541	Professional, Scientific and Technical Services, except Scientific Research and Development Services, and Veterinary and Animal Hospital Services (limited to legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; and advertising and public relations services)	---	---	---
5417	Scientific Research and Development Services	P	P	P
5419	Other Professional, Scientific, and Technical Services (except veterinary and animal hospital services)	P	---	---
541940	Veterinary and Animal Hospital Services	---	---	---
55	MANAGEMENT OF COMPANIES AND ENTERPRISES			
551	Management of Companies and Enterprises (limited to offices of holding companies, and corporate, subsidiary and regional managing offices)	---	---	---
56	ADMINISTRATIVE AND SUPPORT, AND WASTE MANAGEMENT AND REMEDIATION SERVICES			
561	Administrative and Support Services			
5611, 5612	Office Administrative Services and Facilities Support Services (limited to services provided for others on a contract or fee basis)	---	---	---
5613	Employment Services (limited to employment placement, executive search and temporary employment services)	---	---	---
5614	Business Support Services			
56141	<i>Document Preparation Services</i>	---	---	---
56142	<i>Telephone Call Centers</i>	---	---	---
56143	<i>Business Service Centers</i>			
561431	Private Mail Centers, and Postal Services and Supplies	P	---	---
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)	P	---	---
56144	<i>Collection Agencies</i>	---	---	---
56145	<i>Credit Bureaus</i>	---	---	---
56149	<i>Other Business Support Services (including repossession services, court reporting and stenotype services and all other business support services)</i>	---	---	---

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5615	Travel Arrangement and Reservation Services	---	---	---
5616	Investigation and Security Services	---	---	---
5617	Services to Buildings and Dwellings (limited to exterminating and pest control, janitorial, landscaping, carpet and upholstery cleaning, building exterior and chimney cleaning, power washing, gutter cleaning, light building maintenance, parking lot cleaning and swimming pool maintenance services)	P	P	P
5619	Other Support Services (limited to packaging and labeling services, convention and trade show organizers, and document shredding services)	P	P	P
562	Waste Management and Remediation Services			
5621	Waste Collection			
562111	Solid Waste Collection, limited to the following			
	• Waste, Refuse and Garbage Collection Services (service yards)	---	---	P
	• Waste Transfer Facilities	C	---	---
	• Recycling Facilities (implements the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500 et seq.))			
	[1] Reverse Vending Machines	---	---	---
	[2] Small Collection Facilities (a facility 500 SF or less in area, including Mobile Recycling Units, Bulk Reverse Vending Machines, Kiosk Type Units, and Unattended Containers)	P	P	P
	[3] Large Collection Facilities (a facility greater than 500 SF in area)	P	---	P
	[4] Processing Facilities	P	---	P
	• Salvage Facilities			
	[1] Within a Wholly Enclosed Building	C	---	C
	[2] With Outdoor Storage and/or Processing Activities	C	---	---
562112	Hazardous Waste Collection, limited to the following:			
	• Hazardous Waste Collection and Storage Facilities (except household hazardous waste collection facilities)	---	---	---
	• Hazardous Waste Collection Services	---	---	---
	• Household Hazardous Waste Collection Facility	P	---	P
562119	Other Waste Collection Services	---	---	---
5622	Waste Treatment and Disposal			
562211	Hazardous Waste Treatment and Disposal	---	---	---
562212	Solid Waste Landfill	---	---	---
562213	Solid Waste Combustors and Incinerators	---	---	---
562219	Other Nonhazardous Waste Treatment and Disposal (limited to composting facilities and anaerobic digestion; excludes fertilizer manufacturing—see NAICS 325314)	---	---	---

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5629	Remediation and Other Waste Management Services			
562910	Remediation Services	---	P	P
562920	Material Recovery Facilities			
	• Commercial High Grade Wastes (cardboard, newspaper, mixed papers, etc.)	---	---	---
	• Commingled Recyclable Wastes	---	---	---
	• Construction Debris	---	---	---
	• Electronic Equipment and Component Waste (E-waste)	---	C	P
	• Municipal Mixed Solid Wastes	---	---	---
	• Tires	---	---	C
562991	Septic Tank and Related Services	---	---	P
562998	All Other Miscellaneous Waste Management Services (includes but is not limited to storm and catch basin cleaning services, grease trap cleaning services, sewer cleaning and rodding services, and tank cleaning and disposal services)	---	---	P
61	EDUCATION SERVICES			
611	Educational Services			
6111, 6112, 6113	Elementary and Secondary Schools, Junior Colleges, and Colleges, Universities and Professional Schools (includes activities and facilities ancillary to, and/or serving, an educational service, such as, but not limited to, administrative offices, student and educator housing, libraries and museums, performing arts and sports facilities, eating facilities, medical clinics, etc.)			
	• Public Schools	---	---	---
	• Private Schools	---	---	---
6114	Business Schools and Computer and Management Training	C	C	---
6115, 6116	Technical and Trade Schools, and Other Schools and Instruction	C	C	---
6117	Educational Support Services (limited to testing, evaluation, and tutorial services)	---	---	---
62	HEALTH CARE AND SOCIAL ASSISTANCE			
621	Ambulatory Health Care Services			
6211, 6212, 6213, 6214, 6215, 6216	Offices of Physicians and Dentists, Other Health Practitioners, Outpatient Centers, Laboratory Testing Services, Home Healthcare Services, and Community Clinics (excludes massage establishments—see NAICS 812199)	---	---	---
6219	Other Ambulatory Health Care Services			
62191	Ambulance Services	C	P	P

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62199	All Other Ambulatory Health Care Services			
621991	Blood and Organ Banks	---	P	---
621999	All Other Miscellaneous Ambulatory Health Care Services (limited to blood pressure screening, health screening, hearing testing, industrial clinics, pacemaker monitoring, physical fitness evaluation, and smoking cessation program services)	---	P	P
622	Hospitals	---	---	---
623	Nursing and Residential Care Facilities			
6231	Nursing Care Facilities	---	---	---
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities			
	• 6 or fewer persons	---	---	---
	• More than 6 persons	---	---	---
6233	Community Care Facilities for the Elderly			
	• 6 or fewer persons	---	---	---
	• More than 6 persons	---	---	---
6239	Other Residential Care Facilities			
	• 6 or fewer persons	---	---	---
	• More than 6 persons	---	---	---
624	Social Assistance			
6241	Individual and Family Services			
62411	Child and Youth Services (limited to nonresidential social assistance services for children and youth)			
624110	Adoption Services, Child Guidance Agencies, Child Welfare Services, and Foster Care Placement Services	---	---	---
624110	Teen Outreach Services and Youth Centers	---	---	---
62412	Services for the Elderly and Persons with Disabilities			
624120	Senior Citizen and Adult Community Centers	---	---	---
624120	Adult Day Care Services			
	• 6 or Fewer Persons	---	---	---
	• 7 or More Persons	---	---	---
624190	Other Individual and Family Services	---	---	---
6242	Community Food and Housing, Emergency and Other Relief Services			
62421	Community Food Services (limited to food banks, meal delivery programs, and fixed and mobile soup kitchens)	C	C	C

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62422	Community Housing Services			
624221	Temporary Shelters			
	• Emergency Shelters	C	P	C
	• Transitional Housing	C	P	C
	• Transitional Living Centers	C	C	C
624229	Other Community Housing Services (agencies and organizations)	---	---	---
62423	Emergency and Other Relief Services (administrative services/activities only)	---	---	---
6243	Vocational Rehabilitation Services (limited to vocational habilitation and rehabilitation, and workshops for persons with disabilities)	P	C	---
6244	Child Day Care Services , limited to the following:			
624410	Child Day Care Centers (Commercial Facilities)	---	---	---
624410	Child Day Care Centers (Employer Provided Services)	---	P	P
624410	Family Child Day Care (Residential Facilities)			
	• Large Family (7 to 14 children)	---	---	---
	• Small Family (less than 8 children)	---	---	---
71	ARTS, ENTERTAINMENT AND RECREATION			
711	Performing Arts, Spectator Sports, and Related Industries	---	---	---
712	Museums, Historical Sites, and Similar Institutions			
7121	Museums, Historical Sites, and Similar Institutions			
71211	Museums	---	---	---
71213	Zoos and Botanical Gardens	---	---	---
713	Amusement, Gambling, and Recreation Industries			
7131	Amusement Parks and Arcades			
71311	Amusement and Theme Parks	C	---	---
71312	Amusement Arcades (limited to video and electronic game arcades, cyber cafes and on-line and internet gaming facilities)	---	---	---
7132	Gambling Industries (except Bingo conducted pursuant to Ontario Municipal Code Title 5, Chapter 18 (Bingo for Charity))	---	---	---
7139	Other Amusement and Recreation Industries			
71391	Golf Courses and Country Clubs	C	---	---
71394	Fitness and Recreational Sports Centers (limited to health clubs and gyms, fitness and sports training facilities, tennis clubs, swim clubs and other similar activities and facilities)			
	• GFA Less than 10,000 SF	P	---	---
	• GFA 10,000 or More SF	C	C	C

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71395	Bowling Centers	---	---	---
71399	All Other Amusement and Recreation Industries, limited to the following (NAICS 713990):			
713990	Adult-Oriented Businesses	P	---	---
713990	Batting Cages -- Indoor	P	C	---
713990	Batting Cages -- Outdoor	P	C	---
713990	Billiard Parlors and Pool Halls	---	---	---
713990	Dancing, Dance Clubs, Dance Halls, Ballrooms and Discotheques	C	---	---
713990	Golf Driving Ranges, Miniature and Pitch-N-Put Golf Courses, and Practice Ranges	C	---	---
713990	Hookah Establishments	---	---	---
713990	Live Entertainment	C	---	---
713990	Off-Road Vehicle Riding Facilities (recreational)	---	---	---
713990	Open Space and Park Lands (publicly owned facilities)	P	P	P
713990	Shooting Ranges and Galleries	C	C	C
713990	Simulated Racing (limited to go-carts, radio controlled vehicles and other similar facilities)	---	C	C
713990	Simulated Shooting Games -- Indoor Only (limited to laser tag and paint ball)	---	---	---
713990	Skating Rinks and Parks (indoor only)	C	---	---
713990	Smoking Lounges and Similar Facilities	---	---	---
713990	Stables (commercial riding)	---	---	---
72	ACCOMMODATION AND FOOD SERVICES			
721	Accommodation (Lodging Facilities)			
7211	Traveler Accommodation			
72111	Hotels and Motels	---	---	---
72119	Other Traveler Accommodation			
721191	Bed-and-Breakfast Inns	---	---	---
721199	All Other Traveler Accommodation			
	• Residence Inns	---	---	---
	• Cabins and Cottages	---	---	---
	• Hostels	---	---	---
7212	RV (Recreational Vehicle) Parks and Recreational Camps	---	---	---
7213	Boarding, Lodging and Rooming Houses	---	---	---

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722	Food Services and Drinking Places			
	Alcoholic Beverage Sales for On-Premise Consumption (except drinking places)	C	---	---
7223	Special Food Services			
72231	<i>Food Service Contractors</i>	---	P	P
72232	<i>Caterers</i>	---	P	---
72233	<i>Mobile Food Services</i>	---	P	P
7224	Drinking Places (includes bars, cocktail lounges, nightclubs and taverns, and other similar facilities)	---	---	---
7225	Restaurants and Other Eating Places			
722511	Full-Service Restaurants (includes ancillary banquet facilities — see NAICS 531120 for standalone banquet facilities)	P	---	---
722513	Limited-Service and Fast Food Restaurants	P	P	P
722514	Cafeterias and Buffets	P	P	P
722515	Snack and Nonalcoholic Beverage Bars	P	P	P
81	OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)			
811	Repair and Maintenance			
8111	Motor Vehicle Repair and Maintenance (Note: See Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)			
81111	<i>Motor Vehicle Mechanical and Electrical Repair and Maintenance</i>			
811111	Servicing Facilities (limited to retail-oriented services, such as emissions testing, battery replacement and other similar retail activities that involves the limited use of pneumatic tools or equipment that create noise impacts)	P	P	---
811111	General Repair Facilities (includes general motor vehicle mechanical and electrical repair and maintenance of air conditioning, brake, cooling, electric, exhaust, fuel, and suspension systems; and engine, transmission, and drive train)			
	• Automobile, Light Truck and Van Repair and Maintenance	P	P	P
	• Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance	P	C	P
81112	<i>Automotive Body, Paint, Interior and Glass Repair</i>			
811121	Automotive Body, Paint, and Interior Repair and Customization			
	• Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization	P	C	P
	• Minor Customization Work (limited to the "bolt-on" replacement or addition of parts only -- no body or paint work permitted)	P	P	P
	• Large Truck and Bus Body, Paint, and Interior Repair and Maintenance	C	C	P
	• Mobile Body and Paint Repair Services	P	C	P

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811122	Automotive Glass Replacement Shops (limited to stationary and mobile services)	P	P	P
811119	<i>Other Automotive Repair and Maintenance</i>			
811191	Automotive Oil Change and Lubrication Shops	P	---	---
811192	Car Washes--Full-Service and Self-Service (excludes facilities ancillary to fueling stations)			
	• Automobiles, Light Trucks and Vans	P	---	---
	• Trucks and Similarly Large Vehicles	P	C	P
	• Mobile Washing and Detailing Services	---	P	P
811198	All Other Automotive Repair and Maintenance			
	• Emissions Testing (test only facilities)	---	P	---
	• Rustproofing and Undercoating Shops	---	P	P
	• Spray-On Bedliner Installation Shops	---	P	P
	• Plug-In Electric Vehicle (PEV) Charging Facilities (ancillary to an allowed land use)	---	P	P
8112	Electronic and Precision Equipment Repair and Maintenance	P	P	P
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	P	P	P
8114	Personal and Household Goods Repair and Maintenance			
81141	<i>Home and Garden Equipment and Appliance Repair and Maintenance</i>	P	P	P
81142	<i>Reupholstery and Furniture Repair</i>	P	P	P
81143	<i>Footwear and Leather Goods Repair</i>	---	---	---
81149	<i>Other Personal and Household Goods Repair and Maintenance (limited to garment alteration and repair, jewelry repair, key duplicating, musical instrument repair and tailor shops)</i>	P	---	---
812	Personal and Laundry Services			
8121	Personal Care Services			
81211	<i>Hair, Nail, and Skin Care Services</i>	---	---	---
81219	<i>Other Personal Care Services</i>			
812191	Diet and Weight Reducing Centers	---	---	---
812199	Other Personal Care Services, limited to the following:			
	• Chair Massage	P	---	---
	• Color Consulting Services	---	---	---
	• Day Spas	---	---	---
	• Hair Removal Services	---	---	---
	• Hair Replacement Services	---	---	---

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	• Make-Up Salons (includes the application of permanent cosmetics)	---	---	---
	• Massage Establishments	---	---	---
	• Tanning Salons	---	---	---
	• Body Art Services (includes tattooing, body piercing, and branding)	---	---	---
8122	Death Care Services			
812210	Funeral Director Services (limited to office/retail only)	---	---	---
812210	Funeral Parlors and Mortuary Services (excludes funeral establishments)	---	P	P
812210	Funeral Establishments	---	---	---
812220	Cemeteries	---	---	---
812220	Crematories	---	---	C
8123	Drycleaning and Laundry Services			
81231	Coin-Operated Laundries and Drycleaners	---	---	---
81232	Drycleaning and Laundry Services (except Coin-Operated)	---	---	---
81233	Linen and Uniform Supply			
812331	Linen Supply	P	P	P
812332	Industrial Launderers	P	P	P
8129	Other Personal Services			
81291	<i>Pet Care (except Veterinary and Kennel) Services, limited to the following (NAICS 812910):</i>			
812910	Pet Grooming and Training Services	P	---	---
812910	Pet Boarding and Sitting (Doggy Daycare) Services, and Shelters	P	---	---
81292	Photofinishing	---	---	---
812930	Parking Lots and Garages (commercial)	---	---	---
81299	<i>All Other Personal Services, limited to the following (NAICS 812990):</i>			
812990	Astrology, Fortunetelling, Numerology, Palmistry, Phrenology and Psychic Reading Services	---	---	---
812990	Funeral Planning Services (office only—excludes preparation of the dead for burial or interment, and the conducting of funeral services)	---	---	---
812990	Party Planning Services	---	---	---
812990	Personal Fitness Trainer	---	P	P
812990	Wedding and Funerary Chapels (excludes religious assembly)	---	---	---
813	Religious, Grantmaking, Civic, Professional and Similar Organizations			
8131	Religious Organizations			
813110	Religious Assembly	---	---	---

Legend: **P:** Permitted **C:** Conditional Use Permit **A:** Administrative Use Permit

2012 NAICS Code	Land Uses, Activities, and Facilities	ONT	IL Zone	IG Zone
	<i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>			
813110	Monasteries, Convents and Other Similar Facilities	---	---	---
8132, 8133, 8134, 8139	Grantmaking and Giving Services; Social Advocacy Organizations; Civic and Social Organizations; and Business, Professional, Labor, Political and Similar Organizations			
	• Offices Only	---	---	---
	• Assembly Facilities	---	---	---
92	PUBLIC ADMINISTRATION			
921	Executive, Legislative, and Other General Government Support	---	---	---
922	Justice, Public Order, and Safety Activities			
92211	<i>Courts</i>	---	---	---
92212	<i>Police Protection (limited to stations, substations and storefront facilities)</i>	P	P	P
92213	<i>Legal Counsel and Prosecution</i>	---	---	---
92214	<i>Correctional Institutions</i>	---	---	---
92215	<i>Parole Offices and Probation Offices</i>	---	---	---
92216	<i>Fire Protection</i>	P	P	P
923	Administration of Human Resource Programs (limited to administrative offices for education, public health and veterans' affairs, and other similar facilities)	---	---	---
	TEMPORARY AND INTERIM LAND USES BUILDINGS, STRUCTURES, AND FACILITIES			
	Temporary and Interim Land Uses	A	A	A
	Temporary and Interim Buildings, Structures, and Facilities			
	• Fewer than 5 years	A	A	A
	• 5 to 10 years	---	C	C
	• More than 10 years	---	---	---

Legend: **P:** Permitted **C:** Conditional Use Permit **A:** Administrative Use Permit

CITY OF ONTARIO

Agenda Report
November 17, 2015

SECTION: PUBLIC HEARINGS

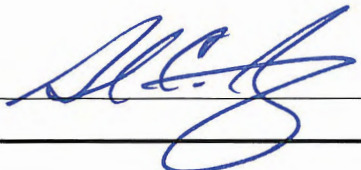
SUBJECT: A CITY INITIATED REQUEST TO:

- (1) CHANGE THE GENERAL PLAN LAND USE DESIGNATION ON TWELVE PARCELS (FILE NO. PGPA15-001) FROM:**
 - (A) BUSINESS PARK TO INDUSTRIAL ON SEVEN PARCELS GENERALLY LOCATED ON THE NORTH SIDE OF BROOKS STREET EAST OF MOUNTAIN AVENUE (APNS: 1011-132-17 THRU 1011-132-19, 1011-132-21, 1011-141-34, 1011-141-37, AND 1011-141-39); AND**
 - (B) NEIGHBORHOOD COMMERCIAL TO LOW DENSITY RESIDENTIAL ON THREE PARCELS WITH AN INDUSTRIAL OVERLAY LOCATED AT THE NORTHEAST CORNER OF PARK STREET AND SULTANA AVENUE (APNS: 1049-231-24 THRU 1049-231-26); AND**
 - (C) LOW DENSITY RESIDENTIAL TO INDUSTRIAL ON ONE PARCEL GENERALLY LOCATED BETWEEN STATE AND PARK STREETS WEST OF MONTEREY AVENUE (APN: 1049-231-12); AND**
 - (D) INDUSTRIAL TO OPEN SPACE-NON RECREATION ON ONE PARCEL GENERALLY LOCATED ON THE NORTH SIDE OF PHILADELPHIA STREET WEST OF WINEVILLE AVENUE (APN: 0238-152-15); AND**
- (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES (AMENDING EXHIBITS LU-01 AND LU-03)**

RECOMMENDATION: That the City Council adopt a resolution approving an addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), adopted by City Council on January 27, 2010, and adopt a resolution approving General Plan Amendment File No. PGPA15-001, to change the land use designations of certain properties (Exhibit LU-01 and LU-03).

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: M. Mullis/C. Burden
Department: Planning

City Manager
Approval: 

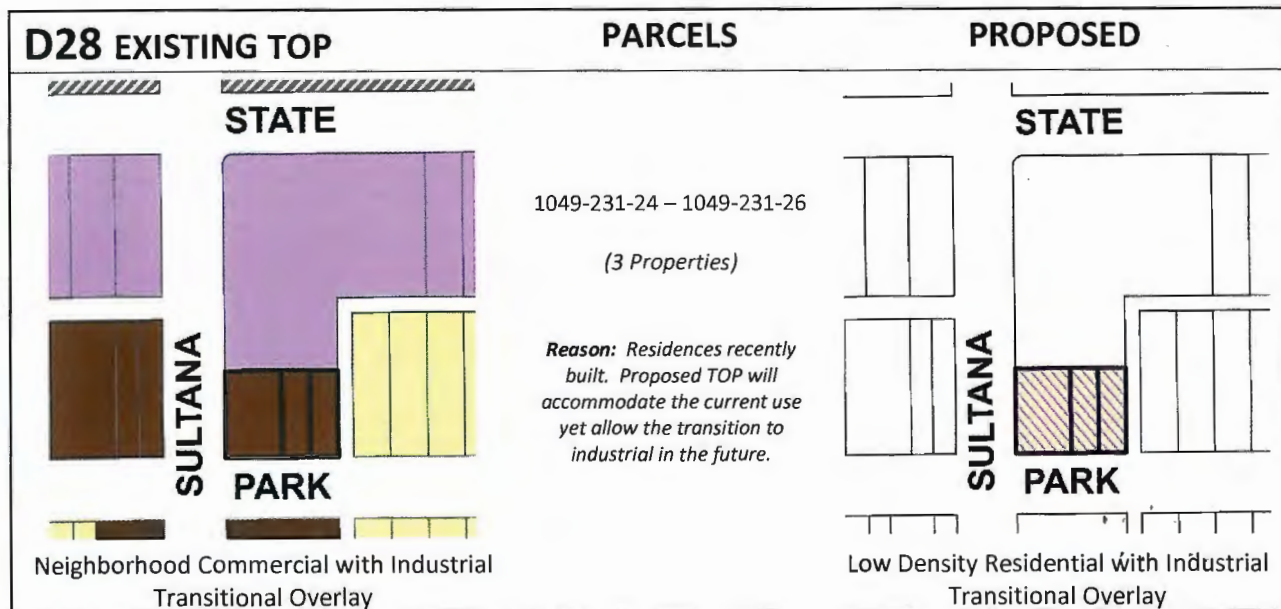
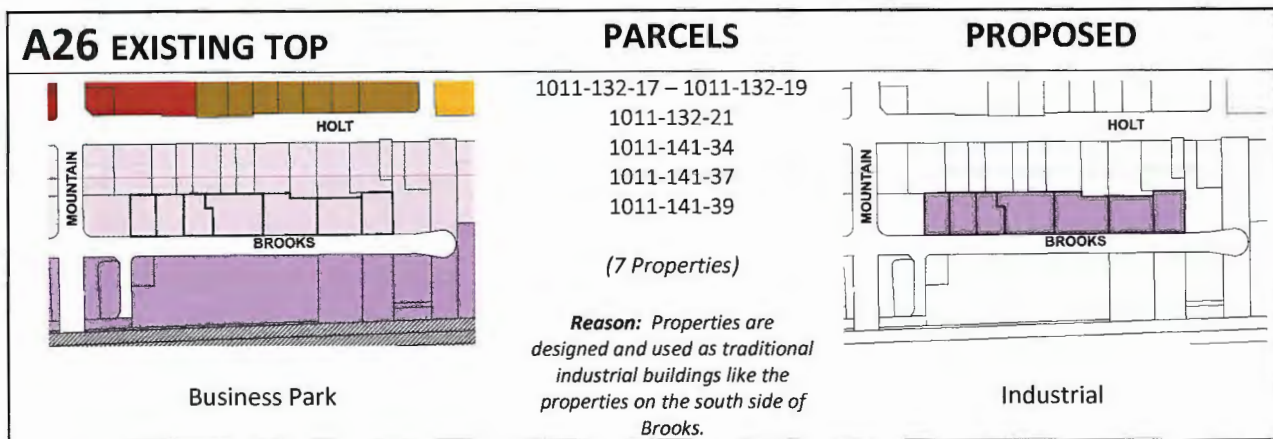
Submitted to Council/O.H.A. 11/17/2015
Approved: _____
Continued to: _____
Denied: _____

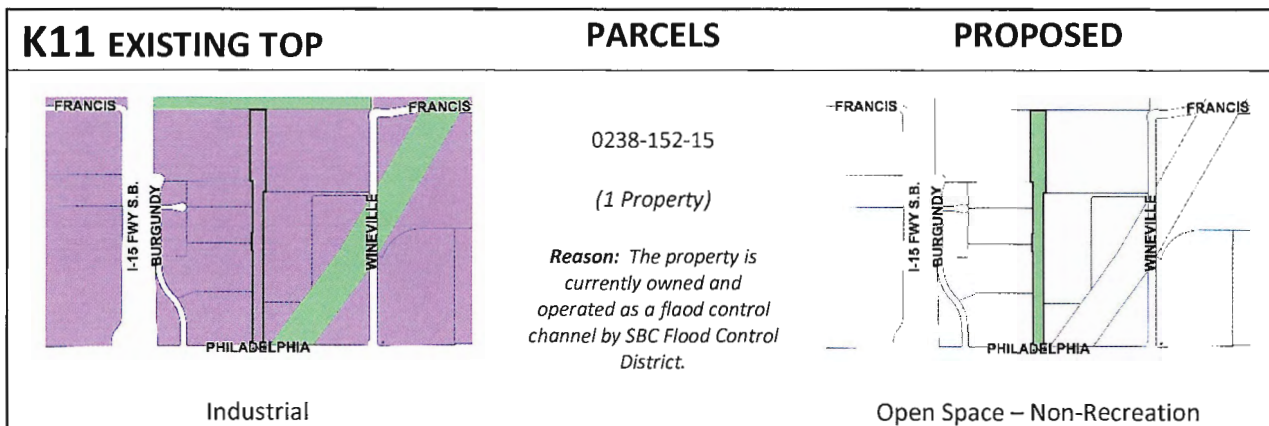
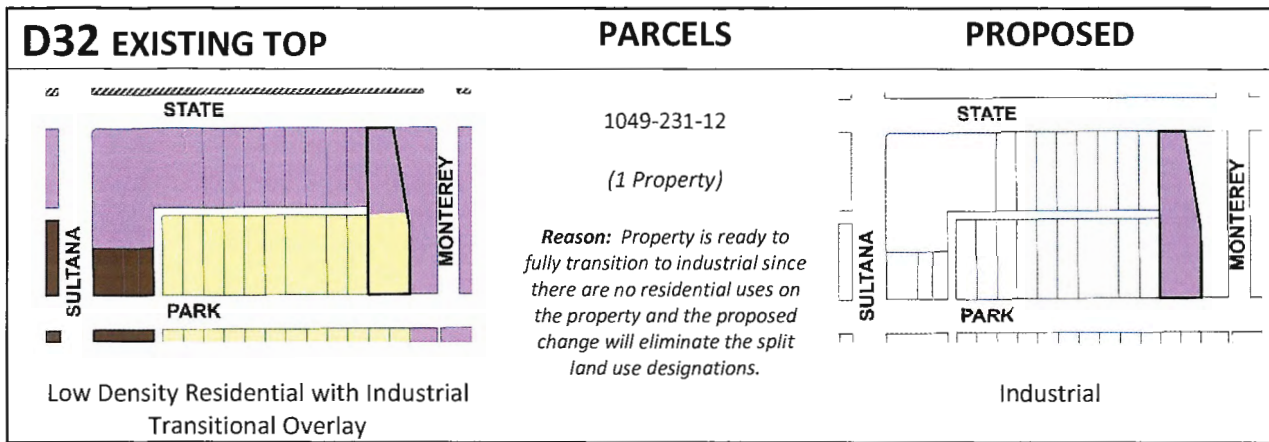
11

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

FISCAL IMPACT: No fiscal impacts are anticipated because the proposed General Plan Amendment is in alignment with the existing uses of the properties.

