

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
NOVEMBER 18, 2014

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
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

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

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

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0238-152-07; 2175 South Milliken Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Steve Brown; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1049-221-01; 616 East Sunkist Street; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Majestic Realty Company; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Carol Jean Partain v. City of Ontario, San Bernardino County Case No. CIVRS1304153.

- 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: Wapner, Bowman, Dorst-Porada, 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.

SPECIAL CEREMONIES

RECOGNITION OF LOWE'S COMMUNITY SERVICE PROJECT

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 21, 2014, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills October 5, 2014 through October 18, 2014 and **Payroll** October 5, 2014 through October 18, 2014, when audited by the Finance Committee.

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

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

RESOLUTION NO. _____

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

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

That the City Council adopt a resolution ordering the summary vacation of a sanitary sewer and public utility easement within the property at 627 South Bon View Avenue.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A SANITARY SEWER AND PUBLIC UTILITY EASEMENT WITHIN THE PROPERTY AT 627 SOUTH BON VIEW AVENUE.

5. RIGHT-OF-WAY PURCHASE AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

That the City Council approve and authorize the City Manager to execute a Right-of-Way Purchase Agreement with the San Bernardino County Flood Control District to acquire the right-of-way required for the widening of the Riverside Drive and Chino Avenue bridges over Cucamonga Channel, west of Archibald Avenue within the Countryside Specific Plan.

6. FISCAL YEAR 2014-15 FIRST QUARTER BUDGET REPORT

That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2014-15 First Quarter Budget Report.

7. CONSTRUCTION CONTRACT FOR THE CIVIC CENTER COMMUNITY CONSERVATION PARK/C.S. LEGACY CONSTRUCTION, INC.

That the City Council take the following actions:

- (A) Award Contract No. PS1314-01 (on file with the Records Management Department) to C.S. Legacy Construction, Inc. of Pomona, California, in the amount of \$1,985,083, plus a 15% contingency of \$297,762, for a total not to exceed \$2,282,845 to construct a Community Conservation Park on the City Hall south lawn; and
- (B) Authorize the City Manager or his designee to execute the contract, other related documents necessary to implement said contract and to file a notice of completion at the conclusion of all construction activities related to the project.

8. EVERY 15 MINUTES GRANT PROGRAM FROM THE DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

That the City Council authorize the acceptance of grant funds in the amount up to \$10,000 for the Every 15 Minutes Grant Program from the Department of California Highway Patrol.

9. EXTENSION OF TOWING SERVICES AGREEMENTS

That the City Council authorize the City Manager to extend the existing towing services agreements with Certified Towing, Inc.; Dietz Towing, LLC; James Foglesong Towing and Storage, Inc.; and United Road Service, DBA Bill and Wags, Inc. for a period not to exceed 90 days.

10. APPROVAL OF YOUTH SPORT LEAGUE LICENSE AGREEMENTS FOR THE USE OF CITY PARKS AND FACILITIES

That the City Council approve and authorize the City Manager to execute five-year License Agreements (on file with the Records Management Department) between the City of Ontario and local youth baseball, softball and soccer organizations for the use of City parks and facilities.

11. AGREEMENT WITH ARISSA COST STRATEGIES FOR WORKERS' COMPENSATION BILL REVIEW AND MANAGED CARE SERVICES

That the City Council authorize the City Manager to execute a three-year professional services agreement (on file in the Records Management Department) with Arissa Cost Strategies of Tustin, California, for bill review and managed care services for the City's workers' compensation claims.

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.

12. A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES – PHASE I); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 24 (Park Place Facilities - Phase I), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 24 (Park Place Facilities – Phase I);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 24 (Park Place Facilities – Phase I);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 24 (Park Place Facilities – Phase I); and
- (F) Adopt a resolution authorizing the execution and delivery of an acquisition and funding agreement with SL Ontario Development Company, LLC, a Delaware Limited Liability Company.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I).

RESOLUTION NO. _____

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH SL ONTARIO DEVELOPMENT COMPANY, LLC.

13. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS CONDUCT

That the City Council introduce and waive further reading of an ordinance amending Chapter 23 to Title 4 of the Ontario Municipal Code relating to the regulation of registered sex offenders conduct.

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, AMENDING CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS CONDUCT.

14. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING THE PROHIBITION OF THE CULTIVATION OF MARIJUANA WITHIN THE CITY OF ONTARIO

That the City Council introduce and waive further reading of an ordinance approving a Development Code Amendment, amending Title 9 of the Ontario Municipal Code, to prohibit the cultivation of marijuana within the City.

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, AMENDING SECTIONS 9-1.0200 AND TABLE 13-1 OF TITLE 9 OF THE ONTARIO DEVELOPMENT CODE TO EXPLICITLY PROHIBIT THE CULTIVATION OF MARIJUANA WITHIN THE CITY OF ONTARIO.

15. A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT TO REVISE THE LAND USE ELEMENT OF THE ONTARIO PLAN-POLICY PLAN, EXHIBITS LU-01 OFFICIAL LAND USE PLAN, AND LU-03: FUTURE BUILDOUT TO: (1) CHANGE THE LAND USE DESIGNATION FOR 6.11 ACRES OF LAND LOCATED AT 2041 EAST 4TH STREET FROM GENERAL COMMERCIAL TO LOW MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC); (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND (3) A ZONE CHANGE REQUEST FROM C3 (COMMERCIAL SERVICE DISTRICT) TO R1.5 (LOW-MEDIUM DENSITY RESIDENTIAL - 5.1-11 DU/AC) TO CREATE CONSISTENCY WITH THE PROPOSED GENERAL PLAN LAND USE DESIGNATION AMENDMENT (APN: 0110-441-10)

That the City Council adopt a resolution approving a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program; adopt a resolution approving General Plan Amendment (File No. PGPA14-002) revising the Land Use Element of the Policy Plan (General Plan), Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout table; and introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC14-003) from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential).

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

- Written communication.
- Oral presentation.
- Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR FILE NOS. PGPA14-002 AND PZC14-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR 6.11 ACRES OF LAND LOCATED AT 2041 EAST FOURTH STREET, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0110-441-10).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA14-002, TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, EXHIBIT LU-01: OFFICIAL LAND USE PLAN AND EXHIBIT LU-03: FUTURE BUILDOUT FROM GENERAL COMMERCIAL TO LOW MEDIUM DENSITY RESIDENTIAL (LMDR - 5.1 -11 DU/AC) FOR PROPERTY LOCATED AT 2041 EAST FOURTH STREET, AS THE SECOND AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN FOR THE 2014 CALENDAR YEAR, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0110-441-10.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-003, A CHANGE IN THE ZONING DESIGNATION ON 6.11 GROSS ACRES OF LAND FROM C3 (COMMERCIAL SERVICE) TO R1.5 (LOW-MEDIUM DENSITY RESIDENTIAL – 5.1-11.0 DU/AC) FOR PROPERTY LOCATED AT 2041 EAST FOURTH STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0110-441-10.

16. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A ZONE CHANGE FROM AR (AGRICULTURAL RESIDENTIAL) TO R1 (SINGLE-FAMILY RESIDENTIAL) FOR FORTY-FOUR SINGLE-FAMILY RESIDENTIAL PROPERTIES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FRANCIS STREET AND SAN ANTONIO AVENUE

That the City Council introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC14-004) from AR (Agricultural Residential) to R1 (Single-Family Residential) for forty-four properties in order to provide consistency with the Policy Plan (General Plan) of The Ontario Plan land use designations, for properties generally located at the southwest corner of Francis Street and San Antonio Avenue, bound by Francis Street to the north, Spruce Street to the south, San Antonio Avenue to the east, and Redwood Avenue to the west (APNs: 1050-341-01, 1050-341-04 thru 05, 1050-341-09 thru 35, 1050-342-01 thru 07, 1050-624-15, 1050-631-09 thru 12, 1050-631-14, and 1050-631-38).

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. PZC14-004, A ZONE CHANGE FROM AR (AGRICULTURAL RESIDENTIAL) TO R1 (SINGLE-FAMILY RESIDENTIAL) FOR FORTY-FOUR (44) SINGLE-FAMILY RESIDENTIAL PROPERTIES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FRANCIS STREET AND SOUTH SAN ANTONIO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1050-341-01, 1050-341-04 THRU 05, 1050-341-09 THRU 35, 1050-342-01 THRU 07, 1050-624-15, 1050-631-09 THRU 12, 1050-631-14, AND 1050-631-38.

17. A PUBLIC HEARING TO CONSIDER A HISTORIC PROPERTY PRESERVATION AGREEMENT FOR THE HANSEN HOUSE, A DESIGNATED HISTORIC LANDMARK

That the City Council adopt a resolution and authorize the City Manager to enter into a Historic Preservation Agreement (File No. PHP14-008, Mills Act contract) with property owner Janette De La Rosa Ducut for the single-family residence at 324 East I Street (APN: 1048-251-15).

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

- Written communication.
- Oral presentation.
- Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING FILE NO. PHP14-008, AND AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT) WITH JANETTE DE LA ROSA DUCUT FOR THE PROPERTY LOCATED AT 324 EAST I STREET (APN: 1048-251-15).

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

18. CONFIRMATION OF APPOINTMENT OF DEPUTY POLICE CHIEF BRAD KAYLOR TO POLICE CHIEF

That the City Council confirm the City Manager’s appointment of Brad Kaylor to the position of Police Chief.

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
November 18, 2014

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

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

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 0238-152-07; 2175 South Milliken Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Steve Brown; Under negotiation: price and terms of payment.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1049-221-04; 616 East Sunkist Street; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Majestic Realty Company; Under negotiation: Price and terms of payment.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
November 18, 2014
(Continued)

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Carol Jean Partain v. City of Ontario, San Bernardino County Case No. CIVRS1304153*

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

In attendance: Wapner __, Bowman __, Dorst-Porada __, 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 18, 2014

SECTION:
CONSENT CALENDAR

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

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

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

FISCAL IMPACT: The levy of special assessments will result in recovery of \$113,868 in costs the City has expended for inspection or abatement as well as the collection of \$107,600 associated with civil penalties and/or fines for continued violations for a total of \$221,468 related to 338 parcels. When received, reimbursement of \$184,937 will be made to the General Fund and \$36,531 to the Dangerous Building Fund.

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

STAFF MEMBER PRESENTING: Karen De Vrieze, Code Enforcement Director

Prepared by: Erin Bonett
Department: Code Enforcement

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014
Approved: _____
Continued to: _____
Denied: _____

3

This assessment cycle, the Code Enforcement Department has billed \$309,179 in costs for the abatement of violations, the issuance of fines associated with administrative citations, the issuance of fees and penalties associated with the Systematic Health and Safety Inspection Program, the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program, and the issuance of notice and re-inspection fees as well as civil penalties for the Weed and Refuse Abatement Program on 770 parcels. Of this amount, \$57,019 has already been collected as a result of direct invoicing. Attached are itemized accountings of: (1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; (2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and (3) total amounts per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2015 for its 2015-2016 tax rolls. The uncollected balance of \$30,692 reflects funds expended on matters that are not yet resolved. Most often, such matters are under the jurisdiction of the local Superior Court. When these matters are brought into court, the City becomes dependent on the court to award the abatement costs and attorney fees.

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

RESOLUTION NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A

Parcel Number	Address	Amount Due
0108-322-02	1853 N GLENN AV, ONTARIO, CA 91764	309.30
0108-363-12	1524 E HIGHLAND CT, ONTARIO, CA 91764	106.05
0108-404-01	1316 E SEVENTH ST, ONTARIO, CA 91764	110.00
0108-481-18	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-19	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-20	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-21	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-22	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-23	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-24	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-25	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-26	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-481-27	0 E OLIVE ST, ONTARIO, CA 91764	110.00
0108-491-05	1681 E DEODAR ST, ONTARIO, CA 91764	1,481.05
0108-501-29	1211 N EL DORADO AV, ONTARIO, CA 91764	535.43
0108-511-17	1480 E FIFTH ST, ONTARIO, CA 91764	110.00
0108-524-08	1343 N LAKE AV, ONTARIO, CA 91764	613.05
0108-543-09	1212 N BAKER AV, ONTARIO, CA 91764	110.00
0108-543-12	1232 N BAKER AV, ONTARIO, CA 91764	804.55
0108-591-12	1612 E RAYMOND ST, ONTARIO, CA 91764	194.05
0108-622-39	1847 N SACRAMENTO AV, ONTARIO, CA 91764	110.00
0108-631-13	1746 E OLIVE ST, ONTARIO, CA 91764	1,644.91
0110-061-01	1375 E HOLT BL, ONTARIO, CA 91761	110.00
0110-071-06	1377 E HOLT BL, ONTARIO, CA 91761	160.00
0110-071-07	1383 E HOLT BL, ONTARIO, CA 91761	110.00
0110-111-11	1654 E HOLT BL, ONTARIO, CA 91761	110.00
0110-111-12	1660 E HOLT BL, ONTARIO, CA 91761	110.00
0110-121-04	106 S WALKER AV, ONTARIO, CA 91761	110.00
0110-131-01	1224 E HOLT BL, ONTARIO, CA 91761	110.00
0110-153-01	1231 E G ST, ONTARIO, CA 91764	46.05
0110-153-01	1231 E G ST, ONTARIO, CA 91764	194.05
0110-153-14	816 N AMADOR AV, ONTARIO, CA 91764	202.50
0110-181-16	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0110-181-18	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0110-202-32	1005 N GLENN AV, ONTARIO, CA 91764	719.15
0110-202-46	1440 E FOURTH ST, ONTARIO, CA 91764	110.00
0110-241-54	1885 E G ST, ONTARIO, CA 91764	110.00
0110-321-29	2626 E INLAND EMPIRE BL, ONTARIO, CA 91764	110.00
0110-411-34	646 N MADERA AV, ONTARIO, CA 91764	395.89
0113-211-05	1241 E AIRPORT DR, ONTARIO, CA 91761	110.00
0113-211-06	1247 E AIRPORT DR, ONTARIO, CA 91761	110.00
0113-211-07	1255 E AIRPORT DR, ONTARIO, CA 91761	110.00

**City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A**

Parcel Number	Address	Amount Due
0113-351-11	0 S MILDRED AV, ONTARIO, CA 91761	110.00
0113-415-43	1750 E ELM ST, ONTARIO, CA 91761	110.00
0113-415-71	1810 E ACACIA ST, ONTARIO, CA 91761	110.00
0113-451-27	0 E FRANCIS ST, ONTARIO, CA 91761	110.00
0113-524-01	1902 E TAM O'SHANTER ST, ONTARIO, CA 91761	1,127.52
0113-572-17	1744 E TAM O'SHANTER ST, ONTARIO, CA 91761	728.77
0210-062-59	0 N HELLMAN AV, ONTARIO, CA 91764	110.00
0210-182-58	0 N HAVEN AV, ONTARIO, CA 91764	110.00
0210-182-61	0 N HAVEN AV, ONTARIO, CA 91764	110.00
0210-191-31	600 N ARCHIBALD BL, ONTARIO, CA 91764	110.00
0210-192-21	2955 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-192-22	2975 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-192-23	2995 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-192-24	0 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-193-14	3480 E SHELBY ST, ONTARIO, CA 91764	110.00
0210-204-09	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-10	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-12	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-13	3950 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-14	3951 E VIA VILLAGIO, ONTARIO, CA 91764	110.00
0210-204-15	3901 E VIA VILLAGIO, ONTARIO, CA 91764	110.00
0210-204-16	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-18	900 N VIA PIEMONTE, ONTARIO, CA 91764	110.00
0210-204-20	3991 E VIA VILLAGIO, ONTARIO, CA 91764	110.00
0210-204-21	3990 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-22	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-23	4050 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-26	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-212-56	0 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-212-57	300 N HAVEN AV, ONTARIO, CA 91761	110.00
0210-212-58	3595 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-212-60	0 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-551-01	520 N TURNER AV, ONTARIO, CA 91761	110.00
0210-551-07	0 E GUASTI RD, ONTARIO, CA 91743	110.00
0211-191-10	1584 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
0211-191-11	1590 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
0211-191-14	1594 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
0211-222-47	0 E SANTA ANA ST, ONTARIO, CA 91761	110.00
0211-222-48	0 S DOUBLEDAY AV, ONTARIO, CA 91761	110.00
0211-222-52	0 S CARNEGIE AV, ONTARIO, CA 91761	110.00
0211-222-53	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-222-54	0 E SANTA ANA ST, ONTARIO, CA 91761	110.00

**City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A**

Parcel Number	Address	Amount Due
0211-222-55	0 E AIRPORT DR, ONTARIO, CA 91761	110.00
0211-222-56	0 S CARNEGIE AV, ONTARIO, CA 91761	110.00
0211-232-04	0 E LA SALLE ST, ONTARIO, CA 91761	110.00
0211-232-05	0 E LA SALLE ST, ONTARIO, CA 91761	110.00
0211-232-06	0 S CARNEGIE AV, ONTARIO, CA 91761	110.00
0211-232-07	0 S CARNEGIE AV, ONTARIO, CA 91761	110.00
0211-232-11	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-12	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-13	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-14	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-15	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-16	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-17	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-18	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-19	0 E JURUPA ST, ONTARIO, CA 91761	110.00
0211-232-20	0 E JURUPA ST, ONTARIO, CA 91761	110.00
0211-232-38	0 S MILLIKEN AV, ONTARIO, CA 91761	110.00
0211-232-44	3600 E LA SALLE ST, ONTARIO, CA 91761	110.00
0211-232-45	0 S HAVEN AV, ONTARIO, CA 91761	110.00
0211-232-46	0 S HAVEN AV, ONTARIO, CA 91761	110.00
0211-275-21	2039 S BUSINESS PW, ONTARIO, CA 91761	110.00
0211-275-22	0 E SPRUCE ST, ONTARIO, CA 91761	110.00
0216-292-36	2920 S MEADOWBROOK PL, ONTARIO, CA 91761	1,985.18
0216-313-03	0 S WALKER AV, ONTARIO, CA 91761	110.00
0216-313-09	0 S WALKER AV, ONTARIO, CA 91761	110.00
0216-314-01	0 E EDISON AV, ONTARIO, CA 91761	110.00
0216-341-05	2540 S AMADOR PL, ONTARIO, CA 91761	139.05
0216-401-63	2500 S VINEYARD AV, ONTARIO, CA 91761	1,106.12
0216-491-15	2927 S SANDPIPER AV, ONTARIO, CA 91761	1,456.39
0218-111-11	0 S ONTARIO AV, ONTARIO, CA 91761	110.00
0218-761-12	2981 E SCOUT CT, ONTARIO, CA 91761	88.05
0218-821-08	2940 E BRONCO DR, ONTARIO, CA 91761	323.55
0238-012-29	5070 E FOURTH ST, ONTARIO, CA 91764	110.00
0238-012-30	5060 E FOURTH ST, ONTARIO, CA 91764	110.00
0238-012-31	5056 E FOURTH ST, ONTARIO, CA 91764	110.00
1008-282-13	1352 W SIXTH ST, ONTARIO, CA 91762	110.00
1008-471-35	923 W SIXTH ST, ONTARIO, CA 91762	613.56
1008-491-31	809 W HAWTHORNE ST, ONTARIO, CA 91762	3,843.97
1008-512-02	812 W HARVARD PL, ONTARIO, CA 91762	43.34
1008-531-23	1105 W YALE ST, ONTARIO, CA 91762	4,833.16
1010-095-10	958 N BENSON AV, ONTARIO, CA 91762	110.00
1010-105-07	1021 N ELDERBERRY AV, ONTARIO, CA 91762	649.05

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A

Parcel Number	Address	Amount Due
1010-131-27	1204 W ROSEWOOD CT, ONTARIO, CA 91762	157.05
1010-191-15	827 N PALMETTO AV, ONTARIO, CA 91762	168.98
1010-233-23	1405 W GRANADA CT, ONTARIO, CA 91762	920.85
1010-422-30	1435 W FAWN ST, ONTARIO, CA 91762	1,192.23
1010-452-25	515 N AZALEA AV, ONTARIO, CA 91762	934.82
1010-471-18	940 W F ST, ONTARIO, CA 91762	722.24
1011-401-07	920 S CYPRESS AV, ONTARIO, CA 91762	802.82
1011-544-03	1114 W RALSTON ST, ONTARIO, CA 91762	1,263.95
1014-151-14	1456 S BRIAR AV, ONTARIO, CA 91762	110.00
1014-451-07	1906 S MAGNOLIA AV, ONTARIO, CA 91762	235.05
1014-511-05	2138 S CYPRESS AV, ONTARIO, CA 91762	3,950.72
1014-511-06	2140 S CYPRESS AV, ONTARIO, CA 91762	110.00
1046-511-17	0 E EIGHTH ST, ONTARIO, CA 91764	110.00
1046-511-18	0 E EIGHTH ST, ONTARIO, CA 91764	110.00
1047-143-01	0 E EIGHTH ST, ONTARIO, CA 91764	110.00
1047-201-13	1558 N HOPE AV, ONTARIO, CA 91764	46.05
1047-201-13	1558 N HOPE AV, ONTARIO, CA 91764	268.05
1047-212-03	1539 N MIRAMONTE AV, ONTARIO, CA 91764	433.60
1047-301-14	1415 N SAN ANTONIO AV, ONTARIO, CA 91762	110.00
1047-311-13	667 W LA DENEY DR, ONTARIO, CA 91762	862.95
1047-321-30	1376 N CHAFFEY CT, ONTARIO, CA 91762	640.56
1047-331-06	132 W BONNIE BRAE CT, ONTARIO, CA 91762	1,018.05
1047-414-05	1335 N ALLYN AV, ONTARIO, CA 91764	302.55
1047-473-39	1037 E FOURTH ST, ONTARIO, CA 91764	1,316.92
1047-503-41	857 E FOURTH ST, ONTARIO, CA 91764	52.80
1047-521-67	535 E YALE ST, ONTARIO, CA 91764	303.22
1047-571-41	643 W FIFTH ST, ONTARIO, CA 91762	576.90
1047-592-02	1219 N GRANITE AV, ONTARIO, CA 91762	558.19
1048-022-34	1010 N SAN ANTONIO AV, ONTARIO, CA 91762	1,271.42
1048-131-13	1012 E FOURTH ST, ONTARIO, CA 91764	1,815.21
1048-131-28	1023 N CUCAMONGA AV, ONTARIO, CA 91764	50.00
1048-131-37	1021 E ROSEWOOD CT, ONTARIO, CA 91764	785.25
1048-173-04	722 N CUCAMONGA AV, ONTARIO, CA 91764	2,360.41
1048-202-25	731 E EL MORADO CT, ONTARIO, CA 91764	45.06
1048-203-04	822 E H ST, ONTARIO, CA 91764	869.08
1048-221-15	614 E I ST, ONTARIO, CA 91764	757.55
1048-222-28	647 E H ST, ONTARIO, CA 91764	7.91
1048-232-08	551 E G ST, ONTARIO, CA 91764	666.17
1048-312-14	710 W FLORA ST, ONTARIO, CA 91762	792.55
1048-332-05	541 W FLORA ST, ONTARIO, CA 91762	43.77
1048-375-08	423 E E ST, ONTARIO, CA 91764	827.00
1048-393-23	507 E D ST, ONTARIO, CA 91764	1,296.21