BACKGROUND: In 2010, The Ontario Plan was adopted which established the land use pattern for the City. Since then, staff has been working to ensure that the zoning is consistent with the land use designations established in The Ontario Plan. The proposed General Plan Amendment is designed to support the industrial-related zone changes being processed concurrently (File No: PZC15-002). During the review of the industrial sites, staff found that the land use designations of twelve parcels totaling 13.2 acres should be changed to align with the type and intensity of the existing development and closely coordinate with the surrounding area as outlined below:





In addition to these proposed changes to Exhibit LU-01, the General Plan Amendment also includes changes to the Future Buildout table (Exhibit LU-03) to reflect the changes in land use designation as shown in Exhibit B attached to the resolution.

Input was sought from impacted and surrounding property owners at Community Open Houses held on August 26 and September 2, 2015. The associated zone change application covering about 1,200 proposed zone changes (File No. PZC15-002) was also introduced at the meetings. More than 150 people attended. No one provided written comments regarding the proposed General Plan Amendment.

The Planning Commission reviewed the proposed General Plan Amendment on October 27, 2015 and voted unanimously, 5 to 0 (Gage and Downs absent), to recommend City Council approval of the application

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

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and

The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH NO. 2008101140) FOR FILE NO. PGPA15-001 FOR WHICH AN INITIAL STUDY HAS BEEN PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1011-132-17 THRU 1011-132-19; 1011-132-21, 1011-141-34, 1011-141-37, 1011-141-39, 1049-231-24 THRU 1049-231-26; 1049-231-12 AND 0238-152-15.

WHEREAS, the City of Ontario ("Applicant") has initiated an Application for the approval of a General Plan Amendment, File No. PGPA15-001, (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application proposes to change the General Plan land use designations on seven parcels from Business Park to Industrial generally located on the north side of Brooks Street east of Mountain Avenue, three parcels from Neighborhood Commercial to Low Density Residential with an Industrial Overlay located at the northeast corner of Park Street and Sultana Avenue, one parcel from Low Density Residential to Industrial generally located between State and Park Streets west of Monterey Avenue and one parcel from Industrial to Open Space-Non Recreation generally located on the north side of Philadelphia Street west of Wineville Avenue, as shown in Exhibit A attached; 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, on October 27, 2015, the Planning Commission of the City of Ontario conducted a hearing and approved Resolution No. PC15-059 recommending City Council approval of the Addendum; and

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

WHEREAS, the City Council, 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 City Council of the City of Ontario, as follows:

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

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

SECTION 2. Based upon the Addendum and all related information presented to the City Council, the City Council 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 City Council hereby approves 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 City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED AND ADOPTED this 17th day of November 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 November 17, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

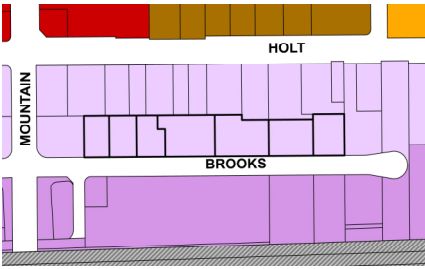
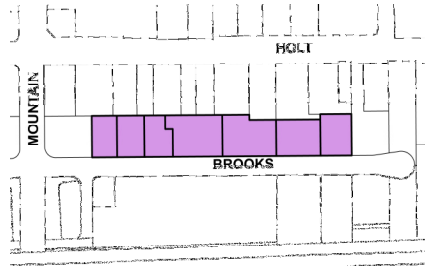
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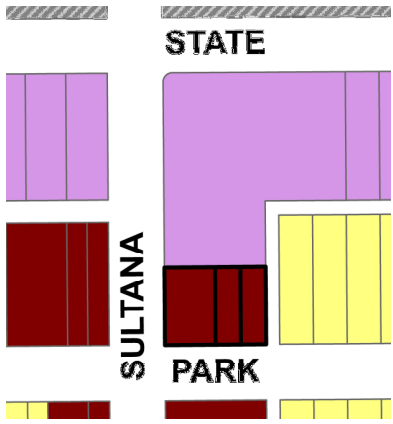
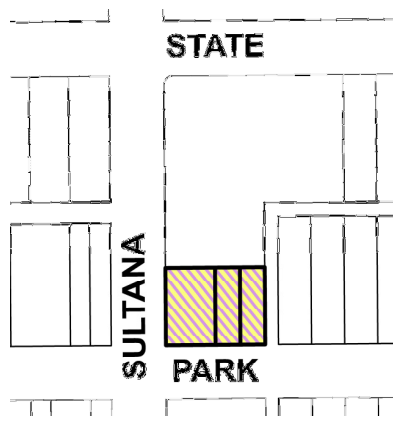
The foregoing is the original of Resolution No. 2015- duly passed and adopted by the Ontario City Council at their regular meeting held November 17, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit A (Proposed General Plan Amendments)

A26 EXISTING TOP	PARCELS	PROPOSED
 <p style="text-align: center;">Business Park</p>	<p>1011-132-17 – 1011-132-19 1011-132-21 1011-141-34 1011-141-37 1011-141-39</p> <p style="text-align: center;">(7 Properties)</p>	 <p style="text-align: center;">Industrial</p>

D28 EXISTING TOP	PARCELS	PROPOSED
 <p style="text-align: center;">Neighborhood Commercial with Industrial Transitional Overlay</p>	<p>1049-231-24 – 1049-231-26</p> <p style="text-align: center;">(3 Properties)</p>	 <p style="text-align: center;">Low Density Residential with Industrial Transitional Overlay</p>

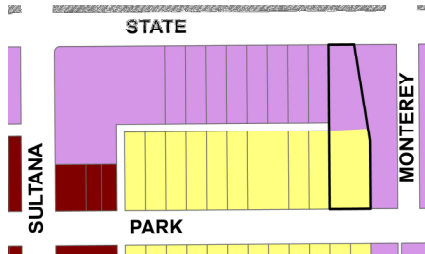
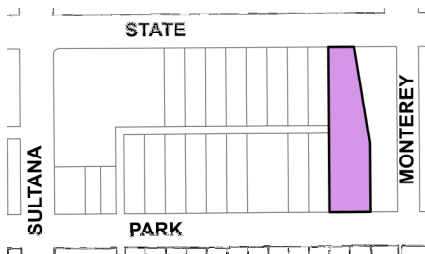
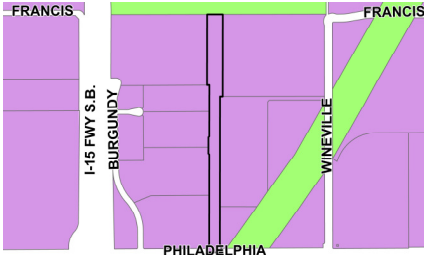

D32 EXISTING TOP	PARCELS	PROPOSED
 <p style="text-align: center;">Low Density Residential with Industrial Transitional Overlay</p>	<p>1049-231-12</p> <p style="text-align: center;">(1 Property)</p>	 <p style="text-align: center;">Industrial</p>

Exhibit A
(Proposed General Plan Amendments)

K11 EXISTING TOP	PARCELS	PROPOSED
 <p>Map showing existing industrial area (purple) bounded by FRANCIS, PHILADELPHIA, I-15 FWY S.B., BURGUNDY, and WINEVILLE. A diagonal green strip is visible.</p>	<p>0238-152-15 (1 Property)</p>	 <p>Map showing proposed open space area (green) bounded by FRANCIS, PHILADELPHIA, I-15 FWY S.B., BURGUNDY, and WINEVILLE. The area is currently industrial (purple).</p>
Industrial		Open Space – Non-Recreation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA15-001, A CITY INITIATED REQUEST TO 1) CHANGE THE GENERAL PLAN LAND USE DESIGNATIONS ON TWELVE PARCELS FROM: A) BUSINESS PARK TO INDUSTRIAL ON SEVEN PARCELS GENERALLY LOCATED ON THE NORTH SIDE OF BROOKS STREET EAST OF MOUNTAIN AVENUE (APNS: 1011-132-17 THRU 1011-132-19, 1011-132-21, 1011-141-34, 1011-141-37, AND 1011-141-39); AND B) NEIGHBORHOOD COMMERCIAL TO LOW DENSITY RESIDENTIAL ON THREE PARCELS WITH AN INDUSTRIAL OVERLAY LOCATED AT THE NORTHEAST CORNER OF PARK STREET AND SULTANA AVENUE (APNS: 1049-231-24 THRU 1049-231-26); AND C) LOW DENSITY RESIDENTIAL TO INDUSTRIAL ON ONE PARCEL GENERALLY LOCATED BETWEEN STATE AND PARK STREETS WEST OF MONTEREY AVENUE (APN: 1049-231-12); AND D) INDUSTRIAL TO OPEN SPACE-NON RECREATION ON ONE PARCEL GENERALLY LOCATED ON THE NORTH SIDE OF PHILADELPHIA STREET WEST OF WINEVILLE AVENUE (APN: 0238-152-15); AND 2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES (AMENDING EXHIBITS LU-01 AND LU-03), AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1011-132-17 THRU 1011-132-19; 1011-132-21, 1011-141-34, 1011-141-37, 1011-141-39, 1049-231-24 THRU 1049-231-26; 1049-231-12 AND 0238-152-15. (LAND USE CYCLE 2 FOR THE 2015 CALENDAR YEAR).

WHEREAS, the City of Ontario ("Applicant") has initiated an Application for the approval of a General Plan Amendment, File No. PGPA15-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application proposes to change the General Plan land use designations on seven parcels from Business Park to Industrial generally located on the north side of Brooks Street east of Mountain Avenue, three parcels from Neighborhood Commercial to Low Density Residential with an Industrial Overlay located at the northeast corner of Park Street and Sultana Avenue, one parcel from Low Density Residential to Industrial generally located between State and Park Streets west of Monterey Avenue and one parcel from Industrial to Open Space-Non Recreation generally located on the north side of Philadelphia Street west of Wineville Avenue, as shown in Exhibit "A" attached; and

WHEREAS, the proposed General Plan Amendment applies to 12 parcels totaling 13.2 acres; and

WHEREAS, the proposed changes to Figure LU-01 Official Land Use Plan include changes to land use designations of certain properties shown in Exhibit "A" to make the land use designations of these properties consistent with the existing use of the property and to coordinate with the surrounding land use designations; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for Ontario with the adopted land use designations. The proposed changes to Figure LU-01 Official Land Use Plan will require Figure LU-03 Future Buildout to be modified, as shown in Exhibit "B", to be consistent with LU-01 Official Land Use Plan; and

WHEREAS, the City of Ontario held Community Open Houses on August 26, 2015 and September 2, 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), was routed for inter-agency review and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; and

WHEREAS, on October 27, 2015, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and approved Resolution No. PC15-060 recommending the City Council approve the application; and

WHEREAS, as the first action on the Project, on November 17, 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 November 17, 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 Resolution have occurred.

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

SECTION 1. As the approving body for the Project, the City Council 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 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 amendment is consistent with the goals and policies of the General Plan as follows:

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 proposed General Plan Amendment reflects the existing uses of the properties and closely coordinates with land use designations in the surrounding area which provides opportunities for choice in living and working environments.

LU2-1 Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests. Compliance: The proposed General Plan Amendment reflects the existing uses of the properties and closely coordinates with land use designations in the surrounding area which will not increase adverse impacts on adjacent properties.

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 proposed land use designations allow for the continuation of existing uses while maintaining a logical land use pattern in and around the affected areas.

LU5-7 ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport. Compliance: The proposed General Plan Amendment is consistent with the adopted Airport Land Use Compatibility Plan for both Ontario Airport and Chino Airport.

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 subject properties are located

within the 60 to 65 CNEL or the 65 to 70 CNEL Noise Impact areas. The proposed land use designations are compatible with the Noise Impact area or are existing uses. The three parcels that contain residential uses are proposed to change from Neighborhood Commercial to Low Density Residential and will also receive an Industrial Transitional Overlay that will facilitate a change to industrial land use in the future.

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

c. The Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is in the second amendment cycle to the Land Use Element of the 2015 calendar year consistent with California Government Code Section §65358;

d. The proposed project is consistent with the adopted Housing Element. The subject properties do not include any of the properties listed in the Available Land Inventory in the Housing Element. Changing the land use designation of the subject properties will not impact the City's Regional Housing Needs Allocation obligations or the City's ability to satisfy its share of the region's future housing need.

e. During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §6535.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council approves the Project as shown in Exhibits "A" and "B" attached.

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

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

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

PASSED, APPROVED AND ADOPTED this 17th day of November 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 November 17, 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 November 17, 2015.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit A

Proposed General Plan Amendments

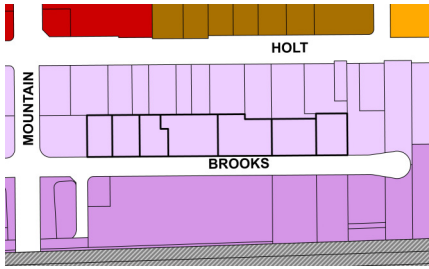
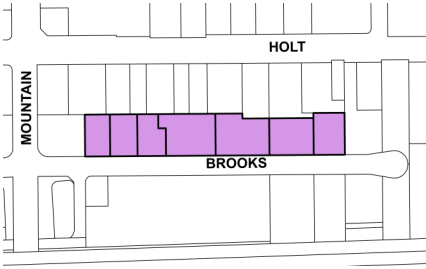
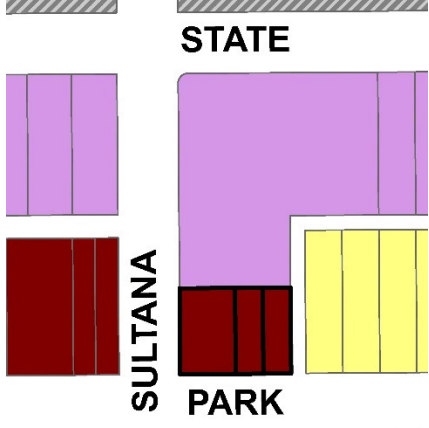
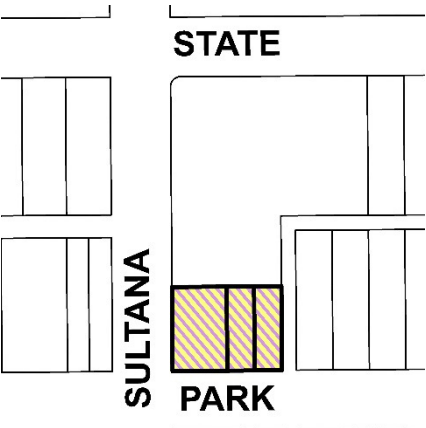
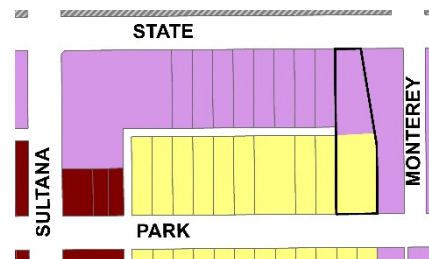
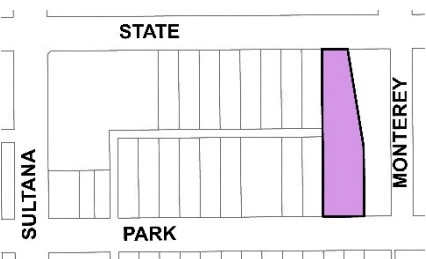
A26 EXISTING TOP	PARCELS	PROPOSED
 <p style="text-align: center;">Business Park</p>	<p>1011-132-17 – 1011-132-19 1011-132-21 1011-141-34 1011-141-37 1011-141-39</p> <p style="text-align: center;">(7 Properties)</p>	 <p style="text-align: center;">Industrial</p>
D28 EXISTING TOP	PARCELS	PROPOSED
 <p style="text-align: center;">Neighborhood Commercial with Industrial Transitional Overlay</p>	<p>1049-231-24 – 1049-231-26</p> <p style="text-align: center;">(3 Properties)</p>	 <p style="text-align: center;">Low Density Residential with Industrial Transitional Overlay</p>
D32 EXISTING TOP	PARCELS	PROPOSED
 <p style="text-align: center;">Low Density Residential with Industrial Transitional Overlay</p>	<p>1049-231-12</p> <p style="text-align: center;">(1 Property)</p>	 <p style="text-align: center;">Industrial</p>

Exhibit A
Proposed General Plan Amendments

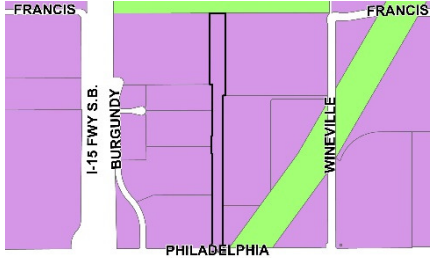
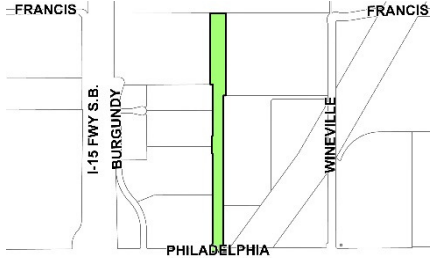
K11 EXISTING TOP	PARCELS	PROPOSED
	0238-152-15 (1 Property)	
Industrial		Open Space – Non-Recreation

Exhibit B

LU-03 Future Buildout Table



LU-03 Future Buildout¹

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	458	2.0 du/ac	917	3,663		
Low Density ⁶	7,370	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,043 31,042	124,079 124,075		
Low-Medium ⁶ Density	910	8.5 du/ac	7,739	30,931		
Medium Density	1,896	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,188	133,745		
High Density	234	35.0 du/ac	8,178	27,373		
Subtotal	10,869		86,065 86,064	319,793 319,788		
Mixed Use						
• Downtown	112	• 60% of the area at 35 du/ac • 40% of the area at 0.80 FAR for office and retail	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	• 25% of the area at 30 du/ac • 50% of the area at 1.0 FAR office • 25% of area at 0.80 FAR retail	428	856	1,740,483	3,913
• Meredith	93	• 23% of the area at 37.4 du/ac • 72% at 0.35 FAR for office and retail uses • 5% at 0.75 FAR for lodging	800	1,600	1,172,788	1,462
• Transit Center	76	• 10% of the area at 60 du/ac • 90% of the area at 1.0 FAR office and retail	457	913	2,983,424	5,337
• Inland Empire Corridor	37	• 50% of the area at 20 du/ac • 30% of area at 0.50 FAR office • 20% of area at 0.35 FAR retail	368	736	352,662	768
• Guasti	77	• 20% of the area at 30 du/ac • 30% of area at 1.0 FAR retail • 50% of area at .70 FAR office	500	1,001	2,192,636	4,103
• Ontario Center	345	• 30% of area at 40 du/ac • 50% of area at 1.0 FAR office • 20% of area at 0.5 FAR retail	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	• 5% of area at 40 du/ac • 20% of area at 0.75 FAR office • 75% of area at 0.5 FAR retail	479	958	5,477,126	7,285
• NMC West/South	315	• 30% of area at 35 du/ac • 70% of area at 0.7 FAR office and retail	3,311	6,621	6,729,889	17,188
• NMC East	264	• 30% of area at 25 du/ac • 30% of area at 0.35 FAR for office • 40% of area at 0.3 FAR for retail uses	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	• 50% of the area at 30 du/ac • 50% of area at 0.8 FAR retail	156	312	181,210	419
• SR-60/ Hamner Tuscana Village	41	• 18% of the area at 25 du/ac • 57% of the area at 0.25 FAR retail • 25% of the area at 1.5 FAR office	185	369	924,234	2,098
Subtotal	1,667		15,116	30,232	34,914,612	72,368

Exhibit B

LU-03 Future Buildout Table

LU-03 Future Buildout¹ (Cont.)



Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood ⁶ Commercial	245 244	0.30 FAR			3,195,518 3,192,120	7,732 7,724
General Commercial	615	0.30 FAR			8,035,644	7,465
Office/Commercial	527	0.75 FAR			17,227,218	38,204
Hospitality	145	1.00 FAR			6,312,715	7,237
Subtotal	1,532				34,771,095 34,767,697	60,638 60,630
Employment						
Business Park	1,595 1,591	0.40 FAR			27,788,666 27,721,410	48,755 48,637
Industrial	6,223 6,219	0.55 FAR			440,090,259 448,999,594	131,002 130,914
Subtotal	7,818 7,810				476,887,925 476,721,003	170,756 179,551
Other						
Open Space-Non-Recreation	1,221 1,230	Not applicable				
Open Space-Parkland ⁶	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,672	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,880	Not applicable				
Subtotal	9,808 9,907					
Total	31,784		101,181 101,180	350,025 350,021	246,573,632 246,403,312	312,762 312,549

Notes

- 1 Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, click here to access the [Methodology](#) report.
- 2 Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- 3 Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- 4 Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, click here to access the [Methodology](#) report.
- 5 To view the factors used to generate the number of employees by land use category, click here to access the [Methodology](#) report.
- 6 Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

CITY OF ONTARIO

Agenda Report

November 17, 2015

SECTION:
PUBLIC HEARINGS

SUBJECT: A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS (FILE NO. PZC15-002) ON VARIOUS PROPERTIES LOCATED THROUGHOUT THE CITY TO BP (BUSINESS PARK), IP (INDUSTRIAL PARK), IL (LIGHT INDUSTRIAL), AND RC (RAIL CORRIDOR), AND TO CHANGE THE ZONING ON VARIOUS M3 (GENERAL INDUSTRIAL) ZONED PROPERTIES TO IG (GENERAL INDUSTRIAL) AND VARIOUS OTHER ZONES IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC15-002) to create consistency between the zoning and the General Plan land use designations of the subject properties.

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

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

BACKGROUND: In January 2010, the City Council approved TOP which lays out the long term land use pattern for the City. Since that time, the City has been undergoing an effort to ensure that the zoning and TOP land use designations are consistent for all properties in the City. In addition, a comprehensive update to the Ontario Development Code is underway to refine existing zones and establish new zones to implement TOP. This Zone Change, which proposes changes to about 1,200 mostly industrially zoned properties, is part of the TOP-Zoning Consistency Project.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: M. Mullis/C. Burden
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 11/17/2015
Approved: _____
Continued to: _____
Denied: _____

12

The properties that are part of the proposed zone change are located throughout the City as indicated in Exhibit A of the ordinance and the area maps contained in the Planning Commission staff report. The changes are proposed in order to implement The Ontario Plan in the following areas:

- To provide a buffer of less intensive zones in close proximity to existing and future residential zones and in view corridors of major streets
- To eliminate M3 zoned properties (zone being eliminated) except the two truck stops which will be part of a later zone change effort
- To reduce the strip commercial uses along Holt and Mission Blvds.
- To accommodate auto related uses such as used car sales on Holt Blvd.
- To eliminate split zoned properties which are difficult to develop on Holt Blvd.
- To establish a unique zone for the rail corridors (RC, Rail Corridor)
- To place suitable zoning adjacent to the rail line
- To allow the ongoing use of properties uniquely designed to accommodate commercial uses by the use of an ICC, Interim Community Commercial Overlay
- To incorporate Emergency Shelter Overlay (required in Housing Element)
- Provide light uses in close proximity to residential uses that will be consistent with the ALUCP
- To apply the UC, Utilities Corridor zone for flood control facilities

On August 26 and September 2, 2015, Community Open Houses were held. More than 150 people attended. Thirty attendees provided written responses on the proposed zone changes. Fewer than one-third of these responses did not support the proposed changes. Several concerns expressed were related to permitted uses within the IL zone. Staff re-evaluated some of the uses identified and incorporated changes in the Development Code update to address some of these concerns (see File No. PDCA11-003).

Subject property owners and all property owners within 300 feet of the subject properties were sent notices regarding the proposed 1,220 properties proposed for zone changes. In addition, a large display advertisement was published in the Inland Valley Bulletin. Subsequent to the Community Open Houses, five written correspondence were received and transmitted to the Planning Commission. One supported the zone change, three were letters were in opposition, and one was a petition signed by 9 people.

On October 27, 2015 the Planning Commission conducted a hearing attended by about 50 people, nine of whom spoke in opposition to the project. In total, roughly 20 property owners indicated that they were not in support of the proposed zone changes. The vast majority of the opposition centered around the zone changes from M3 (General Industrial) to IL (Light Industrial) and the corresponding changes in land uses allowed. The residents felt that the change would limit the allowable uses on their property. The Planning Commission noted that many of the properties in question are in close proximity to residential uses or along major arterial corridors (Mountain Avenue) where a transition in uses was appropriate to buffer residential units and provide a more appropriate streetscape. As a result, the Planning Commission voted unanimously, 5 to 0 (Gage, Downs – absent), to recommend City Council approval of the application.

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

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The environmental impacts of this project were previously reviewed in conjunction 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. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC15-002, A REQUEST TO CHANGE THE ZONING ON VARIOUS PROPERTIES LOCATED THROUGHOUT THE CITY TO BP (BUSINESS PARK), IP (INDUSTRIAL PARK), IL (LIGHT INDUSTRIAL), AND RC (RAIL CORRIDOR), AND TO CHANGE THE ZONING ON VARIOUS M3 (GENERAL INDUSTRIAL) ZONED PROPERTIES TO IG (GENERAL INDUSTRIAL) AND VARIOUS OTHER ZONES IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: (AS SHOWN IN EXHIBIT A ATTACHED).