**City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A**

Parcel Number	Address	Amount Due
1048-412-07	728 E F ST, ONTARIO, CA 91764	2,511.12
1048-461-04	1094 E D ST, ONTARIO, CA 91761	2,112.15
1048-471-14	1117 E HOLT BL, ONTARIO, CA 91761	110.00
1048-471-20	1104 E NOCTA ST, ONTARIO, CA 91761	110.00
1048-471-23	1101 E HOLT BL, ONTARIO, CA 91761	1,265.55
1048-504-12	833 E ELMA ST, ONTARIO, CA 91761	876.19
1048-531-19	545 E LYNN HAVEN CT, ONTARIO, CA 91761	43.34
1048-574-05	307 W B ST, Unit:1, ONTARIO, CA 91762	1,570.24
1048-581-44	314 N BEVERLY CT, Unit:A, ONTARIO, CA 91762	492.40
1049-067-04	418 E TRANSIT ST, ONTARIO, CA 91761	110.00
1049-131-03	914 E HOLT BL, ONTARIO, CA 91761	110.00
1049-131-04	918 E HOLT BL, ONTARIO, CA 91761	110.00
1049-131-16	1050 E HOLT BL, ONTARIO, CA 91761	110.00
1049-141-24	1194 E HOLT BL, ONTARIO, CA 91761	160.00
1049-203-13	0 E ONTARIO BL, ONTARIO, CA 91761	1,221.05
1049-203-14	0 E ONTARIO BL, ONTARIO, CA 91761	1,221.05
1049-203-14	0 E ONTARIO BL, ONTARIO, CA 91761	160.00
1049-203-17	0 E ONTARIO BL, ONTARIO, CA 91761	1,381.05
1049-203-18	0 E ONTARIO BL, ONTARIO, CA 91761	1,221.05
1049-233-03	636 E STATE ST, ONTARIO, CA 91761	907.13
1049-233-16	610 E STATE ST, ONTARIO, CA 91761	628.60
1049-258-01	402 E NEVADA ST, ONTARIO, CA 91761	3,406.05
1049-272-03	421 W PARK ST, ONTARIO, CA 91762	1,052.75
1049-278-02	527 S LAUREL AV, ONTARIO, CA 91762	555.86
1049-291-07	633 W SUNKIST ST, ONTARIO, CA 91762	830.12
1049-312-03	0 W MISSION BL, ONTARIO, CA 91762	110.00
1049-343-08	334 E CARLTON ST, ONTARIO, CA 91761	738.19
1049-353-09	521 E MAITLAND ST, ONTARIO, CA 91761	208.05
1049-353-11	919 S SULTANA AV, ONTARIO, CA 91761	329.55
1049-362-03	736 E CALIFORNIA ST, ONTARIO, CA 91761	110.00
1049-362-04	740 E CALIFORNIA ST, ONTARIO, CA 91761	110.00
1049-362-11	815 S CALDWELL AV, ONTARIO, CA 91761	110.00
1049-365-07	835 S CAMPUS AV, ONTARIO, CA 91761	25.00
1049-502-04	618 E MAITLAND ST, ONTARIO, CA 91761	110.00
1049-502-26	637 E RALSTON ST, Unit:A, ONTARIO, CA 91761	1,626.45
1049-503-14	1108 S CAMPUS AV, ONTARIO, CA 91761	110.00
1049-511-04	120 E MAITLAND ST, ONTARIO, CA 91761	110.00
1049-551-32	418 W PHILLIPS ST, ONTARIO, CA 91762	144.00
1049-582-18	740 W BELMONT ST, ONTARIO, CA 91762	138.55
1049-591-29	622 W PHILLIPS ST, ONTARIO, CA 91762	860.05
1050-031-38	1521 S SAN ANTONIO AV, ONTARIO, CA 91762	138.55
1050-041-18	444 W ELM ST, ONTARIO, CA 91762	721.05

**City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit A**

Parcel Number	Address	Amount Due
1050-092-06	1537 S PLEASANT AV, ONTARIO, CA 91761	110.00
1050-341-42	654 W GREVILLEA ST, ONTARIO, CA 91762	110.00
1050-352-19	1918 S BONITA AV, ONTARIO, CA 91762	55.00
1050-441-32	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-33	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-34	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-35	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-36	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-37	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-38	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-39	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-40	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-41	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-42	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-43	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-44	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-45	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-46	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-47	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-48	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-49	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-50	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-51	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-52	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-53	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-54	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-55	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-56	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-57	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-58	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-59	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-60	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-61	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-62	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-551-06	645 E SPRUCE ST, ONTARIO, CA 91761	611.62
1050-582-26	2057 S CHERRY AV, ONTARIO, CA 91761	110.00
1050-614-02	2112 S FERN AV, ONTARIO, CA 91762	2,030.55
1050-622-07	2021 S VINE AV, ONTARIO, CA 91762	497.01
1050-632-37	2053 S CYPRESS AV, ONTARIO, CA 91762	826.45
1050-642-30	2130 S HOLLY AV, ONTARIO, CA 91762	895.47
1051-041-29	551 W PHILADELPHIA ST, ONTARIO, CA 91762	110.00
1051-131-15	931 E SHEARWATER ST, ONTARIO, CA 91761	572.79

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Parcel Number	Address	Amount Due
1051-171-18	2426 S MARIGOLD PL, ONTARIO, CA 91761	630.05
1051-171-41	2424 S GROVE AV, ONTARIO, CA 91761	110.00
1051-181-70	2424 S GOLDCREST PL, ONTARIO, CA 91761	1,591.96
1051-221-16	125 W GEYER CT, ONTARIO, CA 91762	110.00
1051-291-23	2510 S PLEASANT AV, ONTARIO, CA 91761	110.00
1051-291-24	2516 S PLEASANT AV, ONTARIO, CA 91761	110.00
1051-401-35	640 E ST. ANDREWS ST, ONTARIO, CA 91761	1,265.79
1051-421-81	2715 S CONCORD AV, ONTARIO, CA 91761	110.00
1051-441-11	120 W BLUE JAY WY, ONTARIO, CA 91762	3,147.56
1083-071-20	0 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
1083-071-25	2575 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
1083-161-35	2509 S PINECONE WY, ONTARIO, CA 91761	1,449.94
1083-191-48	2743 S CYPRESS POINT PL, ONTARIO, CA 91761	462.10
1083-251-80	3026 E DUNES ST, ONTARIO, CA 91761	286.55
1083-381-26	3553 E SHADOW CREEK WY, ONTARIO, CA 91761	471.55
1083-393-03	3642 E LYTLE CREEK LP, Unit:B, ONTARIO, CA 91761	674.66
1083-393-52	3635 E OAK CREEK DR, Unit:A, ONTARIO, CA 91761	991.10
1083-442-62	3736 E OAK CREEK DR, Unit:E, ONTARIO, CA 91761	602.67
	Total	113,867.84

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Parcel Number	Address	Amount Due
0108-411-06	1426 E OLIVE CT, ONTARIO, CA 91764	340.00
0108-442-03	1350 E SIXTH ST, ONTARIO, CA 91764	320.00
0108-533-29	1668 E BONNIE BRAE CT, ONTARIO, CA 91764	150.00
0108-543-08	1206 N BAKER AV, ONTARIO, CA 91764	840.00
0108-543-09	1212 N BAKER AV, ONTARIO, CA 91764	20,000.00
0108-582-12	1545 E CAROLINE ST, ONTARIO, CA 91764	420.00
0108-611-19	1364 E SYCAMORE ST, ONTARIO, CA 91764	520.00
0110-013-21	416 N GROVE AV, ONTARIO, CA 91764	120.00
0110-071-06	1377 E HOLT BL, ONTARIO, CA 91761	500.00
0110-162-14	1030 N DEL NORTE AV, ONTARIO, CA 91764	170.00
0110-163-13	1022 N CALAVERAS AV, ONTARIO, CA 91764	640.00
0110-202-22	1311 E FRESNO ST, ONTARIO, CA 91764	640.00
0110-203-06	934 N GLENN AV, ONTARIO, CA 91764	120.00
0110-212-08	812 N DEL NORTE AV, ONTARIO, CA 91764	840.00
0110-376-23	1819 E GRANADA CT, ONTARIO, CA 91764	750.00
0110-425-04	1519 E I ST, ONTARIO, CA 91764	220.00
0113-564-24	2905 S SPYGLASS CT, ONTARIO, CA 91761	170.00
0210-331-55	2245 E FIFTH ST, ONTARIO, CA 91764	120.00
0210-331-56	1306 N DEL RIO WY, ONTARIO, CA 91764	220.00
0216-301-26	1547 E BROOKSIDE ST, ONTARIO, CA 91761	120.00
0216-361-25	2437 S IMPERIAL PL, ONTARIO, CA 91761	340.00
0216-381-62	2701 S DEL NORTE AV, ONTARIO, CA 91761	340.00
0216-491-15	2927 S SANDPIPER AV, ONTARIO, CA 91761	20,000.00
0216-491-53	1401 E RIVERSIDE DR, ONTARIO, CA 91761	120.00
0218-911-01	2943 E THOROUGHbred ST, ONTARIO, CA 91761	420.00
0238-014-36	1 E MILLS CI, Building:1, ONTARIO, CA 91764	240.00
1008-572-14	1415 W HARVARD PL, ONTARIO, CA 91762	1,010.00
1008-572-21	1440 W FOURTH ST, ONTARIO, CA 91762	760.00
1010-093-09	1521 W J ST, ONTARIO, CA 91762	520.00
1010-121-31	1105 W BERKELEY CT, ONTARIO, CA 91762	120.00
1010-162-18	836 W J ST, ONTARIO, CA 91762	320.00
1010-174-03	851 W EL MORADO CT, ONTARIO, CA 91762	170.00
1010-411-07	627 N HYACINTH CT, ONTARIO, CA 91762	420.00
1010-446-02	1210 W D ST, ONTARIO, CA 91762	320.00
1010-531-14	1326 W HOLLOWELL ST, ONTARIO, CA 91762	640.00
1010-552-04	1424 W HOLT BL, ONTARIO, CA 91762	170.00
1011-221-15	1530 W MISSION BL, Building:1, ONTARIO, CA 91762	1,010.00
1011-572-21	1240 S PALMETTO AV, ONTARIO, CA 91762	420.00
1014-091-44	1314 S JASMINE PL, ONTARIO, CA 91762	20,000.00
1014-571-13	2041 S BENSON AV, ONTARIO, CA 91762	490.00
1014-571-14	2031 S BENSON AV, ONTARIO, CA 91762	490.00
1047-351-15	1414 N EUCLID AV, ONTARIO, CA 91764	120.00

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Parcel Number	Address	Amount Due
1047-372-35	541 E FIFTH ST, ONTARIO, CA 91764	170.00
1048-042-13	226 W I ST, ONTARIO, CA 91762	490.00
1048-122-06	1011 E ORCHARD LN, ONTARIO, CA 91764	420.00
1048-123-17	1023 E I ST, ONTARIO, CA 91764	640.00
1048-124-28	1045 E GRANADA CT, ONTARIO, CA 91764	11,250.00
1048-124-46	846 N ALLYN AV, ONTARIO, CA 91764	640.00
1048-131-28	1023 N CUCAMONGA AV, ONTARIO, CA 91764	500.00
1048-204-05	828 E EL MORADO CT, ONTARIO, CA 91764	840.00
1048-243-16	317 E G ST, ONTARIO, CA 91764	100.00
1048-243-16	317 E G ST, ONTARIO, CA 91764	120.00
1048-305-12	705 W H ST, ONTARIO, CA 91762	660.00
1048-312-07	727 W F ST, ONTARIO, CA 91762	120.00
1048-343-14	414 N VINE AV, ONTARIO, CA 91762	150.00
1048-394-26	609 E D ST, ONTARIO, CA 91764	420.00
1048-401-02	757 E E ST, ONTARIO, CA 91764	420.00
1048-402-26	703 E D ST, ONTARIO, CA 91764	70.00
1048-412-05	720 E F ST, ONTARIO, CA 91764	520.00
1048-491-16	1034 E D ST, ONTARIO, CA 91761	170.00
1048-501-05	306 N CAMPUS AV, ONTARIO, CA 91761	840.00
1048-532-14	558 E LYNN HAVEN CT, ONTARIO, CA 91761	320.00
1048-592-18	141 N VINE AV, ONTARIO, CA 91762	500.00
1049-055-05	201 W HOLT BL, ONTARIO, CA 91762	340.00
1049-101-31	815 E EMPORIA ST, ONTARIO, CA 91761	120.00
1049-141-24	1194 E HOLT BL, ONTARIO, CA 91761	500.00
1049-203-14	0 E ONTARIO BL, ONTARIO, CA 91761	500.00
1049-203-17	0 E ONTARIO BL, ONTARIO, CA 91761	500.00
1049-205-08	402 S BON VIEW AV, ONTARIO, CA 91761	120.00
1049-205-09	406 S BON VIEW AV, Building:1, ONTARIO, CA 91761	340.00
1049-205-10	412 S BON VIEW AV, Building:1, ONTARIO, CA 91761	220.00
1049-205-11	418 S BON VIEW AV, Building:1, ONTARIO, CA 91761	340.00
1049-205-13	422 S BON VIEW AV, ONTARIO, CA 91761	340.00
1049-246-10	319 E SUNKIST ST, ONTARIO, CA 91761	170.00
1049-353-10	507 E MAITLAND ST, ONTARIO, CA 91761	170.00
1049-353-11	919 S SULTANA AV, ONTARIO, CA 91761	640.00
1050-041-40	509 W SONOMA CT, ONTARIO, CA 91762	420.00
1050-092-06	1537 S PLEASANT AV, ONTARIO, CA 91761	1,000.00
1050-092-24	1426 S MONTEREY AV, ONTARIO, CA 91761	490.00
1050-361-26	2004 S VINE AV, ONTARIO, CA 91762	420.00
1050-582-36	2050 S CHERRY AV, ONTARIO, CA 91761	100.00
1050-622-18	2064 S FERN AV, ONTARIO, CA 91762	640.00
1051-011-72	721 W PHILADELPHIA ST, ONTARIO, CA 91762	340.00
1051-011-74	701 W PHILADELPHIA ST, ONTARIO, CA 91762	520.00

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Parcel Number	Address	Amount Due
1051-011-89	2236 S HOLLY AV, ONTARIO, CA 91762	640.00
1051-101-08	526 E SKYLARK DR, ONTARIO, CA 91761	340.00
1051-171-12	2453 S MARIGOLD PL, ONTARIO, CA 91761	840.00
1051-221-12	147 W GEYER CT, ONTARIO, CA 91762	1,010.00
1051-291-23	2510 S PLEASANT AV, ONTARIO, CA 91761	850.00
1051-421-69	447 E TAM O'SHANTER ST, ONTARIO, CA 91761	170.00
1083-452-29	3727 E STRAWBERRY CREEK WY, ONTARIO, CA 91761	500.00
	Total	107,600.00

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Parcel Number	Address	Amount Due
0108-322-02	1853 N GLENN AV, ONTARIO, CA 91764	309.30
0108-363-12	1524 E HIGHLAND CT, ONTARIO, CA 91764	106.05
0108-404-01	1316 E SEVENTH ST, ONTARIO, CA 91764	110.00
0108-411-06	1426 E OLIVE CT, ONTARIO, CA 91764	340.00
0108-442-03	1350 E SIXTH ST, ONTARIO, CA 91764	320.00
0108-481-18	0 E OLIVE ST, ONTARIO, CA 91764	1,100.00
0108-491-05	1681 E DEODAR ST, ONTARIO, CA 91764	1,481.05
0108-501-29	1211 N EL DORADO AV, ONTARIO, CA 91764	535.43
0108-511-17	1480 E FIFTH ST, ONTARIO, CA 91764	110.00
0108-524-08	1343 N LAKE AV, ONTARIO, CA 91764	613.05
0108-533-29	1668 E BONNIE BRAE CT, ONTARIO, CA 91764	150.00
0108-543-08	1206 N BAKER AV, ONTARIO, CA 91764	840.00
0108-543-09	1212 N BAKER AV, ONTARIO, CA 91764	20,110.00
0108-543-12	1232 N BAKER AV, ONTARIO, CA 91764	804.55
0108-582-12	1545 E CAROLINE ST, ONTARIO, CA 91764	420.00
0108-591-12	1612 E RAYMOND ST, ONTARIO, CA 91764	194.05
0108-611-19	1364 E SYCAMORE ST, ONTARIO, CA 91764	520.00
0108-622-39	1847 N SACRAMENTO AV, ONTARIO, CA 91764	110.00
0108-631-13	1746 E OLIVE ST, ONTARIO, CA 91764	1,644.91
0110-013-21	416 N GROVE AV, ONTARIO, CA 91764	120.00
0110-061-01	1375 E HOLT BL, ONTARIO, CA 91761	110.00
0110-071-06	1377 E HOLT BL, ONTARIO, CA 91761	660.00
0110-071-07	1383 E HOLT BL, ONTARIO, CA 91761	110.00
0110-111-11	1654 E HOLT BL, ONTARIO, CA 91761	110.00
0110-111-12	1660 E HOLT BL, ONTARIO, CA 91761	110.00
0110-121-04	106 S WALKER AV, ONTARIO, CA 91761	110.00
0110-131-01	1224 E HOLT BL, ONTARIO, CA 91761	110.00
0110-153-01	1231 E G ST, ONTARIO, CA 91764	194.05
0110-153-14	816 N AMADOR AV, ONTARIO, CA 91764	248.55
0110-162-14	1030 N DEL NORTE AV, ONTARIO, CA 91764	170.00
0110-163-13	1022 N CALAVERAS AV, ONTARIO, CA 91764	640.00
0110-181-16	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0110-181-18	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0110-202-22	1311 E FRESNO ST, ONTARIO, CA 91764	640.00
0110-202-32	1005 N GLENN AV, ONTARIO, CA 91764	719.15
0110-202-46	1440 E FOURTH ST, ONTARIO, CA 91764	110.00
0110-203-06	934 N GLENN AV, ONTARIO, CA 91764	120.00
0110-212-08	812 N DEL NORTE AV, ONTARIO, CA 91764	840.00
0110-241-54	1885 E G ST, ONTARIO, CA 91764	110.00
0110-321-29	2626 E INLAND EMPIRE BL, ONTARIO, CA 91764	110.00
0110-376-23	1819 E GRANADA CT, ONTARIO, CA 91764	750.00
0110-411-34	646 N MADERA AV, ONTARIO, CA 91764	395.89

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Parcel Number	Address	Amount Due
0110-425-04	1519 E I ST, ONTARIO, CA 91764	220.00
0113-211-05	1241 E AIRPORT DR, ONTARIO, CA 91761	110.00
0113-211-06	1247 E AIRPORT DR, ONTARIO, CA 91761	110.00
0113-211-07	1255 E AIRPORT DR, ONTARIO, CA 91761	110.00
0113-351-11	0 S MILDRED AV, ONTARIO, CA 91761	110.00
0113-415-43	1750 E ELM ST, ONTARIO, CA 91761	110.00
0113-415-71	1810 E ACACIA ST, ONTARIO, CA 91761	110.00
0113-451-27	0 E FRANCIS ST, ONTARIO, CA 91761	110.00
0113-524-01	1902 E TAM O'SHANTER ST, ONTARIO, CA 91761	1,127.52
0113-564-24	2905 S SPYGLASS CT, ONTARIO, CA 91761	170.00
0113-572-17	1744 E TAM O'SHANTER ST, ONTARIO, CA 91761	728.77
0210-062-59	0 N HELLMAN AV, ONTARIO, CA 91764	110.00
0210-182-58	0 N HAVEN AV, ONTARIO, CA 91764	110.00
0210-182-61	0 N HAVEN AV, ONTARIO, CA 91764	110.00
0210-191-31	600 N ARCHIBALD BL, ONTARIO, CA 91764	110.00
0210-192-21	2955 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-192-22	2975 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-192-23	2995 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-192-24	0 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-193-14	3480 E SHELBY ST, ONTARIO, CA 91764	110.00
0210-204-09	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-10	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-12	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-13	3950 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-14	3951 E VIA VILLAGIO, ONTARIO, CA 91764	110.00
0210-204-15	3901 E VIA VILLAGIO, ONTARIO, CA 91764	110.00
0210-204-16	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-18	900 N VIA PIEMONTE, ONTARIO, CA 91764	110.00
0210-204-20	3991 E VIA VILLAGIO, ONTARIO, CA 91764	110.00
0210-204-21	3990 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-22	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-23	4050 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-204-26	0 E FOURTH ST, ONTARIO, CA 91764	110.00
0210-212-56	0 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-212-57	300 N HAVEN AV, ONTARIO, CA 91761	110.00
0210-212-58	3595 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-212-60	0 E GUASTI RD, ONTARIO, CA 91761	110.00
0210-331-55	2245 E FIFTH ST, ONTARIO, CA 91764	120.00
0210-331-56	1306 N DEL RIO WY, ONTARIO, CA 91764	220.00
0210-551-01	520 N TURNER AV, ONTARIO, CA 91761	110.00
0210-551-07	0 E GUASTI RD, ONTARIO, CA 91743	110.00
0211-191-10	1584 S ARCHIBALD AV, ONTARIO, CA 91761	110.00

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Parcel Number	Address	Amount Due
0211-191-11	1590 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
0211-191-14	1594 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
0211-222-47	0 E SANTA ANA ST, ONTARIO, CA 91761	110.00
0211-222-48	0 S DOUBLEDAY AV, ONTARIO, CA 91761	110.00
0211-222-52	0 S CARNEGIE AV, ONTARIO, CA 91761	110.00
0211-222-53	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-222-54	0 E SANTA ANA ST, ONTARIO, CA 91761	110.00
0211-222-55	0 E AIRPORT DR, ONTARIO, CA 91761	110.00
0211-222-56	0 S CARNEGIE AV, ONTARIO, CA 91761	110.00
0211-232-04	0 E LA SALLE ST, ONTARIO, CA 91761	110.00
0211-232-05	0 E LA SALLE ST, ONTARIO, CA 91761	110.00
0211-232-06	0 S CARNEGIE AV, ONTARIO, CA 91761	110.00
0211-232-07	0 S CARNEGIE AV, ONTARIO, CA 91761	110.00
0211-232-11	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-12	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-13	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-14	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-15	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-16	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-17	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-18	0 S COMMERCE PW, ONTARIO, CA 91761	110.00
0211-232-19	0 E JURUPA ST, ONTARIO, CA 91761	110.00
0211-232-20	0 E JURUPA ST, ONTARIO, CA 91761	110.00
0211-232-38	0 S MILLIKEN AV, ONTARIO, CA 91761	110.00
0211-232-44	3600 E LA SALLE ST, ONTARIO, CA 91761	110.00
0211-232-45	0 S HAVEN AV, ONTARIO, CA 91761	110.00
0211-232-46	0 S HAVEN AV, ONTARIO, CA 91761	110.00
0211-275-21	2039 S BUSINESS PW, ONTARIO, CA 91761	110.00
0211-275-22	0 E SPRUCE ST, ONTARIO, CA 91761	110.00
0216-292-36	2920 S MEADOWBROOK PL, ONTARIO, CA 91761	1,985.18
0216-301-26	1547 E BROOKSIDE ST, ONTARIO, CA 91761	120.00
0216-313-03	0 S WALKER AV, ONTARIO, CA 91761	110.00
0216-313-09	0 S WALKER AV, ONTARIO, CA 91761	110.00
0216-314-01	0 E EDISON AV, ONTARIO, CA 91761	110.00
0216-341-05	2540 S AMADOR PL, ONTARIO, CA 91761	139.05
0216-361-25	2437 S IMPERIAL PL, ONTARIO, CA 91761	340.00
0216-381-62	2701 S DEL NORTE AV, ONTARIO, CA 91761	340.00
0216-401-63	2500 S VINEYARD AV, ONTARIO, CA 91761	1,106.12
0216-491-15	2927 S SANDPIPER AV, ONTARIO, CA 91761	21,456.39
0216-491-53	1401 E RIVERSIDE DR, ONTARIO, CA 91761	120.00
0218-111-11	0 S ONTARIO AV, ONTARIO, CA 91761	110.00
0218-761-12	2981 E SCOUT CT, ONTARIO, CA 91761	88.05

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Parcel Number	Address	Amount Due
0218-821-08	2940 E BRONCO DR, ONTARIO, CA 91761	323.55
0218-911-01	2943 E THOROUGHbred ST, ONTARIO, CA 91761	420.00
0238-012-29	5070 E FOURTH ST, ONTARIO, CA 91764	110.00
0238-012-30	5060 E FOURTH ST, ONTARIO, CA 91764	110.00
0238-012-31	5056 E FOURTH ST, ONTARIO, CA 91764	110.00
0238-014-36	1 E MILLS CI, Building:1, ONTARIO, CA 91764	240.00
1008-282-13	1352 W SIXTH ST, ONTARIO, CA 91762	110.00
1008-471-35	923 W SIXTH ST, ONTARIO, CA 91762	613.56
1008-491-31	809 W HAWTHORNE ST, ONTARIO, CA 91762	3,843.97
1008-512-02	812 W HARVARD PL, ONTARIO, CA 91762	43.34
1008-531-23	1105 W YALE ST, ONTARIO, CA 91762	4,833.16
1008-572-14	1415 W HARVARD PL, ONTARIO, CA 91762	1,010.00
1008-572-21	1440 W FOURTH ST, ONTARIO, CA 91762	760.00
1010-093-09	1521 W J ST, ONTARIO, CA 91762	520.00
1010-095-10	958 N BENSON AV, ONTARIO, CA 91762	110.00
1010-105-07	1021 N ELDERBERRY AV, ONTARIO, CA 91762	649.05
1010-121-31	1105 W BERKELEY CT, ONTARIO, CA 91762	120.00
1010-131-27	1204 W ROSEWOOD CT, ONTARIO, CA 91762	157.05
1010-162-18	836 W J ST, ONTARIO, CA 91762	320.00
1010-174-03	851 W EL MORADO CT, ONTARIO, CA 91762	170.00
1010-191-15	827 N PALMETTO AV, ONTARIO, CA 91762	168.98
1010-233-23	1405 W GRANADA CT, ONTARIO, CA 91762	920.85
1010-411-07	627 N HYACINTH CT, ONTARIO, CA 91762	420.00
1010-422-30	1435 W FAWN ST, ONTARIO, CA 91762	1,192.23
1010-446-02	1210 W D ST, ONTARIO, CA 91762	320.00
1010-452-25	515 N AZALEA AV, ONTARIO, CA 91762	934.82
1010-471-18	940 W F ST, ONTARIO, CA 91762	722.24
1010-531-14	1326 W HOLLOWELL ST, ONTARIO, CA 91762	640.00
1010-552-04	1424 W HOLT BL, ONTARIO, CA 91762	170.00
1011-221-15	1530 W MISSION BL, Building:1, ONTARIO, CA 91762	1,010.00
1011-401-07	920 S CYPRESS AV, ONTARIO, CA 91762	802.82
1011-544-03	1114 W RALSTON ST, ONTARIO, CA 91762	1,263.95
1011-572-21	1240 S PALMETTO AV, ONTARIO, CA 91762	420.00
1014-091-44	1314 S JASMINE PL, ONTARIO, CA 91762	20,000.00
1014-151-14	1456 S BRIAR AV, ONTARIO, CA 91762	110.00
1014-451-07	1906 S MAGNOLIA AV, ONTARIO, CA 91762	235.05
1014-511-05	2138 S CYPRESS AV, ONTARIO, CA 91762	3,950.72
1014-511-06	2140 S CYPRESS AV, ONTARIO, CA 91762	110.00
1014-571-13	2041 S BENSON AV, ONTARIO, CA 91762	980.00
1046-511-17	0 E EIGHTH ST, ONTARIO, CA 91764	110.00
1046-511-18	0 E EIGHTH ST, ONTARIO, CA 91764	110.00
1047-143-01	0 E EIGHTH ST, ONTARIO, CA 91764	110.00