WHEREAS, the City of Ontario ("Applicant") has initiated an Application for the approval of a Zone Change, File No. PZC15-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to about 1,200 properties located throughout the City and requests to change the zoning from various zones to BP (Business Park), IP (Industrial Park), IL (Light Industrial), and RC (Rail Corridor), and to change the zoning on various M3 (General Industrial) zoned properties to IG (General Industrial) and various other zones; and

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

WHEREAS, the City of Ontario held Community Open Houses on August 26, 2015 and September 2, 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, the environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (TOP) (File No. PGPA06-001), for which an Environmental Impact Report (SCH # 2008101140) was adopted by the City Council on January 27, 2010, and this Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, on October 27, 2015, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and approved Resolution No. PC15-061 recommending City Council approval of the application; and

WHEREAS, on November 17, 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 approving body for the Project, the City Council has reviewed and considered the information contained in the previously adopted Environmental Impact Report (SCH # 2008101140) and supporting documentation. Based upon the facts and information contained in the Environmental Impact Report (SCH # 2008101140) and supporting documentation, the City Council finds as follows:

- a. The previous Environmental Impact Report (SCH # 2008101140) contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The previous Environmental Impact Report (SCH # 2008101140) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- c. The previous Environmental Impact Report (SCH # 2008101140) reflects the independent judgment of the City Council; and
- d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

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

- a. The 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 approves the Project as shown in Exhibit A attached.

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 _____ 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 _____, 2015, 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)


































Exhibit A PZC15-002

LEGEND:

EXISTING ZONING:

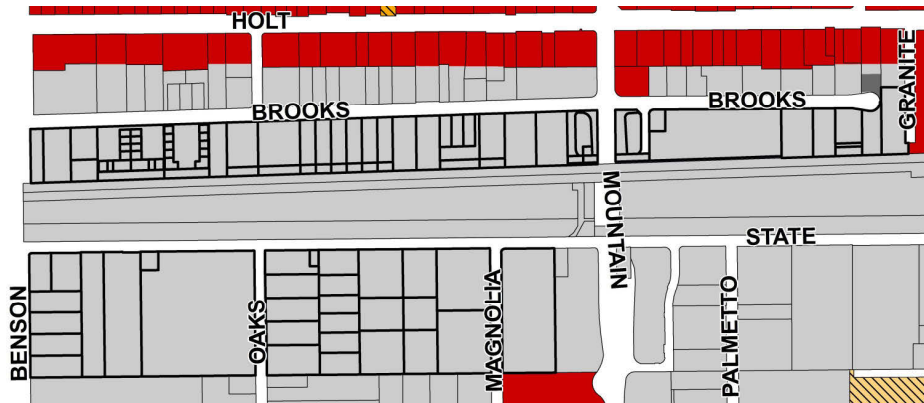
 AR, Agricultural Residential	 HDR-45, High Density Residential	 C3, Commercial Service	 M3, General Industrial
 RE, Residential Estate	 MH, Mobile Home Park	 C4, Airport Service Commercial	 OS, Open Space
 R1, Single Family Residential	 PUD, Planned Unit Development	 AP, Administrative-Professional Office	 PF, Public Facility
 R1.5, Low-Medium Density Residential	 NC, Neighborhood Commercial	 M1, Limited Industrial	 SP, Specific Plan
 R2, Medium Density Residential	 C1, Shopping Center	 M2, Industrial Park	 P1, Off-Street Parking
 R3, Medium Density Residential	 C2, Central Business	 M3(VI), Vintage Industrial	 SP(AG), Specific Plan with Agricultural Overlay

PROPOSED ZONING:

 AR-2, Agricultural-Residential	 MHP, Mobile Home Park	 BP, Business Park	 OS-R, Open Space - Recreation
 RE-2, Rural Estate	 PUD, Planned Unit Development	 IP, Industrial Park	 OS-C, Open Space-Cemetery
 RE-4, Residential Estate	 MU, Mixed Use 1 – Downtown, 2-East Holt, 11-Francis&Euclid	 IL, Light Industrial	 UC, Utilities Corridor
 LDR-5, Low Density Residential	 CS, Corner Store	 IG, General Industrial	 SP, Specific Plan
 MDR-11, Low-Medium Density Residential	 CN, Neighborhood Commercial	 IH, Heavy Industrial	 SP(AG), Specific Plan with Agricultural Overlay
 MDR-18, Medium Density Residential	 CC, Community Commercial	 ONT, Ontario Int'l Airport	 ES, Emergency Shelter Overlay
 MDR-25, Medium-High Density Residential	 CCS, Convention Center Support	 CIV, Civic	 MTC, Multimodal Transit Center Overlay
 HDR-45, High Density Residential	 OL, Low Intensity Office	 RC, Rail Corridor	 ICC, Interim Community Commercial Overlay
	 OH, High Intensity Office		

A1

EXISTING



PROPOSED



Parcels: (107 Properties)

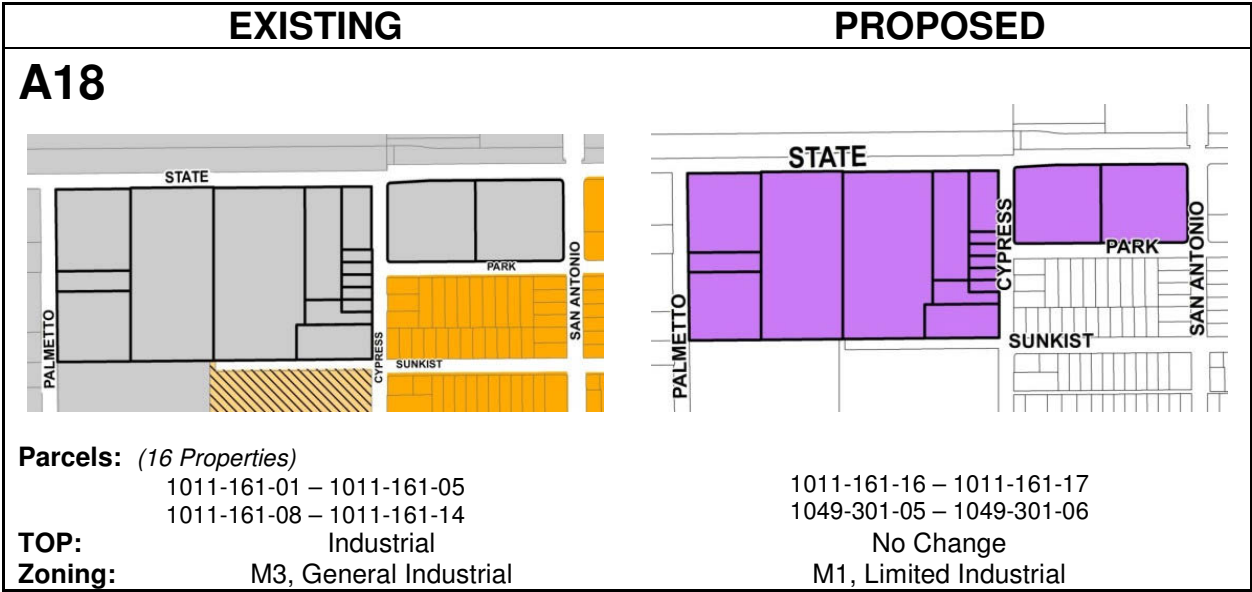
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1011-112-12 – 1011-112-24	1011-134-10	1011-191-01
1011-112-28 – 1011-112-44	1011-134-12 – 1011-134-15	1011-201-02
1011-122-01 – 1011-122-08	1011-141-14	1011-201-05 – 1011-201-07
1011-122-11 – 1011-122-23	1011-141-17	1011-201-10 – 1011-201-12
1011-133-07	1011-141-27	1011-201-14 – 1011-201-26
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		1011-231-07 – 1011-231-12

EXISTING

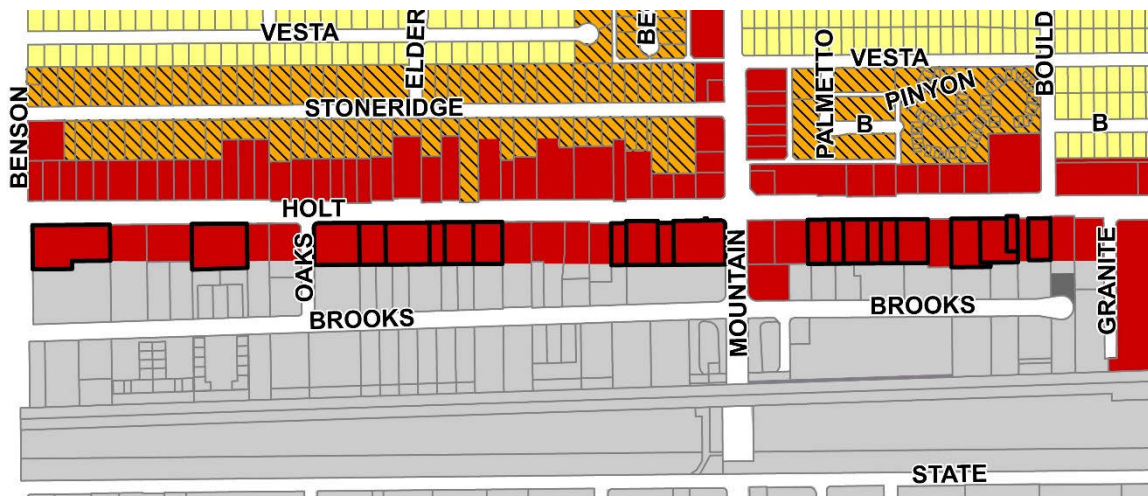
TOP: Industrial
Zoning: M3, General Industrial

PROPOSED

No Change
 IG, General Industrial
 (M2, Industrial Park)



A19 EXISTING



PROPOSED



Parcels: (22 Properties)



1011-111-04	1011-121-24	1011-141-06
1011-111-10	1011-121-26	1011-141-11
1011-121-02	1011-131-02 – 1011-131-04	1011-141-13
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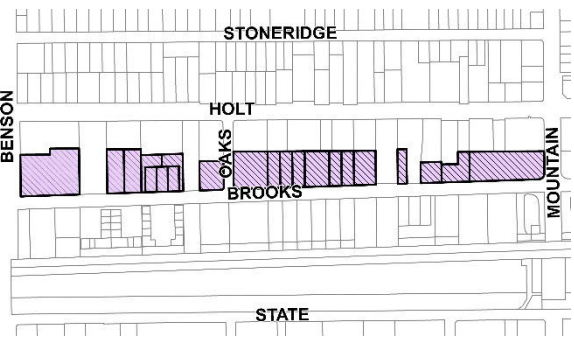
EXISTING

TOP: Business Park
Zoning: C3, Commercial Service

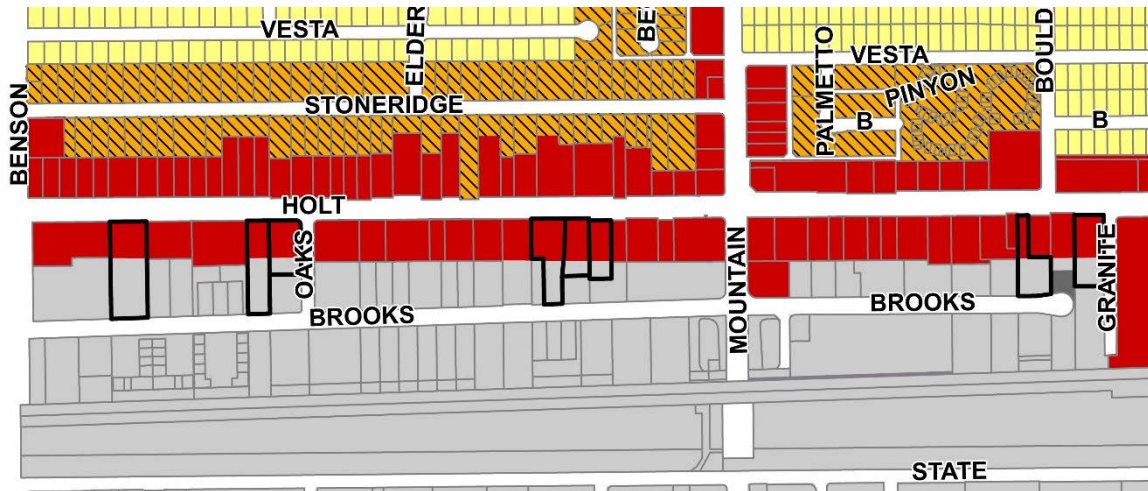
PROPOSED

TOP: No Change
Zoning: IP, Industrial Park

EXISTING	PARCELS	PROPOSED
A20		
	<p>1011-181-04 – 1011-181-05 1011-182-05 1011-182-13</p> <p>(4 Properties)</p>	
TOP: Business Park Zoning: C1, Shopping Center		No Change IL, Light Industrial (M1, Limited Industrial)

EXISTING		PROPOSED	
A21			
			
Parcels: (21 Properties)			
1011-111-12 – 1011-111-17	1011-121-07	1011-121-23	
1011-111-19	1011-121-09 – 1011-121-12	1011-121-25	
1011-111-22 – 1011-111-23	1011-121-14 – 1011-121-16	1011-131-13	
		1011-131-18	
TOP:	Business Park	No Change	
Zoning:	M3, General Industrial	IP, Industrial Park	

A22 EXISTING



PROPOSED



Parcels: (8 Properties)

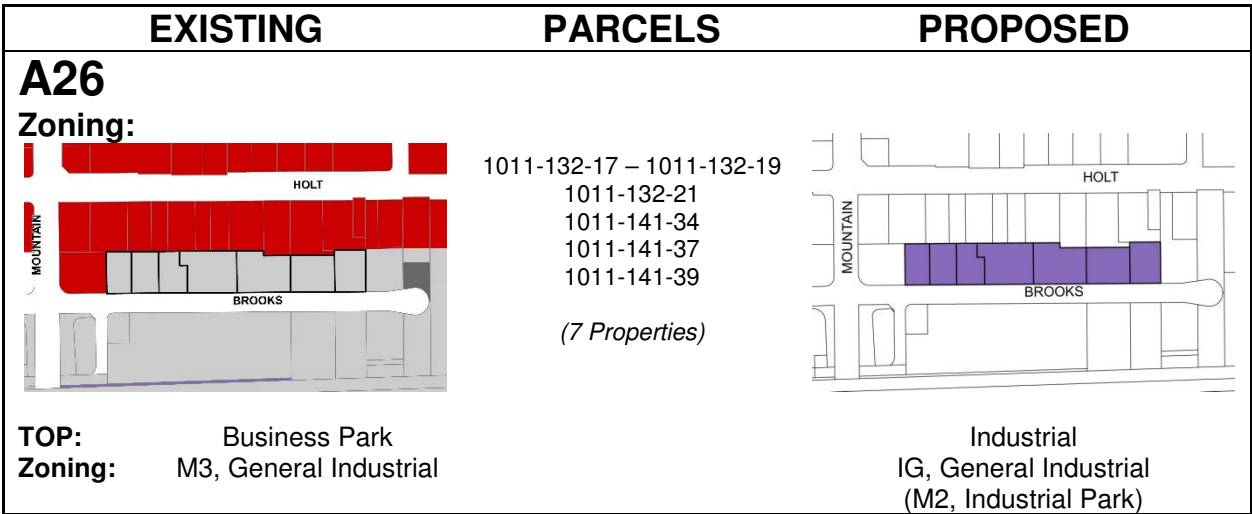
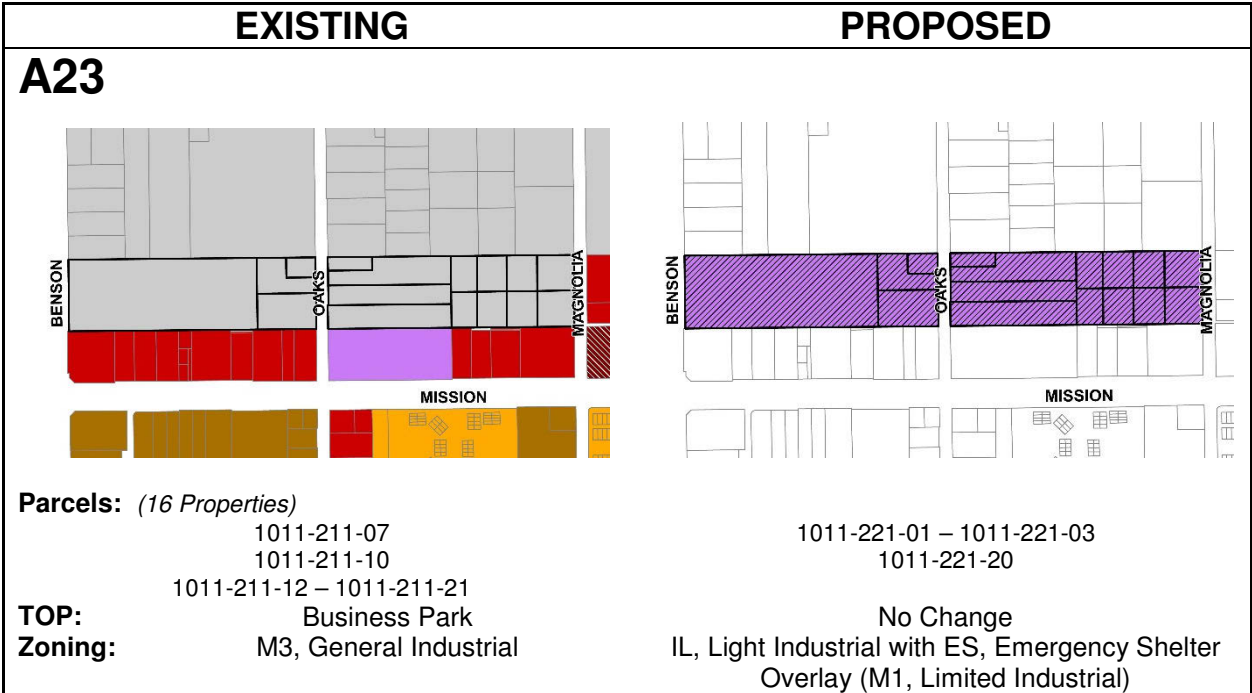
1011-111-05
1011-111-18
1011-111-20
1011-121-21 – 1011-121-22

1011-131-17
1011-141-16
1011-141-30

TOP:
Zoning:

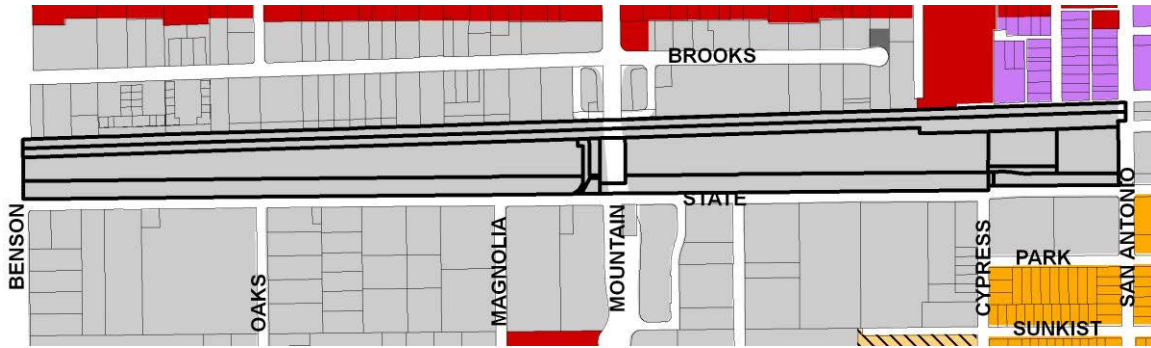
EXISTING
Business Park
C3, Commercial Service and
M3, General Industrial

PROPOSED
No Change
IP, Industrial Park

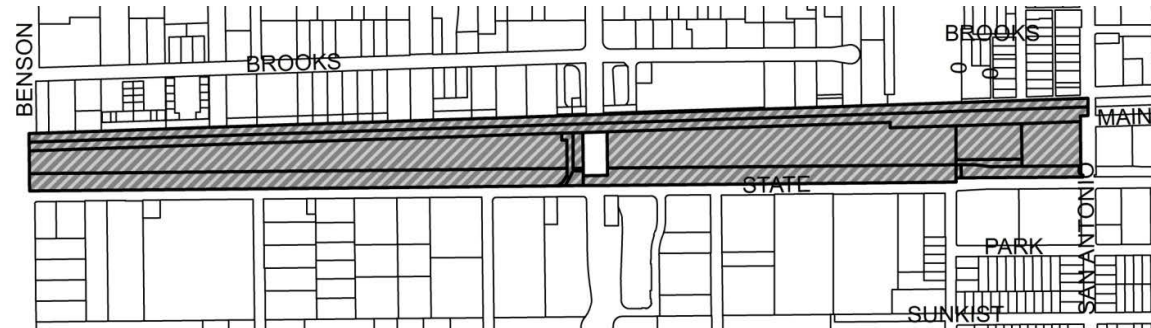


A28

EXISTING



PROPOSED



Parcels: (14 Properties)

1011-101-07 – 1011-101-10
1011-151-03 – 1011-151-07

1049-013-01 – 1049-013-02
1049-013-06 – 1049-013-08

EXISTING

TOP: Rail
Zoning: M3, General Industrial

PROPOSED

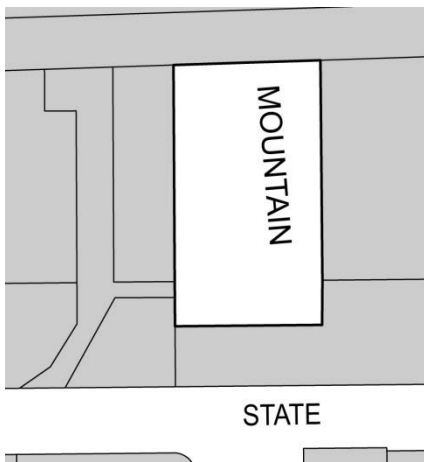
TOP: No Change
Zoning: RC, Rail Corridor

EXISTING

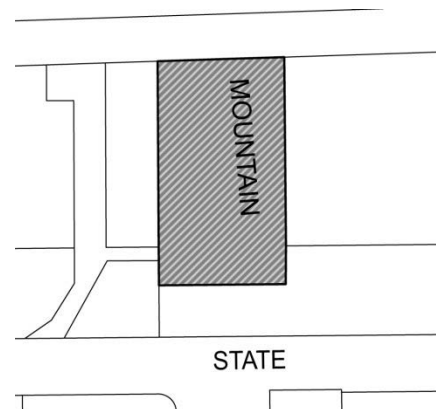
PARCELS

PROPOSED

A29

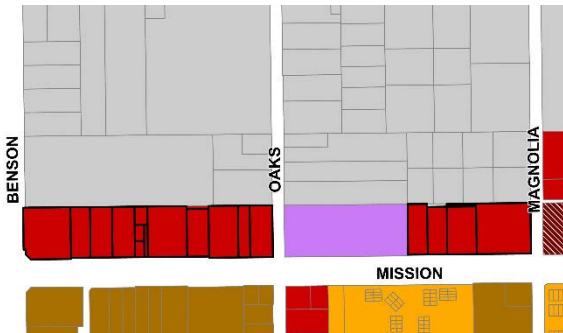



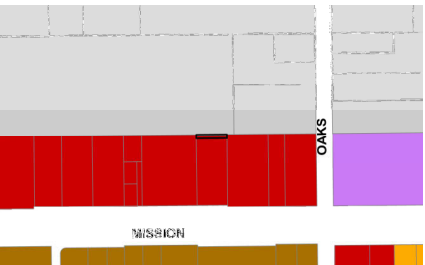
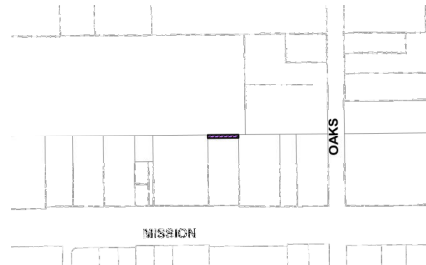
1011-151-01
(1 Property)

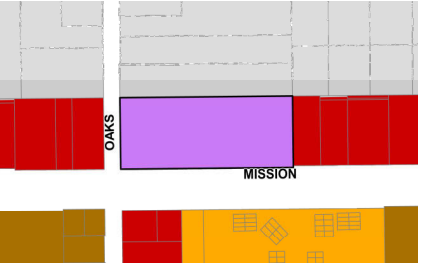
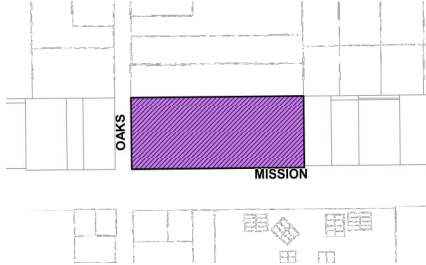


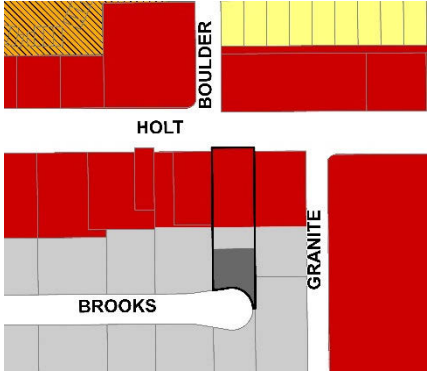
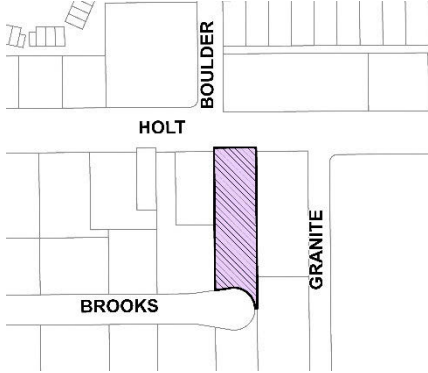
TOP: Rail
Zoning: ROW



TOP: No Change
Zoning: RC, Rail Corridor

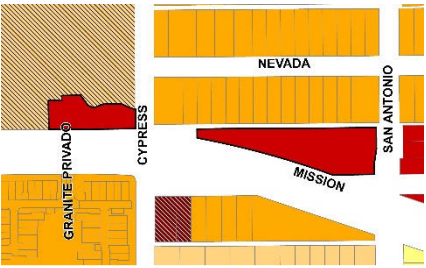
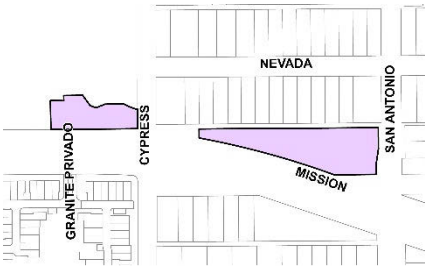
EXISTING		PROPOSED	
A31			
			