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C

Parcel Number	Address	Amount Due
1047-201-13	1558 N HOPE AV, ONTARIO, CA 91764	268.05
1047-212-03	1539 N MIRAMONTE AV, ONTARIO, CA 91764	479.65
1047-301-14	1415 N SAN ANTONIO AV, ONTARIO, CA 91762	110.00
1047-311-13	667 W LA DENEY DR, ONTARIO, CA 91762	909.00
1047-321-30	1376 N CHAFFEY CT, ONTARIO, CA 91762	594.51
1047-331-06	132 W BONNIE BRAE CT, ONTARIO, CA 91762	1,018.05
1047-351-15	1414 N EUCLID AV, ONTARIO, CA 91764	120.00
1047-372-35	541 E FIFTH ST, ONTARIO, CA 91764	170.00
1047-414-05	1335 N ALLYN AV, ONTARIO, CA 91764	302.55
1047-473-39	1037 E FOURTH ST, ONTARIO, CA 91764	1,316.92
1047-503-41	857 E FOURTH ST, ONTARIO, CA 91764	52.80
1047-521-67	535 E YALE ST, ONTARIO, CA 91764	303.22
1047-571-41	643 W FIFTH ST, ONTARIO, CA 91762	576.90
1047-592-02	1219 N GRANITE AV, ONTARIO, CA 91762	558.19
1048-022-34	1010 N SAN ANTONIO AV, ONTARIO, CA 91762	1,271.42
1048-042-13	226 W I ST, ONTARIO, CA 91762	490.00
1048-122-06	1011 E ORCHARD LN, ONTARIO, CA 91764	420.00
1048-123-17	1023 E I ST, ONTARIO, CA 91764	640.00
1048-124-28	1045 E GRANADA CT, ONTARIO, CA 91764	11,250.00
1048-124-46	846 N ALLYN AV, ONTARIO, CA 91764	640.00
1048-131-13	1012 E FOURTH ST, ONTARIO, CA 91764	1,815.21
1048-131-28	1023 N CUCAMONGA AV, ONTARIO, CA 91764	550.00
1048-131-37	1021 E ROSEWOOD CT, ONTARIO, CA 91764	785.25
1048-173-04	722 N CUCAMONGA AV, ONTARIO, CA 91764	2,360.41
1048-202-25	731 E EL MORADO CT, ONTARIO, CA 91764	45.06
1048-203-04	822 E H ST, ONTARIO, CA 91764	869.08
1048-204-05	828 E EL MORADO CT, ONTARIO, CA 91764	840.00
1048-221-15	614 E I ST, ONTARIO, CA 91764	757.55
1048-222-28	647 E H ST, ONTARIO, CA 91764	7.91
1048-232-08	551 E G ST, ONTARIO, CA 91764	666.17
1048-243-16	317 E G ST, ONTARIO, CA 91764	120.00
1048-305-12	705 W H ST, ONTARIO, CA 91762	760.00
1048-312-07	727 W F ST, ONTARIO, CA 91762	120.00
1048-312-14	710 W FLORA ST, ONTARIO, CA 91762	792.55
1048-332-05	541 W FLORA ST, ONTARIO, CA 91762	43.77
1048-343-14	414 N VINE AV, ONTARIO, CA 91762	150.00
1048-375-08	423 E E ST, ONTARIO, CA 91764	827.00
1048-393-23	507 E D ST, ONTARIO, CA 91764	1,296.21
1048-394-26	609 E D ST, ONTARIO, CA 91764	420.00
1048-401-02	757 E E ST, ONTARIO, CA 91764	420.00
1048-402-26	703 E D ST, ONTARIO, CA 91764	70.00
1048-412-05	720 E F ST, ONTARIO, CA 91764	520.00

**City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C**

Parcel Number	Address	Amount Due
1048-412-07	728 E F ST, ONTARIO, CA 91764	2,511.12
1048-461-04	1094 E D ST, ONTARIO, CA 91761	2,112.15
1048-471-14	1117 E HOLT BL, ONTARIO, CA 91761	110.00
1048-471-20	1104 E NOCTA ST, ONTARIO, CA 91761	110.00
1048-471-23	1101 E HOLT BL, ONTARIO, CA 91761	1,265.55
1048-491-16	1034 E D ST, ONTARIO, CA 91761	170.00
1048-501-05	306 N CAMPUS AV, ONTARIO, CA 91761	840.00
1048-504-12	833 E ELMA ST, ONTARIO, CA 91761	876.19
1048-531-19	545 E LYNN HAVEN CT, ONTARIO, CA 91761	43.34
1048-532-14	558 E LYNN HAVEN CT, ONTARIO, CA 91761	320.00
1048-574-05	307 W B ST, Unit:1, ONTARIO, CA 91762	1,570.24
1048-581-44	314 N BEVERLY CT, Unit:A, ONTARIO, CA 91762	492.40
1048-592-18	141 N VINE AV, ONTARIO, CA 91762	500.00
1049-055-05	201 W HOLT BL, ONTARIO, CA 91762	340.00
1049-067-04	418 E TRANSIT ST, ONTARIO, CA 91761	110.00
1049-101-31	815 E EMPORIA ST, ONTARIO, CA 91761	120.00
1049-131-03	914 E HOLT BL, ONTARIO, CA 91761	110.00
1049-131-04	918 E HOLT BL, ONTARIO, CA 91761	110.00
1049-131-16	1050 E HOLT BL, ONTARIO, CA 91761	110.00
1049-141-24	1194 E HOLT BL, ONTARIO, CA 91761	660.00
1049-203-13	0 E ONTARIO BL, ONTARIO, CA 91761	1,221.05
1049-203-14	0 E ONTARIO BL, ONTARIO, CA 91761	1,881.05
1049-203-17	0 E ONTARIO BL, ONTARIO, CA 91761	1,881.05
1049-203-18	0 E ONTARIO BL, ONTARIO, CA 91761	1,221.05
1049-205-08	402 S BON VIEW AV, ONTARIO, CA 91761	120.00
1049-205-09	406 S BON VIEW AV, Building:1, ONTARIO, CA 91761	340.00
1049-205-10	412 S BON VIEW AV, Building:1, ONTARIO, CA 91761	220.00
1049-205-11	418 S BON VIEW AV, Building:1, ONTARIO, CA 91761	340.00
1049-205-13	422 S BON VIEW AV, ONTARIO, CA 91761	340.00
1049-233-03	636 E STATE ST, ONTARIO, CA 91761	907.13
1049-233-16	610 E STATE ST, ONTARIO, CA 91761	628.60
1049-246-10	319 E SUNKIST ST, ONTARIO, CA 91761	170.00
1049-258-01	402 E NEVADA ST, ONTARIO, CA 91761	3,406.05
1049-272-03	421 W PARK ST, ONTARIO, CA 91762	1,052.75
1049-278-02	527 S LAUREL AV, ONTARIO, CA 91762	555.86
1049-291-07	633 W SUNKIST ST, ONTARIO, CA 91762	830.12
1049-312-03	0 W MISSION BL, ONTARIO, CA 91762	110.00
1049-343-08	334 E CARLTON ST, ONTARIO, CA 91761	738.19
1049-353-09	521 E MAITLAND ST, ONTARIO, CA 91761	208.05
1049-353-10	507 E MAITLAND ST, ONTARIO, CA 91761	150.00
1049-353-10	507 E MAITLAND ST, ONTARIO, CA 91761	989.55
1049-362-03	736 E CALIFORNIA ST, ONTARIO, CA 91761	110.00

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C

Parcel Number	Address	Amount Due
1049-362-04	740 E CALIFORNIA ST, ONTARIO, CA 91761	110.00
1049-362-11	815 S CALDWELL AV, ONTARIO, CA 91761	110.00
1049-365-07	835 S CAMPUS AV, ONTARIO, CA 91761	25.00
1049-502-04	618 E MAITLAND ST, ONTARIO, CA 91761	110.00
1049-502-26	637 E RALSTON ST, Unit:A, ONTARIO, CA 91761	1,626.45
1049-503-14	1108 S CAMPUS AV, ONTARIO, CA 91761	110.00
1049-511-04	120 E MAITLAND ST, ONTARIO, CA 91761	110.00
1049-551-32	418 W PHILLIPS ST, ONTARIO, CA 91762	144.00
1049-582-18	740 W BELMONT ST, ONTARIO, CA 91762	138.55
1049-591-29	622 W PHILLIPS ST, ONTARIO, CA 91762	860.05
1050-031-38	1521 S SAN ANTONIO AV, ONTARIO, CA 91762	138.55
1050-041-18	444 W ELM ST, ONTARIO, CA 91762	721.05
1050-041-40	509 W SONOMA CT, ONTARIO, CA 91762	420.00
1050-092-06	1537 S PLEASANT AV, ONTARIO, CA 91761	1,110.00
1050-092-24	1426 S MONTEREY AV, ONTARIO, CA 91761	490.00
1050-341-42	654 W GREVILLEA ST, ONTARIO, CA 91762	110.00
1050-352-19	1918 S BONITA AV, ONTARIO, CA 91762	55.00
1050-361-26	2004 S VINE AV, ONTARIO, CA 91762	420.00
1050-441-32	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-33	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-34	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-35	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-36	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-37	1926 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-38	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-39	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-40	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-41	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-42	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-43	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-44	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-45	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-46	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-47	1918 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-48	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-49	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-50	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-51	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-52	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-53	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-54	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-55	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00

City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C

Parcel Number	Address	Amount Due
1050-441-56	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-57	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-58	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-59	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-60	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-61	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-441-62	1922 S BON VIEW AV, ONTARIO, CA 91761	110.00
1050-551-06	645 E SPRUCE ST, ONTARIO, CA 91761	611.62
1050-582-26	2057 S CHERRY AV, ONTARIO, CA 91761	110.00
1050-582-36	2050 S CHERRY AV, ONTARIO, CA 91761	100.00
1050-614-02	2112 S FERN AV, ONTARIO, CA 91762	2,030.55
1050-622-07	2021 S VINE AV, ONTARIO, CA 91762	46.05
1050-622-07	2021 S VINE AV, ONTARIO, CA 91762	650.96
1050-622-18	2064 S FERN AV, ONTARIO, CA 91762	440.00
1050-632-37	2053 S CYPRESS AV, ONTARIO, CA 91762	826.45
1050-642-30	2130 S HOLLY AV, ONTARIO, CA 91762	895.47
1051-011-72	721 W PHILADELPHIA ST, ONTARIO, CA 91762	340.00
1051-011-74	701 W PHILADELPHIA ST, ONTARIO, CA 91762	520.00
1051-011-89	2236 S HOLLY AV, ONTARIO, CA 91762	640.00
1051-041-29	551 W PHILADELPHIA ST, ONTARIO, CA 91762	110.00
1051-101-08	526 E SKYLARK DR, ONTARIO, CA 91761	340.00
1051-131-15	931 E SHEARWATER ST, ONTARIO, CA 91761	572.79
1051-171-12	2453 S MARIGOLD PL, ONTARIO, CA 91761	840.00
1051-171-18	2426 S MARIGOLD PL, ONTARIO, CA 91761	630.05
1051-171-41	2424 S GROVE AV, ONTARIO, CA 91761	110.00
1051-181-70	2424 S GOLDCREST PL, ONTARIO, CA 91761	1,591.96
1051-221-12	147 W GEYER CT, ONTARIO, CA 91762	1,010.00
1051-221-16	125 W GEYER CT, ONTARIO, CA 91762	110.00
1051-291-23	2510 S PLEASANT AV, ONTARIO, CA 91761	960.00
1051-291-24	2516 S PLEASANT AV, ONTARIO, CA 91761	110.00
1051-401-35	640 E ST. ANDREWS ST, ONTARIO, CA 91761	1,265.79
1051-421-69	447 E TAM O'SHANTER ST, ONTARIO, CA 91761	170.00
1051-421-81	2715 S CONCORD AV, ONTARIO, CA 91761	110.00
1051-441-11	120 W BLUE JAY WY, ONTARIO, CA 91762	3,147.56
1083-071-20	0 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
1083-071-25	2575 S ARCHIBALD AV, ONTARIO, CA 91761	110.00
1083-161-35	2509 S PINECONE WY, ONTARIO, CA 91761	1,449.94
1083-191-48	2743 S CYPRESS POINT PL, ONTARIO, CA 91761	462.10
1083-251-80	3026 E DUNES ST, ONTARIO, CA 91761	286.55
1083-381-26	3553 E SHADOW CREEK WY, ONTARIO, CA 91761	471.55
1083-393-03	3642 E LYTLE CREEK LP, Unit:B, ONTARIO, CA 91761	674.66
1083-393-52	3635 E OAK CREEK DR, Unit:A, ONTARIO, CA 91761	991.10

*City of Ontario
Code Enforcement Department
2015/2016 Tax Roll Year Special Assessments
Exhibit C*

Parcel Number	Address	Amount Due
1083-442-62	3736 E OAK CREEK DR, Unit:E, ONTARIO, CA 91761	602.67
1083-452-29	3727 E STRAWBERRY CREEK WY, ONTARIO, CA 91761	500.00
	Total	221,467.84

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
CONSENT CALENDAR

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

RECOMMENDATION: That the City Council adopt a resolution ordering the summary vacation of a sanitary sewer and public utility easement within the property at 627 South Bon View Avenue.

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

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

BACKGROUND: The owner of the property located at 627 South Bon View Avenue (Mr. Thomas Gibson) has requested that the City vacate the existing easement for sanitary sewer and public utility purposes located on private property within an industrial site shown in Exhibit "A." The existing sewer main was previously abandoned by the Ontario Municipal Utilities Company, and the subject sewer easement is not needed for any present or future sewer purposes. There are currently no other public utilities within the easement and there is no need for any future utility purposes.

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

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

Prepared by: Dean A. Williams
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014

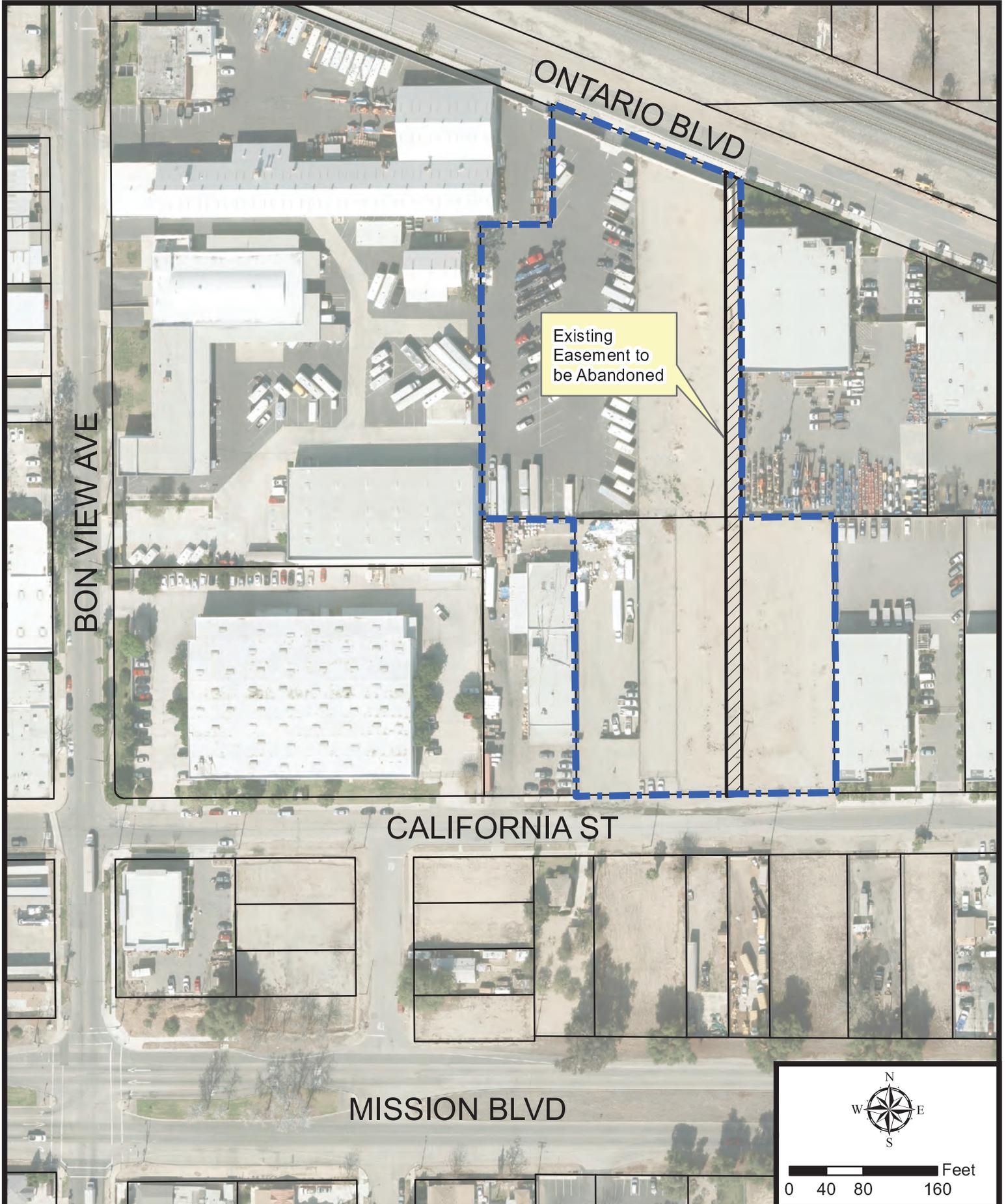
Approved: _____

Continued to: _____

Denied: _____

EXHIBIT "A"

Existing Sewer and PUE to be Abandoned



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A SANITARY SEWER AND PUBLIC UTILITY EASEMENT WITHIN THE PROPERTY AT 627 SOUTH BON VIEW AVENUE.

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

WHEREAS, the public easement for sanitary sewer and public utility purposes adjacent to the east property line of Lot 18 of Hanson and Company's Revised Map in the City of Ontario, County of San Bernardino, State of California, filed in Book 12 of Maps, Page 51, in the County Recorder's Office of said County and located approximately 710 feet east of Bon View Avenue, is not needed for any present or future sewer or public utility purposes; and

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT "A"
V-259
SANITARY SEWER PUBLIC UTILITY EASEMENT VACATION
LEGAL DESCRIPTION

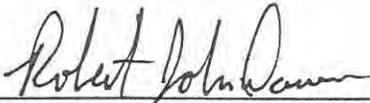
APN 1049-181-04 and 1049-181-06

The east six (6) feet of Lot 18 of the Hanson and Company's Revised Map, in the City of Ontario, County of San Bernardino, State of California, as shown on plat recorded in Book 12 of Maps, page 51, records of said County.

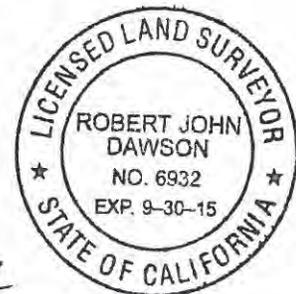
The land described herein contains approximately 0.09 acres or 3,992.24 square feet.

See sheets 2 for a plat depicting the above described land.

This description prepared under my direction.



Robert John Dawson, PLS 6932, Exp. 09/30/15

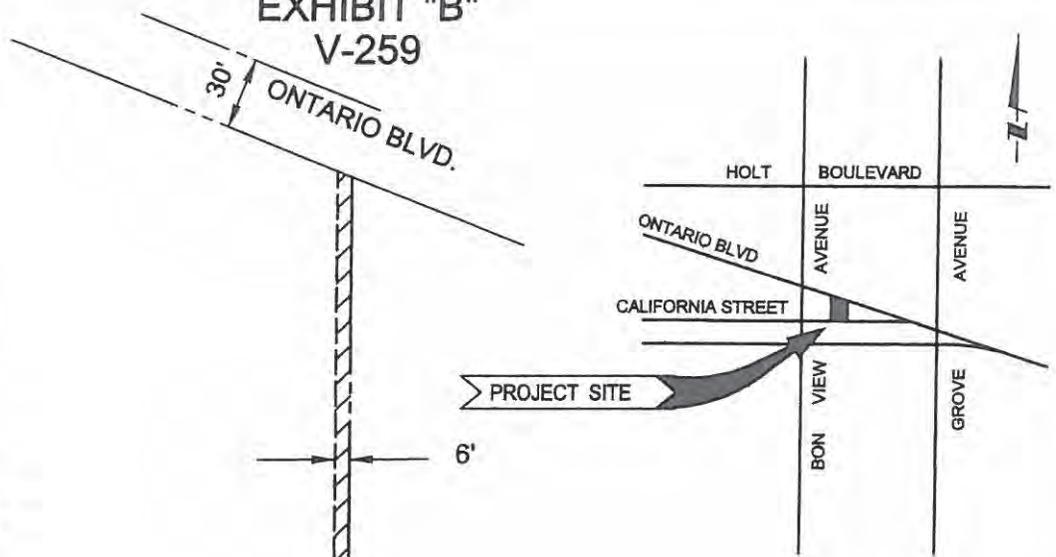


4-1-14

Date

EXHIBIT "B"
V-259

SCALE: 1" = 60'



LOT 18
HANSON AND COMPANY'S
REVISED MAP
MB 12 -51

APN 1049-181-04

PM 224 / 3 -5
APN 1049-181-10

EAST LINE OF LOT 18, HANSON
AND COMPANY'S REVISED MAP
AS PER M.B. 12-51

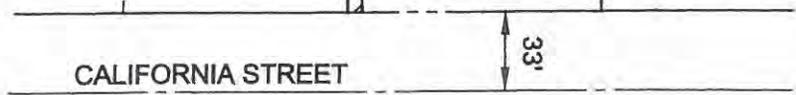
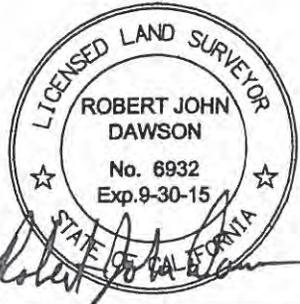
6' EASEMENT OF CITY OF ONTARIO FOR
SANITARY SEWER AND PUBLIC UTILITY
PURPOSES PER O.R. 2374-394



INDICATES AN EASEMENT
FOR SANITARY SEWER AND
PUBLIC UTILITY PURPOSES
TO BE VACATED

PARCEL 3
RS 16 / 49
APN 1049-181-06

PORTION LOT 17
HANSON AND COMPANY'S
REVISED MAP
MB 12 -51



CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
CONSENT CALENDAR

SUBJECT: RIGHT-OF-WAY PURCHASE AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a Right-of-Way Purchase Agreement with the San Bernardino County Flood Control District to acquire the right-of-way required for the widening of the Riverside Drive and Chino Avenue bridges over Cucamonga Channel, west of Archibald Avenue within the Countryside Specific Plan.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: None. The cost associated with the right-of-way purchase in the amount of \$56,310 will be paid by the developer.

BACKGROUND: Tentative Tract Map Nos. 16045, 17449, and 17450, consisting of 422 residential lots in the Countryside Specific Plan area, were submitted by the developer Forestar Countryside, LLC and approved by the Planning Commission on February 22, 2011. The sections of Riverside Drive and Chino Avenue within the Countryside Specific Plan are classified as a 6-lane arterial and a 4-lane collector in The Ontario Plan, respectively. In order to achieve the ultimate lane configuration on these two roadways, the developer was required to widen Riverside Drive and Chino Avenue as shown on Exhibit "A." To accommodate the widening, it is necessary to acquire the right-of-way at the roadway bridges crossing Cucamonga Channel, which are currently owned by the San Bernardino County Flood Control District. The Right-of-Way Purchase agreement allows the County to convey the required right-of-way to the City with the cost paid for by the developer. The proposed agreement has been reviewed by the City Attorney.

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

Prepared by: Naiim Khoury
Department: Engineering

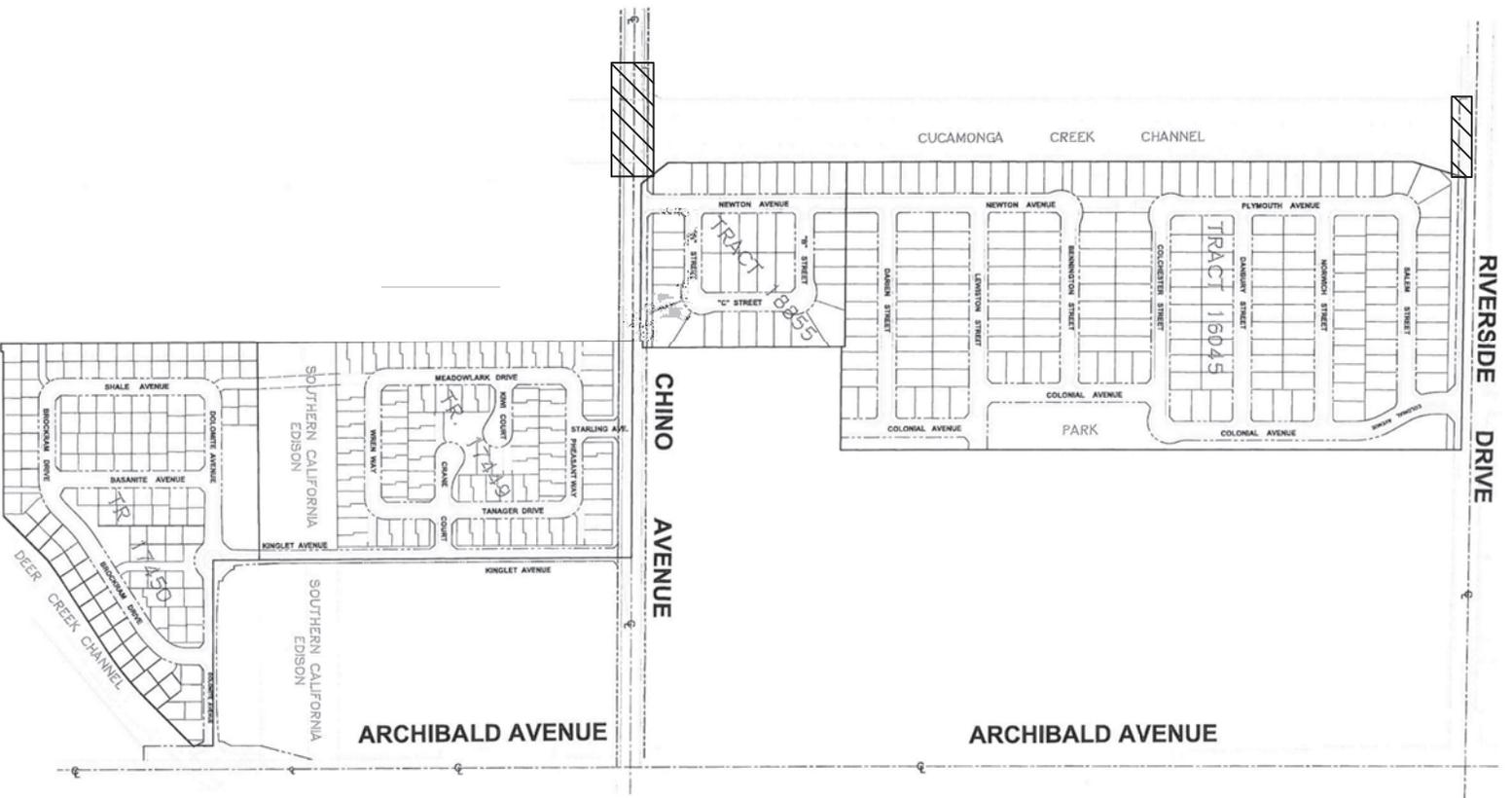
City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014

Approved: _____

Continued to: _____

Denied: _____



Location of Bridge Widening



EXHIBIT "A"
 TRACT 16045, 18855, 17449 & 17450

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
CONSENT CALENDAR

SUBJECT: FISCAL YEAR 2014-15 FIRST QUARTER BUDGET REPORT

RECOMMENDATION: That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2014-15 First Quarter Budget 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 2014-15 First Quarter Budget Report and supporting schedules.

BACKGROUND: This first quarterly budget report for Fiscal Year 2014-15 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 budget changes to align the budget with projected year-end results;
- Recommend budget adjustments that are consistent with City Council goals and objectives; and
- Comment on significant budget and economic trends which may impact next fiscal year's budget development.

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. 11/18/2014

Approved: _____

Continued to: _____

Denied: _____

6

Fiscal Year 2013-14 Results

The General Fund activity for the year resulted in a favorable balance of \$18.6 million. The positive year-end balance was primarily due to revenue increases in development related fees of \$2.9 million, sales tax of \$2.8 million, property taxes of \$2.3 million, and other revenues of \$3.0 million, as well as overall one-time expenditure savings of approximately \$7.6 million. It is recommended that the net positive result of \$18.6 million be allocated to fund outstanding disputed matters related to the dissolution of the former Ontario Redevelopment Agency.

First Quarter Budget Recommendations

First Quarter Budget 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 \$32,635,855 or 18.5% of the General Fund operating budget. This amount achieves the 18% goal set by City Council. Major items proposed for the First Quarter in the General Fund are: engineering plan check services for \$600,000 (off-set with plan check fee revenue); \$575,000 funding transfer for downtown parking facility and infrastructure improvements (total of \$700,000 across all funds); \$81,615 for self-contained breathing apparatus (City's match for the Federal Emergency Management Agency/Department of Homeland Security Grant); and a transfer of appropriations for \$1.8 million to the Ontario International Airport Authority (OIAA).

Noteworthy budget adjustments in Other Funds include over \$4 million in grants for: fire safety equipment (\$1.6 million); sidewalk installations (\$1.1 million); Avoid DUI program (\$620,000); Front Line Law Enforcement (\$303,680); and bridge preventative and rehabilitation (\$187,124).

Economic Outlook

The local economy is continuing to show signs of improvement, with continued growth in retail and motor vehicles sales, and employment. Sales tax revenue for the second quarter 2014 grew approximately 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 8.2% in September 2014 from 10.1% a year ago. Continued job gains over the last several months continue to drive unemployment down. Home sales were slightly up 1.2% compared to the prior year. Growth has been slow as a result of rising home prices, weak income growth, and tight lending standards which have pushed out many potential buyers. The index for manufacturing activity (Purchasing Managers Index or PMI) has decreased to 56.6 in September compared to August's reading of 59.0; current volatile market conditions and pessimistic purchasing managers may have contributed to the recent drop.

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: 4.2% increase for Fire Safety; 3.7% increase for Police Safety; and 1.6% increase for Miscellaneous. 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

In summary, while the City is experiencing improvement during the 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 federal deficit, 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 2014-15, as modified through this First Quarter Budget Report, continues to reflect the City Council's 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.

CITY OF ONTARIO, CALIFORNIA



TRANSPORTATION



BUSINESS



INNOVATION

**FISCAL YEAR 2014-15
FIRST QUARTER BUDGET REPORT
ADMINISTRATIVE SERVICES
NOVEMBER 18, 2014**

Executive Summary

Each year, the City Council adopts a budget which commits resources to accomplish its policies and goals. This First Quarter Budget Report for Fiscal Year 2014-15 reflects the Administrative Services Agency's continued efforts to provide timely, accurate, and understandable financial information for the City Council, staff, and public.

The Adopted Operating Budget for FY 2014-15, as modified through the First Quarter Budget Report, continues to reflect the City Council's 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 longer-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.

Fiscal Year 2013-14 Results

The General Fund activity for the fiscal year resulted in a favorable balance of \$18,643,964. Actual revenues received plus transfers-in totaled \$189,622,725. Actual expenditures including transfers-out and encumbrances totaled \$170,978,761. The positive year-end balance was primarily due to increased revenue from Sales Tax, Property Taxes, and Development related fees, as well as overall expenditure savings. It is recommended that the net positive result of \$18.6 million be allocated to fund outstanding disputed matters related to the dissolution of the former Ontario Redevelopment Agency.

Economic Outlook

The Inland Empire is showing strong signs of growth after being amongst the hardest hit during the Great Recession. Job growth has spread across a wider range of industries, new businesses are emerging, and the affordable housing compared to surrounding areas is contributing to the Inland Empire being the fastest growing region in Southern California.

Third quarter nationwide results showed a healthy momentum in the economy with Gross Domestic Product (GDP) growing at an annual rate of 3.5%, September job gains of 248,000, an increase in business spending, and rising manufacturing activity. The only downside was the slight decline in consumer expectations; however, this was after the spike in August, when motor vehicles sales hit their highest levels in over eight years. The housing market is slowly rebounding although the contribution to the economy's expansion is still limited.

In addition, the transfer of the Ontario Airport management continues to be the City's primary goal as it is in the best interest for the region to regain its status as the economic engine for the Inland Empire and to ensure there is sufficient airport capacity in the long-term for Southern California. The decline in passenger traffic from 7.2 million in 2007 to 3.9 million in 2013, a drop of 43 percent is a foremost concern to the City.

First Quarter Budget Recommendations

First Quarter Budget Recommendations reflect current budget estimates and previously approved City Council actions taken since the adopted budget. Excluding carryforward encumbrances, transfers, and appropriations for capital improvement and grant funded projects from the prior fiscal year, these recommendations will result in an increase of \$1,144,940 to the General Fund and a net decrease of \$637,321 to all other fund balances.

Budgetary items reflected in the First Quarter Budget Report for the General Fund include: engineering plan check services for \$600,000 (off-set with engineering plan check fee revenue); \$575,000 funding transfer for downtown parking facility and infrastructure improvements (total of \$700,000 across all funds); \$81,615 for self-contained breathing apparatus (City's match for the Federal Emergency Management Agency/Department of Homeland Security Grant-CC Apprvd 8/19/2014); \$35,000 for library supplies and equipment (funded by San Bernardino County); revenue of \$100,000 from Whispering Lakes Golf Course; and a transfer of appropriations for \$1,839,217 to the Ontario International Airport Authority.

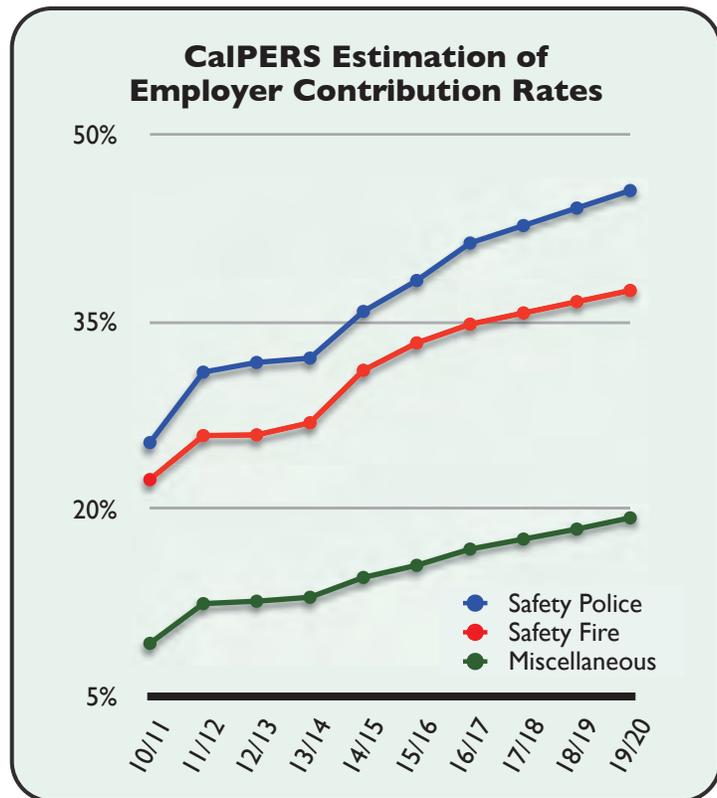
Noteworthy budget adjustments in other funds include over \$4.0 million in grants for: fire safety equipment (\$1.6 million); sidewalk installations (\$1.1 million); Avoid DUI program (\$620,000); Front Line Law Enforcement (\$303,680); bridge preventative and rehabilitation (\$187,124); recycling and hazardous waste disposal programs (\$130,908); Law Enforcement Intelligence-CC Apprvd 6/3/2014 (\$43,010); and fire hazardous equipment (\$29,995).

All recommended actions are detailed in Schedules I through VI of this report.

Budget Issues Ahead

Budget issues ahead caution the City to continue with its conservative budgeting approach as more challenges are anticipated. While proactive measures have been taken to stabilize the City's fiscal condition, several challenges still remain such as:

- ✦ Significant increases in the City's CalPERS retirement cost in future fiscal years
- ✦ Rising cost of medical benefits
- ✦ Passenger traffic at the Ontario International Airport
- ✦ Unfunded liability for medical retirement benefits
- ✦ Outstanding matters with the State regarding financial obligations of the former Ontario Redevelopment Agency
- ✦ Potential negative impact to the economy resulting from slowdown in other world economies - Europe, China, and Japan
- ✦ Higher interest rates as a result of the Federal Reserve bringing an end to the bond-buying program



City Council Goals

Regain Local Control of the Ontario International Airport

- ✦ Invest in the Growth and Evolution of the City's Economy
- ✦ Maintain the Current High Level of Public Safety
- ✦ Operate in a Businesslike Manner
- ✦ Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- ✦ Focus Resources in Ontario's Commercial and Residential Neighborhoods
- ✦ Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- ✦ Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
- ✦ Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

Economic Outlook

Since the recession began, the current economic data indicates the longest and strongest period of expansion. Factors affecting the economy include consumer spending, income growth, Gross Domestic Product (GDP), unemployment, and the real estate market. The main economic drivers in the Inland Empire are construction, manufacturing, and logistics industries. Airport travel is another key factor specifically for the City of Ontario. The following is the City's review of the main economic indicators affecting the local area.

Consumer Spending

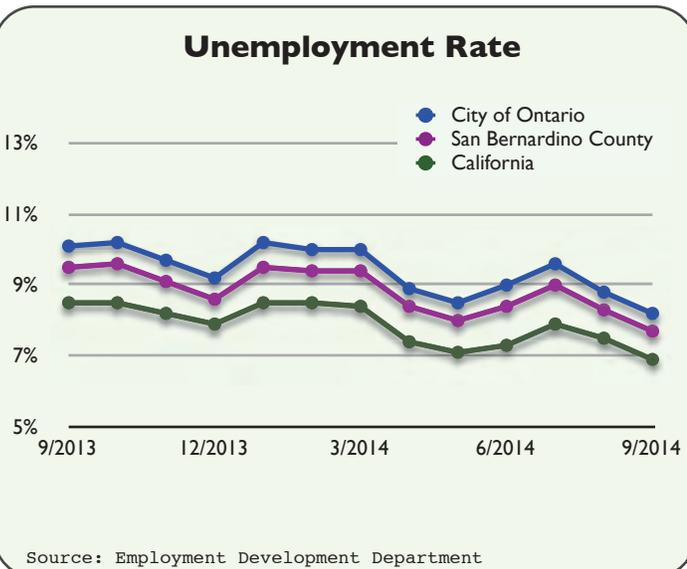
The Consumer Confidence Index (CCI) for the month of September 2014 was 86.0 down from 93.4 in August. Consumer Confidence retracted in September after four consecutive months of improvement. Consumers expect the economy and labor market to ease in the months ahead. The CCI of 90 and above is considered an indication of solid economic growth.

Gross Domestic Product (GDP)

GDP represents the market value of all goods and services produced by the economy during a specific period of time. It is a way to assess a country's economic health. GDP increased at an annual rate of 3.5 percent in the third quarter of 2014. With the second quarter increase of 4.6 percent compared to the decline of 2.1 percent in the first quarter indicates that economic momentum is back on track.

Unemployment

The unemployment rate in the State of California, the County of San Bernardino, and the City of Ontario for the month of September 2014 was 6.9 percent, 7.7 percent, and 8.2 percent, respectively. The falling unemployment rate is due to the growing construction sector which is good news as it tends to support multiple industries. In addition, the professional and business service sector posted the largest gain of jobs for the month.



Real Estate Market

Southern California home sales for September 2014 was up 2.9 percent from August and up 1.2 percent compared to a year ago. Rising home prices, weak income growth and tight lending standards have pushed out many potential buyers.

Median Sold Price of Existing Single-Family Homes September 2014

	Sep-14	Aug-14	Sep-13	MTM% Chg	YTY% Chg
Los Angeles	\$486,030	\$474,640	\$459,010	2.4%	5.9%
Orange County	\$696,190	\$699,430	\$672,680	-0.5%	3.5%
Riverside County	\$316,500	\$318,640	\$293,560	-0.7%	7.8%
San Bernardino	\$213,940	\$209,200	\$185,860	2.3%	15.1%

Source: California Association of Realtors

Manufacturing

The Purchasing Managers Index (PMI) is another indicator of economic activity. This index is used to gauge manufacturing activity. The September 2014 PMI of 56.6 decreased when compared to August's reading of 59.0. Additionally, the PMI for San Bernardino/Riverside county for September 2014 was 48 and 50.9 in August. This was the first time since March that the Inland Empire's PMI fell below 50. Generally, a PMI higher than 50 is an indication that manufacturing is expanding. Current volatile market conditions and pessimistic purchasing managers may have contributed to the recent drop.

Logistics

The logistics industry is another critical component of the Inland Empire's economy - comprised of companies dealing in transport, warehouse facilities, and brokers dealing with freight related assignments. The Ontario International Airport is a major gateway for logistic companies such as UPS and FedEx. Freight activity from January 2014 to August 2014 was 292,763 tons, an increase of 2.6 percent more than a year ago during the same period.

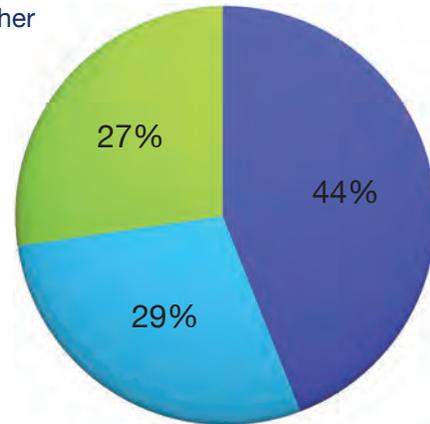
Fiscal Year 2014-15 First Quarter Recommendations

General Fund Revenues

General Fund revenues projections have been prepared based on a conservative methodology. The total recommended revenue budget adjustments of \$735,000 include:

- ◆\$600,000 Engineering plan check fees
- ◆\$100,000 Whispering Lakes Golf Course revenue
- ◆\$35,000 County of San Bernardino Library Grant

- Sales Tax
- Property Tax
- Other

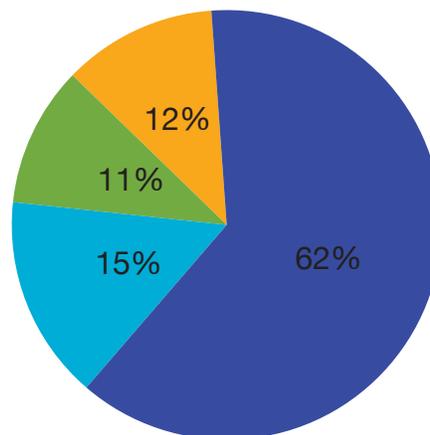


General Fund Expenditures

General Fund Expenditures are recommended to decrease by \$1,204,217 (excluding previously approved encumbrances) consist:

- ◆\$600,000 Engineering plan check services
- ◆\$35,000 Library equipment and supplies
- ◆\$1,839,217 Appropriations transfer to Ontario International Airport Authority

- Safety
- Community and Housing Services & Recreation
- Development
- Supporting Services



General Fund Transfers-Out includes \$575,000 for Downtown Parking Facility and Infrastructure Improvements (Total Cost of \$700,000). A detailed list of recommended transfers is listed in Schedule III of this report.

General Fund Balance

Excluding \$518,611 carryforward encumbrances and transfers, the proposed budget adjustments will result in a net increase of \$1,144,940 to the General Fund. The estimated ending fund balance will be \$32,635,855 and is approximately 18.5 percent of the General Fund operating budget, which is over the 18 percent reserve goal.

Beginning Fund Balance	\$ 32,009,526
Revenues	147,924,840
Transfers-In	31,587,746
Expenditures	(176,661,086)
Transfers-out	(2,851,500)
First Qtr Recommendations:	
Revenues	735,000
Expenditures and Transfers-Out	409,940
FY2013-14 Carryforward Encumbrances & Transfers	(518,611)
Ending Fund Balance	<u>\$ 32,635,855</u>

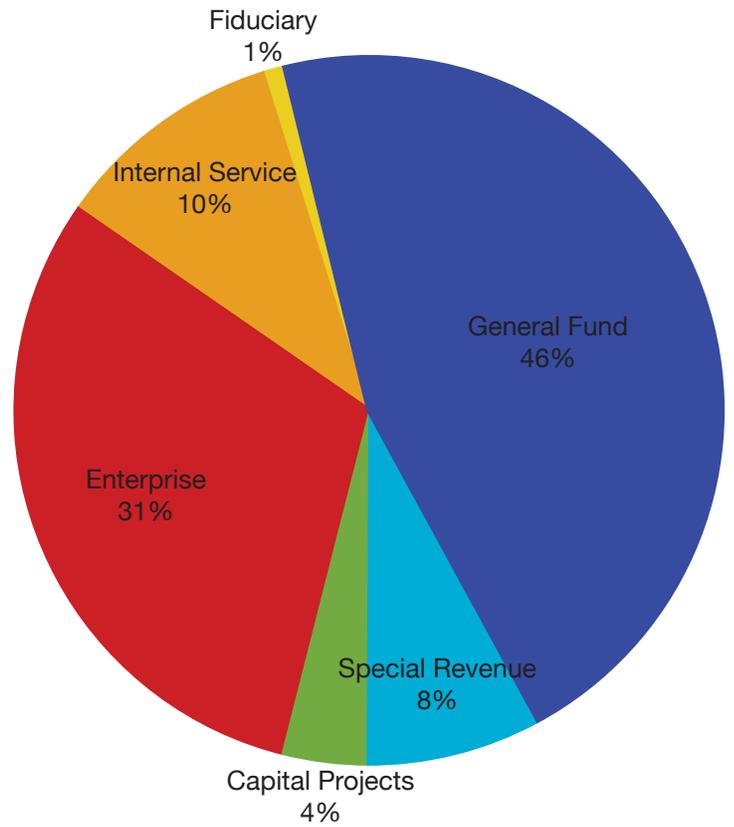
Other Funds

Recommended changes in Other Funds are summarized in Schedule V of this report. Details of individual adjustments and recommendations are listed by fund order in Schedule VI of this report. Below are highlights from the complete list:

- ◆\$1.79 million - FY 2013 Assistance to Firefighters Grant (\$1.6 million Federal Emergency Management Agency Grant; \$91,214 local agencies share; and \$81,615 City share) *CC Apprvd 8/19/2014*
- ◆\$1.74 million - S. Milliken Grade Separation Project
- ◆\$1.16 million - Safe Route to School Grant-Sidewalk Installations at Various Locations
- ◆\$620,000 - FY2015 Office of Traffic Safety - Selective Traffic Enforcement Grant: Avoid DUI Program (*CC Apprvd 1/21/2014*)
- ◆\$303,680 - Front Line Law Enforcement (Proposition 30)
- ◆\$300,000 - Police facility office equipment, furnishings, and re-fueling truck for air support (Funded by Asset Seizure)
- ◆\$187,124 - Bridge Preventative and Rehabilitation Plan (Funded by Department of Transportation-Highway Bridge Program)
- ◆\$130,908 - Recycling and Hazardous Waste Disposal Grants
- ◆\$125,000 - Downtown Parking Facility and Infrastructure Improvements (Total Cost of \$700,000)

Citywide Budget By Fund Type FY 2014/15

General Fund	\$175.5
Special Revenue	30.3
Capital Projects	15.2
Enterprise	117.4
Internal Service	40.2
Fiduciary	3.6
Total City Funds	\$382.2