Parcels: (18 Properties) 1011-211-02 – 1011-211-03 1011-211-05		1011-211-09 1011-221-04 – 1011-221-06 1011-221-08 – 1011-221-13 1011-221-15 – 1011-221-16	
TOP: Business Park Zoning: C3, Commercial Service		No Change IL, Light Industrial with ES, Emergency Shelter Overlay (M1, Limited Industrial)	

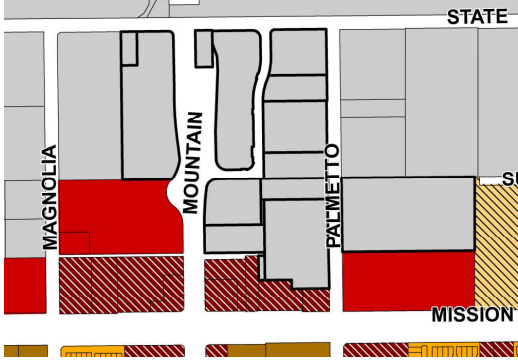

EXISTING	PARCELS	PROPOSED
A32		
	1011-211-03 (1 Property)	
TOP: Business Park Zoning: C3, Commercial Service and M3, General Industrial		TOP: No Change Zoning: IL, Light Industrial with ES, Emergency Shelter Overlay (M1, Limited Industrial)

EXISTING	PARCELS	PROPOSED
A33		
	1011-211-06 (1 Property)	
TOP: Business Park Zoning: M1, Limited Industrial		TOP: No Change Zoning: IL, Light Industrial with ES, Emergency Shelter Overlay (M1, Limited Industrial)

EXISTING	PARCELS	PROPOSED
A34		
	<p>1011-411-32</p> <p>(1 Property)</p>	
<p>TOP: Business Park</p> <p>Zoning: C3, Commercial Service/ M3, General Industrial/ P1, Off-Street Parking</p>		<p>No Change</p> <p>IP, Industrial Park</p>

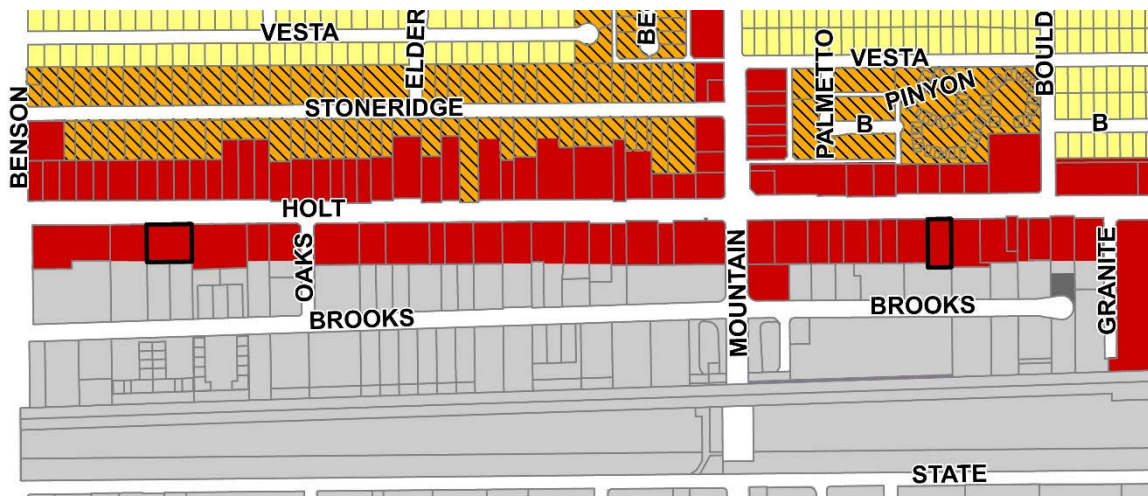
EXISTING	PARCELS	PROPOSED
A37		
	<p>1011-171-04</p> <p>1011-181-09 – 1011-181-10</p> <p>(3 Properties)</p>	
<p>TOP: Business Park</p> <p>Zoning: C3, Shopping Center</p>		<p>No Change</p> <p>IL, Light Industrial (M1, Limited Industrial)</p>

EXISTING	PARCELS	PROPOSED
A38		
	<p>1011-171-01 1046-311-15</p> <p>(2 Properties)</p>	
TOP: Business Park Zoning: C3, Shopping Center		TOP: No Change Zoning: BP, Business Park

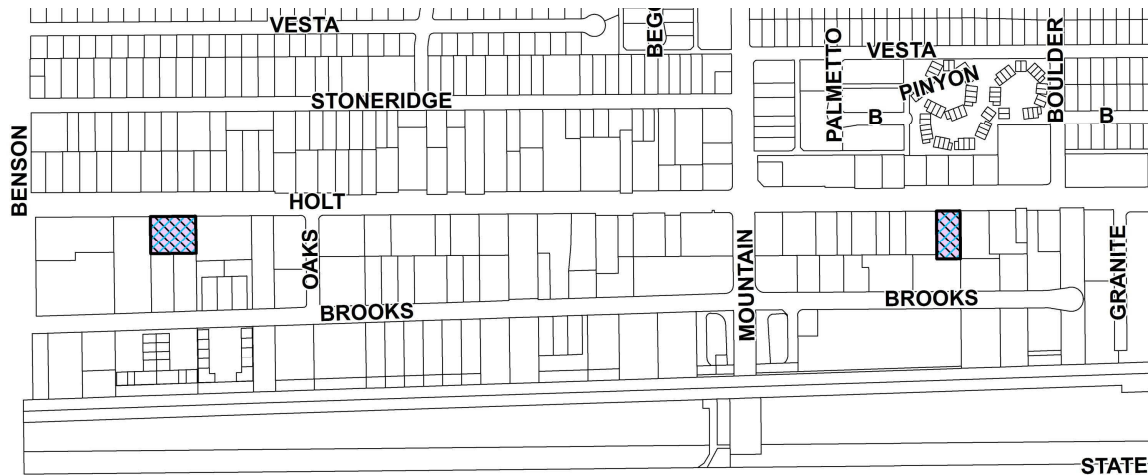
EXISTING	PROPOSED
A39	
	
Parcels: (16 Properties) 1011-171-05 1011-182-01 1011-128-09 – 1011-182-10	1011-182-15 1011-182-17 – 1011-182-18 1011-191-02 – 1011-191-03
TOP: Business Park Zoning: M3, General Industrial	1011-192-01 1011-192-04 1011-193-01 – 1011-193-04 TOP: No Change Zoning: IL, Light Industrial (M1, Limited Industrial)

A40

EXISTING



PROPOSED



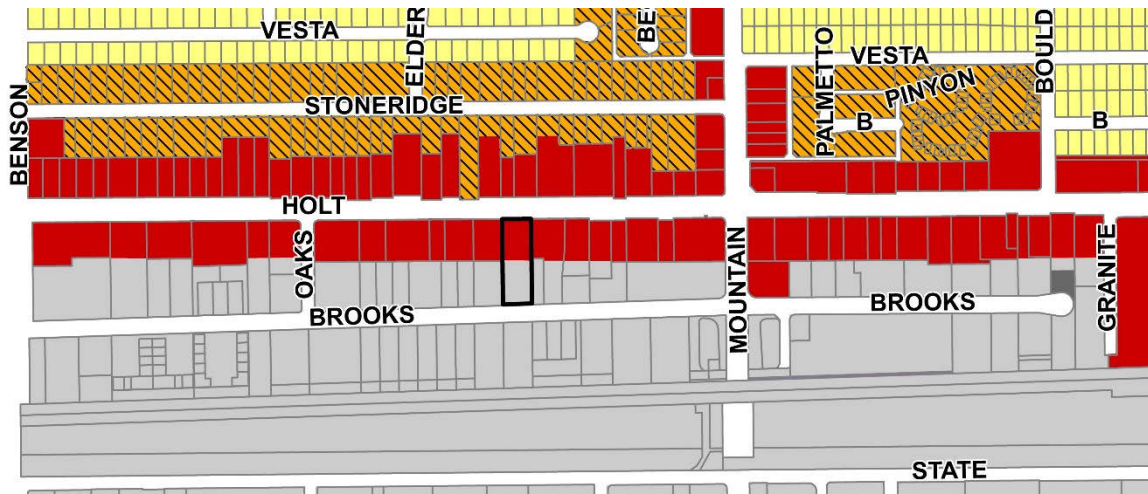
Parcels: (2 Properties).

1011-111-21
EXISTING
 TOP: Business Park
 Zoning: C3, Commercial Service

1011-141-07
PROPOSED
 No Change
 IP, Industrial Park with ICC, Interim Community
 Commercial Overlay

A41

EXISTING



PROPOSED



Parcels: (1 Property)

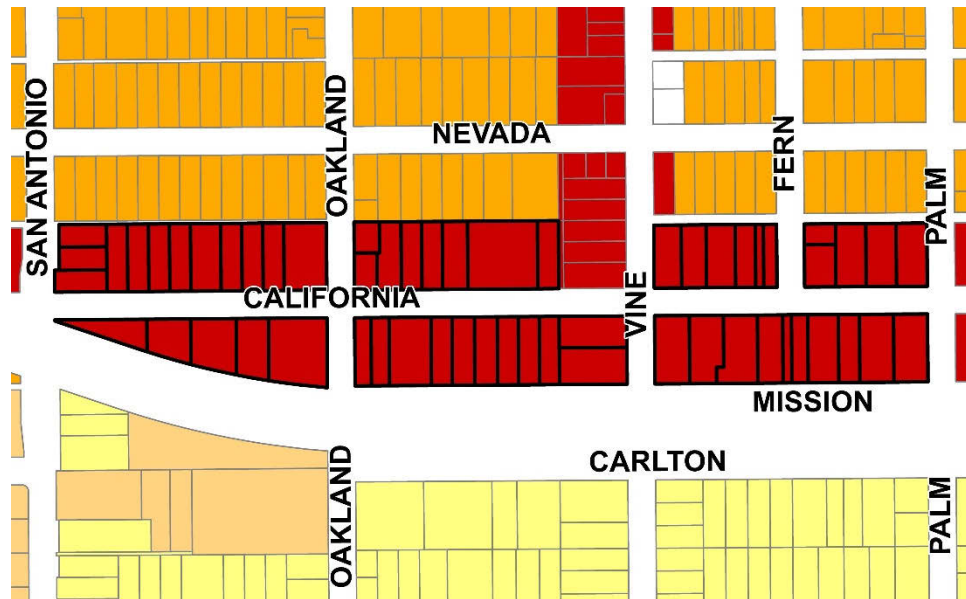
1011-121-05

EXISTING
TOP: Business Park
Zoning: C3, Commercial Service and M3,
 General Industrial

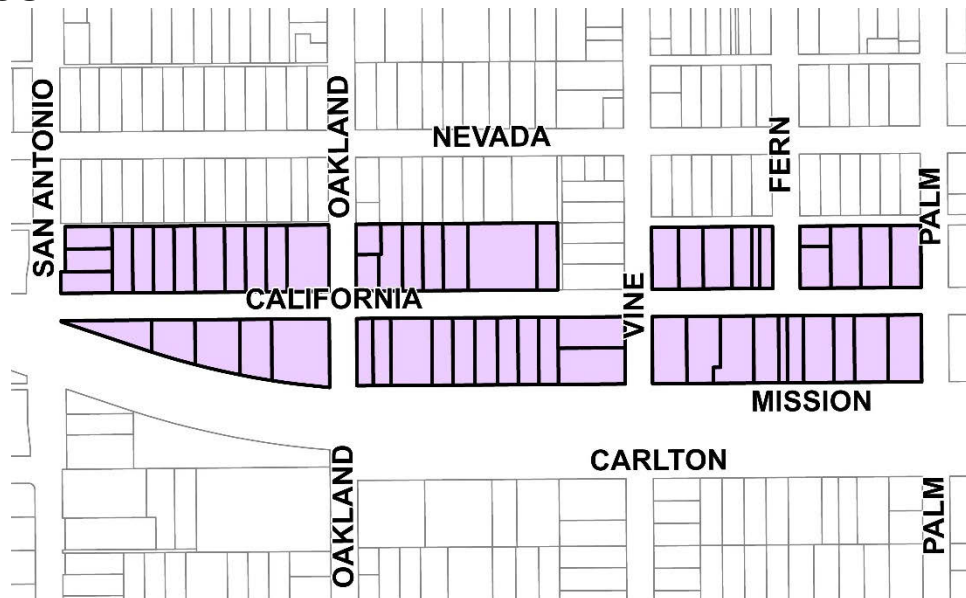
PROPOSED
TOP: No Change
Zoning: IP, Industrial Park with ICC, Interim Community
 Commercial Overlay

B22

EXISTING



PROPOSED



Parcels: (57 Properties)

1049-262-07 – 1049-262-12

1049-264-07 – 1049-264-11

1049-292-14 – 1049-292-25

1049-294-20

1049-294-23 – 1049-294-29

1049-321-01 – 1049-321-04

1049-321-06

1049-322-01 – 1049-322-11

1049-331-01 – 1049-331-10

EXISTING

TOP:

Business Park

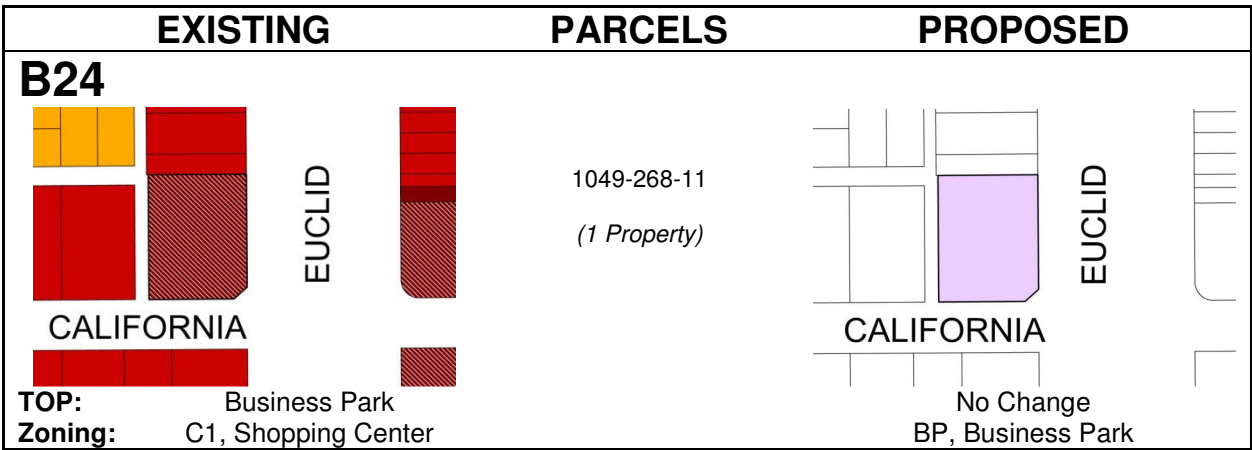
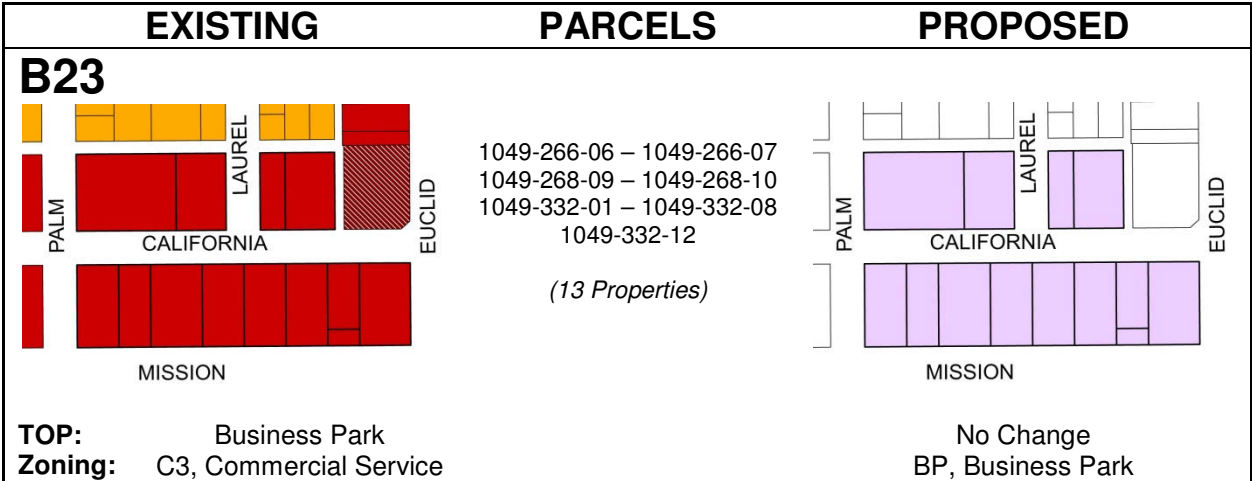
Zoning:

C3, Commercial Service

PROPOSED

No Change

BP, Business Park



B25 EXISTING



PROPOSED



Parcels: (30 Properties)

1049-031-03	1049-042-02	1049-044-01
1049-031-06 – 1049-031-12	1049-042-05 – 1049-042-06	1049-044-04 – 1049-044-05
1049-031-14 – 1049-031-16	1049-043-01 – 1049-043-04	1049-044-09 – 1049-044-10
1049-041-10 – 1049-041-12	1049-043-06	1049-059-18 – 1049-059-20

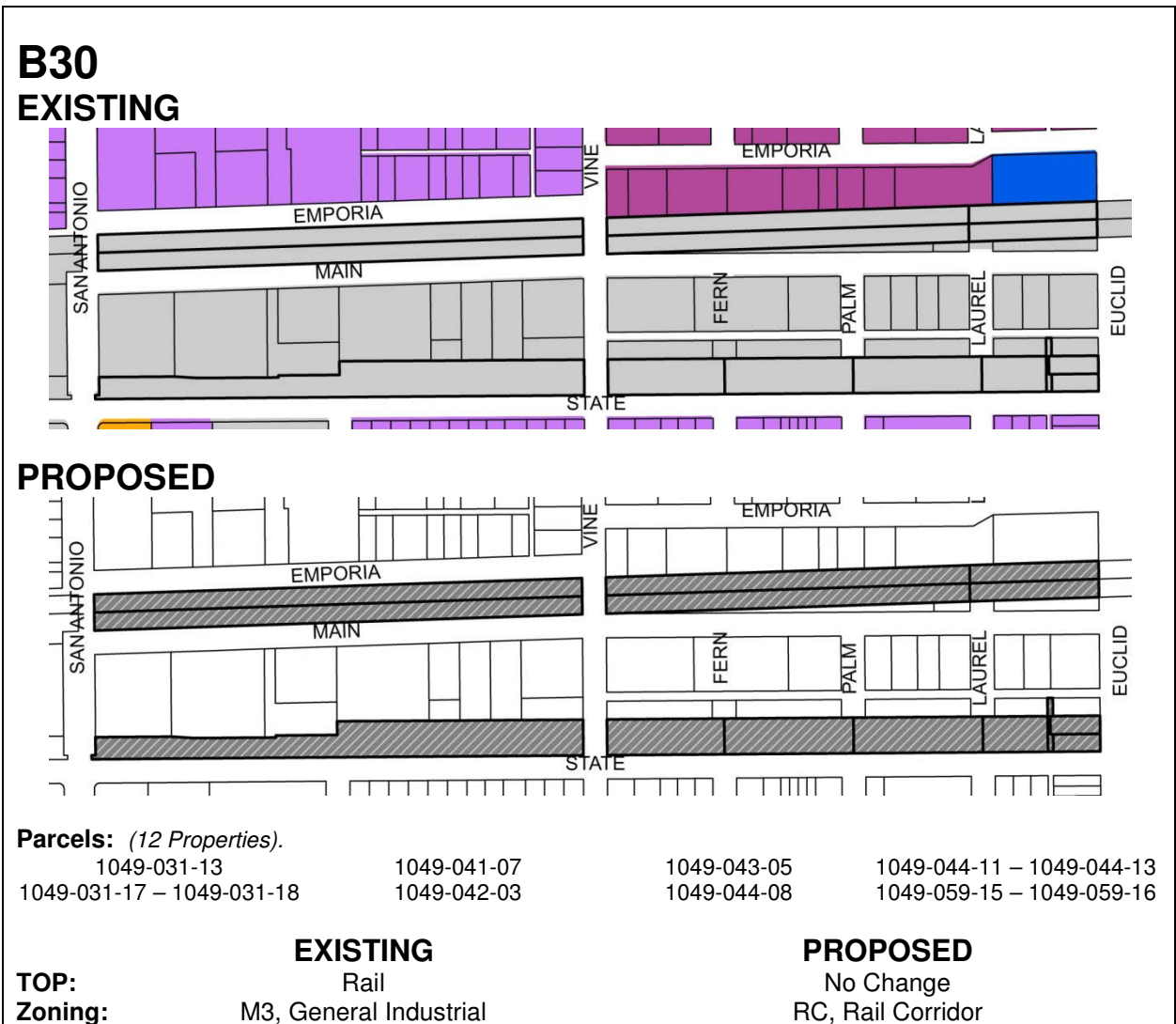
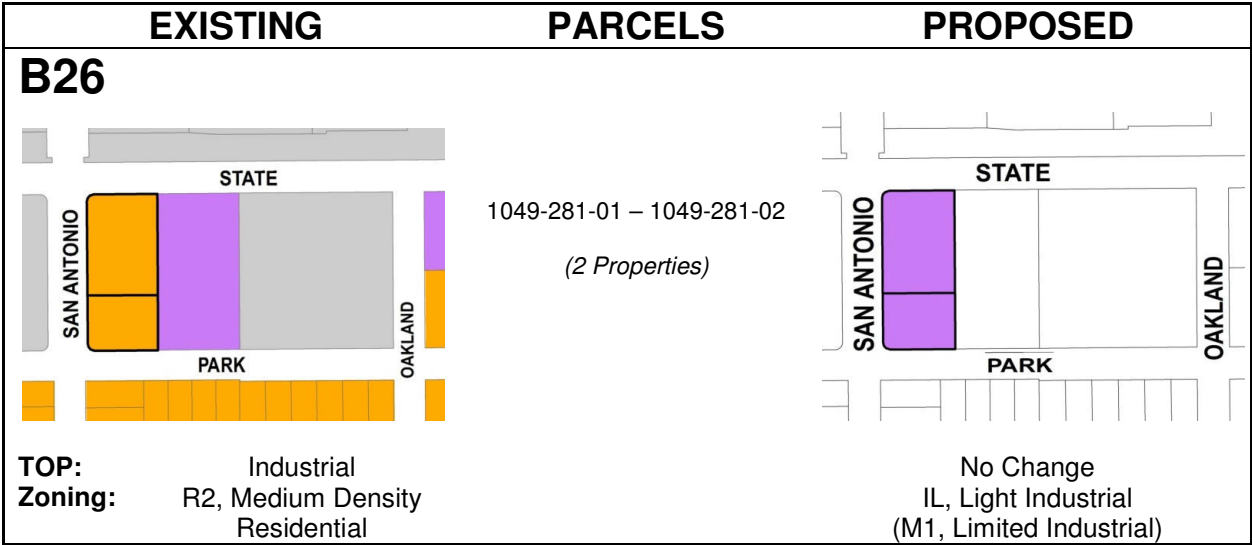
TOP:
Zoning:

EXISTING

Industrial
M3, General Industrial

PROPOSED

No Change
IG, General Industrial
(M2, Industrial Park)



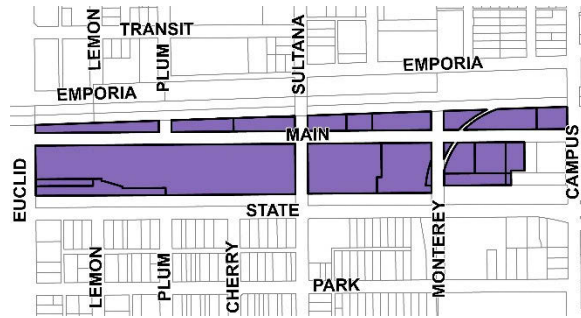
EXISTING	PARCELS	PROPOSED
B33		
	<p>1049-281-04</p> <p>(1 Property)</p>	
TOP: Industrial Zoning: M3, General Industrial		<p>No Change</p> <p>IL, Light Industrial (M1, Limited Industrial)</p>

EXISTING	PROPOSED
D2	
<p>Parcels: (20 Properties)</p> <p>1049-091-05 – 1049-091-06 1049-091-09 – 1049-091-12 1049-093-11 – 1049-093-22 1049-095-05 – 1049-095-06</p>	
TOP: Industrial Zoning: M3, General Industrial	<p>No Change</p> <p>IL, Light Industrial (M1, Limited Industrial)</p>

EXISTING

PROPOSED

D4



Parcels: (21 Properties)

1049-064-06
1049-068-03 – 1049-068-04
1049-068-18
1049-071-01
1049-071-05

1049-071-08
1049-081-01 – 1049-081-02
1049-081-06 – 1049-081-08
1049-081-11
1049-082-05 – 1049-082-06
1049-083-01

1049-083-03
1049-083-08 – 1049-083-09
1049-083-11
1049-083-13

TOP: Industrial
Zoning: M3, General Industrial

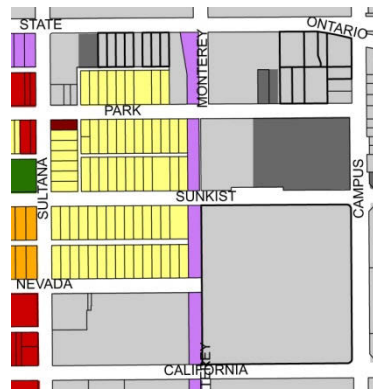
No Change
IG, General Industrial
(M2, Industrial Park)