Schedule I

City of Ontario

Summary of General Fund Recommended Revenue Adjustments

Fiscal Year 2014-15

First Quarter

Revenue Source	Original Budget	Current Budget	Recommended First Quarter Adjustments	Current Budget After Adjustments	Actuals As of 11/03/2014	Percent of Budget Received
Sales Tax	\$ 66,000,000	\$ 66,000,000	\$ 0	\$ 66,000,000	\$ 7,350,882	11.14%
Business License Tax	6,000,000	6,000,000	0	6,000,000	220,892	3.68%
Occupancy Tax	9,900,000	9,900,000	0	9,900,000	2,783,396	28.12%
Parking Tax	2,700,000	2,700,000	0	2,700,000	791,455	29.31%
Franchises	3,000,000	3,000,000	0	3,000,000	-	0.00%
Property Tax	42,250,000	42,250,000	0	42,250,000	-	0.00%
Development Related	8,117,905	8,117,905	600,000	8,717,905	3,034,293	34.81%
Recreation Programs	870,000	870,000	35,000	905,000	361,833	39.98%
Interest & Rentals	1,660,690	1,660,690	0	1,660,690	225,891	13.60%
Miscellaneous Revenues	<u>4,953,800</u>	<u>4,953,800</u>	<u>0</u>	<u>4,953,800</u>	<u>1,067,840</u>	21.56%
Total Recurring Revenues	\$ 145,452,395	\$ 145,452,395	\$ 635,000	\$ 146,087,395	\$ 15,836,482	10.84%
Reimbursables	<u>2,472,445</u>	<u>2,472,445</u>	<u>100,000</u>	<u>2,572,445</u>	<u>1,399,041</u>	54.39%
Total General Fund Revenues	<u>\$ 147,924,840</u>	<u>\$ 147,924,840</u>	<u>\$ 735,000</u>	<u>\$ 148,659,840</u>	<u>\$ 17,235,523</u>	11.59%

Schedule II
City of Ontario
Summary of General Fund Recommended Expenditure Adjustments
Fiscal Year 2014-15
First Quarter

	Expenditures
Adopted Budget	<u>\$ 176,661,086</u>
Current Budget	\$ 176,661,086
Recommended Adjustments:	
Engineering Plan Check Services	\$ 600,000
Library Equipment and Supplies-County of San Bernardino Library Grant	35,000
Appropriations Transfer to the Ontario International Airport Authority	(1,839,217)
FY 2013-14 Carryforward Encumbrances	<u>495,638</u>
Total Recommended Adjustments	<u>(708,579)</u>
Recommended Budget	<u>\$ 175,952,507</u>

Schedule III
City of Ontario
Summary of General Fund Recommended Transfer Adjustments
Fiscal Year 2014-15
First Quarter

	Operating Transfers-In	Operating Transfers-Out
Adopted Budget	<u>\$ 31,587,746</u>	<u>\$ 2,851,500</u>
Current Budget	\$ 31,587,746	\$ 2,851,500
Recommended Adjustments		
Transfer-Out: FY2013 Assistance to Firefighters Grant-City Share <i>(CC Apprvd 8/19/2014)</i>	\$ 0	\$ 81,615
Transfer-Out: Parkway Maintenance Assessment Districts <i>(CC Apprvd 7/1/2014)</i>		137,662
Transfer-Out: Downtown Parking Facility and Infrastructure Improvements		575,000
FY 2013-14 Carryforward Transfers		<u>22,973</u>
Total Recommended Adjustments	<u>\$ 0</u>	<u>\$ 817,250</u>
Recommended Budget	<u>\$ 31,587,746</u>	<u>\$ 3,668,750</u>

Schedule IV
City of Ontario
General Fund Balance with Recommended Adjustments
Fiscal Year 2014-15
First Quarter

General Fund	Actual 2013-14 Unaudited	Adopted 2014-15 Budget	Prior Quarterly Approved Adjustments	Current 2014-15 Budget	First Quarter Recommended Adjustments	Recommended Budget 2014-15
Total Revenues	\$ 156,853,313	\$ 147,924,840	0	\$ 147,924,840	\$ 735,000	\$ 148,659,840
Total Expenditures	(159,971,725)	(176,661,086)		(176,661,086)	(708,579)	(177,369,665)
Excess (Deficiency) of Revenues Over (Under) Expenditures	\$ (3,118,412)	\$ (28,736,246)	0	\$ (28,736,246)	\$ 26,421	\$ (28,709,825)
Other Sources (Uses):						
Operating Transfer In	\$ 32,769,412	\$ 31,587,746	0	\$ 31,587,746	0	\$ 31,587,746
Operating Transfer Out	(10,443,004)	(2,851,500)		(2,851,500)	(817,250)	(3,668,750)
Total Other Sources (Uses)	\$ 22,326,408	\$ 28,736,246	0	\$ 28,736,246	\$ (817,250)	\$ 27,918,996
Excess (Deficiency) of Revenues and Other Financing Sources Over (Under) Expenditures and Other Financing Uses	\$ 19,207,996	\$ 0	0	\$ 0	\$ (790,829)	\$ (790,829)
Fund Balance, Beginning of Year	66,686,030	85,894,026	0	85,894,026	0	85,894,026
Fund Balance, End of Year	\$ 85,894,026	\$ 85,894,026	0	\$ 85,894,026	\$ (790,829)	\$ 85,103,197
FUND BALANCE						
Non-Spendable:						
Inventory	\$ 210,855	\$ 210,855	0	\$ 210,855	0	\$ 210,855
Advanced to Other Funds (RDA loan repymt)	3,500,000	3,500,000	0	3,500,000	0	3,500,000
Long-Term Receivable	18,819	18,819	0	18,819	0	18,819
Prepays	1,157,293	1,157,293	0	1,157,293	0	1,157,293
Total Non-Spendable	\$ 4,886,967	\$ 4,886,967	0	\$ 4,886,967	0	\$ 4,886,967
Assigned:						
Continuing Appropriations	\$ 518,611	\$ 518,611	0	\$ 518,611	\$ (518,611)	0
ORA Loan Payments	49,026,802	49,026,802	0	49,026,802	0	49,026,802
18% Stabilization Plan	31,490,915	31,490,915	0	31,490,915	1,144,940	32,635,855
Total Assigned	\$ 81,036,328	\$ 81,036,328	0	\$ 81,036,328	\$ 626,329	\$ 81,662,657
Total Fund Balance (Non-Spendable, Assigned)	\$ 85,923,295	\$ 85,923,295	0	\$ 85,923,295	\$ 626,329	\$ 86,549,624
Total Available for Contingencies and Emergencies	\$ 32,009,526	\$ 32,009,526	0	\$ 32,009,526	\$ 626,329	\$ 32,635,855

Schedule V

City of Ontario Unreserved Fund Balance with Recommended Adjustments for All Funds Fiscal Year 2014-15 First Quarter

Funds/Sources	Total Unreserved Fund Balance July 1, 2014	Current Budget Control					Estimated Total Unreserved Fund Balance June 30, 2015	Recommended First Quarter Adjustments Increase(Decrease) to Fund Balance Net Adjustments	Adjusted Unreserved Fund Balance June 30, 2015
		Revenues	Operating Transfers-In	Operating Transfers-Out	Total Available	Expenditures			
General Fund (incl. encumbrances)									
001 General Fund	\$ 32,009,526	\$147,924,840	\$ 31,587,746	\$ 2,851,500	\$208,670,612	\$176,661,086	\$ 32,009,526	\$ 626,329	\$ 32,635,855
Total General Fund	<u>\$ 32,009,526</u>	<u>\$147,924,840</u>	<u>\$ 31,587,746</u>	<u>\$ 2,851,500</u>	<u>\$208,670,612</u>	<u>\$176,661,086</u>	<u>\$ 32,009,526</u>	<u>\$ 626,329</u>	<u>\$ 32,635,855</u>
Special Revenue Funds									
002 Quiet Home Program	\$ 0	\$ 7,569,223	\$ 0	\$ 0	\$ 7,569,223	\$ 7,569,223	\$ 0	\$ 0	\$ 0
003 Gas Tax	5,067,949	4,290,465	707,500	2,402,274	7,663,640	3,368,215	4,295,425	(2,658,566)	1,636,859
004 Measure I	4,604,734	2,541,411	0	0	7,146,145	3,178,505	3,967,640	(2,606,291)	1,361,349
005 Measure I -Valley Major Projects	0	2,028,800	0	0	2,028,800	2,028,800	0	0	0
007 Park Impact/Quimby	5,138,217	50,000	0	0	5,188,217	0	5,188,217	(1,069,326)	4,118,891
008 C.D.B.G.	0	1,942,720	0	0	1,942,720	1,942,720	0	0	0
009 HOME Grants	0	483,778	0	0	483,778	483,778	0	0	0
010 Asset Seizure	3,499,762	0	0	0	3,499,762	563,287	2,936,475	(334,693)	2,601,782
011 Neighborhood Stabilization	0	0	0	0	0	0	0	0	0
013 A.D. Administration	954,524	14,000	0	0	968,524	207,293	761,231	0	761,231
014 Mobile Source Air	821,603	206,000	0	12,690	1,014,913	133,659	881,254	(168,275)	712,979
015 General Fund Grants	0	324,000	0	0	324,000	324,000	0	0	0
018 Building Safety	542,987	862,500	0	58,390	1,347,097	1,167,827	179,270	(2,220)	177,050
019 Parkway Maintenance	840,882	584,274	130,000	165,420	1,389,736	682,982	706,754	137,662	844,416
021 Storm Drain Fee District	67,377	500	0	0	67,877	0	67,877	0	67,877
048 Housing Authority	2,435,906	784,060	0	0	3,219,966	853,141	2,366,825	(119,355)	2,247,470
070 Street Light Maintenance	1,747,983	475,181	19,000	83,600	2,158,564	345,176	1,813,388	0	1,813,388
076 Facilities Maintenance	0	0	1,015,790	0	1,015,790	1,015,790	0	5,973	5,973
077 Storm Drain Maintenance	1,217,758	1,188,000	13,210	0	2,418,968	1,641,367	777,601	(75,100)	702,501
114 Historic Preservation	318,822	2,370	0	125,000	196,192	0	196,192	0	196,192
119 NMC Public Services	3,431,615	25,610	0	0	3,457,225	0	3,457,225	0	3,457,225
166 Housing Asset Fund / HA	<u>22,200,368</u>	<u>165,870</u>	<u>0</u>	<u>0</u>	<u>22,366,238</u>	<u>17,640,288</u>	<u>4,725,950</u>	<u>0</u>	<u>4,725,950</u>
Total Special Revenue Funds	<u>\$ 52,890,487</u>	<u>\$ 23,538,762</u>	<u>\$ 1,885,500</u>	<u>\$ 2,847,374</u>	<u>\$ 75,467,375</u>	<u>\$ 43,146,051</u>	<u>\$ 32,321,324</u>	<u>\$ (6,890,191)</u>	<u>\$ 25,431,133</u>

Schedule V

City of Ontario Unreserved Fund Balance with Recommended Adjustments for All Funds Fiscal Year 2014-15 First Quarter

Funds/Sources	Total Unreserved Fund Balance July 1, 2014	Current Budget Control					Estimated Total Unreserved Fund Balance June 30, 2015	Recommended First Quarter Adjustments Increase(Decrease) to Fund Balance Net Adjustments	Adjusted Unreserved Fund Balance June 30, 2015
		Revenues	Operating Transfers-In	Operating Transfers-Out	Total Available	Expenditures			
Capital Project Funds*									
016 Ground Access	\$ 7,636,687	\$ 0	\$ 0	\$ 0	\$ 7,636,687	\$ 0	\$ 7,636,687	\$ 0	\$ 7,636,687
017 Capital Projects	30,436,193	0	633,000	0	31,069,193	1,133,000	29,936,193	(18,833,684)	11,102,509
071 CFD #10-Public Services	0	10,580	0	10,580	0	0	0	0	0
072 NMC CFD	0	500,245	0	453,635	46,610	46,610	0	0	0
101 Law Enforcement Impact	(2,232,204)	4,000	0	0	(2,228,204)	101,000	(2,329,204)	0	(2,329,204)
102 Fire Impact	351,896	4,000	0	0	355,896	0	355,896	(2,605,459)	(2,249,563)
103 OMC Street Impact	11,542,715	167,700	0	0	11,710,415	399,248	11,311,167	(21,313,734)	(10,002,567)
104 OMC Water Impact	7,967,586	59,400	0	0	8,026,986	0	8,026,986	0	8,026,986
105 OMC Sewer Impact	3,143,602	23,470	0	0	3,167,072	0	3,167,072	0	3,167,072
106 Solid Waste Impact	1,322,264	9,850	0	0	1,332,114	100,000	1,232,114	0	1,232,114
107 General Facility Impact	1,214,349	9,050	0	0	1,223,399	0	1,223,399	0	1,223,399
108 Library Impact	309,202	2,275	0	0	311,477	0	311,477	0	311,477
109 Public Meeting Impact	1,049,587	7,800	0	0	1,057,387	0	1,057,387	0	1,057,387
110 Aquatics Impact	124,291	900	0	0	125,191	0	125,191	0	125,191
111 OMC Storm Drainage Impact	14,820,825	50,690	0	0	14,871,515	10,730,000	4,141,515	(4,922,715)	(781,200)
112 Species Habitat Impact	1,347,067	5,730	0	0	1,352,797	0	1,352,797	0	1,352,797
113 Fiber Impact	6,336	0	0	0	6,336	0	6,336	0	6,336
115 NMC Street Impact	1,477,686	10,120	0	0	1,487,806	1,243,432	244,374	(3,531,628)	(3,287,254)
116 NMC Water Impact	0	0	0	0	0	0	0	0	0
117 NMC Sewer Impact	216,822	1,620	0	0	218,442	0	218,442	0	218,442
118 NMC Storm Drainage Impact	1,436,484	3,225	0	0	1,439,709	0	1,439,709	0	1,439,709
120 Affordability In-Lieu	1,776,770	13,260	0	0	1,790,030	0	1,790,030	0	1,790,030
170 OMC-Regional Streets	3,148,685	23,400	0	0	3,172,085	0	3,172,085	0	3,172,085
171 OMC-Local Adjacent Streets	1,348,742	10,000	0	0	1,358,742	0	1,358,742	0	1,358,742
172 OMC-Regional Storm Drains	172,386	1,200	0	0	173,586	0	173,586	0	173,586
173 OMC-Local Adjacent Storm Drains	3,272,193	24,300	0	0	3,296,493	0	3,296,493	0	3,296,493
174 OMC-Regional Water	1,191,777	8,700	0	0	1,200,477	0	1,200,477	0	1,200,477
175 OMC-Local Adjacent Water	298,907	2,200	0	0	301,107	0	301,107	0	301,107
176 OMC-Regional Sewer	176,519	1,300	0	0	177,819	0	177,819	0	177,819
177 OMC-Local Adjacent Sewer	263,938	1,900	0	0	265,838	0	265,838	0	265,838
180 NMC-Regional Streets	122,622	900	0	0	123,522	0	123,522	0	123,522
181 NMC-Local Adjacent Streets	100,322	700	0	0	101,022	0	101,022	0	101,022
182 NMC-Regional Storm Drains	73,823	500	0	0	74,323	0	74,323	0	74,323
183 NMC-Local Adjacent Storm Drains	137,147	1,000	0	0	138,147	0	138,147	0	138,147
184 NMC-Regional Water	214,628	1,600	0	0	216,228	0	216,228	0	216,228
185 NMC-Local Adjacent Water	91,974	600	0	0	92,574	0	92,574	0	92,574
186 NMC-Regional Sewer	11,542	0	0	0	11,542	0	11,542	0	11,542
187 NMC-Local Adjacent Sewer	17,315	100	0	0	17,415	0	17,415	0	17,415
188 NMC-Regional Fiber	3,456	25	0	0	3,481	0	3,481	0	3,481
189 NMC-Local Adjacent Fiber	8,074	60	0	0	8,134	0	8,134	0	8,134
501 CFD No. 9-Edenglen	0	0	0	0	0	0	0	0	0
502 CFD No. 10-OAT	150	0	0	0	150	0	150	0	150
503 CFD No. 11-Armada	27,371	0	0	0	27,371	0	27,371	0	27,371
504 CFD No. 21-Festival/Parkside	74,846	33,200	0	0	108,046	33,200	74,846	0	74,846
505 CFD No. 13-Commerce Center	58,441	0	0	0	58,441	0	58,441	0	58,441
506 CFD-No. 14-West Haven I	0	0	0	0	0	0	0	0	0
507 CFD No. 15-Historic Guasti District	0	0	0	0	0	0	0	0	0
508 CFD No. 20-Walmart	367	22,000	0	0	22,367	22,000	367	0	367
509 CFD No. 23-Park Place	40,268	0	0	0	40,268	0	40,268	0	40,268
Total Capital Project Funds	\$ 94,803,651	\$ 1,017,600	\$ 633,000	\$ 464,215	\$ 95,990,036	\$ 13,808,490	\$ 82,181,546	\$ (51,207,220)	\$ 30,974,326

Schedule V
City of Ontario
Unreserved Fund Balance with Recommended Adjustments for All Funds
Fiscal Year 2014-15
First Quarter

Funds/Sources	Total Unreserved Fund Balance July 1, 2014	Current Budget Control					Estimated Total Unreserved Fund Balance June 30, 2015	Recommended First Quarter Adjustments Increase(Decrease) to Fund Balance Net Adjustments	Adjusted Unreserved Fund Balance June 30, 2015
		Revenues	Operating Transfers-In	Operating Transfers-Out	Total Available	Expenditures			
Enterprise Funds*									
024 Water Operating	\$ 51,154,953	\$ 55,875,000	\$ 0	\$ 27,348,578	\$ 79,681,375	\$ 41,122,842	\$ 38,558,533	\$ (98,699)	\$ 38,459,834
025 Water Capital	64,352,822	7,950,000	17,600,000	4,338,645	85,564,177	30,660,145	54,904,032	(23,228,737)	31,675,295
026 Sewer Operating	22,241,141	22,010,000	0	7,979,867	36,271,274	15,561,399	20,709,875	(32,373)	20,677,502
027 Sewer Capital	16,039,969	115,000	3,500,000	685,140	18,969,829	4,109,930	14,859,899	(791,641)	14,068,258
029 Solid Waste	32,997,178	30,395,000	0	6,460,521	56,931,657	25,708,888	31,222,769	(4,099,609)	27,123,160
031 Solid Waste Facilities	632,317	3,500	0	0	635,817	0	635,817	(63,838)	571,979
Total Enterprise Funds	\$187,418,380	\$116,348,500	\$ 21,100,000	\$ 46,812,751	\$ 278,054,129	\$117,163,204	\$160,890,925	\$ (28,314,897)	\$ 132,576,028
Internal Service Funds									
032 Equipment Services	\$ 37,439,088	\$ 11,272,692	\$ 0	\$ 0	\$ 48,711,780	\$ 16,519,465	\$ 32,192,315	\$ (1,190,627)	\$ 31,001,688
033 Self Insurance	13,136,928	9,143,305	0	1,813,406	20,466,827	7,178,719	13,288,108	0	13,288,108
034 Information Technology	31,511,317	8,509,740	124,000	840,000	39,305,057	16,524,989	22,780,068	(9,346,157)	13,433,911
Total Internal Service Funds	\$ 82,087,333	\$ 28,925,737	\$ 124,000	\$ 2,653,406	\$ 108,483,664	\$ 40,223,173	\$ 68,260,491	\$ (10,536,784)	\$ 57,723,707
Trust Funds									
098 General Trust	\$ 46,224,155	\$ 0	\$ 1,450,000	\$ 1,151,000	\$ 46,523,155	\$ 0	\$ 46,523,155	\$ 0	\$ 46,523,155
099 Other Post Employment Benefits	95,004,466	8,931,636	0	0	103,936,102	3,600,000	100,336,102	0	100,336,102
Total Trust Funds	\$141,228,621	\$ 8,931,636	\$ 1,450,000	\$ 1,151,000	\$ 150,459,257	\$ 3,600,000	\$146,859,257	\$ 0	\$ 146,859,257
	\$590,437,998	\$326,687,075	\$ 56,780,246	\$ 56,780,246	\$ 917,125,073	\$394,602,004	\$522,523,069	\$ (96,322,763)	\$ 426,200,306

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

Schedule VI
City of Ontario
Recommended Adjustments by Fund
Fiscal Year 2014-15
First Quarter

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 001 - General Fund					
Engineering plan check services	\$ 600,000	\$ 600,000			\$ 0
Whispering Lakes Golf Course revenue		100,000			100,000
Library equipment and supplies-County of San Bernardino Library Grant	35,000	35,000			0
Appropriations transfer to the Ontario International Airport Authority	(1,839,217)				1,839,217
Transfer-Out: FY2013 Assistance to Firefighters Grant (CC Apprvd 8/19/2014)				81,615	(81,615)
Transfer-Out: Parkway Maintenance Assessment Districts (CC Apprvd 7/1/2014)				137,662	(137,662)
Transfer-Out: Downtown Parking Facility and Infrastructure Improvements				575,000	(575,000)
Carryforward Encumbrances / Transfers from FY 2013-14	495,638			22,973	(518,611)
Total General Fund Adjustments	<u>\$ (708,579)</u>	<u>\$ 735,000</u>	<u>\$ 0</u>	<u>\$ 817,250</u>	<u>\$ 626,329</u>
+/- Required Reserve Changes:					
Carryforward Appropriations Reserve					518,611
Total General Fund Adjustments					<u>\$ 1,144,940</u>
Fund 003 - Gas Tax					
Revised Highway Users Tax Revenue		\$ 324,391			\$ 324,391
Carryforward Encumbrances from FY 2013-14	\$ 2,283,964				(2,283,964)
Carryforward CIP Appropriations from FY 2013-14	771,597	72,604			(698,993)
	<u>\$ 3,055,561</u>	<u>\$ 396,995</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (2,658,566)</u>
Fund 004 - Measure I					
Carryforward Encumbrances from FY 2013-14	\$ 1,571,232				\$ (1,571,232)
Carryforward CIP Appropriations from FY 2013-14	1,035,059				(1,035,059)
	<u>\$ 2,606,291</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (2,606,291)</u>
Fund 005 - Measure I Valley Major Projects					
Revise Budget: S Milliken Grade Separation Project	\$ 1,392,000	\$ 1,392,000			\$ 0
Carryforward Encumbrances from FY 2013-14	62,465,605	62,465,605			0
Carryforward CIP Appropriations from FY 2013-14	18,523,224	18,523,224			0
	<u>\$ 82,380,829</u>	<u>\$ 82,380,829</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Fund 007 - Park Impact/Quimby					
Carryforward Encumbrances from FY 2013-14	\$ 1,001,007				\$ (1,001,007)
Carryforward CIP Appropriations from FY 2013-14	68,319				(68,319)
	<u>\$ 1,069,326</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (1,069,326)</u>
Fund 008 - Community Development Block Grant					
Carryforward Encumbrances from FY 2013-14	\$ 907,142	\$ 907,142			\$ 0
	<u>\$ 907,142</u>	<u>\$ 907,142</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Fund 009 - H.O.M.E.					
Carryforward Encumbrances from FY 2013-14	\$ 1,014,408	\$ 1,014,408			\$ 0
	<u>\$ 1,014,408</u>	<u>\$ 1,014,408</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Fund 010 - Asset Seizure					
Office equipment and furnishings: COPS/MET Unit, Patrol Wiring Room, and Jail Facility	\$ 200,000				\$ (200,000)
Air support refueling truck	100,000				(100,000)
Carryforward Encumbrances from FY 2013-14	34,693				(34,693)
	<u>\$ 334,693</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (334,693)</u>
Fund 014 - Mobile Source Air					
Carryforward CIP Appropriations from FY 2013-14	\$ 168,275				\$ (168,275)
	<u>\$ 168,275</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (168,275)</u>

Schedule VI
City of Ontario
Recommended Adjustments by Fund
Fiscal Year 2014-15
First Quarter

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 015 - General Fund Grants					
FY2013 Assistance to Firefighters Grant from FEMA/DHS (CC Apprvd 8/19/2014)	\$ 1,798,298	\$ 1,716,683	\$ 81,615		\$ 0
Safe Route to School-Sidewalk Installations ref: 2014 Active Transportation Program	1,164,000	1,164,000			0
FY2015 Office of Traffic Safety-Sel Traffic Enforcement: Avoid DUI (CC Apprvd 1/21/2014)	620,000	620,000			0
Proposition 30 Allocation- Front Line Law Enforcement	303,680	303,680			0
FY2014 Edward Byrne Memorial Justice Assistance Grant (CC Apprvd 6/3/2014)	43,010	43,010			0
FY2014 Homeland Security Grant Program-Fire Dept Hazardous Material Equipment	29,995	29,995			0
Library Services and Technology Act Grants	8,500	8,500			0
Carryforward Encumbrances from FY 2013-14	747,877	747,877			0
Carryforward CIP Appropriations from FY 2013-14	9,100,143	9,100,143			0
	<u>\$ 13,815,503</u>	<u>\$ 13,733,888</u>	<u>\$ 81,615</u>	<u>\$ 0</u>	<u>\$ 0</u>
Fund 016 - Ground Access					
Bridge Preventative & Rehabilitation Plan -Highway Bridge Program (FHWA)	\$ 187,124	\$ 187,124			\$ 0
Carryforward Encumbrances from FY 2013-14	2,229,914	2,229,914			0
Carryforward CIP Appropriations from FY 2013-14	1,718,848	1,718,848			0
	<u>\$ 4,135,886</u>	<u>\$ 4,135,886</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Fund 017 - Capital Projects					
Revise budget: Ontario Convention Center Solar Roof Project	\$ 161,688				\$ (161,688)
Revise budget: Police Facility Solar Roof Project	164,686				(164,686)
Transfer-In: Downtown Parking Facility and Infrastructure Improvements	575,000		575,000		0
Carryforward Encumbrances from FY 2013-14	8,579,205				(8,579,205)
Carryforward CIP Appropriations from FY 2013-14	9,928,105				(9,928,105)
	<u>\$ 19,408,684</u>	<u>\$ 0</u>	<u>\$ 575,000</u>	<u>\$ 0</u>	<u>\$ (18,833,684)</u>
Fund 018 - Building Safety					
Carryforward Encumbrances from FY 2013-14	\$ 2,220				\$ (2,220)
	<u>\$ 2,220</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (2,220)</u>
Fund 019 - Parkway Maintenance					
Transfer-In: Parkway Maintenance Assessment Districts (CC Apprvd 7/1/2014)			\$ 137,662		\$ 137,662
	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 137,662</u>	<u>\$ 0</u>	<u>\$ 137,662</u>
Fund 024 - Water Operating					
Carryforward Encumbrances from FY 2013-14	\$ 98,699				\$ (98,699)
	<u>\$ 98,699</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (98,699)</u>
Fund 025 - Water Capital					
Downtown Parking Facility and Infrastructure Improvements	\$ 100,000				(100,000)
Carryforward Encumbrances from FY 2013-14	9,327,028				(9,327,028)
Carryforward CIP Appropriations from FY 2013-14	20,185,565	\$ 6,383,856			(13,801,709)
	<u>\$ 29,612,593</u>	<u>\$ 6,383,856</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (23,228,737)</u>
Fund 026 - Sewer Operating					
Carryforward Encumbrances from FY 2013-14	\$ 32,373				\$ (32,373)
	<u>\$ 32,373</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (32,373)</u>

Schedule VI

City of Ontario Recommended Adjustments by Fund Fiscal Year 2014-15 First Quarter

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 027 - Sewer Capital					
Downtown Parking Facility and Infrastructure Improvements	\$ 25,000				\$ (25,000)
Carryforward Encumbrances from FY 2013-14	241,224				(241,224)
Carryforward CIP Appropriations from FY 2013-14	525,417				(525,417)
	<u>\$ 791,641</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (791,641)</u>
Fund 029 - Solid Waste					
FY2014-15 Used Oil Payment Program	\$ 46,376	\$ 46,376			\$ 0
FY2013-14 Bottle Bill Grant	43,712	43,712			0
FY2014-15 Waste Tire Clean-up Grant (CC Apprvd 2/4/2014)	40,820	40,820			0
Carryforward Encumbrances from FY 2013-14	71,923				(71,923)
Carryforward CIP Appropriations from FY 2013-14	4,408,118	380,432			(4,027,686)
	<u>\$ 4,610,949</u>	<u>\$ 511,340</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (4,099,609)</u>
Fund 031 - Solid Waste Facilities					
Carryforward CIP Appropriations from FY 2013-14	\$ 63,838				\$ (63,838)
	<u>\$ 63,838</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (63,838)</u>
Fund 032 - Equipment Services					
Carryforward Encumbrances from FY 2013-14	\$ 759,476				\$ (759,476)
Carryforward CIP Appropriations from FY 2013-14	431,151				(431,151)
	<u>\$ 1,190,627</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (1,190,627)</u>
Fund 034 - Information Technology					
Carryforward Encumbrances from FY 2013-14	\$ 1,110,334				\$ (1,110,334)
Carryforward CIP Appropriations from FY 2013-14	8,235,823				(8,235,823)
	<u>\$ 9,346,157</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (9,346,157)</u>
Fund 048 - Housing Authority					
Carryforward Encumbrances from FY 2013-14	\$ 119,355				\$ (119,355)
	<u>\$ 119,355</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (119,355)</u>
Fund 076 - Facilities Maintenance					
Carryforward Encumbrances from FY 2013-14	\$ 17,000		\$ 22,973		\$ 5,973
	<u>\$ 17,000</u>	<u>\$ 0</u>	<u>\$ 22,973</u>	<u>\$ 0</u>	<u>\$ 5,973</u>
Fund 077 - Storm Drain Maintenance					
Carryforward CIP Appropriations from FY 2013-14	\$ 75,100				\$ (75,100)
	<u>\$ 75,100</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (75,100)</u>

Schedule VI
City of Ontario
Recommended Adjustments by Fund
Fiscal Year 2014-15
First Quarter

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfer-In	Operating Transfer-Out	Fund Balance Impact
Fund 102 - Fire Impact					
Carryforward Encumbrances from FY 2013-14	\$ 440,459				\$ (440,459)
Carryforward CIP Appropriations from FY 2013-14	2,165,000				(2,165,000)
	<u>\$ 2,605,459</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (2,605,459)</u>
Fund 103 - OMC Street Impact					
Revise budget: S Milliken Grade Separation Project	\$ 257,520				\$ (257,520)
Carryforward Encumbrances from FY 2013-14	16,358,326				(16,358,326)
Carryforward CIP Appropriations from FY 2013-14	4,941,788	\$ 243,900			(4,697,888)
	<u>\$ 21,557,634</u>	<u>\$ 243,900</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (21,313,734)</u>
Fund 111 - OMC Storm Drainage Impact					
Carryforward Encumbrances from FY 2013-14	\$ 34,716				\$ (34,716)
Carryforward CIP Appropriations from FY 2013-14	4,887,999				(4,887,999)
	<u>\$ 4,922,715</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (4,922,715)</u>
Fund 115 - NMC Street Impact					
Revise budget: S Milliken Grade Separation Project	\$ 90,480				\$ (90,480)
Carryforward Encumbrances from FY 2013-14	2,752,375				(2,752,375)
Carryforward CIP Appropriations from FY 2013-14	770,073	\$ 81,300			(688,773)
	<u>\$ 3,612,928</u>	<u>\$ 81,300</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (3,531,628)</u>
 Total Other Fund Adjustments	 <u>\$ 207,555,886</u>	 <u>\$ 109,789,544</u>	 <u>\$ 817,250</u>	 <u>\$ 0</u>	 <u>\$ (96,949,092)</u>

MAYOR
Paul S. Leon

MAYOR PRO TEM
Alan D. Wapner

COUNCIL MEMBERS
Jim W. Bowman
Debra Dorst-Porada
Paul Vincent Avila

CITY TREASURER
James R. Milhiser

CITY CLERK
Mary E. Wirtes

CITY MANAGER
Al C. Boling

**ADMINISTRATIVE SERVICES/
FINANCE DIRECTOR**
Grant D. Yee



CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE CIVIC CENTER COMMUNITY CONSERVATION PARK

RECOMMENDATION: That the City Council take the following actions:

- (A) Award Contract No. PS1314-01 (on file with the Records Management Department) to C.S. Legacy Construction, Inc. of Pomona, California, in the amount of \$1,985,083, plus a 15% contingency of \$297,762, for a total not to exceed \$2,282,845 to construct a Community Conservation Park on the City Hall south lawn; and
- (B) Authorize the City Manager or his designee to execute the contract, other related documents necessary to implement said contract and to file a notice of completion at the conclusion of all construction activities related to the project.

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

FISCAL IMPACT: The adopted City Budget for Fiscal Year 2014-15 includes appropriations totaling \$2,636,500 from the Statewide Park Development and Community Revitalization Program. The approved project budget covers the cost of construction of a new park consisting of, but not limited to, the installation of solar amenities, bridges, specialized rubber and concrete surfaces, decomposed granite pathways, fabric shade structures and tables, earth plaza with interactive play equipment, automatic solar irrigation system, interactive agricultural water features, public art work, California friendly landscape, pavers, and trees.

BACKGROUND: Consistent with the State grant procedures, on April 18, 2014, the City issued a Request for Qualifications (RFQ) for potential bidders for this project. Eight firms responded to the

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

Prepared by: Melinda Kwan
Department: Housing and Municipal Services

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014

Approved: _____

Continued to: _____

Denied: _____

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RFQ. Through a comprehensive review of the qualifications submitted, four firms were determined to have the most appropriate experience and capacity to continue in the bidding process for this project.

On August 1, 2014, the City issued a Request for Bids from the four prequalified bidders for the Civic Center Community Conservation Park Construction Project. Three bids were received as listed below:

Contractors	Location	Bid Amount
C.S. Legacy Construction, Inc.	Pomona, CA	\$1,985,083
W.D. Gott Construction	Upland, CA	\$2,379,000
W.E. O'Neil	Rancho Cucamonga, CA	\$2,599,906
Ohno Construction Company	Fontana, CA	Did not submit a proposal

Upon review of the proposals, City staff is recommending C.S. Legacy Construction, Inc. based upon their experience in this type of projects, experience of key staff members, and customer service. C.S. Legacy Construction, Inc. has assembled a team for this project that has over 10 years of experience working together building community parks and park improvements. Recent projects include projects in the City of Los Angeles – Atwater Park, City of Chino – Shady Grove Park, City of Diamond Bar – Sycamore Park, San Gabriel Trail Improvements, and Riverside County Regional Park and Open Space District Park Improvements.

If approved, the project would begin in January 2015 and be completed in late summer 2015.

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
CONSENT CALENDAR

SUBJECT: EVERY 15 MINUTES GRANT PROGRAM FROM THE DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

RECOMMENDATION: That the City Council authorize the acceptance of grant funds in the amount up to \$10,000 for the Every 15 Minutes Grant Program from the Department of California Highway Patrol.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: In September 2014, the Department of California Highway Patrol (CHP) invited the Ontario Police Department to apply for participation in the Every 15 Minutes Program. CHP will provide reimbursement of materials, supplies, motivational speakers, lodging costs and transportation as needed to implement a successful program. The approximate grant funding reimbursement is \$10,000. The City is not required to provide matching funds for the grant. If awarded, the revenue and associated expenditure adjustments will be included in the Fiscal Year 2014-15 Mid-Year Budget Report.

BACKGROUND: The Every 15 Minutes Program is a nationwide program dedicated to raising awareness of high school students about the dangers of drinking and driving. The program's name was derived from the fact that every fifteen minutes someone in the United States dies in an alcohol-related traffic collision.

This program has been successful over the past eleven years in Ontario's public high schools. Using these grant funds, the Every 15 Minutes Program will be conducted at Chaffey High School on March 25-26, 2015.

The two-day event will include demonstrations of automobile extrication, rescue, and victim medical treatment. The program challenges high school juniors and seniors to think about the consequences of drinking/distracted driving, personal safety and the responsibility of making mature decisions. The

STAFF MEMBER PRESENTING: Eric V. Hopley, Chief of Police

Prepared by: Donna Bailey
Department: Police

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014
Approved: _____
Continued to: _____
Denied: _____

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Ontario Police Department is one of many agencies participating in this event. Other agencies invited include the Ontario Fire Department, American Medical Response, CHP, Coroner's Office, District Attorney's Office, local hospitals, and various civic and business entities.

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
CONSENT CALENDAR

SUBJECT: EXTENSION OF TOWING SERVICES AGREEMENTS

RECOMMENDATION: That the City Council authorize the City Manager to extend the existing towing services agreements with Certified Towing, Inc.; Dietz Towing, LLC; James Foglesong Towing and Storage, Inc.; and United Road Service, DBA Bill and Wags, Inc. for a period not to exceed 90 days.

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: None.

BACKGROUND: On September 1, 2009 the City Council granted towing carrier permits and executed towing services agreements with Certified Towing Inc.; Dietz Towing, LLC; James Foglesong Towing and Storage Inc.; and United Road Towing, DBA Bill and Wags, Inc., all of Ontario, California, for a period of five years. The agreements became effective on November 24, 2009 and will expire on November 23, 2014. Pursuant to the terms, covenants and conditions of the agreements, the agreements may be extended, at the sole and absolute discretion of the City Council, for a period not to exceed 90 days. The extension period will allow staff to perform a comprehensive review of the Ontario Municipal Code and tow operations requirements before entering into new towing services agreements.

STAFF MEMBER PRESENTING: Eric V. Hopley, Chief of Police

Prepared by: Darryl Polk
Department: Police

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
CONSENT CALENDAR

SUBJECT: APPROVAL OF YOUTH SPORT LEAGUE LICENSE AGREEMENTS FOR THE USE OF CITY PARKS AND FACILITIES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute five-year License Agreements (on file with the Records Management Department) between the City of Ontario and local youth baseball, softball and soccer organizations for the use of City parks and facilities.

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

FISCAL IMPACT: The Fiscal Year 2014-15 General Fund budget includes the cost of routine maintenance and field lighting required to support youth sport league activities. Any non-scheduled use of parks and facilities beyond those contracted within these agreements will be charged at the prevailing facility rental rates.

BACKGROUND: Currently, ten youth sports organizations utilize City parks and related structures (snack bars, restrooms, storage rooms, etc.) to provide recreational youth sport leagues for the community. The existing License Agreements expire this year, and these new agreements will provide for another five years of play at these facilities.

<u>Organization</u>	<u>Facility</u>	<u>Estimated Registrants</u>
Ontario Central Little League	Bon View Park/Jay Littleton Ballpark	320
Ontario Eastern Little League	John Galvin Park/Jay Littleton Ballpark	430
Ontario Western Little League	Homer Briggs Park/Jay Littleton Ballpark	475
Ontario Mt. View Little League	Westwind Park	588
Ontario American Legion	Jay Littleton Ballpark	30
Ontario Pony Baseball	Jay Littleton Ballpark	75
Palamino Baseball	Jay Littleton Ballpark	150

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

Prepared by: Stacy Orton
Department: Recreation & Community Services

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014
Approved: _____
Continued to: _____
Denied: _____

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Ontario Fastpitch Softball Assoc.	Kimball Park/Westwind Park	250
AYSO Region 66	Anthony Munoz Park/Ontario Soccer Park	1400
AYSO Region 583	Ontario Soccer Park	1140

The License Agreements provide these organizations with the authority to use City facilities during agreed upon schedules for the five-year term and establish requirements for security, maintenance, indemnification and insurance to be provided by the organizations.

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
CONSENT CALENDAR

SUBJECT: AGREEMENT WITH ARISSA COST STRATEGIES FOR WORKERS' COMPENSATION BILL REVIEW AND MANAGED CARE SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year professional services agreement (on file in the Records Management Department) with Arissa Cost Strategies of Tustin, California, for bill review and managed care services for the City's workers' compensation claims.

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

FISCAL IMPACT: Bill review fees are paid based on the savings generated in auditing each bill; therefore, there is no direct payment by the City. The bill review and managed care fee structure is fixed for the term of the agreement and is expected to result in payments of approximately \$8,000 per month based upon a sample month's activities. The actual monthly cost of bill review and managed care services will fluctuate depending on the number of bills and the number of managed care utilizations. Over the contract term, bill review costs are estimated to be \$288,000.

BACKGROUND: Proposals were solicited and received from four major bill review companies. An evaluation of all responses was conducted by Risk Management staff based on both qualitative and quantitative factors. Arissa Cost Strategies was the only company to take into consideration the low litigation rate that is unique to Ontario, and propose a plan that would maximize the value to the City. Additionally, their line item costs were consistent with or lower than the other three bidders: Allied Managed Care (Sacramento), Medex (Long Beach), TRISTAR Managed Care (Santa Ana). Arissa Cost Strategies provides similar services to other public agencies such as the City of Fairfield, City of Richmond, Elk Grove Unified School District and City of Newport Beach; reference checks produced favorable findings. For comparative purposes, a sample month's activities was used to estimate proposed costs. The other bidders' estimated costs were between 5% and 65% higher than ARISSA.

STAFF MEMBER PRESENTING: Jacob Green, Assistant City Manager

Prepared by: Ann Richey
Department: Risk Management

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
PUBLIC HEARINGS

SUBJECT: A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES – PHASE I); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION: That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 24 (Park Place Facilities – Phase I), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 24 (Park Place Facilities – Phase I);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 24 (Park Place Facilities – Phase I);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 24 (Park Place Facilities – Phase I); and
- (F) Adopt a resolution authorizing the execution and delivery of an acquisition and funding agreement with SL Ontario Development Company, LLC, a Delaware Limited Liability Company.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Focus Resources in Ontario's Commercial and Residential Neighborhoods**

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

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014
Approved: _____
Continued to: _____
Denied: _____

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Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the Park Place Facilities – Phase I project is estimated to generate approximately \$14 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no general fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. With the adoption of Resolution 2014-019 on March 18, 2014, the City Council authorized the levy of special taxes to fund various city services for the district. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City’s intention to establish a community facilities district and levy special taxes, and to issue bonds.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony (“First Amended and Restated Construction Agreement”) between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts to assist in the financing of the public improvements included in the agreement. KB Home Coastal Inc., an assignee homebuilder of SL Ontario Development Company, LLC - a member of NMC Builders, LLC - has provided a written petition to the City requesting formation of a community facilities district for the Park Place Facilities - Phase I project in the New Model Colony. The Park Place Facilities - Phase I project addresses the development of approximately 72 acres located east of Archibald Avenue, generally west of Haven Avenue, generally south of Merrill Avenue and north of Bellegrave Avenue. At build out, the development is projected to include 432 single-family units.

On September 2, 2014, the City Council approved Resolution No. 2014-090, a Resolution of Intention to establish City of Ontario Community Facilities District No. 24 (Park Place Facilities – Phase I) and authorize the levy of special taxes, and Resolution No. 2014-091, declaring its intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting of October 7, 2014 to consider formation matters. The public hearing date was subsequently continued to October 21, 2014, and later to November 18, 2014.

Included, as part of the Resolution of Formation, is the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council’s adopted Mello-Roos Local Goals and Policies in all aspects, except that the percentage of assessed value of the total annual tax obligation plus the Homeowners Association (HOA) fee exceeds the adopted policy threshold by up to .09%. The policy threshold for the percentage of assessed value of the total annual tax obligation plus the HOA fee is 2.15%. In aggregate, as proposed, the percentage of assessed value of the total annual tax obligation plus the HOA fee is 2.24%. However, it is recommended that the policy threshold limitation be waived in this instance due to the enhanced level of HOA amenities and services to be provided to the residents of the Park Place project. Staff has discussed the proposed Rate

and Method of Apportionment of Special Tax with the landowners. The CFD is being formed pursuant to the provisions of the Park Place Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

Under the proposed Rate and Method of Apportionment, **the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not increase over time.** The amount of bonds authorized (\$57 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$14 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The formation of Community Facilities District No. 24 (Park Place Facilities – Phase I) is the first of many anticipated New Model Colony community facilities districts that will be coming before the City Council for approval in the future. It is intended that the term and structure of the Rate and Method of Apportionment of Special Tax for Park Place Facilities - Phase I will serve as the template for future proposed residential community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in the New Model Colony be developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in New Model Colony community facilities districts will be required to disclose the maximum annual special tax amount to each homeowner before entering into a sales contract.

Attached are five resolutions and an ordinance. The first resolution establishes the CFD, with the rate and method of apportionment of special taxes, and authorizes the levy of special taxes within the Community Facilities District. The second resolution deems the necessity of incurring bonded indebtedness. The third calls for a special landowner election to be held on November 18, 2014. The fourth resolution declares the results of the election, including a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes, and the final resolution authorizes the execution and delivery of an acquisition and funding agreement with SL Ontario Development Company, LLC.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on September 2, 2014, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I), to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

WHEREAS, pursuant to the Resolution of Intention, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on October 7, 2014, the City Council opened said hearing and continued said hearing to October 21, 2014 and, on October 21, 2014, the City Council opened said hearing and continued said hearing to this date; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of public facilities or services was directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the public facilities and services by type that will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing such public facilities and services; such officers were also directed to estimate the fair and reasonable cost of the public facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid; and

WHEREAS, said report was so filed with the City Council and made a part of the record of said public hearing; and

WHEREAS, at the hearing, the testimony of all persons for or against the establishment of the Community Facilities District, the extent of the Community Facilities District and the furnishing of the specified types of public facilities and services was heard; and

WHEREAS, written protests against the establishment of the Community Facilities District, the furnishing of any specified type or types of facilities and services within the Community Facilities District or the levying of any specified special tax were not made or filed at or before said hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities District and not exempt from the special tax; and

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2014, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district; and

WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53521 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

WHEREAS, the City and SL Ontario Development Company, LLC ("SL Ontario") entered into a Deposit and Reimbursement Agreement, dated as of September 1, 2014 (the "Deposit Agreement"), that provides for the advancement of funds by SL Ontario to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to SL Ontario of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, in accordance with Section 53314.9 of the Act, the City desires to accept such advances and to reimburse SL Ontario therefor, without interest, from the proceeds of special tax bonds issued by the Community Facilities District.

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The Community Facilities District is hereby established pursuant to the Act.

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I)."

SECTION 4. The public facilities (the "Facilities") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Facilities" on Exhibit A hereto, which is by this reference incorporated herein. Those Facilities proposed to be purchased as completed public facilities are described under the caption "Facilities to be Purchased" on Exhibit A hereto. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit A hereto. All or any portion of the Facilities may be financed through a financing plan, including, but not limited to, a lease, lease-purchase or installment-purchase arrangement.

SECTION 5. The proposed special tax to be levied within the Community Facilities District has not been precluded by majority protest pursuant to Section 53324 of the Act.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Facilities and Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The conditions under which the obligation to pay the special tax to pay for Facilities may be prepaid and permanently satisfied are specified in the Rate and Method. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

SECTION 7. The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 8. The tax year after which no further special tax to pay for Facilities will be levied against any parcel used for private residential purposes is specified in the Rate and Method. Under no circumstances shall the special tax to pay for Facilities in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the Community Facilities District by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. For purposes of this paragraph, a parcel shall be considered "used for private residential purposes" not later than the date on which an occupancy permit for private residential use is issued.

SECTION 9. Pursuant to Section 53344.1 of the Act, the City Council hereby reserves to itself the right and authority to allow any interested owner of property within the Community Facilities District, subject to the provisions of said Section 53344.1 and to those conditions as it may impose, and any applicable prepayment penalties as prescribed in the bond indenture or comparable instrument or document, to tender to the Community Facilities District treasurer in full payment or part payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

SECTION 10. The name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, Management Services Department, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

SECTION 11. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 12. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 86 at Page 28 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2014-0327047).

SECTION 13. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$57,000,000.

SECTION 14. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that that no persons were

registered to vote within the territory of the proposed Community Facilities District as of September 16, 2014, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 15. SL Ontario has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council has previously approved the acceptance of such funds for the purpose of paying costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

SECTION 16. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 17. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 18. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES, SERVICES AND INCIDENTAL EXPENSES

Facilities

The types of facilities to be financed by the Community Facilities District are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Facilities to be Purchased

The types of facilities to be purchased as completed facilities are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- (a) the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities;
- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT No. 24 (PARK PLACE FACILITIES PHASE 1)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 24 (Park Place Facilities Phase 1) ("CFD No. 24") and collected each Fiscal Year, commencing in Fiscal Year 2014-15, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 24, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, condominium plan, or other recorded County map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 24: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 24 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 24 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 24 of complying with City, CFD No. 24, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 24 related to the analysis and reduction, if any, of the Special Tax on Residential Property in accordance with Section C.1 herein; the costs of the City or CFD No. 24 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 24; and amounts estimated or advanced by the City or CFD No. 24 for any other administrative purposes

of the CFD, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"Assigned Special Tax" means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

"Backup Special Tax" means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.3 below.

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 24 under the Act and payable from Special Taxes.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 24 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

"CFD Administrator" means an official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Taxes, and performing the other duties provided for herein.

"CFD No. 24" means City of Ontario Community Facilities District No. 24 (Park Place Facilities Phase 1).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 24.

"County" means the County of San Bernardino.

"Designated Buildable Lot" means a Buildable Lot for which a building permit has not been issued by the City as of the date of calculation of the Backup Special Tax.

"Developed Property" means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2014, and before May 1 of the prior Fiscal Year.

“Expected Residential Lot Count” means 432 Buildable Lots of Residential Property or, as determined by the CFD Administrator, the number of Buildable Lots of Residential Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 24.

“Final Mapped Property” means, for each Fiscal Year, all Taxable Property, exclusive of Developed Property, Taxable Property Owner Association Property, and Taxable Public Property, which as of January 1 of the previous Fiscal Year was located within a Final Subdivision Map. The term Final Mapped Property shall include any parcel map or Final Subdivision Map, or portion thereof, that creates individual lots for which a building permit may be issued, including Parcels that are designated as a remainder Parcel (i.e., one where the size, location, etc., precludes any further subdivision or taxable use).

“Final Subdivision Map” means a final tract map, parcel map, or lot line adjustment approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or a condominium plan recorded pursuant to California Civil Code 1352 that, in either case, creates individual lots for which building permits may be issued without further subdivision.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Indenture” means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which Bonds are issued, as modified, amended, and/or supplemented from time to time.

“Land Use Class” means any of the classes listed in Table 1 below.