EXISTING

PARCELS

PROPOSED

D8



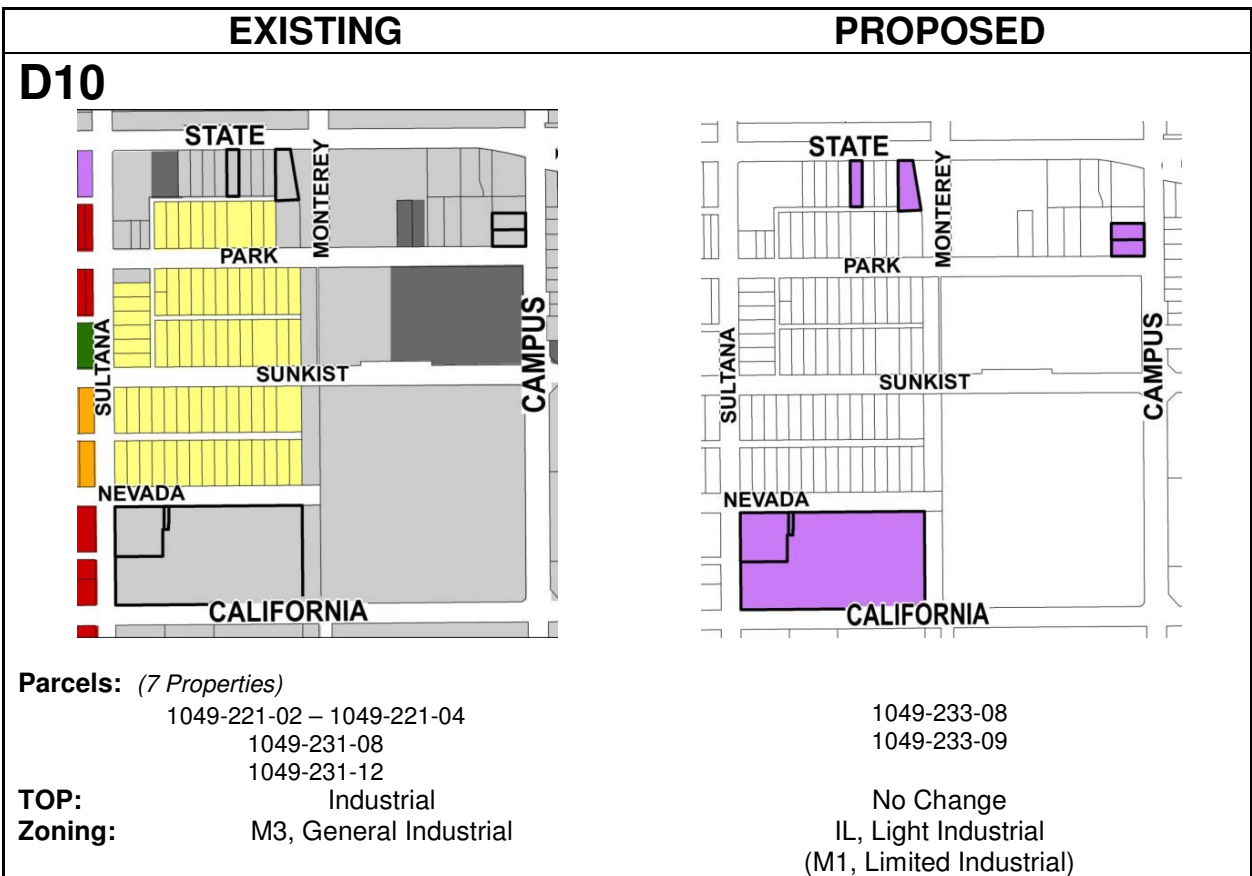
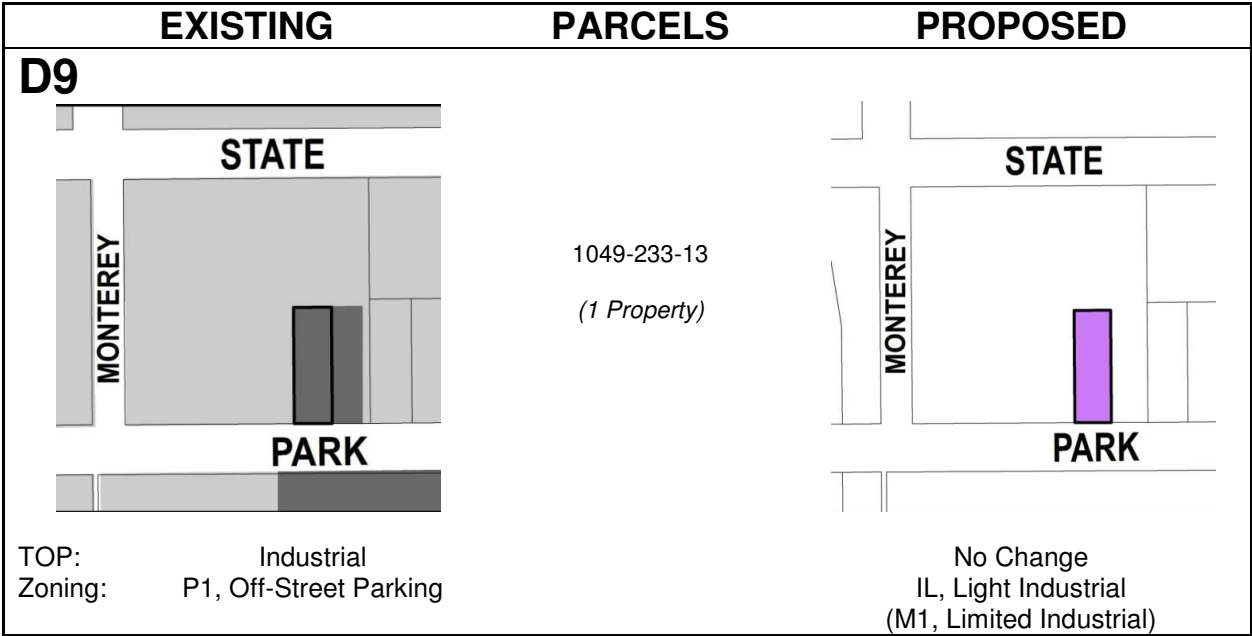
1049-221-01
1049-231-04 – 1049-231-07
1049-231-09 – 1049-231-11
1049-233-03 – 1049-233-07
1049-233-10 – 1049-233-12

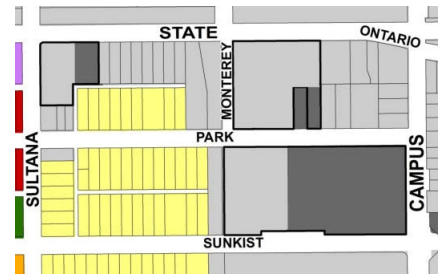
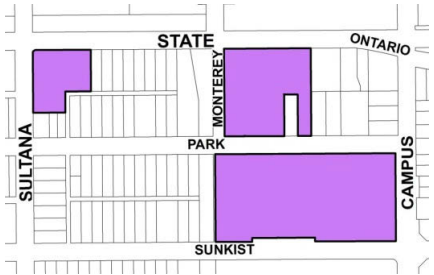
(16 Properties)

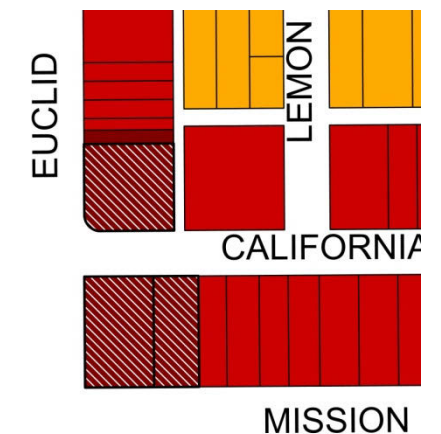
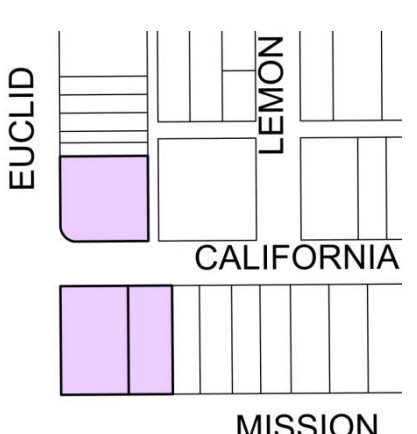


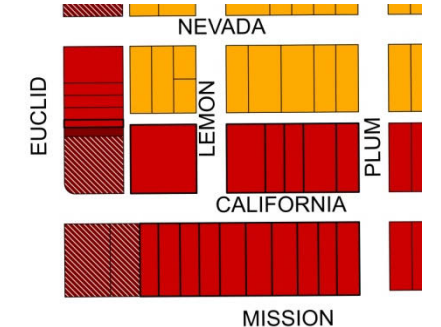
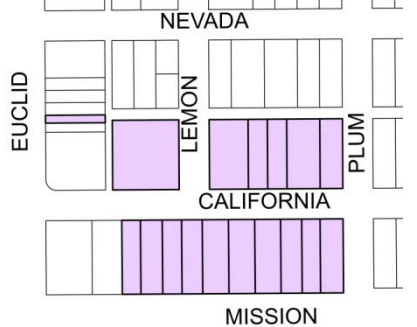
TOP: Industrial
Zoning: M3, General Industrial

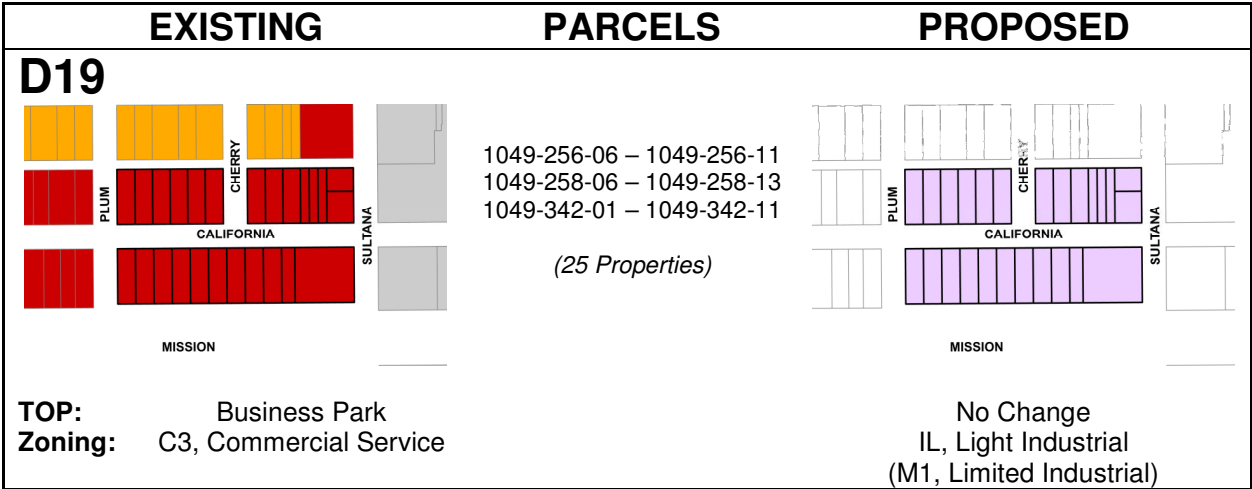
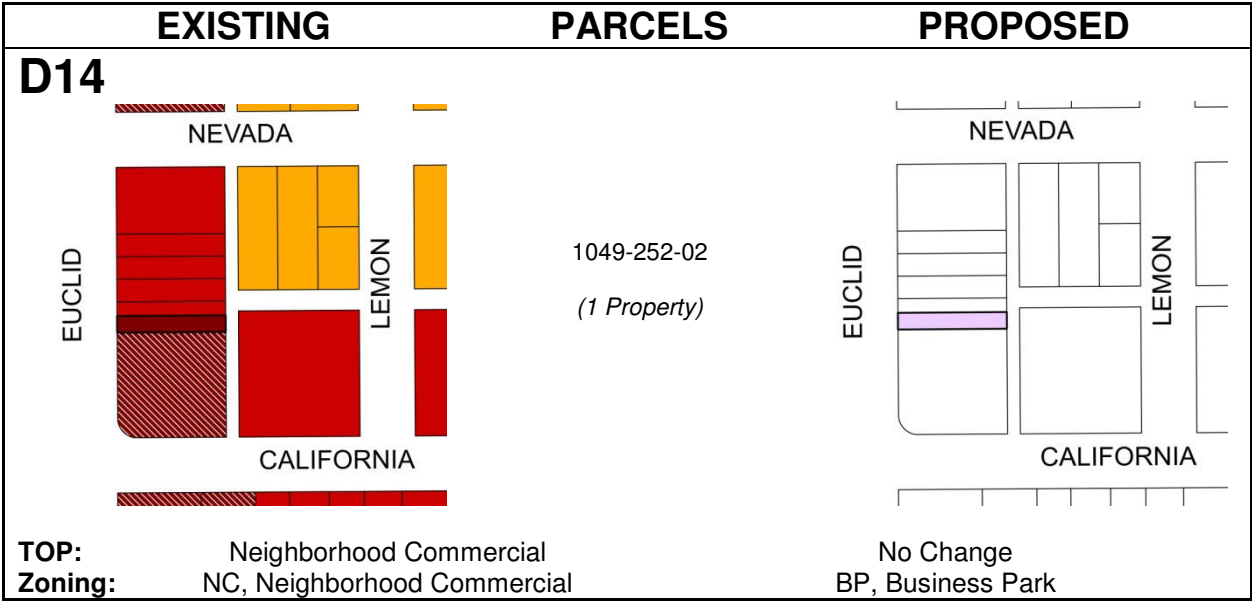
No Change
IL, Light Industrial
(M1, Limited Industrial)

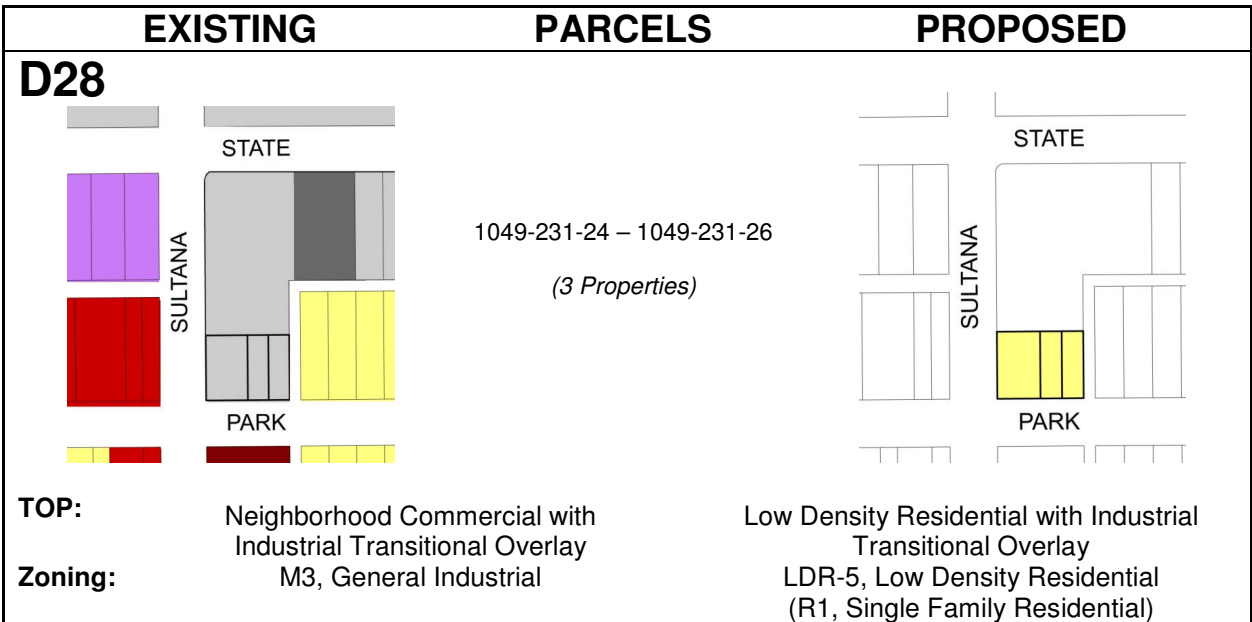
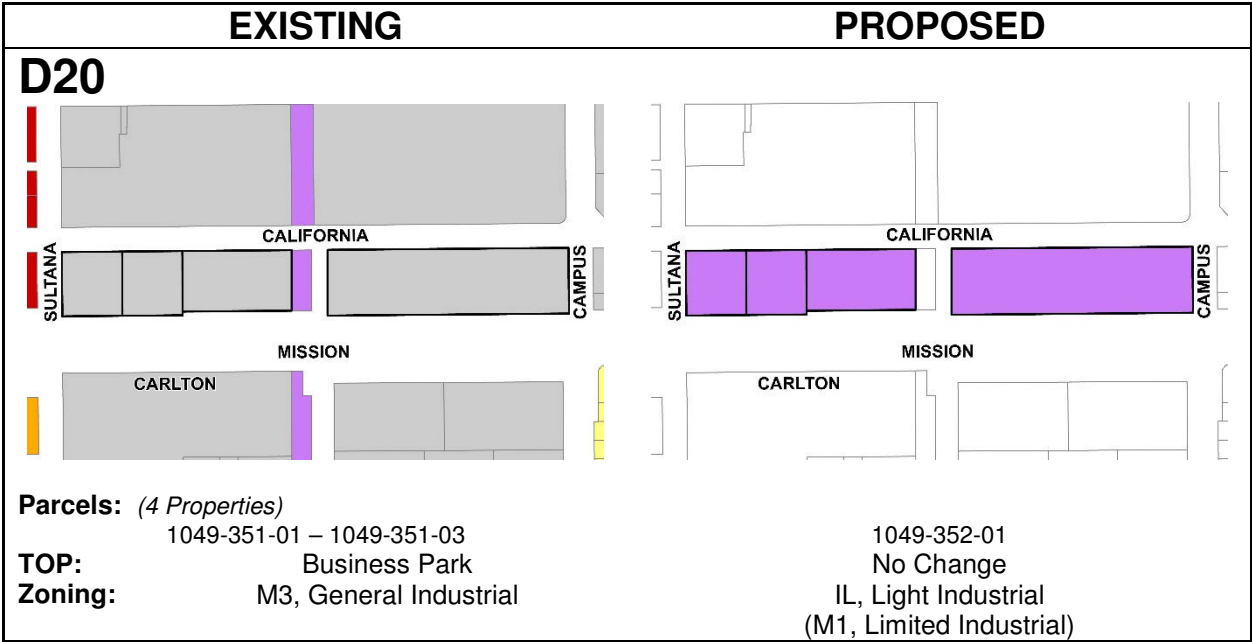


EXISTING	PARCELS	PROPOSED
D11		
	<p>1049-231-27 1049-232-21 1049-233-16</p> <p>(3 Properties)</p>	
TOP: Industrial Zoning: M3, General Industrial and P1, Off-Street Parking		<p>No Change IL, Light Industrial (M1, Limited Industrial)</p>

EXISTING	PARCELS	PROPOSED
D12		
	<p>1049-252-13 1049-341-14 - 1049-341-15</p> <p>(3 Properties)</p>	
TOP: Business Park Zoning: C1, Shopping Center		<p>No Change BP, Business Park</p>

EXISTING	PARCELS	PROPOSED
D13		
	<p>1049-252-03 1049-252-12 1049-254-06 - 1049-254-10 1049-341-03 - 1049-341-12</p> <p>(17 Properties)</p>	
TOP: Business Park Zoning: C3, Commercial Service		<p>No Change BP, Business Park</p>

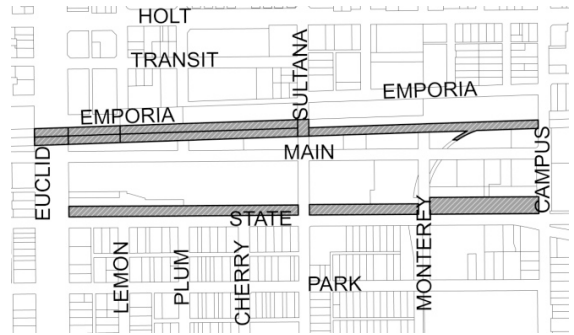
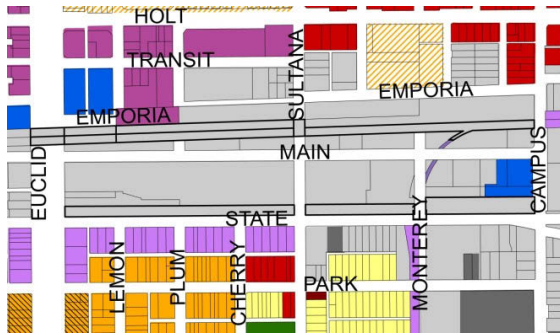




EXISTING

PROPOSED

D29



Parcels: (9 Properties)

1049-064-07 – 1049-064-08
1049-068-02

1049-068-17
1049-071-07

1049-081-10
1049-081-13

1049-082-04
1049-083-07

TOP:

Rail

No Change

Zoning:

M3, General Industrial

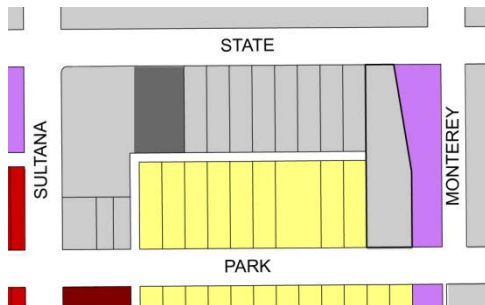
RC, Rail Corridor

EXISTING

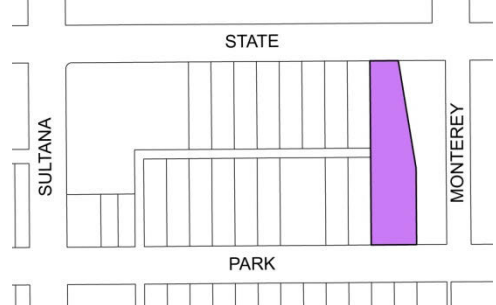
PARCELS

PROPOSED

D32



1049-231-12
(1 Property)



TOP:

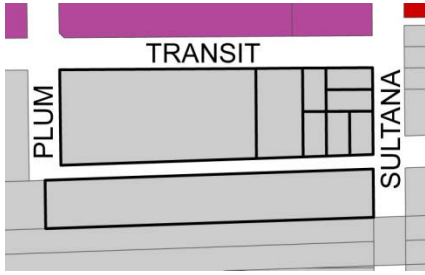
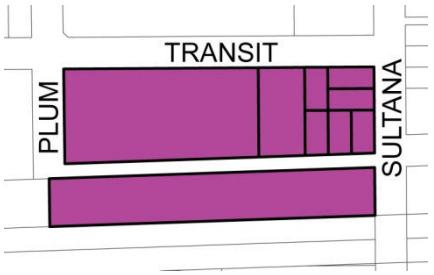
Low Density Residential with Industrial
Transitional Overlay


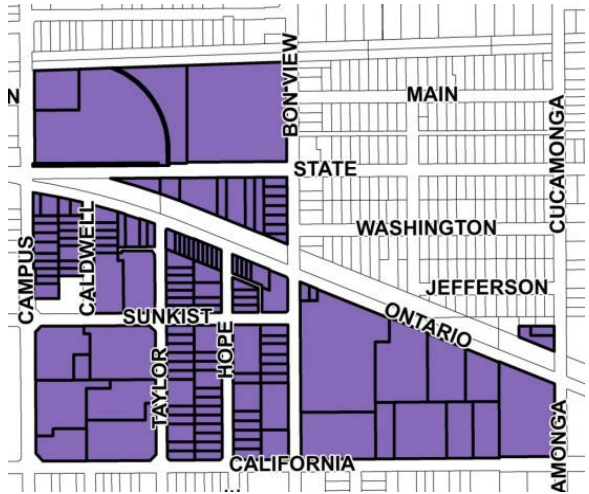
Industrial

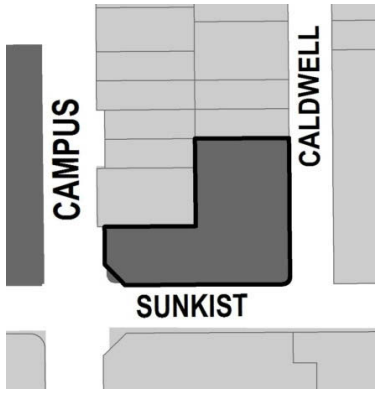
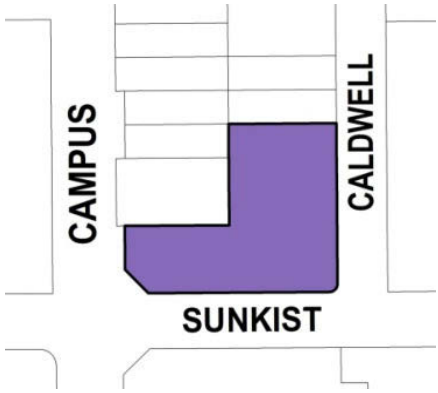
Zoning:

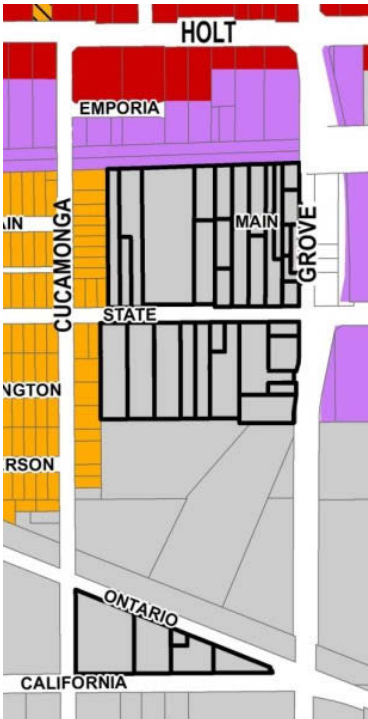
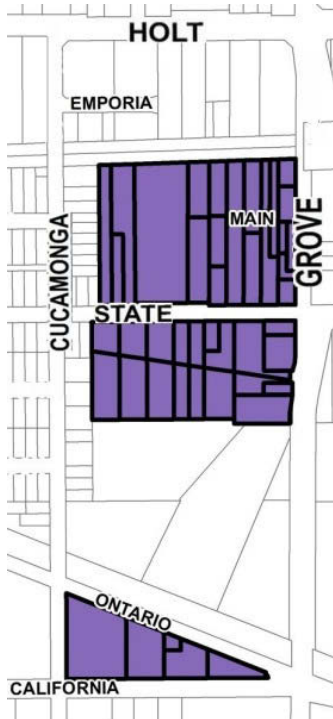
M3, General Industrial

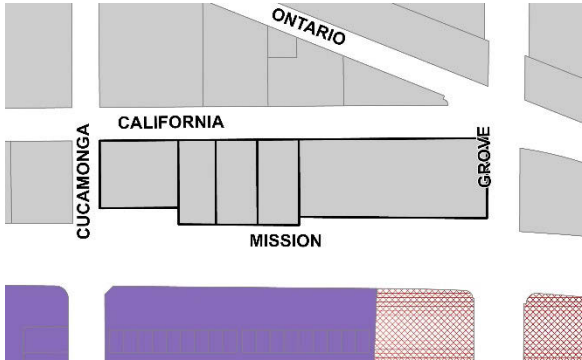
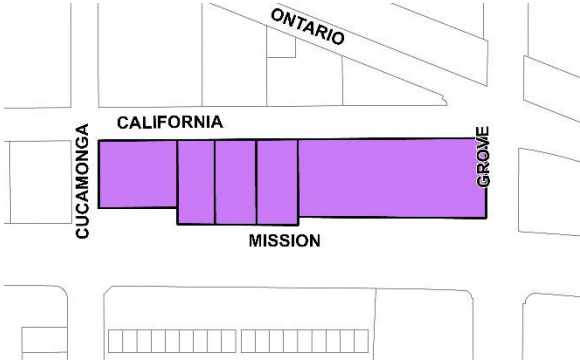
IL, Light Industrial
(M1, Limited Industrial)