“Maximum Special Tax” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax determined in accordance with Section C.1 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Minimum Sale Price” means the minimum price at which Units of a given Land Use Class have sold or are expected to be sold in a normal marketing environment and shall not include prices for such Units that are sold at a discount to expected sales prices for the purpose of stimulating the initial sales activity with respect to such Land Use Class.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City permitting the construction of one or more non-residential structures or facilities.

“Outstanding Bonds” means all Bonds which are outstanding under and in accordance with the provisions of the Indenture.

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 24 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 24 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 24, (ii) the City, (iii) any owner of real property in CFD No. 24, or (iv) any real property in CFD No. 24, and (e) is not connected with CFD No. 24 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 24 or the City.

“Price Point Study” means a price point study or a letter updating a previous price point study prepared by the Price Point Consultant pursuant to Section C herein.

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 24 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means (a) for Developed Property in the first step of Section D below, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D below, Proportionately means that the amount of the increase above the Assigned Special Tax, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax limits the increase on any Assessor’s Parcel(s), then the amount of the increase shall be equal for the remaining Assessor’s Parcels; (b) for Final Mapped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Final Mapped Property; (c) for Undeveloped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property; (d) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property Owner Association Property; and (e) for Taxable Public Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 24 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Rate and Method of Apportionment” means this Rate and Method of Apportionment of Special Tax.

“Residential Floor Area” means all of the Square Footage of living area within the perimeter of a residential Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor’s Parcel, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 24. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor’s Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

“Residential Property” means all Assessor’s Parcels of Taxable Property for which a building permit may be issued for purposes of constructing one or more Units.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 24.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 24 to be levied within the boundaries of CFD No. 24.

“Special Tax Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 24 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax levy on Final Mapped Property or Undeveloped Property; (vi) provide an amount equal to Special Tax delinquencies based on the historical delinquency rate for the Special Tax as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 24, issued for construction of Residential Property or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 24 that are not exempt from the Special Tax pursuant to law or Section E below.

“Taxable Property Owner Association Property” means, for each Fiscal Year, all Assessor’s Parcels of Property Owner Association Property that are not exempt from the Special Tax pursuant to Section E below.

“Taxable Public Property” means, for each Fiscal Year, all Assessor’s Parcels of Public Property that are not exempt from the Special Tax pursuant to law or Section E below.

“Tentative Tract Map” means a map: (i) showing a proposed subdivision of an Assessor’s Parcel(s) and the conditions pertaining thereto; (ii) that may or may not be based on a detailed survey; and (iii) that is not recorded by the County to create legal lots.

“Total Tax Burden” means for any Unit, the annual Special Tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees, and charges which are levied and imposed on such Unit and the real property on which it is located and collected by the County on *ad valorem* tax bills and which are secured by such Unit and the real property on which it is located, assuming such Unit had been completed, sold, and subject to such levies and impositions, excluding service charges such as those related to sewer and trash.

“Trustee” means the trustee or fiscal agent under the Indenture.

“TTM 18075” means Tentative Tract Map No. 18075, the area of which is located within CFD No. 24 and is commonly referred to as planning area 12 (or PA 12).

“TTM 18076” means Tentative Tract Map No. 18076, the area of which is located within CFD No. 24 and is commonly referred to as planning area 8 (or PA 8).

“TTM 18077” means Tentative Tract Map No. 18077, the area of which is located within CFD No. 24 and is commonly referred to as planning area 7 (or PA 7).

“TTM 18078” means Tentative Tract Map No. 18078, the area of which is located within CFD No. 24 and is commonly referred to as planning area 6 (or PA 6).

“TTM 18079” means Tentative Tract Map No. 18079, the area of which is located within CFD No. 24 and is commonly referred to as planning area 9 (or PA 9).

“TTM 18080” means Tentative Tract Map No. 18080, the area of which is located within CFD No. 24 and is commonly referred to as planning area 10 (or PA 10).

“TTM 18913-1” means Tentative Tract Map No. 18913-1, the area of which is located within CFD No. 24, is commonly referred to as planning area 15 (or PA 15), and is the proposed location of the recreation center.

“TTM 18945” means Tentative Tract Map No. 18945, the area of which is located within CFD No. 24 and is commonly referred to as planning area 13 (or PA 13).

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Final Mapped Property, Taxable Public Property, or Taxable Property Owner Association Property.

“Unit” means an individual single-family detached home, townhome, condominium, apartment, or other residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2014-15, all Taxable Property within CFD No. 24 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Residential Property shall be assigned to Land Use Classes 1 through 26 as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor’s Parcels. Non-Residential Property shall be assigned to Land Use Classes 27 through 34.

C. MAXIMUM SPECIAL TAX

1. Special Tax

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 24 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Residential Property to be constructed within CFD No. 24 shall exceed 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. The Special Tax reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 24 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A.

a. Developed Property

1) *Maximum Special Tax*

The Maximum Special Tax that may be levied in any Fiscal Year for each Assessor's Parcel classified as Developed Property shall be the greater of (i) the amount derived by application of the Assigned Special Tax or (ii) the amount derived by application of the Backup Special Tax. The Maximum Special Tax shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) *Assigned Special Tax*

The Assigned Special Tax that may be levied in any Fiscal Year for each Land Use Class is shown below in Table 1.

**TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Residential Property	< 1,601	\$1,752 per Unit
2	Residential Property	1,601 – 1,700	\$1,868 per Unit
3	Residential Property	1,701 – 1,800	\$1,975 per Unit
4	Residential Property	1,801 – 1,900	\$2,070 per Unit
5	Residential Property	1,901 – 2,000	\$2,182 per Unit
6	Residential Property	2,001 – 2,100	\$2,199 per Unit
7	Residential Property	2,101 – 2,200	\$2,349 per Unit
8	Residential Property	2,201 – 2,300	\$2,491 per Unit
9	Residential Property	2,301 – 2,400	\$2,576 per Unit
10	Residential Property	2,401 – 2,500	\$2,688 per Unit
11	Residential Property	2,501 – 2,600	\$2,791 per Unit
12	Residential Property	2,601 – 2,700	\$2,898 per Unit
13	Residential Property	2,701 – 2,800	\$2,950 per Unit
14	Residential Property	2,801 – 2,900	\$3,010 per Unit
15	Residential Property	2,901 – 3,000	\$3,117 per Unit
16	Residential Property	3,001 – 3,100	\$3,272 per Unit
17	Residential Property	3,101 – 3,200	\$3,435 per Unit
18	Residential Property	3,201 – 3,300	\$3,499 per Unit
19	Residential Property	3,301 – 3,400	\$3,547 per Unit
20	Residential Property	3,401 – 3,500	\$3,603 per Unit
21	Residential Property	3,501 – 3,600	\$3,710 per Unit

22	Residential Property	3,601 – 3,700	\$3,795 per Unit
23	Residential Property	3,701 – 3,800	\$3,880 per Unit
24	Residential Property	3,801 – 3,900	\$3,965 per Unit
25	Residential Property	3,901 – 4,000	\$4,050 per Unit
26	Residential Property	> 4,000	\$4,135 per Unit
27	Non-Residential Property TTM 18075		\$32,771 per Acre
28	TTM 18076		\$31,193 per Acre
29	TTM 18077		\$24,756 per Acre
30	TTM 18078		\$28,780 per Acre
31	TTM 18079		\$32,255 per Acre
32	TTM 18080		\$33,625 per Acre
33	TTM 18913-1		\$36,156 per Acre
34	TTM 18945		\$36,156 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$3,083 per Unit for Residential Property in TTM 18075, \$3,131 per Unit for Residential Property in TTM 18076, \$3,716 per Unit for Residential Property in TTM 18077, \$3,483 per Unit for Residential Property in TTM 18078, \$2,541 per Unit for Residential Property in TTM 18079, \$2,777 per Unit for Residential Property in TTM 18080, \$3,716 per Unit for Residential Property in TTM 18913-1, and \$2,087 per Unit for Residential Property in TTM 18945. However, if the Expected Residential Lot Count does not equal 53 for TTM 18075, 46 for TTM 18076, 65 for TTM 18077, 67 for TTM 18078, 69 for TTM 18079, 57 for TTM 18080, or 75 for TTM 18945, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Residential Property shall be calculated separately for each Tentative Tract Map area according to the following formula:

$$\text{Backup Special Tax} = \begin{array}{l} \$32,771 \text{ for TTM 18075 or} \\ \$31,193 \text{ for TTM 18076 or} \\ \$24,756 \text{ for TTM 18077 or} \\ \$28,780 \text{ for TTM 18078 or} \\ \$32,255 \text{ for TTM 18079 or} \\ \$33,625 \text{ for TTM 19080 or} \\ \$36,156 \text{ for TTM 18945} \end{array}$$

$$\times \text{ Acreage of Designated Buildable Lots of Residential Property within the applicable Tentative Tract Map}$$

÷ number of Designated Buildable Lots of Residential Property within the applicable Tentative Tract Map

If any portion of a Final Subdivision Map, or any area expected by CFD No. 24 to become Final Mapped Property, such as the area within a Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax for all Designated Buildable Lots in the specific area where the change occurred shall be calculated according to the following steps:

Step 1: Determine the total Backup Special Taxes that could have been collected from Designated Buildable Lots prior to the Final Subdivision Map or expected Final Mapped Property area change.

Step 2: Divide the amount determined in Step 1 by the number of Designated Buildable Lots that exists after the Final Subdivision Map or expected Final Mapped Property area change.

Step 3: Apply the amount determined in Step 2 as the Backup Special Tax per Unit for each Assessor's Parcel of Designated Buildable Lots in the area where the Final Subdivision Map or expected Final Mapped Property area change occurred.

The Backup Special Tax for an Assessor's Parcel shall not change once an Assessor's Parcel is classified as Developed Property.

b. Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property

The Maximum Special Tax for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$32,771 per Acre for such property in TTM 18075, \$31,193 per Acre for such property in TTM 18076, \$24,756 per Acre for such property in TTM 18077, \$28,780 per Acre for such property in TTM 18078, \$32,255 per Acre for such property in TTM 18079, \$33,625 per Acre for such property in TTM 18080, and \$36,156 per Acre for such property in TTM 18945, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Multiple Land Use Classes on an Assessor's Parcel

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Acres of Non-Residential Property (based on the applicable Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2014-15, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year. The Special Tax shall then be levied as follows:

First: If needed to satisfy the Special Tax Requirement, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Assigned Special Tax;

Second: If additional monies are needed to satisfy the Special Tax Requirement after the first step has been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Final Mapped Property up to 100% of the Maximum Special Tax for Final Mapped Property;

Third: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Fourth: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the levy of the Special Tax on each Assessor's Parcel of Developed Property whose Maximum Special Tax is determined through the application of the Backup Special Tax shall be increased Proportionately from the Assigned Special Tax up to the Maximum Special Tax for each such Assessor's Parcel;

Fifth: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Property Owner Association Property up to the Maximum Special Tax for Taxable Property Owner Association Property;

Sixth: If additional monies are needed to satisfy the Special Tax Requirement after the first five steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property up to the Maximum Special Tax for Taxable Public Property.

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency

or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 24 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

E. EXEMPTIONS

No Special Tax shall be levied on up to 17.03 Acres of Public Property and up to 6.13 Acres of Property Owner Association Property, not including Assessor's Parcel Numbers 0218-022-13 and 0218-083-28, as described further in this paragraph. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property. In addition, the sites designated as PA 15 within TTM 18913-1 (Assessor's Parcel Number 0218-022-13) and Lot A within TTM 18077 (Assessor's Parcel Number 0218-083-28) shall be exempt from the Special Tax unless and until the site becomes Developed Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax under this section shall be subject to the levy of the Special Tax and shall be taxed Proportionately as part of the fifth or sixth step, respectively, in Section D above, up to 100% of the applicable Maximum Special Tax for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax shall be levied in any Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax obligation pursuant to the formula set forth in Section H.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 24 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. MANNER OF COLLECTION

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

“CFD Public Facilities” means \$15,900,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 24.

“Expenditures Fund” means funds or accounts, regardless of their names, that are established to hold moneys that are available to acquire or construct Facilities and to fund Services.

“Future Facilities Costs” means the CFD Public Facilities minus (i) Facilities and Services costs previously paid from the Expenditures Fund during the Prepayment Period in which the prepayment is being made, (ii) moneys currently on deposit in the Expenditures Fund from deposits made during the Prepayment Period in which the prepayment is being made, and (iii) moneys currently on deposit in an escrow fund that are expected to be available to finance Facilities costs. In no event shall the amount of Future Facilities Costs be less than zero.

“Prepayment Period” means one of three periods of time during which a Special Tax prepayment may be made.

“Prepayment Period 1” means July 1, 2014, through June 30, 2048.

“Prepayment Period 2” means July 1, 2048, through June 30, 2081.

“Prepayment Period 3” means July 1, 2081, through June 30, 2115.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2014, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must

be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

The Special Tax Prepayment Amount (defined below) shall be calculated as summarized below (capitalized terms as defined below):

	Bond Redemption Amount
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Administrative Fees and Expenses
less	<u>Reserve Fund Credit</u>
Total	Prepayment Amount

As of the proposed date of prepayment, the Special Tax Prepayment Amount (defined below) shall be calculated by the CFD Administrator as follows:

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor’s Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor’s Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor’s Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor’s Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor’s Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 24 based on the Developed Property Special Tax which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 24, excluding any Assessor’s Parcels which have been prepaid, and

(b) Divide the Backup Special Tax computed pursuant to Paragraph 2 by the estimated total Backup Special Tax at buildout of CFD No. 24, excluding any Assessor’s Parcels which have been prepaid.
4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the “Bond Redemption Amount”).

5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the “Redemption Premium”).
6. Compute the current Future Facilities Costs.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the “Future Facilities Amount”).
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax levied on the Assessor’s Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the “Defeasance Amount”.
11. Verify the administrative fees and expenses of CFD No. 24, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the “Administrative Fees and Expenses”).
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “Reserve Fund Credit”). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the “Prepayment Amount”).
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 24.

The Special Tax Prepayment Amount may be sufficient to redeem other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000, or integral multiple

thereof, will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of Bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year's Special Tax levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year's Special Tax levy for such Assessor's Parcel from the County tax rolls. With respect to any Assessor's Parcel that is prepaid during Prepayment Period 3, the CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been prepaid and that the obligation of such Assessor's Parcel to pay the Special Tax shall cease.

With respect to the Special Tax for any Assessor's Parcel that is prepaid during Prepayment Period 1 or Prepayment Period 2, the obligation of such Assessor's Parcel to pay the Special Tax shall be tolled, or suspended, through the end of such Prepayment Period, but shall resume in the first Fiscal Year of the subsequent Prepayment Period. The CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay the Special Tax will resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the prepayment was made. Once the obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Maximum Special Tax that may be levied on Taxable Property within CFD No. 24 (after excluding 17.03 Acres of Public Property and 6.13 acres of Property Owner Association Property, not including Assessor's Parcel Numbers 0218-022-13 and 0218-083-28, as set forth in Section E) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2014, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

$$PP = PF \times \%$$

The terms above have the following meaning:

PP = the partial prepayment

PF = the Prepayment Amount (full prepayment) for the Special Tax calculated according to Section H.1

% = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax

The Special Tax partial prepayment amount must be sufficient to redeem at least a \$5,000 increment of Bonds.

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 24 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

For partial prepayments made during Prepayment Period 1 or Prepayment Period 2, the full amount of the Special Tax shall resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the partial prepayment was made. Once the obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax shall be levied or collected is Fiscal Year 2114-2115, except that the Special Tax that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years.

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX (PAGE 1 OF 3)

CITY OF ONTARIO AND CFD No. 24 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 24 (Park Place Facilities Phase 1) (“CFD No. 24”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 24 has been modified.
 - a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 24, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Residential Property	< 1,601	\$[] per Unit
2	Residential Property	1,601 – 1,700	\$[] per Unit
3	Residential Property	1,701 – 1,800	\$[] per Unit
4	Residential Property	1,801 – 1,900	\$[] per Unit
5	Residential Property	1,901 – 2,000	\$[] per Unit
6	Residential Property	2,001 – 2,100	\$[] per Unit
7	Residential Property	2,101 – 2,200	\$[] per Unit
8	Residential Property	2,201 – 2,300	\$[] per Unit
9	Residential Property	2,301 – 2,400	\$[] per Unit
10	Residential Property	2,401 – 2,500	\$[] per Unit
11	Residential Property	2,501 – 2,600	\$[] per Unit
12	Residential Property	2,601 – 2,700	\$[] per Unit
13	Residential Property	2,701 – 2,800	\$[] per Unit
14	Residential Property	2,801 – 2,900	\$[] per Unit
15	Residential Property	2,901 – 3,000	\$[] per Unit
16	Residential Property	3,001 – 3,100	\$[] per Unit
17	Residential Property	3,101 – 3,200	\$[] per Unit
18	Residential Property	3,201 – 3,300	\$[] per Unit

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX
(PAGE 2 OF 3)**

19	Residential Property	3,301 – 3,400	\$[] per Unit
20	Residential Property	3,401 – 3,500	\$[] per Unit
21	Residential Property	3,501 – 3,600	\$[] per Unit
22	Residential Property	3,601 – 3,700	\$[] per Unit
23	Residential Property	3,701 – 3,800	\$[] per Unit
24	Residential Property	3,801 – 3,900	\$[] per Unit
25	Residential Property	3,901 – 4,000	\$[] per Unit
26	Residential Property	> 4,000	\$[] per Unit
	Non-Residential Property		
27	TTM 18075		\$[] per Acre
28	TTM 18076		\$[] per Acre
29	TTM 18077		\$[] per Acre
30	TTM 18078		\$[] per Acre
31	TTM 18079		\$[] per Acre
32	TTM 18080		\$[] per Acre
33	TTM 18913-1		\$[] per Acre
34	TTM 18945		\$[] per Acre

- b. The Backup Special Tax for Developed Property, as stated in Section C.1.a.3, shall be modified as follows:

The Backup Special Tax shall be \$[_____] per Unit for Residential Property in TTM 18075, \$[_____] per Unit for Residential Property in TTM 18076, \$[_____] per Unit for Residential Property in TTM 18077, \$[_____] per Unit for Residential Property in TTM 18078, \$[_____] per Unit for Residential Property in TTM 18079, \$[_____] per Unit for Residential Property in TTM 18080, and \$[_____] per Unit for Residential Property in TTM 18945. However, if the Expected Residential Lot Count does not equal 53 for TTM 18075, 46 for TTM 18076, 65 for TTM 18077, 67 for TTM 18078, 69 for TTM 18079, 57 for TTM 18080, or 75 for TTM 18945, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Residential Property shall be calculated according to the formula on the follow page:

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX
(PAGE 3 OF 3)**

Backup Special Tax = \$[] for TTM 18075 or
\$[] for TTM 18076 or
\$[] for TTM 18077 or
\$[] for TTM 18078 or
\$[] for TTM 18079 or
\$[] for TTM 19080 or
\$[] for TTM 18945

- × Acreage of Designated Buildable Lots of Residential Property within the applicable Tentative Tract Map
- ÷ number of Designated Buildable Lots of Residential Property within the applicable Tentative Tract Map

2. The Special Tax for Developed Property may only be modified prior to the first issuance of CFD No. 24 Bonds.
3. Upon execution of this certificate by CFD No. 24, CFD No. 24 shall cause an amended notice of Special Tax lien for CFD No. 24 to be recorded reflecting the modifications set forth herein.

By execution hereof, the undersigned acknowledge, on behalf of the City and CFD No. 24, receipt of this certificate and modification of the Rate and Method of Apportionment as set forth in this certificate.

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES PHASE 1)

By: _____

Date: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I).

WHEREAS, on September 2, 2014, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) (the "Community Facilities District") and to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services; and

WHEREAS, on September 2, 2014, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, to Incur Bonded Indebtedness of the Proposed City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I)" (the "Resolution to Incur Bonded Indebtedness") declaring the necessity for incurring bonded indebtedness and setting the date for a public hearing to be held on the proposed debt issue; and

WHEREAS, pursuant to the Resolution to Incur Bonded Indebtedness, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on October 7, 2014, the City Council opened said hearing and continued said hearing to October 21, 2014 and, on October 21, 2014, the City Council opened said hearing and continued said hearing to this date; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, at said public hearing, any person interested, including persons owning property within the area and desiring to appear and present any matters material to the questions set forth in the Resolution to Incur Bonded Indebtedness appeared and presented such matters; and

WHEREAS, oral or written protests against the proposed debt issue were not made or filed at or before said hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities and not exempt from the special tax; and

WHEREAS, on this date, the City Council adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"); and

WHEREAS, the City Clerk of the City (the "City Clerk") is the election official that will conduct the special election on the proposition to incur bonded indebtedness for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2014, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on November 18, 2014, and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on November 18, 2014;

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City Council deems it necessary to incur the bonded indebtedness.

SECTION 3. The bonded indebtedness will be incurred for the purpose of financing the costs of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose.

SECTION 4. In accordance with the previous determination of the City Council, the whole of the Community Facilities District will pay for the bonded indebtedness.

SECTION 5. The maximum amount of debt to be incurred is \$57,000,000.

SECTION 6. The maximum term the bonds to be issued shall run before maturity is 40 years.

SECTION 7. The maximum annual rate of interest to be paid shall not exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds, payable semiannually or at such times as the City Council or its designee shall determine, the actual rate or rates and times of payment of such interest to be determined by the City Council or its designee at the time or times of sale of the bonds.

SECTION 8. The proposition to incur the bonded indebtedness will be submitted to the voters.

SECTION 9. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2014, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings held by the City Council on the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 10. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), and (b) to the holding of said election on November 18, 2014. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on November 18, 2014.

SECTION 11. The date of the special community facilities district election (which shall be consolidated with the special district election to levy a special tax within the Community Facilities District) at which time the proposition shall be submitted to the voters is November 18, 2014.

SECTION 12. The election is to be conducted by mail ballot. The mailed ballots are required to be received in the office of the City Clerk no later than 7:30 p.m. on November 18, 2014; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 13. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 14. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, on this date, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I)" (the "Resolution Deeming it Necessary to Incur"), deeming it necessary to incur bonded indebtedness in the maximum amount of \$57,000,000; and

WHEREAS, pursuant to the provisions of said resolutions, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Act; and

WHEREAS, the City Council desires to designate the City Clerk of the City (the "City Clerk") as the election official for the special election provided for herein; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2014, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on November 18, 2014 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on November 18, 2014;

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

SECTION 1. Pursuant to Sections 53351, 53326 and 53325.7 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

SECTION 2. The City Clerk is hereby designated as the official to conduct said election.

SECTION 3. As authorized by Section 53353.5 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be combined into one ballot proposition.

SECTION 4. The City Council hereby finds and determines that that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 16, 2014, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), (b) to the holding of said election on November 18, 2014, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on November 18, 2014.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on November 18, 2014. The City

Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, the Resolution of Deeming it Necessary to Incur, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on November 18, 2014; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 7. Pursuant to Section 53326 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 *et. seq.* of the California Elections Code. Except as otherwise provided in the Act, the provisions of law regulation elections of the City, insofar as they may be applicable, will govern the election.

SECTION 8. The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on November 18, 2014, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

SECTION 10. The City Council hereby determines that the facilities and services financed by the Community Facilities District are necessary to meet increased demands placed upon local agencies as a result of development occurring in the Community Facilities District.

SECTION 11. The specific purposes of the bonded indebtedness proposed to be incurred is the financing of the Facilities (as defined in the Resolution of Formation),

including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose, and the proceeds of such bonded indebtedness shall be applied only to such specific purposes.

Upon approval of the proposition to incur bonded indebtedness, and the sale of any bonds evidencing such indebtedness, the City Council shall take such action as may be necessary to cause to be established an account for deposit of the proceeds of sale of the bonds. For so long as any proceeds of the bonds remain unexpended, the Management Analyst of the Management Services Department of the City shall cause to be filed with the City Council, no later than January 1 of each year, a report stating (a) the amount of bond proceeds received and expended during the preceding year, and (b) the status of any project funded or to be funded from bond proceeds. Said report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Management Analyst, Management Services of the City shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the City Council.

SECTION 12. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 13. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO
November 18, 2014

SPECIAL ELECTION

This ballot is for a special, landowner election. The number of votes to be voted pursuant to this ballot is ____.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Ontario and obtain another.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 24
(PARK PLACE FACILITIES - PHASE I)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum amount of not to exceed \$57,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$57,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I)", each adopted by the City Council of the City of Ontario on November 18, 2014?

Yes:

No:

RESOLUTION NO. _____

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

WHEREAS, on November 18, 2014, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on November 18, 2014; and

WHEREAS, the City Clerk of the City (the "City Clerk") has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A;

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

SECTION 1. The City Council has received, reviewed and hereby accepts the Canvass.

SECTION 2. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328, Section 53355 and Section 53325.7 of the Act.