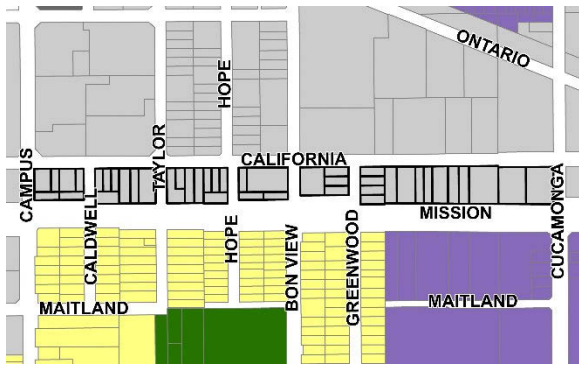

EXISTING	PARCELS	PROPOSED
<p>D34</p>  <p>TOP: Mixed Use – Downtown Zoning: M3, General Industrial</p>	<p>1049-067-03 – 1049-067-09 1049-067-11 1049-068-15</p> <p><i>(9 Properties)</i></p>	 <p>No Change MU-1, Downtown Mixed Use (C2, Central Business)</p>

EXISTING	PROPOSED																
<p>E2</p>  <p>Parcels: <i>(144 Properties)</i></p> <table border="0"> <tr> <td>1049-111-01</td><td>1049-201-22 – 1049-201-23</td></tr> <tr> <td>1049-111-03 – 1049-111-07</td><td>1049-201-27</td></tr> <tr> <td>1049-181-01</td><td>1049-202-06 – 1049-202-11</td></tr> <tr> <td>1049-181-04</td><td>1049-202-14 – 1049-202-15</td></tr> <tr> <td>1049-181-06 – 1049-181-13</td><td>1049-202-21 – 1049-202-23</td></tr> <tr> <td>1049-182-05 – 1049-182-06</td><td>1049-203-01 – 1049-203-22</td></tr> <tr> <td>1049-193-01 – 1049-193-02</td><td>1049-204-01 – 1049-204-09</td></tr> <tr> <td>1049-201-03 – 1049-201-19</td><td>1049-204-17</td></tr> </table> <p>TOP: Industrial Zoning: M3, General Industrial Industrial</p>	1049-111-01	1049-201-22 – 1049-201-23	1049-111-03 – 1049-111-07	1049-201-27	1049-181-01	1049-202-06 – 1049-202-11	1049-181-04	1049-202-14 – 1049-202-15	1049-181-06 – 1049-181-13	1049-202-21 – 1049-202-23	1049-182-05 – 1049-182-06	1049-203-01 – 1049-203-22	1049-193-01 – 1049-193-02	1049-204-01 – 1049-204-09	1049-201-03 – 1049-201-19	1049-204-17	 <p>No Change IG, General Industrial (M2, Industrial Park)</p>
1049-111-01	1049-201-22 – 1049-201-23																
1049-111-03 – 1049-111-07	1049-201-27																
1049-181-01	1049-202-06 – 1049-202-11																
1049-181-04	1049-202-14 – 1049-202-15																
1049-181-06 – 1049-181-13	1049-202-21 – 1049-202-23																
1049-182-05 – 1049-182-06	1049-203-01 – 1049-203-22																
1049-193-01 – 1049-193-02	1049-204-01 – 1049-204-09																
1049-201-03 – 1049-201-19	1049-204-17																

	EXISTING	PARCELS	PROPOSED
E3		<p>1049-201-29 (1 Property)</p>	
TOP: Zoning:	Industrial P1, Off-Street Parking		No Change IG, General Industrial (M2, Industrial Park)

	EXISTING	PARCELS	PROPOSED
E6		<p>1049-151-01 – 1049-151-02 1049-151-04 1049-151-06 – 1049-151-07 1049-151-09 – 1049-151-11 1049-151-13 – 1049-151-16 1049-151-19 – 1049-151-25 1049-151-38 – 1049-151-40 1049-161-10 – 1049-161-20 1049-161-26 1049-172-01 – 1049-172-03 1049-172-05 – 1049-172-06</p> <p>(39 Properties)</p>	
TOP: Zoning:	Industrial M3, General Industrial		No Change IG, General Industrial (M2, Industrial Park)

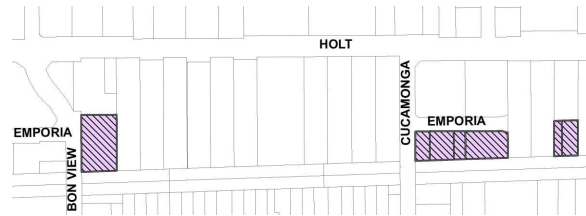
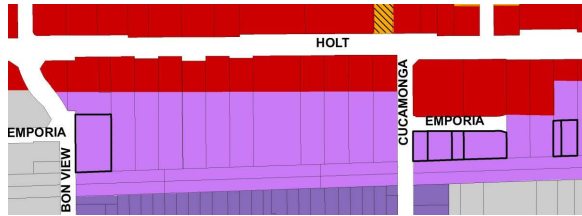
EXISTING		PROPOSED	
E12			
			
Parcels: (5 Properties)			
1049-382-01 – 1049-382-05			
TOP: Zoning: Business Park M3, General Industrial		No Change IL, Light Industrial (M1, Limited Industrial)	

EXISTING		PROPOSED	
E13			
			
Parcels: (43 Properties)			
1049-361-01 – 1049-361-06		1049-362-10 – 1049-362-11	1049-364-01 – 1049-364-04
1049-362-03 – 1049-362-05		1049-363-01 – 1049-363-08	1049-371-04 – 1049-371-07
1049-362-07 – 1049-362-08			1049-372-01 – 1049-372-12
			1049-381-01 – 1049-381-02
TOP:		TOP:	
Business Park		No Change	
Zoning:		Zoning:	
M3, General Industrial		IL, Light Industrial (M1, Limited Industrial)	

EXISTING

PROPOSED

E14



Parcels: (7 Properties)

1049-131-01

1049-141-01 – 1049-141-03

1049-141-21 – 1049-141-22

1049-141-26

EXISTING

Business Park

M1, Limited Industrial

PROPOSED

No Change

IP, Industrial Park

TOP:

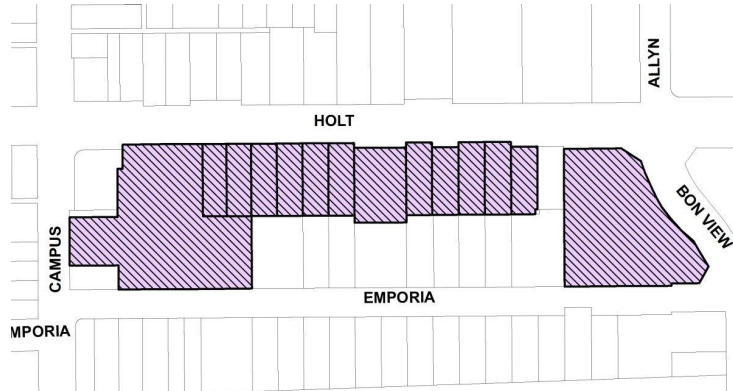
Zoning:

E15

EXISTING



PROPOSED



Parcels: (14 Properties)

1049-101-04 – 1049-101-16

1049-101-39

EXISTING

Business Park

C3, Commercial Service and
M3, General Industrial

PROPOSED

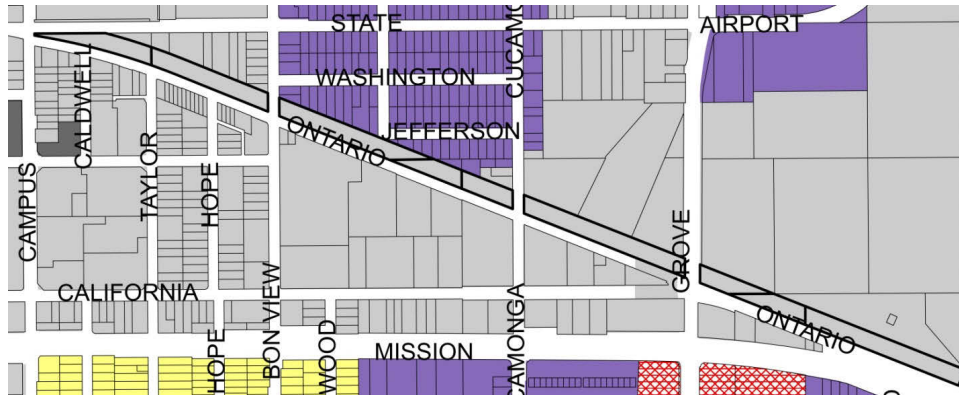
No Change

IP, Industrial Park

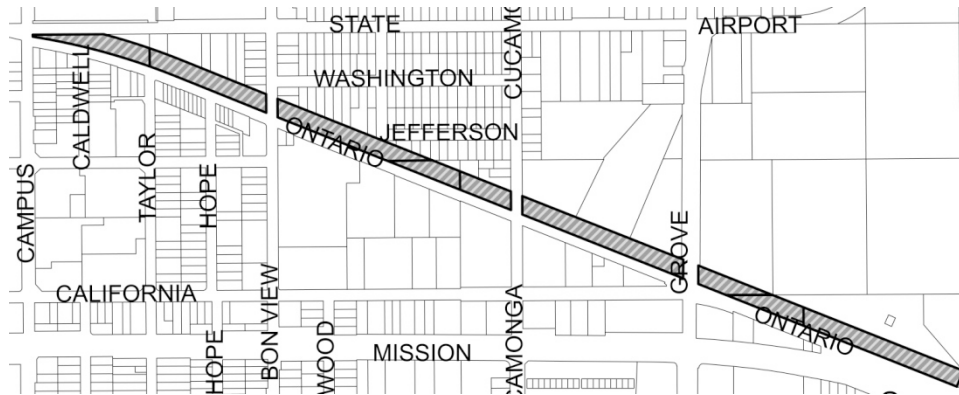
TOP:

Zoning:

E16 EXISTING



PROPOSED



Parcels: (9 Properties)

0113-222-01
0113-251-16

0113-251-24
1049-171-01

1049-182-07
1049-192-14

1049-205-15
1049-205-16

EXISTING

TOP:

Rail

Zoning:

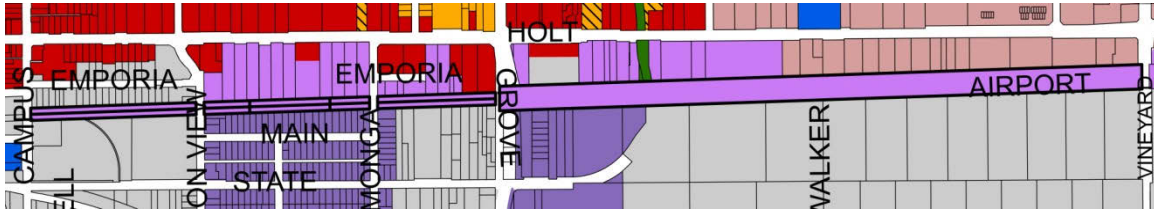
M3, General Industrial

PROPOSED

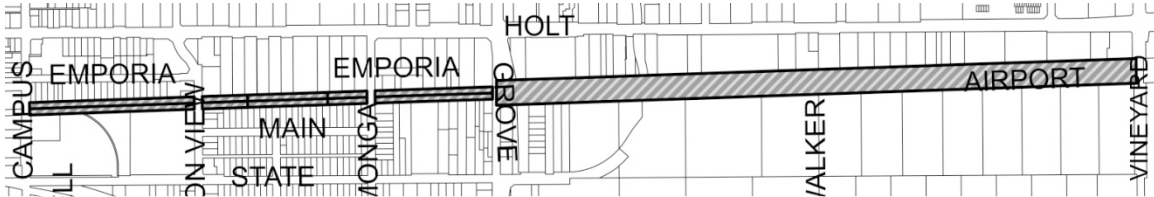
No Change

RC, Rail Corridor

E17 EXISTING



PROPOSED



Parcels: (6 Properties)

0110-101-05
0113-231-09

1049-102-24
1049-111-08

1049-121-29
1049-131-17

TOP:
Zoning:

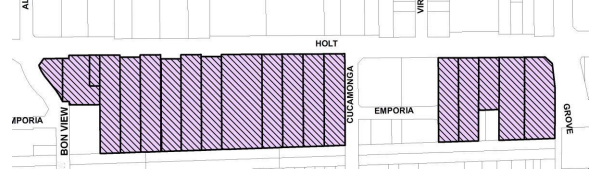
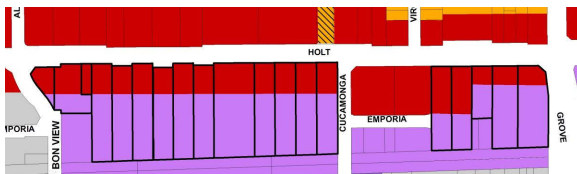
EXISTING
Rail
M1, Limited Industrial

PROPOSED
No Change
RC, Rail Corridor

EXISTING

PROPOSED

E26



Parcels: (20 Properties)

1049-101-40
1049-131-02 – 1049-131-06

1049-131-08 – 1049-131-09
1049-131-13 – 1049-131-16

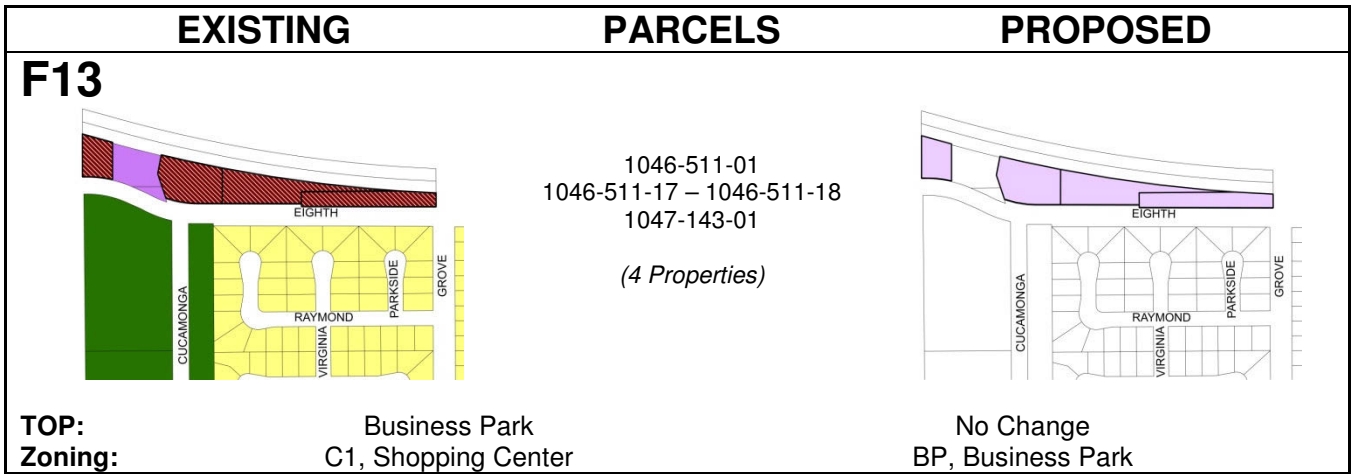
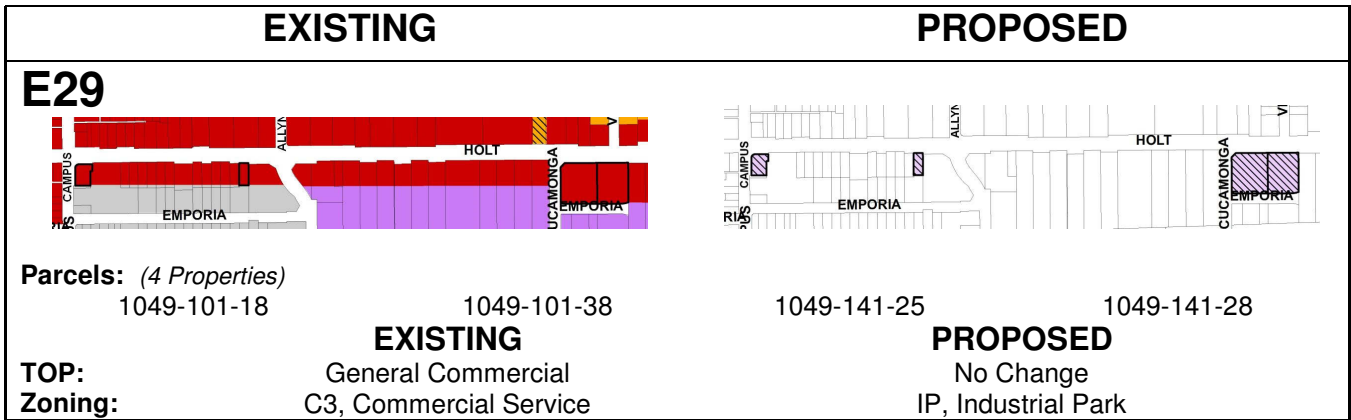
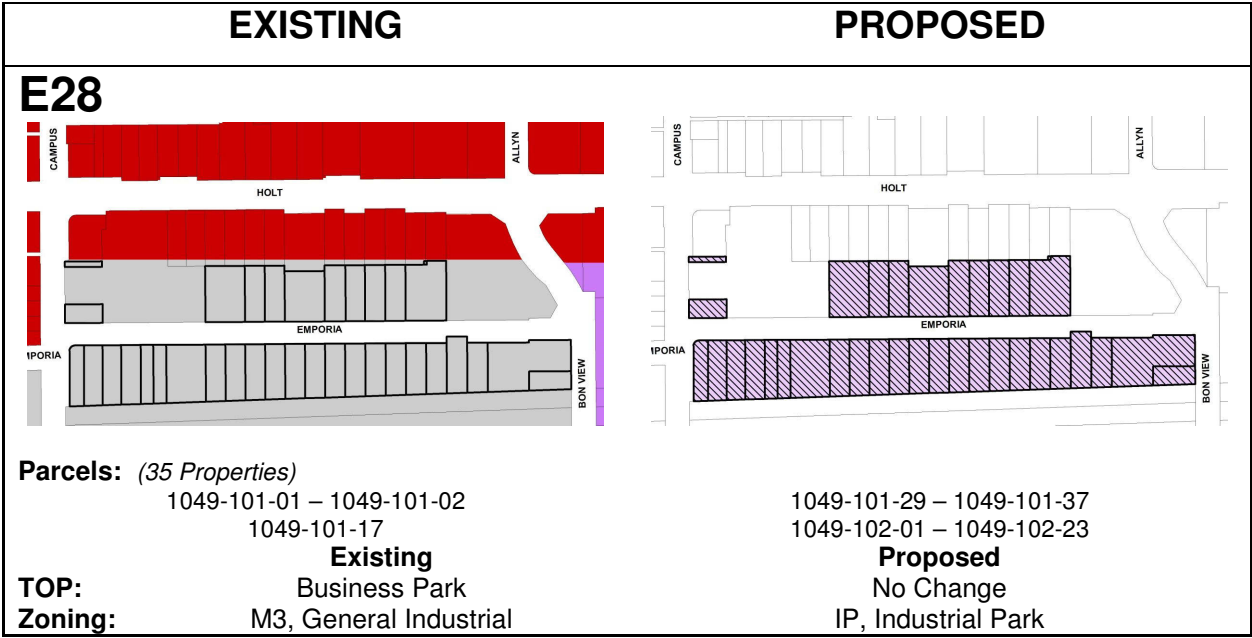
1049-131-18 – 1049-131-20
1049-141-18 – 1049-141-20

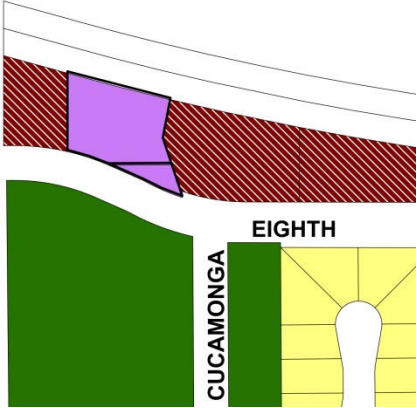
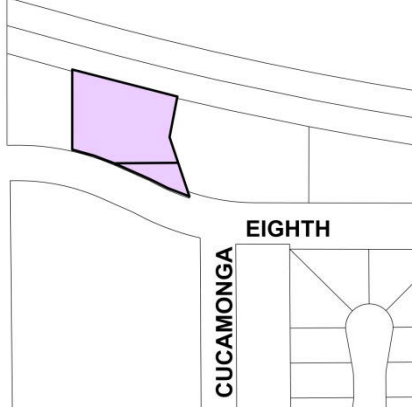
1049-141-23 – 1049-141-24

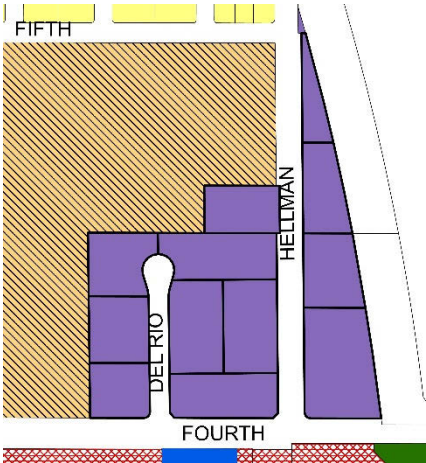
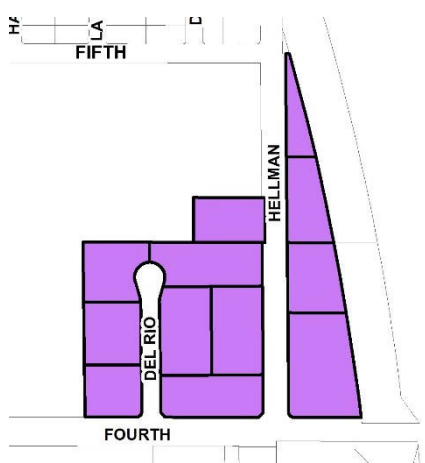
TOP:

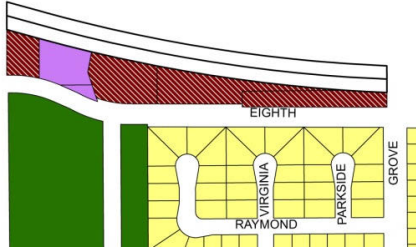
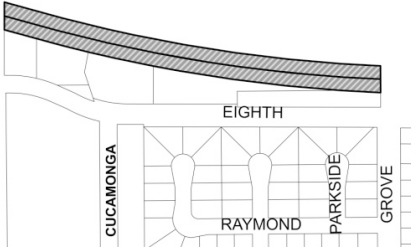
Zoning: Business Park
C3, Commercial Service and
M1, Limited Industrial

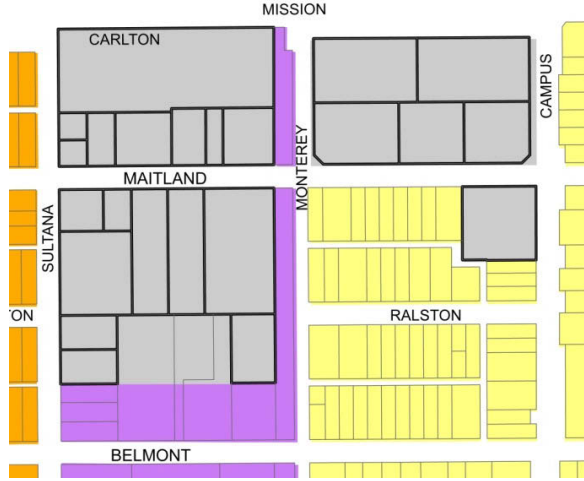
No Change
IP, Industrial Park



EXISTING	PARCELS	PROPOSED
F14		
	<p>1046-511-02 1047-132-02</p> <p>(2 Properties)</p>	
TOP: Business Park Zoning: M1, Limited Industrial		TOP: No Change Zoning: BP, Business Park

EXISTING	PARCELS	PROPOSED
F16		
	<p>0210-061-16 0210-062-37 – 0210-062-38 0210-062-58 – 0210-062-59 0210-311-01 – 0210-311-04 0210-311-10 – 0210-311-12</p> <p>(12 Properties)</p>	
TOP: Business Park Zoning: M2, Industrial Park		TOP: No Change Zoning: IL, Light Industrial (M1, Limited Industrial)

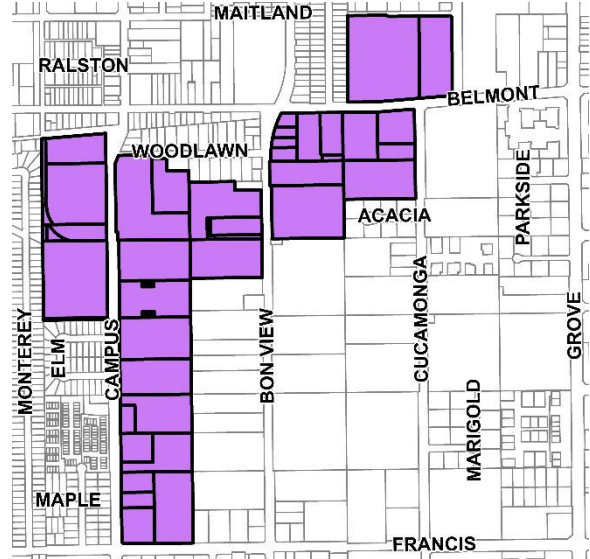
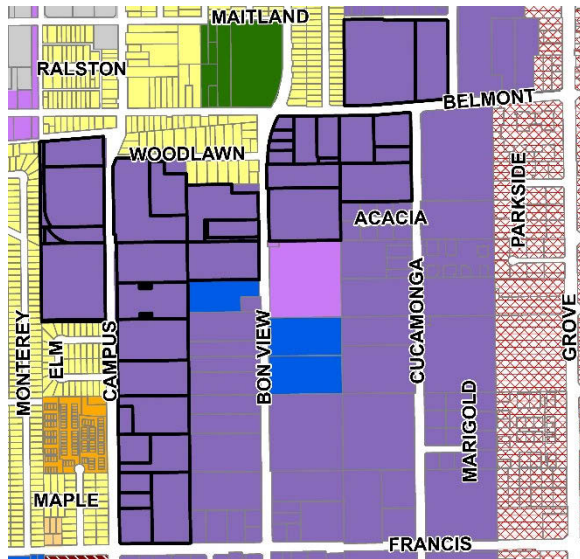
EXISTING	PARCELS	PROPOSED
F18		
	<p>1046-511-04 – 1046-511-05</p> <p>(2 Properties)</p>	
TOP: Zoning:	Rail ROW	No Change RC, Rail Corridor

EXISTING	PROPOSED
G1	
	
Parcels: (23 Properties) 1049-353-07 – 1049-353-14 1049-354-08 – 1049-354-12	1049-501-04 – 1049-501-05 1049-501-10 – 1049-501-15 1049-501-20 1049-502-10
EXISTING TOP: Industrial Zoning: M3, General Industrial	PROPOSED No Change IL, Light Industrial (M1, Limited Industrial)

EXISTING

PROPOSED

G4



Parcels: (52 Properties)

1049-391-01
1049-421-01 – 1049-421-02
1049-421-04
1049-431-06
1049-431-08
1049-431-10 – 1049-431-17
1049-442-18
1049-462-10 – 1049-462-13
1049-472-03 – 1049-472-04
1049-482-01 – 1049-482-05
1049-482-07

1050-101-01
1050-101-27
1050-111-10 – 1050-111-11
1050-111-14 – 1050-111-24
1050-121-10 – 1050-121-11
1050-211-03 – 1050-211-04
1050-211-11
1050-211-15
1050-221-06 – 1050-221-07
1050-221-09 – 1050-221-10

TOP: Industrial
Zoning: M2, Industrial Park

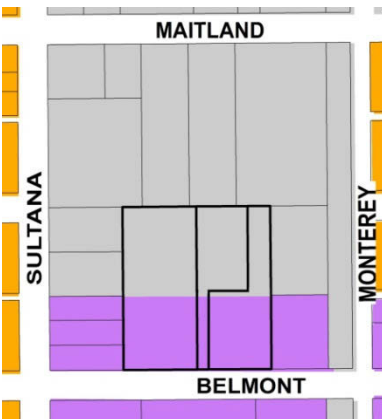
No Change
IL, Light Industrial
(M1, Limited Industrial)

EXISTING

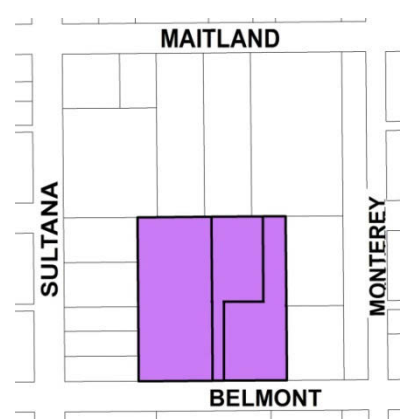
PARCELS

PROPOSED

G8



1049-501-17 – 1049-501-19
(3 Properties)



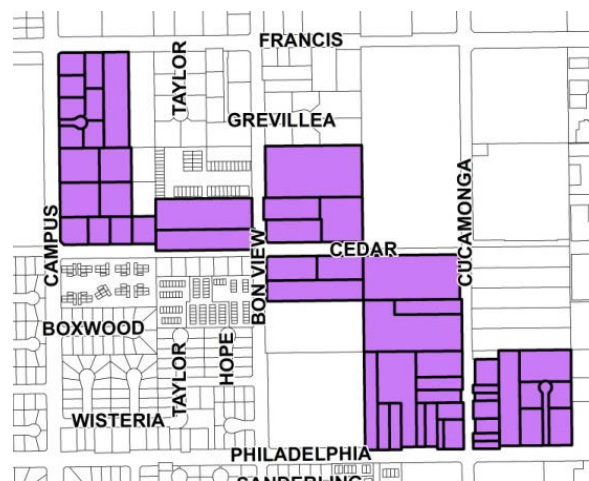
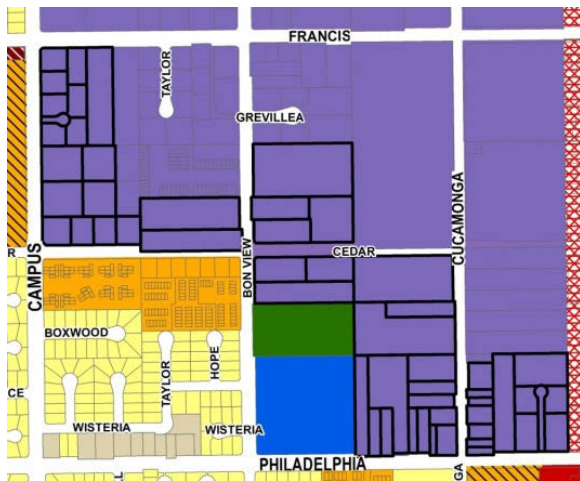
TOP: Industrial
Zoning: M1, Limited Industrial
and M3, General
Industrial

No Change
IL, Light Industrial
(M1, Limited Industrial)

EXISTING

PROPOSED

G9



Parcels: (54 Properties)

1050-431-16	1050-441-69 – 1050-441-72	1050-501-17 – 1050-501-22	1050-521-01 – 1050-521-08
1050-431-18 – 1050-431-25	1050-451-03 – 1050-451-04	1050-511-02	1050-521-10 – 1050-521-11
1050-441-04 – 1050-441-05	1050-451-07 – 1050-451-08	1050-511-05	1050-521-13
1050-441-63 – 1050-441-64	1050-501-02 – 1050-501-08	1050-511-08 – 1050-511-10	1050-521-15
1050-441-66 – 1050-441-67			

TOP: Industrial
Zoning: M2, Industrial Park

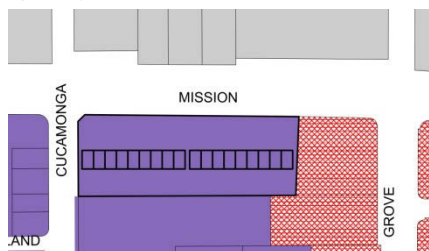
No Change
 IL, Light Industrial
 (M1, Limited Industrial)

EXISTING

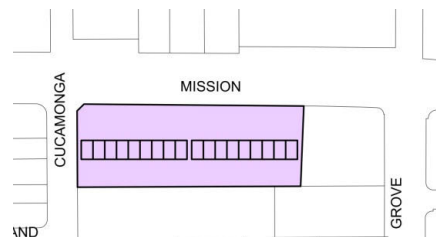
PARCELS

PROPOSED

G10

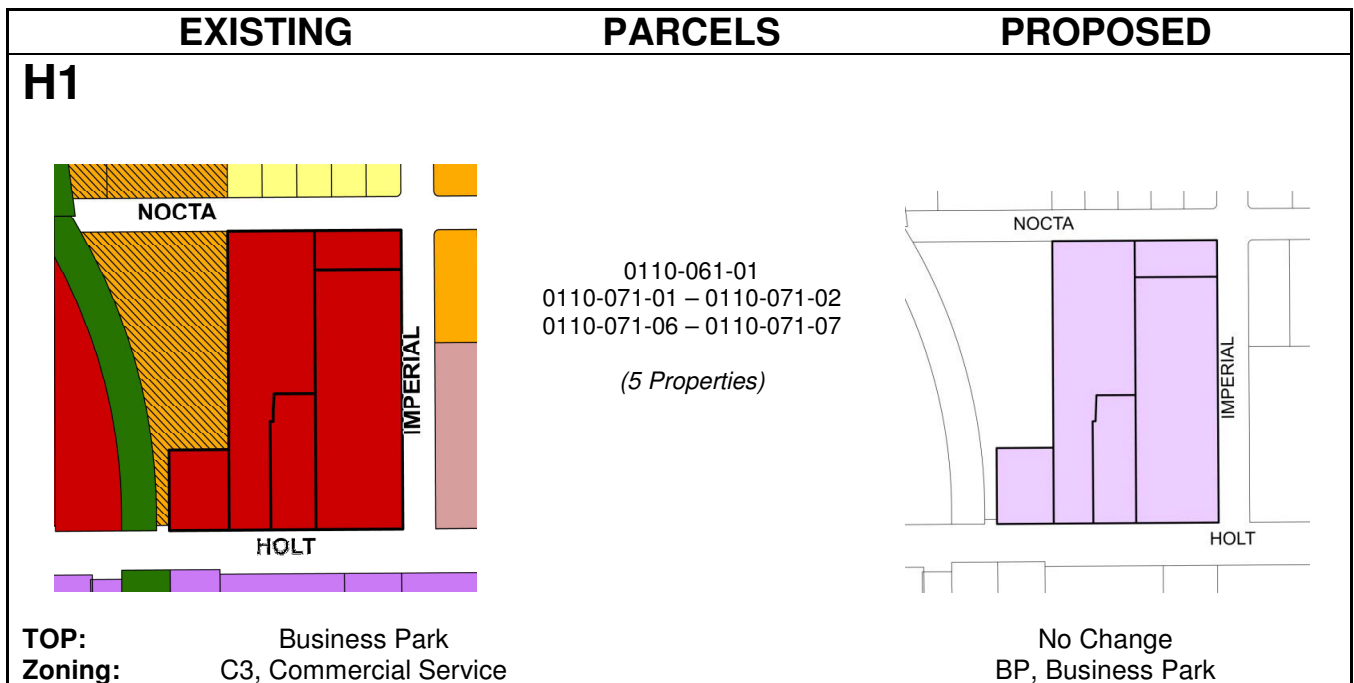
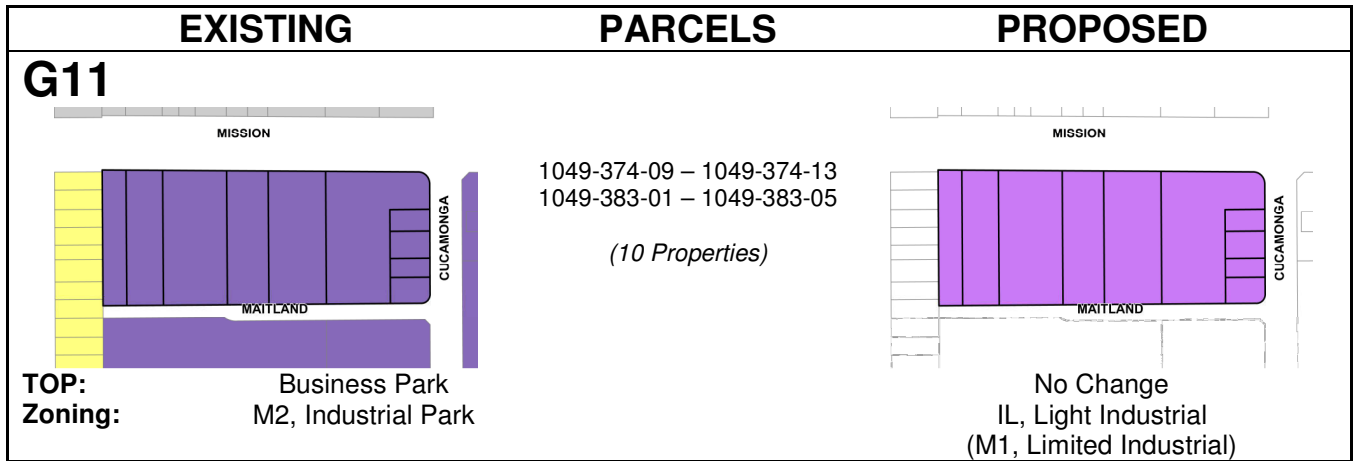


1049-384-17 – 1049-384-35
 (19 Properties)

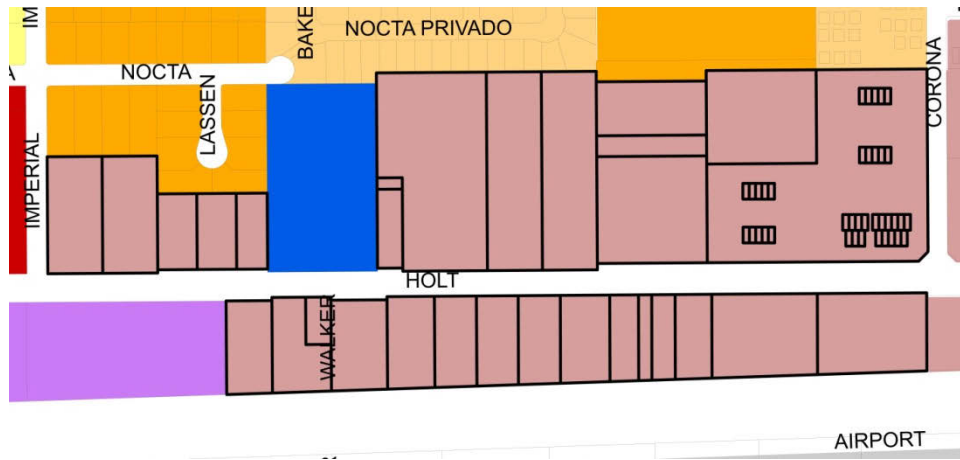


TOP: Business Park
Zoning: M2, Industrial Park

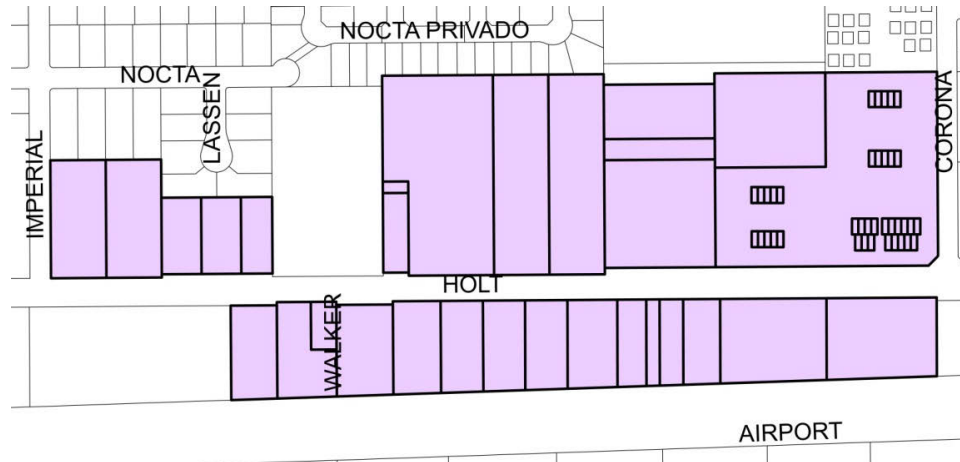
No Change
 BP, Business Park



H2 EXISTING



PROPOSED



Parcels: (67 Properties)

0110-072-08 – 0110-072-11	0110-081-06 – 0110-081-09	0110-101-01 – 0110-101-02	0110-111-06 – 0110-111-12
0110-072-16	0110-091-05	0110-111-01 – 0110-111-03	0110-121-03 – 0110-121-05
0110-081-02 – 0110-081-03	0110-091-07 – 0110-091-45		

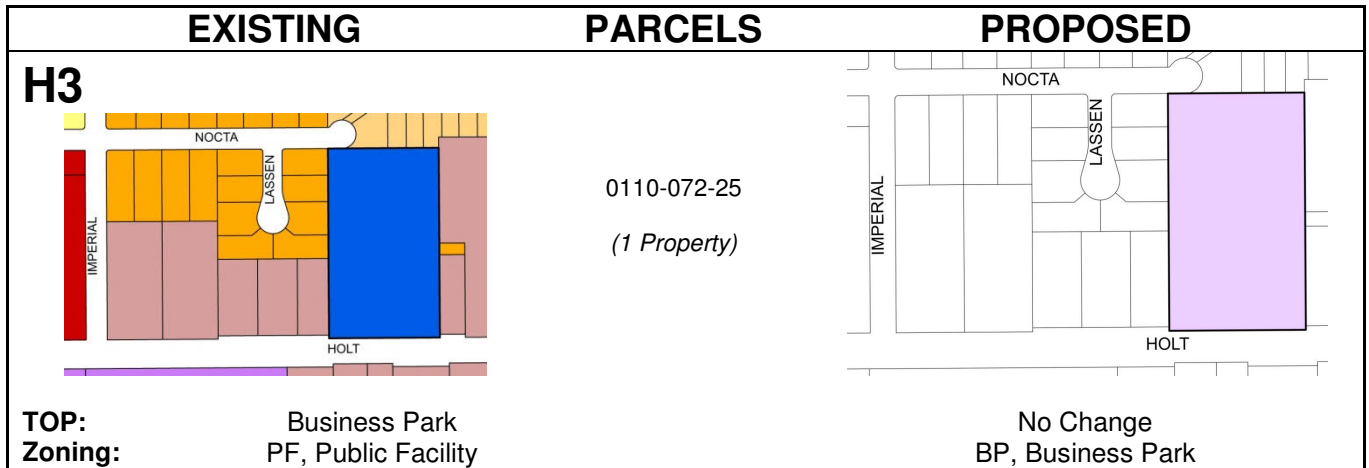
TOP:
Zoning:

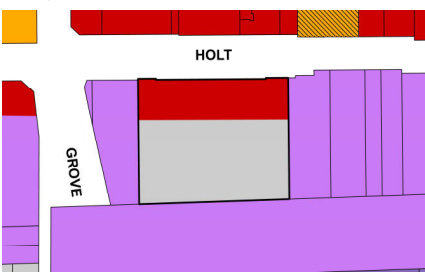
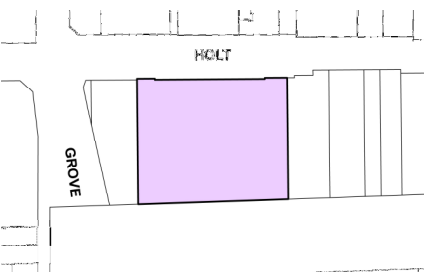
EXISTING

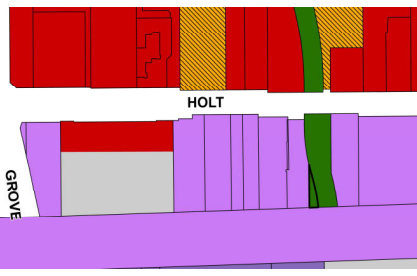

Business Park
C4, Airport Service Commercial

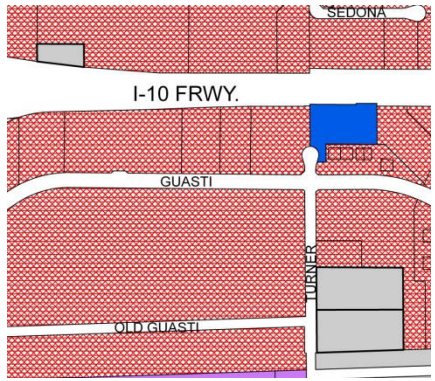
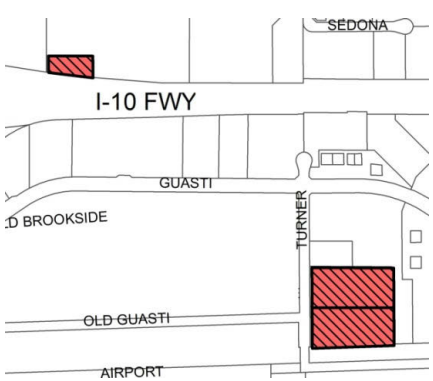
PROPOSED

No Change
BP, Business Park



EXISTING	PARCELS	PROPOSED
H5  <p>TOP: Business Park Zoning: C3, Commercial Service and M3, General Industrial</p>	0110-131-20 (1 Property)	 <p>No Change BP, Business Park</p>

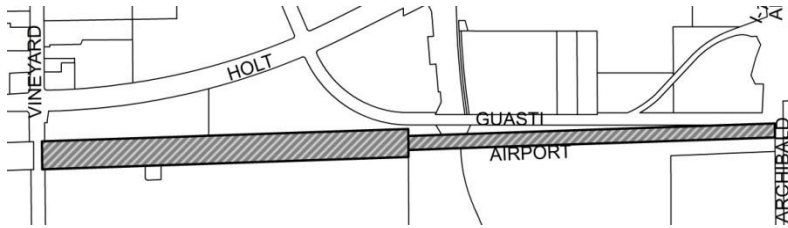
EXISTING	PARCELS	PROPOSED
H6  <p>TOP: Business Park Zoning: OS, Open Space</p>	0110-131-21 (1 Property)	 <p>No Change BP, Business Park</p>

EXISTING	PARCELS	PROPOSED
H15  <p>TOP: Office/Commercial Zoning: M3, General Industrial</p>	0210-191-11 0210-551-02 – 0210-551-03 (3 Properties)	 <p>No Change OH, High Intensity Office</p>

H18 EXISTING



PROPOSED



Parcels: (2 Properties)
0113-261-17

0113-371-02

EXISTING

Rail

M1, Limited Industrial

PROPOSED

No Change

RC, Rail Corridor

TOP:
Zoning:

EXISTING

PARCELS

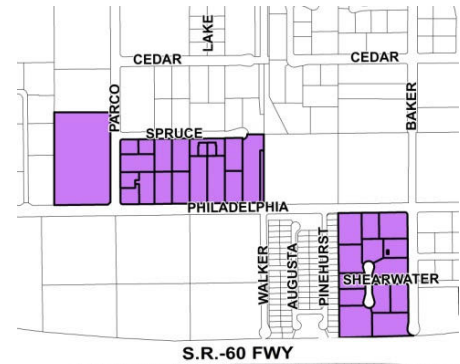
PROPOSED

I1



0113-451-31
0113-463-03 – 0113-463-04
0113-463-07
0113-463-10
0113-463-13 – 0113-463-14
0113-463-19 – 0113-463-20
0113-463-22
0113-463-24 – 0113-463-29
0113-463-34 – 0113-463-36
0113-591-01 – 0113-591-13

(33 Properties)



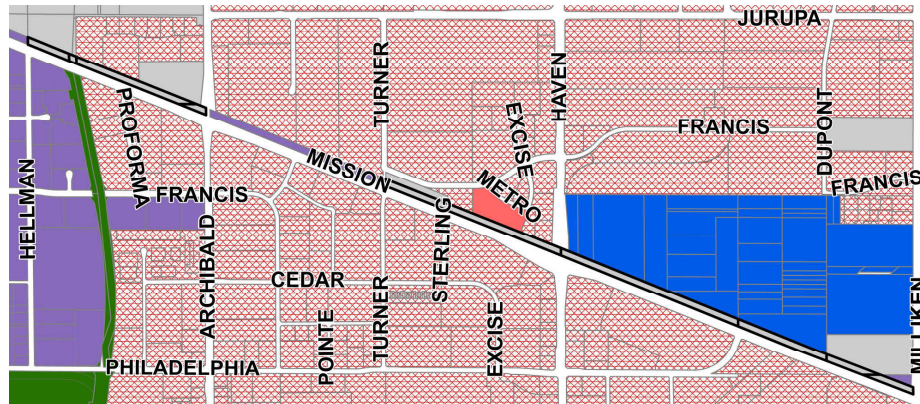
TOP: Industrial
Zoning: M2, Industrial Park

TOP: No Change
Zoning: M1, Limited Industrial

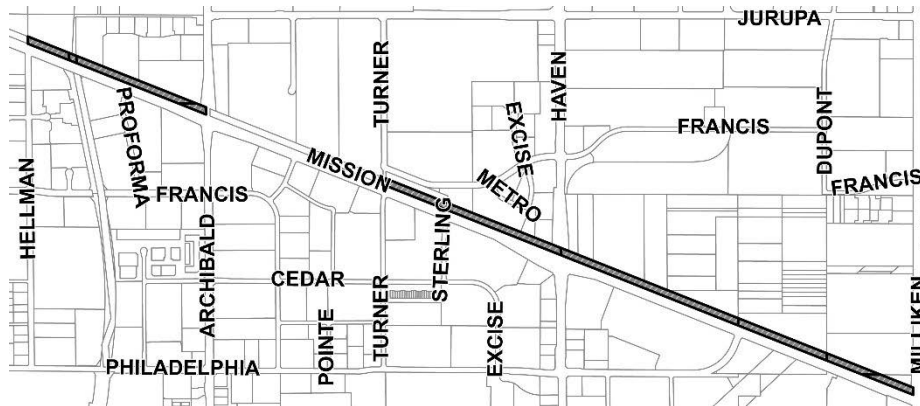
EXISTING	PROPOSED	
K1		
Parcels: (12 Properties)		
0211-281-05	0238-152-01	0238-152-09
0211-321-10	0238-152-03	0238-152-15
0238-121-41	0238-152-05 – 0238-152-07	0238-152-33 – 0238-152-34
TOP:	Industrial	No Change
Zoning:	M3, General Industrial	IG, General Industrial (M2, Industrial Park)

EXISTING	PROPOSED
K4	
Parcels: (4 Properties)	
0113-271-10	0113-271-40
0113-271-22	0211-263-01
TOP:	No Change
Zoning:	IG, General Industrial (M2, Industrial Park)

K5 EXISTING



PROPOSED



Parcels: (7 Properties)

0113-271-05
0113-396-03
0211-242-01 – 0211-242-02

0211-27205
0211-291-01
1083-352-01

TOP:
Zoning:

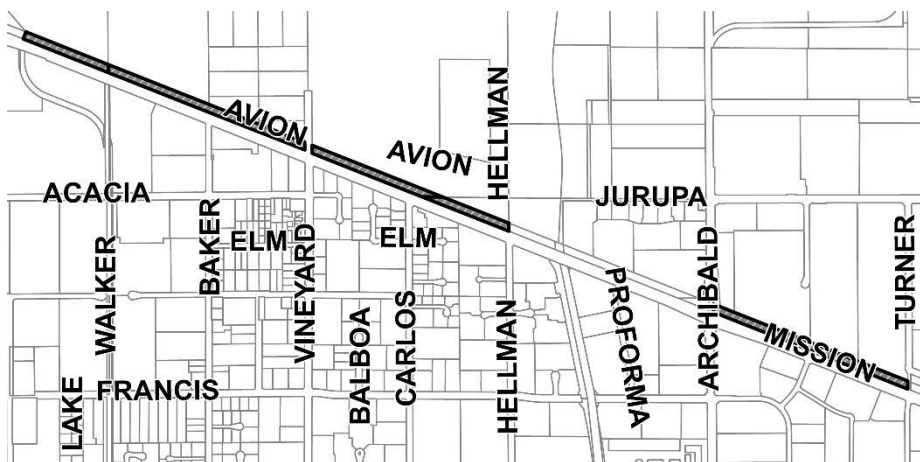
EXISTING
Rail
M3, General Industrial

PROPOSED
No Change
RC, Rail Corridor

K6 EXISTING



PROPOSED



Parcels: (4 Properties)

0113-396-01 – 0113-966-02

0113-431-03

0211-261-01

TOP:

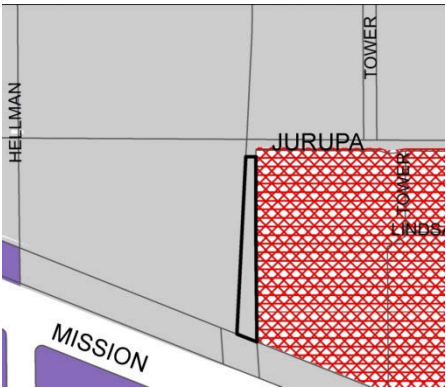
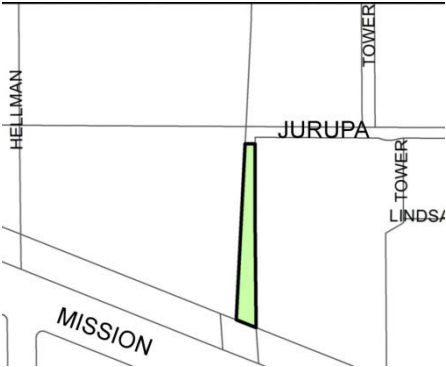
ZONING:

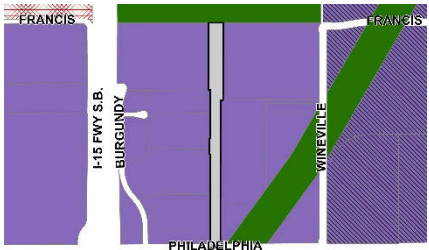

EXISTING

Rail
M2, Industrial Park

PROPOSED

No Change
RC, Rail Corridor

EXISTING	PARCELS	PROPOSED
K7		
	<p>0113-271-12 (1 Property)</p>	
TOP: Open Space – Non Recreation Zoning: M3, General Industrial		TOP: No Change Zoning: UC, Utilities Corridor

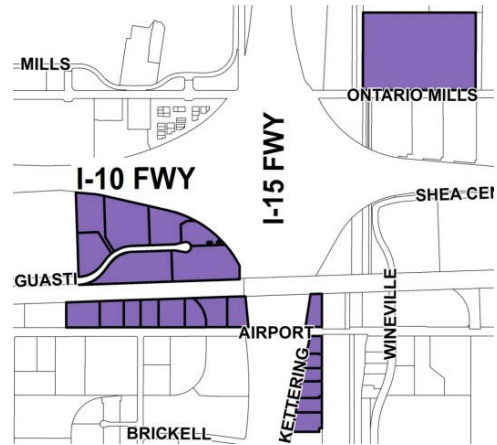
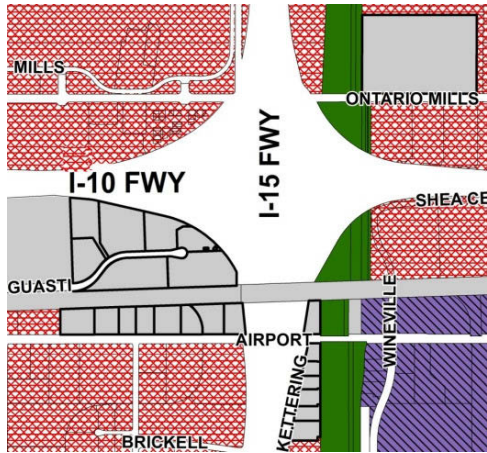
EXISTING	PARCELS	PROPOSED
K11		
	<p>0238-152-15 (1 Property)</p>	
TOP: Industrial Zoning: M3, General Industrial		TOP: Open Space – Non-Recreation Zoning: UC, Utilities Corridor

EXISTING

PROPOSED

L3

Formerly Industrial Group L3



Parcels: (25 Properties)

0238-021-02 0238-042-27 – 0238-042-28
0238-042-18 – 0238-042-19 0238-042-30 – 0238-042-34
0238-042-23 – 0238-042-25 0238-044-22

0238-185-50 – 0238-185-51
0238-185-54
0238-241-12 – 0238-241-17

TOP: Industrial
Zoning: M3, General Industrial

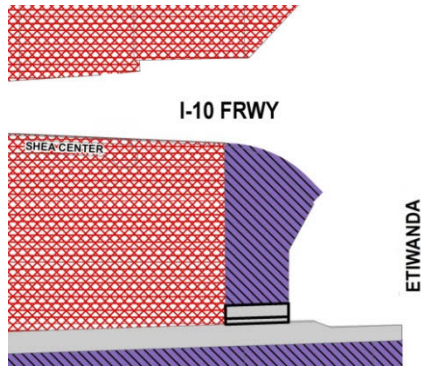
No Change
IG, General Industrial
(M2, Industrial Park)

EXISTING

PARCELS

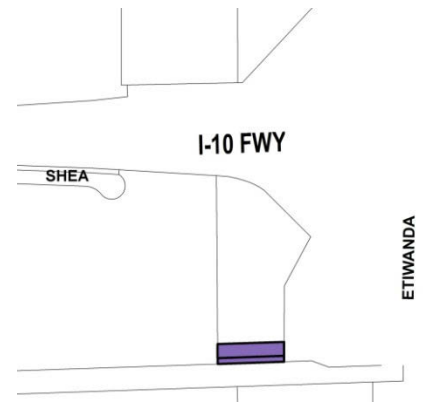
PROPOSED

L6



0238-052-12
0238-052-49

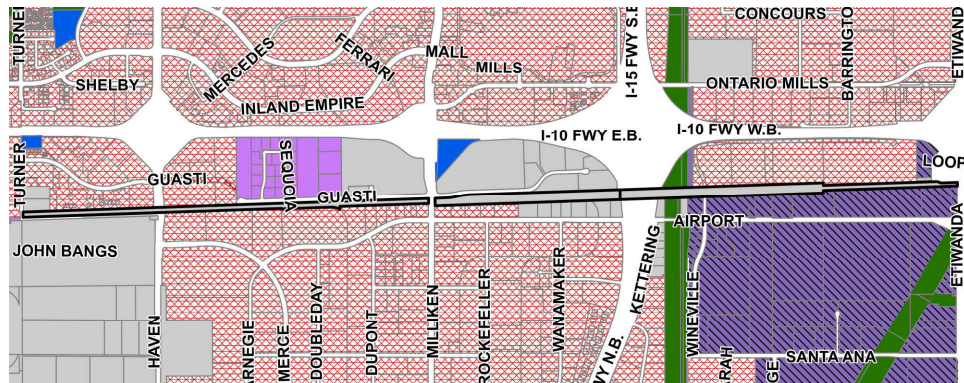
(2 Properties)



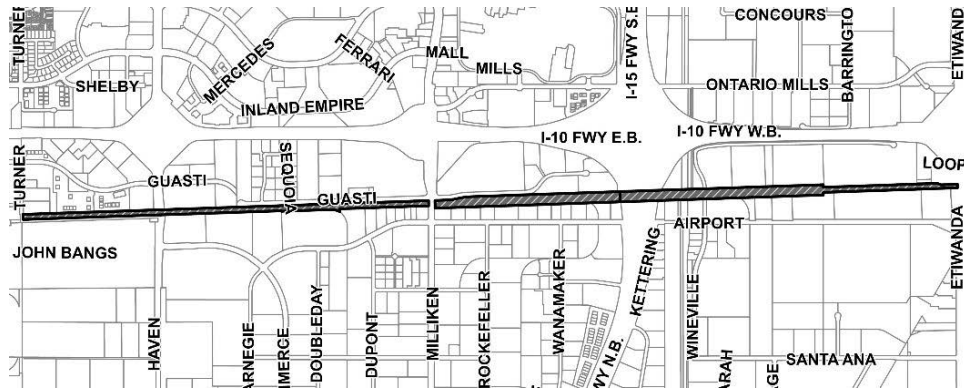
TOP: Industrial
Zoning: M3, General Industrial

No Change
IG, General Industrial
(M2, Industrial Park)

L10 EXISTING



PROPOSED



Parcels: (5 Properties)

0210-212-02

0210-551-05

0238-042-17

0238-052-35

EXISTING

PROPOSED

TOP:

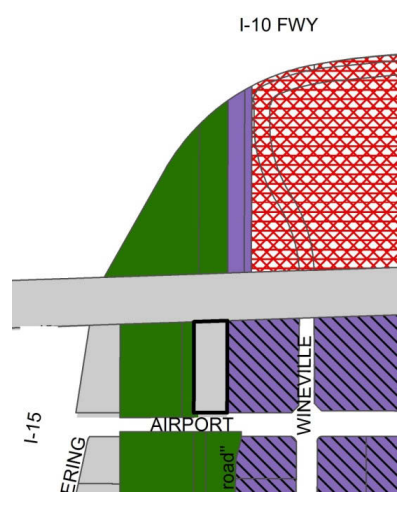
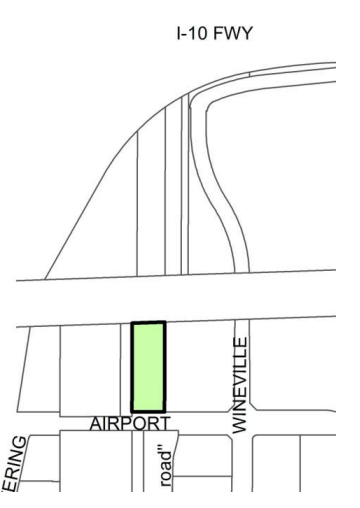
Rail

No Change

Zoning:

M3, General Industrial

RC, Rail Corridor

EXISTING	PARCELS	PROPOSED
<p>L11</p>  <p>TOP: Open Space – Non Recreation Zoning: M3, General Industrial</p>	<p>0238-044-24 <i>(1 Property)</i></p>	 <p>TOP: No Change Zoning: UC, Utilities Corridor</p>

CITY OF ONTARIO

Agenda Report
November 17, 2015

SECTION: PUBLIC HEARINGS

SUBJECT: AN ORDINANCE TO IMPLEMENT LOCAL REGULATIONS APPLICABLE TO HOLDERS OF A STATE VIDEO FRANCHISE GRANTED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION PURSUANT TO THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT (DIVCA)

RECOMMENDATION: That City Council introduce and waive further reading of an ordinance which will authorize the City to enforce the regulatory authority retained under the Digital Infrastructure and Video Competition Act (DIVCA) over holders of State video franchises operating within the City of Ontario; and ensure collection of fees the City is entitled to collect under DIVCA.

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 proposed ordinance requires State video franchise holders to pay the City a franchise fee in the amount of 5% of gross revenues from the provision of video services, as well as a fee in the amount of 1% of gross revenues to support public, educational and governmental access (PEG) channel facilities. Both Verizon and Time Warner Cable are currently paying 5% of gross revenues as franchise fees to the City. Verizon is paying a 1% PEG fee to the City under its local franchise. Providers serving Ontario under a State video franchise, including Time Warner Cable, will be required to start paying a 1% PEG fee to the City when the DIVCA ordinance goes into effect. This ordinance will apply to Verizon (or Frontier Communications if that company completes its proposed acquisition of Verizon California) upon converting to a State video franchise following the expiration of its City-granted local franchise in 2021.

BACKGROUND: The City of Ontario is currently served by two competing video service providers. Time Warner Cable has served the City since 2005 when the City approved its acquisition of the local cable system and local cable franchise then held by Adelphia Communications. Verizon California began offering video services to the City in 2006 when the City granted the company a competitive local franchise.

STAFF MEMBER PRESENTING: Elliott Ellsworth, IT Director

Prepared by: Elliott Ellsworth
Department: Information Technology

City Manager
Approval: 

Submitted to Council/O.H.A. 11/17/2015
Approved: _____
Continued to: _____
Denied: _____

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Historically, cable franchises were issued and regulated only at the local level in California. Title 4, Chapter 20 of the Ontario Municipal Code sets out the applicable rules and standards governing cable television service providers operating under local cable franchises within the City of Ontario.

The California Legislature enacted the Digital Infrastructure and Video Competition Act (DIVCA) which came into effect on January 1, 2007. Under DIVCA, the Legislature created a new regulatory scheme for cable and video franchising in California, essentially shifting franchising authority away from local government to the State level. As a result, only the California Public Utilities Commission (CPUC) may issue video franchises under DIVCA, and as locally granted franchises expire, the video service provider who was operating under a local franchise must obtain a State DIVCA franchise to continue to serve the local community. For that reason, Time Warner Cable is now operating under a DIVCA franchise in the City of Ontario. Verizon California continues to operate under its local franchise which does not expire until 2021.

While DIVCA shifts most of the regulatory authority over the holders of State video franchises to the CPUC, it does preserve some local government regulatory authority. This regulatory authority includes the following items which are addressed in the proposed ordinance:

1. Franchise Fees. DIVCA requires holders of State video franchises to pay a franchise fee in an amount not to exceed what was being charged to incumbent providers, and in any event not more than 5% of gross revenues. Both providers were paying 5% of gross revenues prior to DIVCA, and the proposed ordinance continues to require the same franchise fee.
2. PEG Fees. DIVCA allows local governments to establish, by ordinance, a fee to support public, educational and governmental access (PEG) channel facilities payable by holders of State video franchises, subject to certain limitations. Both providers were paying 1% of gross revenues or less prior to DIVCA, and so the proposed ordinance sets the maximum contribution permitted to be 1% of gross revenues.
3. Right-of-Way Management. DIVCA preserves local authority to regulate the time, place and manner of placement of facilities and equipment in the public rights-of-way by DIVCA franchise holders, but requires that said authority be exercised consistent with how the local jurisdiction regulates the use of the public rights-of-way by telecommunications providers. As required by DIVCA, the proposed ordinance provides a 60 day time limit for the City to issue or deny an encroachment permit, and gives State video franchise holders the right to appeal to the City Council any denials.
4. Customer Service. DIVCA preserves local authority to enforce State and Federal customer service requirements but does not permit enforcement of any additional or different customer service rules. DIVCA also directs that local governments adopt a set schedule of penalties for violations of such customer service standards. State video franchise holders may appeal penalties to the City Council. Under DIVCA, half of any penalties collected by the local government must be remitted to the CPUC.

If the proposed ordinance is introduced and accepted without modifications, then it will be returned for final adoption by the City Council on December 1, 2015. The ordinance would become effective 30 days after final adoption.

The proposed ordinance would be in addition to, and not a replacement for, Title 4, Chapter 20. Once adopted, the City may then exercise its limited regulatory authority under the new ordinance over DIVCA franchise holders such as Time Warner Cable and any new providers with a State video franchise serving Ontario. So long as Verizon California operates under its local franchise, the City may

continue to exercise its regulatory authority over Verizon California pursuant to its local franchise and Title 4, Chapter 20 of the Ontario Municipal Code. However, once Verizon California begins operating under a State DIVCA franchise, the City may exercise only its limited regulatory authority under the DIVCA ordinance, and may consider repealing Title 4, Chapter 20 as it will no longer apply to any video service provider after that time.

On September 15, 2015, Frontier Communications obtained the City's consent to acquire Verizon California and expects to complete its acquisition of Verizon California in the first quarter of 2016, at which time the company's name may be changed to Frontier California but it will continue to be the same legal entity and therefore could continue operating under the same local franchise until expiration. In May 2015, Time Warner Cable announced that it reached agreement to merge with Charter Communications but because Time Warner Cable operates under a DIVCA franchise, the companies do not require the City's consent to that merger which is expected to close by the end of 2015. The merged company will continue to operate under a DIVCA franchise after the merger.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, ENACTING NEW CHAPTER 20A OF TITLE 4,
RELATING TO STATE VIDEO SERVICE FRANCHISES.

WHEREAS, in 2006, the Digital Infrastructure and Video Competition Act was signed into law and codified at California Public Utilities Code section 5800, *et seq.*, (“DIVCA”); and

WHEREAS, the State legislature stated the purpose of DIVCA was to increase competition in the provision of video, voice and broadband services for all Californians through the institution of a state video franchising system; and

WHEREAS, DIVCA also recognized the continued need to protect local revenues and control of public rights of way; and

WHEREAS, DIVCA authorizes a city to impose reasonable time, place and manner restrictions on a state franchisee regarding the conditions under which the franchisee may construct or operate the facilities necessary to provide video, voice and broadband services; and

WHEREAS, DIVCA further authorizes a city to enforce certain state and federal customer service and privacy standards and to impose monetary penalties for violations of such standards; and

WHEREAS, Time Warner Cable and Verizon were each operating under local franchise agreements with the City on January 1, 2007.

WHEREAS, Time Warner Cable is currently serving the City under a state franchise issued by the California Public Utilities Commission pursuant to DIVCA.

WHEREAS, Verizon continues to serve the City under a local franchise agreement which shall continue, unless terminated early in accordance with the franchise and/or DIVCA, until it expires on its own terms on August 18, 2021, at which time the City may wish to repeal Chapter 20 as its provisions will not apply to any video provider after that time.

WHEREAS, incumbent cable operators serving the City on January 1, 2007 were paying a franchise fee of five percent (5%) of gross revenues to the City under franchises granted by the City.

WHEREAS, incumbent cable operators serving the City on January 1, 2007 were paying a PEG fee of one percent (1%) or less of gross revenues to the City under franchises granted by the City.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. New Chapter 20A, "State Video Service Franchises," is hereby added to Title 4 (Public Safety) of the Municipal Code of the City of Ontario:

Chapter 20A	STATE VIDEO SERVICE FRANCHISES
4-20.50	Purpose
4-20.51	Rights reserved
4-20.52	Compliance with Chapter
4-20.53	Definitions
4-20.54	State Franchise Fees
4-20.55	PEG Fees
4-20.56	Payment of Fees
4-20.57	Audits
4-20.58	Late Payments
4-20.59	Lease of City-owned network
4-20.60	Customer service and consumer protection standards
4-20.61	Penalties for violations of standards
4-20.62	Construction in the public rights of way
4-20.63	Permits
4-20.64	Participation with other utilities
4-20.65	Underground Services Alert
4-20.66	Emergency Alert Systems
4-20.67	Interconnection for PEG Programming
4-20.68	Notices

Sec. 4-20.50 Purpose.

This Chapter 20A is applicable to all video service providers who are eligible for, and have been awarded, a state video franchise under the California Public Utilities Code section 5800, *et seq.* (the Digital Infrastructure and Video Competition Act of 2006), to provide cable or video services in any portion of the City.

Sec. 4-20.51 Rights reserved.

The rights reserved to the City under this Chapter, are in addition to all other rights of the City whether reserved by this Chapter, or authorized by other applicable law, and no action, proceeding or exercise of a right shall affect any other rights which may be held by the City.

Sec. 4-20.52 Compliance with Chapter.

Nothing contained in this Chapter exempts a state franchise holder from compliance with all ordinances, rules or regulations of the City now in effect or which may be hereafter adopted which are not inconsistent with this Chapter or California Public Utilities Code section 5800, *et seq.*, or obligations under any franchise previously issued by the City, insofar as those may be enforced under California Public Utilities Code section 5800.

Sec. 4-20.53 Definitions.

For purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Unless otherwise expressly stated, words not defined in this Chapter, including but not limited to “gross revenue”, “cable service”, “video service provider” and “video service” shall be given the meaning as set forth in Title 1, Chapter 3, Section 1-3.13 of this Code or in the Digital Infrastructure and Video Competition Act of 2006, California Public Utilities Code, section 5800 and following, as amended from time to time.

“Applicant” means any person submitting any application required under the California Public Utilities Code, section 5800, and following.

“Applicable law” means all lawfully enacted and applicable Federal, State and City laws, ordinances, codes, rules, regulations and orders as the same may be amended or adopted from time to time.

“City Engineer” means the City Engineer or his or her designee.

“City Manager” means the City Manager of the City or his or her duly authorized designee.

“Construction,” and similar formulations of that term mean the named actions interpreted broadly, encompassing, among other things, installation, extension, maintenance, replacement of components, relocation, undergrounding, grading, site preparation, adjusting, testing, make-ready, excavation and tree trimming.

“DIVCA” means the Digital Infrastructure and Video Competition Act of 2006, California Public Utilities Code, section 5800, *et seq.*, as may be amended from time to time.

“PEG” means public, educational, or governmental access.

“State franchise” means a franchise issued by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in DIVCA, within any portion of the City.

“State franchise holder” means a person who holds a state franchise.

“Subscriber” means the City or any person who legally receives any cable service or video service from a state franchise holder delivered over that state franchise holder's network.

Sec. 4-20.54 State franchise fees.

- A. Any state franchise holder operating within the City shall pay to the City a state franchise fee equal to five percent (5%) of the gross revenues of it, or any affiliate, that is subject to a franchise fee under California Public Utilities Code Section 5860.
- B. The City Manager shall promptly send any state franchise holder that notifies the City that it intends to provide video service in the City a copy of this Ordinance and a notice designating the person to whom the state franchise fee payments should be made.

Sec. 4-20.55 PEG fees.

Every state franchise holder operating within the boundaries of the City shall pay a PEG fee in the amount of one percent (1%) of the state franchise holder's gross revenues.

Sec. 4-20.56 Payment of fees.

The state franchise fee required pursuant to Section 4-20.54, and the PEG fee required pursuant to Section 4-20.55, shall each be paid to the City quarterly, in a manner consistent with California Public Utilities Code section 5860. The state franchise holder shall deliver to the City, by check or other means specified by the City, a payment for the state franchise fee and a separate payment for the PEG fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a summary explaining the basis for the state franchise fees, containing such information as the City Manager may require consistent with DIVCA.

Sec. 4-20.57 Audits.

The City may audit the business records of the holder of a state franchise in a manner consistent with California Public Utilities Code section 5860(i).

Sec. 4-20.58 Late payments.

In the event a state franchise holder fails to make payments required by this Chapter on or before the due dates specified in this Chapter, the City shall impose a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

Sec. 4-20.59 Lease of City-owned network.

In the event a state franchise holder leases access to a network owned by the City, the City may set a franchise fee for access to the City-owned network separate and apart from the franchise fee charged as rent or a toll to state franchise holders for use of the City's rights-of-way pursuant to Section 4-20.54, which fee shall otherwise be payable in accordance with the procedures established by this Chapter.

Sec. 4-20.60 Customer service and consumer protection standards.

Each state franchise holder shall comply with all applicable customer service and consumer protection standards to the extent consistent with California Public Utilities Code section 5900, including, but not limited to, all existing and subsequently enacted customer service and consumer protection standards established by state and federal law and regulation pertaining to the provision of video service.

Sec. 4-20.61 Penalties for violations of standards.

- A. The City shall enforce the provisions of Code Section 4-20.60.
- B. The local entity shall give the video service provider written notice of any alleged material breach of the customer service standards and allow the video provider at least 30 days from receipt of the notice to remedy the specified material breach
- C. For material breaches, as defined in California Public Utilities Code section 5900, by a state franchise holder of applicable customer service and consumer protection standards, the City may impose the following penalties:
 - 1. For the first occurrence of a material breach, a fine of \$500.00 may be imposed for each day the violation remains in effect, not to exceed \$1,500.00 for each violation.
 - 2. For a second material breach of the same nature within 12 months, a fine of \$1,000.00 may be imposed for each day the violation remains in effect, not to exceed \$3,000.00 for each violation.
 - 3. For a third material breach of the same nature within 12 months, a fine of \$2,500.00 may be imposed for each day the violation remains in effect, not to exceed \$7,500.00 for each violation.
- D. Any penalties imposed by the City shall be imposed in a manner consistent with California Public Utilities Code section 5900.
- E. The City Manager is authorized to provide any notices required under California Public Utilities Code section 5900. The City Manager may coordinate with the Division of Ratepayer Advocate to protect consumers in the City.

- F. A state video franchise holder may appeal a penalty assessed by the City Manager to the City Council within sixty (60) days of the initial assessment. The City Council shall hear the matter consistent with the provisions contained in Chapter 4 of Title 1 of this Municipal Code.

Sec. 4-20.62 Construction in the public rights of way.

Except as expressly provided in this Chapter, the provisions of Chapters 3, 5, 6, and 7 of Title 7 of this Code, and all City administrative rules and regulations developed pursuant to Chapters 3, 5, 6, and 7 of Title 7, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state franchise holder in any public rights of way.

Sec. 4-20.63 Permits.

- A. Prior to commencing any work for which a permit is required by Chapter 3 of Title 7 of this Code, a state franchise holder shall apply for and obtain a permit in accordance with the provisions of Chapter 3 of Title 7. A permit application is complete when the state franchise holder has complied with all applicable laws and regulations, including but not limited to all City administrative rules and regulations, and all applicable requirements of Division 13 of the California Public Resources Code, section 21000, and following, (the California Environmental Quality Act) and preparation of plans and specifications as required by the City Engineer.
- B. The City Engineer shall, in the exercise of reasonable discretion as permitted by state law, either approve or deny a state franchise holder's application for any permit required under Chapter 3 of Title 7 within sixty (60) days of receiving a complete permit application from the state franchise holder.
- C. If the City Engineer denies a state franchise holder's application for a permit, the City Engineer shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.
- D. A state franchise holder that has been denied a permit by final decision of the City Engineer may appeal to the City Council with the time frame set forth and consistent with the provisions contained in Section 7-3.06 of this Municipal Code. The City Engineer shall transmit to the Council all maps, diagrams, records, papers, and files that constitute the record in the action from which the appeal was taken.
- E. The issuance of a permit under Chapter 3 of Title 7 of this Code is not a franchise, and does not grant any vested rights in any location in the public rights of way, or in any particular manner of placement within the rights of way. A permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee required to place facilities underground, upon reasonable notice to the permittee.

Sec. 4-20.64 Participation with other utilities.

Each state franchise holder shall cooperate in the planning, locating and construction of its network in utility joint trenches or common duct banks with other communications providers.

Sec. 4-20.65 Underground Services Alert.

Each state franchise holder shall be a member of the regional notification center for subsurface installations (Underground Services Alert) and shall field mark, at its sole cost and expense, the locations of its underground network facilities upon notification in accordance with the requirements of Section 4216 of the California Government Code, and any other applicable law.

Sec. 4-20.66 Emergency Alert Systems.

Each state franchise holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the state franchise holder's network.

Sec. 4-20.67 Interconnection for PEG Programming.

Each state franchise holder, and each incumbent cable operator, shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Public Utilities Code Section 5870(h). Each state franchise holder and incumbent cable operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a state franchise holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement, the City may require the incumbent cable operator to allow the state franchise holder to interconnect its network with the incumbent cable operator's network at a technically feasible point on the state franchise holder's network as identified by the state franchise holder. If no technically feasible point for interconnection is available, each state franchise holder will make an interconnection available to each channel originator providing PEG programming to an incumbent cable operator, and will provide the facilities necessary for the interconnection. The cost of any interconnection will be borne by the state franchise holder requesting the interconnection unless otherwise agreed to by the state franchise holder and the incumbent cable operator.

Sec. 4-20.68 Notices.

- A. Each state franchise holder or applicant for a state franchise shall file with the City a copy of all applications or notices that the state franchise holder or applicant is required to provide to the City under DIVCA.

- B. Unless otherwise specified in this Chapter, all notices or other documentation that a state franchise holder is required to provide to the City under this Chapter or the California Public Utilities Code shall be provided to the City Manager.

SECTION 3. CEQA. This ordinance is categorically exempt from the California Environmental Quality Act pursuant because it is not a project and there is not possibility that the ordinance may have a significant effect on the environment. 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 _____ 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)