SECTION 3. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of San Bernardino a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

SECTION 4. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

[See attached]

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 24
(PARK PLACE FACILITIES - PHASE I)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on November 18, 2014, I canvassed the returns of the special election held on November 18, 2014, for the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner <u> Votes</u>	Votes <u> Cast</u>	<u> YES</u>	<u> NO</u>
City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) Special Election, November 18, 2014	75			

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum amount of not to exceed \$57,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$57,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I)", each adopted by the City Council of the City of Ontario on November 18, 2014?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 18th day of November, 2014.

By: _____
Mary E. Wirtes, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I).

WHEREAS, on September 2, 2014, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on October 7, 2014, the City Council opened a noticed public hearing and continued said hearing to October 21, 2014 and, on October 21, 2014, the City Council opened said hearing and continued said hearing to November 18, 2014; and

WHEREAS, on November 18, 2014, the City Council held said hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on November 18, 2014, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2014-15 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. 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 _____ 2014.

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 _____, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH SL ONTARIO DEVELOPMENT COMPANY, LLC.

WHEREAS, certain real property within the boundaries of the City located generally south of State Route 60 is commonly known as the New Model Colony; and

WHEREAS, the City has approved a General Plan Amendment for the New Model Colony (the "General Plan Amendment") and has certified an Environmental Impact Report in connection with the General Plan Amendment (the "Environmental Impact Report"); and

WHEREAS, the City has specified in the General Plan Amendment and the Environmental Impact Report the major backbone transportation, water, sewer, storm drainage, parks and public safety infrastructure and fiber optic systems required to serve the New Model Colony; and

WHEREAS, SL Ontario Development Company, LLC, a limited liability company organized and existing under the laws of the State of Delaware ("SL Ontario") is developing certain of the property within the New Model Colony (the "Property"); and

WHEREAS, certain of such major backbone infrastructure is required to serve the Property; and

WHEREAS, the City and SL Ontario desire to provide a mechanism to fund, in a timely manner, the costs of certain of such major backbone infrastructure required to serve the New Model Colony (the "Facilities") so that such development may occur; and

WHEREAS, in order to provide such a mechanism, the City anticipates that it will, subject to the provisions of the City of Ontario Mello-Roos Community Facilities Act of 1982 Local Goals and Policies, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), establish three community facilities districts (each, a "Community Facilities District"), the boundaries of each of which will include a portion of the Property; and

WHEREAS, it is anticipated that, pursuant to the Act, the proceedings of the City Council of the City and an election held within each Community Facilities District, each Community Facilities District will be authorized to levy special taxes within such Community Facilities District (the "Special Taxes") and issue special tax bonds (the "Bonds") secured by such Special Taxes in order to finance certain of the Facilities; and

WHEREAS, it is anticipated that Special Taxes will be levied by each Community Facilities District and that, from time to time, Bonds will be issued by each Community Facilities District; and

WHEREAS, SL Ontario proposes to construct, or cause to be constructed, certain of the Facilities proposed to be financed by each of the Community Facilities Districts pursuant to the Act, and the City proposes to purchase such Facilities from SL Ontario pursuant to an Acquisition and Funding Agreement by and between the City and SL Ontario (such Acquisition and Funding Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Acquisition Agreement"); and

WHEREAS, the first of such Community Facilities Districts, the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I), has been established under the provisions of the Act; and

WHEREAS, the City Council is or will be the legislative body of each of the Community Facilities Districts.

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

SECTION 1. The Acquisition Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City and the Administrative Services/Finance Director of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the City, to execute and deliver the Acquisition Agreement in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Acquisition Agreement by such Authorized Officer.

SECTION 2. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS CONDUCT

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance amending Chapter 23 to Title 4 of the Ontario Municipal Code relating to the regulation of registered sex offenders conduct.

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

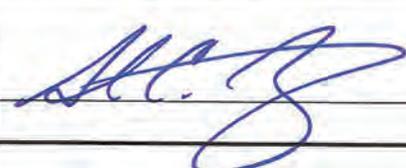
FISCAL IMPACT: None.

BACKGROUND: As a result of a recent decision of a California Court of Appeal, and the denial of review by the California Supreme Court, a portion of the Ontario Municipal Code is now preempted by State law. To bring the City's code into consistency with controlling authority, and to reduce the risk of civil lawsuits, it is recommended that the City amend its Code.

Under Penal Code 3003.5(c), a City may enact residency restrictions applicable to registered sex offenders. The City Council has previously done so, adopting Ordinance 2941 in October 2011, which added Chapter 23 to Title 4 of the City of Ontario Municipal Code. Section 4-23.03(d) of the City's Municipal Code currently prohibits a registered sex offender from "being located within three hundred feet of a school, day care center, park, bus stops in the immediate vicinity of parks, public and private playgrounds, public library, public museum, public or private crisis center or shelter, arcade, youth sports facilities, and amusement parks (indoor and outdoor), when children are present" subject to certain exceptions.

In January 2014, a California Court of Appeal held that the California Legislature had established a comprehensive scheme for regulating the daily lives of sex offenders thereby prohibiting local

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: Jacob Green
Department: Citywide Administration
City Manager Approval: 

Submitted to Council/O.H.A. 11/18/2014
Approved: _____
Continued to: _____
Denied: _____

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legislation on the subject unless it is expressly permitted by a statute. The decision, *People v. Nguyen*, undermines the ability of municipalities to restrict where a sex offender may go and what a sex offender may do. In April 2014, the California Supreme Court declined to review the ruling in *Nguyen*, leaving the decision intact.

Under the holding in *Nguyen*, the current Section 4-23.03(d) of the Ontario Municipal Code is now preempted by California law. The recommended amendments to the Ontario Municipal Code will conform to State law.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS CONDUCT.

WHEREAS, in November 2011, the City Council of the City of Ontario adopted Ordinance No. 2941 adding Chapter 23 to Title 4 of the City of Ontario Municipal Code pertaining to sex offender residency restrictions within the City; and

WHEREAS, Section 4-23.03(d) of the Municipal Code currently prohibits a registered sex offender from “being located within three hundred (300) feet of a school, day care center, park, bus stops in the immediate vicinity of parks, public and private playgrounds, public library, public museum, public or private crisis center or shelter, arcade, youth sports facilities, and amusement parks (indoor and outdoor), when children are present” subject to certain exceptions; and

WHEREAS, in January 2014, a California Court of Appeal held that the California Legislature had established a comprehensive scheme for regulating the daily lives of sex offenders thereby prohibiting local legislation on the subject unless it is expressly permitted by a statute. The decision, *People v. Nguyen*, undermines the ability of municipalities to restrict where a sex offender may go and what a sex offender may do; and

WHEREAS, in April 2014, the California Supreme Court declined to review the ruling in *Nguyen*, leaving the decision intact; and

WHEREAS, as a result of the *Nguyen* decision, provisions of the City’s Municipal Code purporting to regulate where a registered sex offender may go are in violation of current law; and

WHEREAS, the remaining provisions of the City’s Municipal Code relating to the residency restrictions on registered sex offenders remain unaffected by the *Nguyen* decision; and

WHEREAS, in order to bring the City’s Municipal Code into conformity with current law, the City now wishes to amend Chapter 23 of Title 4.

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. Chapter 23 of Title 4 of the Ontario Municipal Code is hereby amended, in its entirety, to read as follows:

CHAPTER 23: REGULATION OF REGISTERED SEX OFFENDERS

- 4-23.01 Purpose
- 4-23.02 Definitions
- 4-23.03 Prohibitions
- 4-23.04 Penalties

Sec. 4-23.01 Purpose.

The City of Ontario desires to impose safety precautions in furtherance of the compelling interest of protecting children from registered sex offenders by restricting where registered sex offenders' may reside. The City Council finds that sex offenders pose a clear threat to the children residing in or visiting the community. It is the intent of these restrictions to reduce the threat that sex offenders pose to these children by limiting the ability of sex offenders to be in contact with these children. This chapter is not intended to conflict with, but to supplement, state law by imposing more stringent restrictions on the locations where sex offenders may reside.

Sec. 4-23.02. Definitions.

For the purposes of this chapter, the City Council established and defined locations prohibited from registered sex offenders as those that are primarily dedicated to providing programs to children. The following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) "Child" or "children". Any person under the age of eighteen (18) years of age.

(b) "Day care center". Any licensed child day care facility including infant centers, preschools, extended day care facilities, and school-age child care centers. It does not include a family day care home as defined in Health and Safety Code Section 1596.78.

(c) "Park or Playground". Means one of the following:

(1) Any land, including improvements to the land that is administered, operated or managed by the City of Ontario and/or any private home owners group for use by the public as a recreational area.

(2) City recreational areas include, but are not limited to, conservation area, jogging trail, hiking trail, bicycle trail, recreational center, water park, swimming pool, soccer field or baseball field.

(3) Any areas owned, leased, controlled, maintained, or managed by a public entity which are open to the public where children regularly gather and which provide recreational, cultural, and/or community service activities, including but not limited to public parks, playgrounds, playfields, athletic courts or fields, and amusement centers.

(d) "Permanent residence". A place where the person abides, lodges or resides for fourteen (14) or more consecutive days.

(e) "Registered sex offender". An individual who is required by law to register with a governmental entity as a sex offender as a result of a conviction, or placed on deferred adjudication, of any specified sex offense outlined in California Penal Code 290.

(1) It shall be prima facie evidence that this chapter applies to such a person if that person's record appears in/on the Department of Justice Sex Offender Tracking Program Database.

(f) "School". The buildings and grounds of any public or private school used for purposes of the education of children in kindergarten or any grades one(1) to twelve (12), inclusive.

(g) "Temporary Residence". A place where a person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate, during any calendar year which is not the person's permanent address; or a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Sec. 4-23.03 Prohibitions.

(a) Any registered sex offender is prohibited from residing within two thousand (2,000) feet of any school, park or day care center. The two thousand (2,000) feet residence prohibition shall not apply to a registered sex offender who was registered with a governmental agency as residing at an address within two thousand (2,000) feet from a school, park or day care center prior to initial operation of the day care center, park or school or on the initial effective date of this Chapter (i.e., November 18, 2011).

(b) Any registered sex offender is prohibited from living in single family dwellings, multi-family dwellings, duplex dwelling, multi-unit residential dwellings, or hotel/motel/inns where another sex offender already resides. This prohibition does not apply under the following condition(s):

(1) State Parole has mandated placement of said registered sex offender in a state housing facility that houses multiple sex offenders at one time to include any prison or mental health facility.

(2) Registered sex offenders reside together as they are related by blood, marriage or adoption.

(c) Sex offenders may not rent or otherwise occupy a single-family dwelling or any unit in a multi-family dwelling as a temporary resident. This prohibition does not apply under the following condition:

(1) State Parole has mandated placement of said registered sex offender in a state housing/boarding facility on a temporary housing status.

(d) A registered sex offender shall not, on October 31st (or any other date set by the City of Ontario for trick-or-treaters) between the hours of 4:00 p.m. and 12:00 a.m., leave an exterior porch light, which faces the street, on or otherwise invite trick-or-treaters to solicit the premises in which the sex registrant resides.

(e) For the purposes of this Chapter, distances shall be measured from the edge of the parcel or contiguous parcels where the identified use is located.

Sec. 4-23.04 Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, the penalty shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment. Other penalties set forth in the California Penal Code and Municipal Code may also be applicable.

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

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

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

clauses or phrases be declared invalid or unconstitutional.

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

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2014.

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 _____, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING THE PROHIBITION OF THE CULTIVATION OF MARIJUANA WITHIN THE CITY OF ONTARIO

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a Development Code Amendment, amending Title 9 of the Ontario Municipal Code, to prohibit the cultivation of marijuana within the City.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

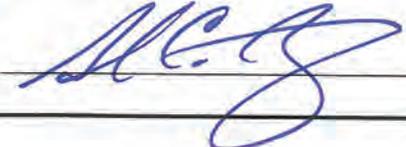
FISCAL IMPACT: None.

BACKGROUND: On March 20, 2007, the City Council adopted Ordinance No. 2858 prohibiting the establishment and operation of medical marijuana dispensaries and other similar uses within the City of Ontario. In keeping with the City's position in regards to the prohibition of medical marijuana dispensaries and other similar uses, the City wishes to clarify that cultivation of marijuana is also prohibited in the City of Ontario.

The cultivation of marijuana is not a permitted use in the City of Ontario. Article 13 [Section 9-1.1300 (a)] of the City of Ontario Development Code, states that a use is not specifically allowed by Table 13-1 (Permitted, Conditional and Ancillary Land Uses – All Zoning Districts) and may be deemed a prohibited use, unless otherwise allowed by the Zoning Administrator in accordance with the provisions contained in Sec. 9-1.1310 (Determination of Use). In addition, Table 13-1 expressly prohibits Medical Marijuana Dispensaries in all zone classifications.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Richard Ayala
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014
Approved: _____
Continued to: _____
Denied: _____

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Similar to Medical Marijuana Dispensaries, cultivation of marijuana should be expressly prohibited in the City's zoning ordinance. Such a prohibition on the cultivation of marijuana has been upheld by the Courts in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975. The Court of Appeal determined that the Compassionate Use Act and the Medical Marijuana Program Act did not preempt an ordinance prohibiting the cultivation of all marijuana.

The cultivation of marijuana increases the risk of criminal activity, degradation of the natural environment and often results in illegal electric and water connections and alterations. Marijuana cultivation also creates increased nuisance impacts to neighboring properties because of the strong, malodorous, and potentially noxious odors which come from the plants. Marijuana remains an illegal substance under the Federal Controlled Substances Act (21 USC Sections 801, et seq.). It continues to be classified as a Schedule 1 Drug, making it unlawful under federal law to cultivate, manufacture, distribute, dispense or transport marijuana.

Therefore, in order to protect public health, safety and welfare and to comply with Federal law, staff recommends:

1. That Section 9-1.0200 (Definitions) of the Ontario Municipal Code be amended by adding the following new definition:

"Marijuana Cultivation." The indoor or outdoor planting, growing, harvesting, drying, or processing of the plant Cannabis, or any part thereof.

2. That the City of Ontario prohibit the cultivation of marijuana within City limits.
3. That Table 13-1 (Permitted, Conditional, and Ancillary Land Uses – All Zoning Districts) of the Ontario Development Code be amended to prohibit marijuana cultivation all zoning districts in the city.

On October 28, 2014, the Planning Commission voted unanimously (6-0) to recommend City Council adoption of an ordinance approving Development Code Amendment File No. PDA14-003.

ENVIRONMENTAL REVIEW: The proposed ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) and 15061 (b)(3) because the activity will not result in a direct or reasonably foreseeable physical change in the environment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 9-1.0200 AND TABLE 13-1 OF TITLE 9 OF THE ONTARIO DEVELOPMENT CODE TO EXPLICITLY PROHIBIT THE CULTIVATION OF MARIJUANA WITHIN THE CITY OF ONTARIO.

WHEREAS, on March 20, 2007, the Ontario City Council adopted Ordinance No. 2858 whereby prohibiting the establishment and operation of medical marijuana dispensaries and other similar uses within the City of Ontario; and

WHEREAS, in keeping with the City's position in regards to the prohibition of the establishment and operation of medical marijuana dispensaries and other similar uses, the City also currently prohibits the cultivation of marijuana within the City of Ontario; and

WHEREAS, the cultivation of marijuana is not a permitted use in the City of Ontario. Under Ontario Municipal Code ("OMC") Section 9-1.1300, any use not specifically allowed by Table 13-1 shall generally be deemed a prohibited use; and

WHEREAS, similar medical marijuana dispensaries, cultivation of marijuana should be expressly prohibited in the City's zoning ordinance. Such a prohibition on the cultivation of marijuana has been upheld by the Courts in *Maral v. City of Live Oak* (2013) 221 Cal. App. 4th 975. There, the Court of Appeal determined that the Compassionate Use Act and the Medical Marijuana Program Act did not preempt an ordinance prohibiting the cultivation of all marijuana; and

WHEREAS, this Ordinance will clarify, by making explicit, the City's prohibition on the cultivation of marijuana; and

WHEREAS, the proliferation of marijuana increases the risk of criminal activity, degradation of the natural environment, and often results in illegal electric and water connections and alterations. Marijuana cultivation also creates increased nuisance impacts to neighboring properties because of the strong, malodorous, and potentially noxious odors which come from the plants; and

WHEREAS, marijuana remains an illegal substance under the Federal Controlled Substances Act (21 USC Sections 801, et seq.). It continues to be classified as a Schedule 1 Drug, making it unlawful under federal law to cultivate, manufacture, distribute, dispense or transport marijuana; and

WHEREAS, for the above reasons, the City finds that the adoption of an explicit ban on the cultivation of marijuana is necessary to both protect the public health, safety and welfare and to comply with federal law; and

WHEREAS, prior to the date of this ordinance, marijuana cultivation is and continues to be prohibited in all zoning districts of the City pursuant to the OMC; and

WHEREAS, on October 28, 2014, the Planning Commission of the City of Ontario initiated Development Code Amendment (PDEV14-003), conducted a duly noticed public hearing to consider the application, concluded said hearing on that date, and passed Resolution PC14-009, recommending the City Council approve this Ordinance; and

WHEREAS, on November 18, 2014, the City Council held a public hearing in accordance with OMC Section 9-1.0300 and concluded said hearing on that date.

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

SECTION 1. Findings. The Ontario City Council hereby specifically finds as follows:

(a) The above recitals are true and correct and are incorporated herein by this reference.

(b) This Ordinance and Development Code Amendment (PDEV14-003):

(i) Are consistent with the objectives of the City of Ontario Development Code.

(ii) Are consistent with the City of Ontario's General Plan because it regulates the location, concentration, and operations of potential nuisances; preserves, maintains, improves, and creates distinct neighborhoods and protects property values and provides a desirable place to live; and minimizes potential dangers to residents, businesses, workers, and visitors. Overall, the amendments to the City of Ontario Development Code made by the Ordinance remain consistent with the objectives and policies of each element of the General Plan and do not obstruct their attainment.

(iii) Promote the public health, safety and welfare of the community.

SECTION 2. The paragraph defining "Marijuana Cultivation" within Section 9-1.0200 entitled "Definitions" of Article 2 of Part 1 of Chapter 1 of the Ontario Development Code is hereby amended to read as follows:

"Sec. 9-1.0200. Definitions.

"Marijuana Cultivation." The indoor or outdoor planting, growing, harvesting, drying, or processing of the plant *Cannabis*, or any part thereof.

SECTION 3. Table 13-1 of the Ontario Municipal Code is hereby amended as set forth in Exhibit A, attached hereto and incorporated by reference herein.

SECTION 4. CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2014.

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 _____, 2014 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”

**AMENDMENTS TO TABLE 13-1
(Permitted, Conditional, and Ancillary Land Uses – All Zoning Districts)**

**KEY: P= Permitted C= Conditionally Permitted (CUP Required) A=Ancillary to a permitted use
PP= Planning Permit --- = Prohibited**

The following row will be added to Table 13-1:

	AR	RE	R1	R1.5	R2	R3	HDR-45	AP	NC	C1	C2	C3	C4	EA
Marijuana Cultivation*	---	---	---	---	---	---	---	---	---	---	---	---	---	---

	M1	M2	M3	AG	PF	OP	MH
Marijuana Cultivation*	---	---	---	---	---	---	---



**Per Ordinance No. _____, marijuana cultivation is prohibited*

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT TO REVISE THE LAND USE ELEMENT OF THE ONTARIO PLAN-POLICY PLAN, EXHIBITS LU-01 OFFICIAL LAND USE PLAN, AND LU-03: FUTURE BUILDOUT TO: (1) CHANGE THE LAND USE DESIGNATION FOR 6.11 ACRES OF LAND LOCATED AT 2041 EAST 4TH STREET FROM GENERAL COMMERCIAL TO LOW MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC); (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND (3) A ZONE CHANGE REQUEST FROM C3 (COMMERCIAL SERVICE DISTRICT) TO R1.5 (LOW-MEDIUM DENSITY RESIDENTIAL - 5.1-11 DU/AC) TO CREATE CONSISTENCY WITH THE PROPOSED GENERAL PLAN LAND USE DESIGNATION AMENDMENT (APN: 0110-441-10)

RECOMMENDATION: That the City Council adopt a resolution approving a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program; adopt a resolution approving General Plan Amendment (File No. PGPA14-002) revising the Land Use Element of the Policy Plan (General Plan), Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout table; and introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC14-003) from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential).

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The adoption of the General Plan Amendment and Zone Change would result in long term fiscal impacts to the City that include ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve the future residential development. The proposed amendment would result in a minimal increase of to the City's annual expenditure for services, however Development Impact Fees and property tax revenues from future residential development will help to

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Lorena Mejia
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014

Approved: _____

Continued to: _____

Denied: _____

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offset the anticipated expenditures. The elimination of 6.11 acres of commercial land would result in the loss of 79,845 square feet of potential commercial space (based on a 0.30 FAR), which would result in the potential loss of sales tax revenues. However, the TOP identifies that approximately 7.8 million square feet will be generated from General Commercial land use designations and the elimination of 79,845 commercial square feet represents a 0.01% decrease in commercial square footage, which is not significant.

BACKGROUND: From the mid-1980s until May 2013, the Daily Bulletin published and printed periodicals and related inserts within the 76,000 square foot building. The production processes included imaging, maintenance, photo processing, printing, folding/assembly, silver recovery units (SRUs), and wastewater treatment. Since then, the building has been used as office space and storage for the Daily Bulletin. With the consolidation of their operations in San Bernardino, the Daily Bulletin determined that the site is surplus and began actively marketing the site.

In late 2013, Warmington Residential (“Warmington”) approached the City about converting the site to a residential use. The existing land use designation of commercial was provided in recognition of the Daily Bulletin’s operations. With multi-family residential uses to the north and west and a mobile home park (Lampighter), a residential land use seemed more appropriate to fit in with the area.

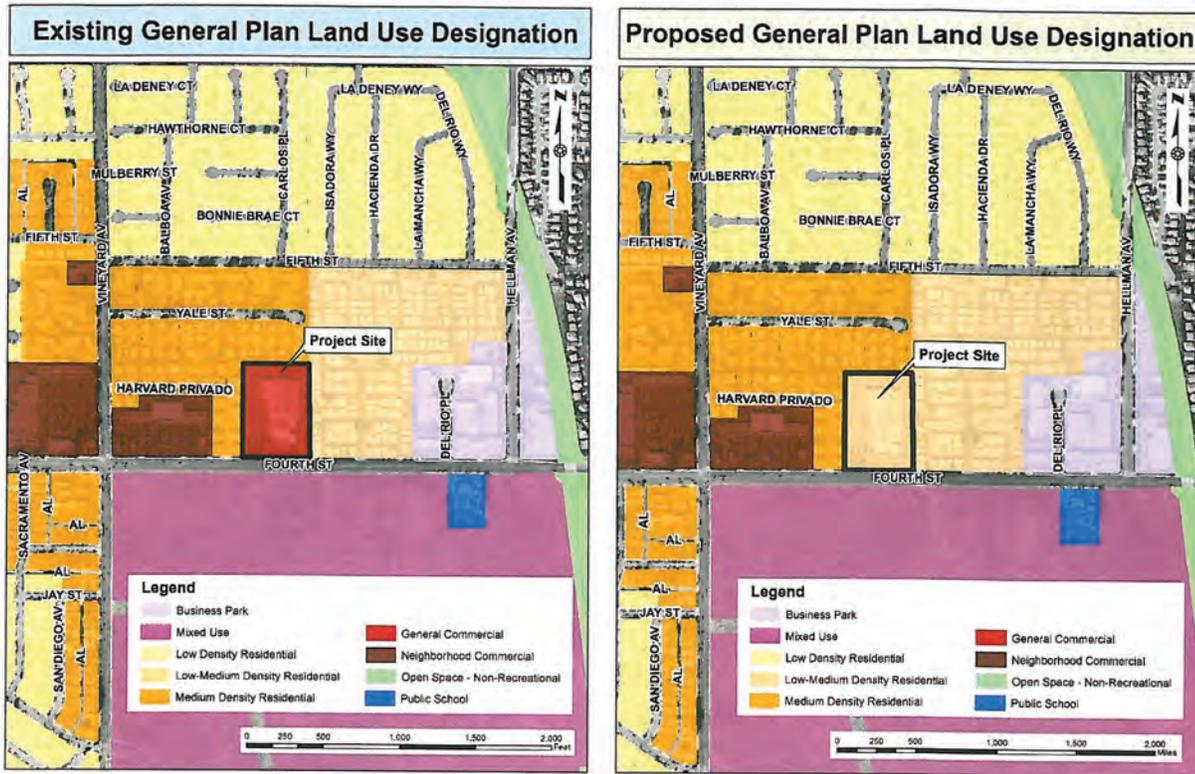
Warmington submitted a General Plan Amendment and Zone Change in May 2014 to change the existing General Plan land use designation from General Commercial (GC) to Low Medium Density Residential (LMDR - 5.1 -11 du/ac) and zoning from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential- 5.1-11 du/ac) will provide consistency between the zoning and the proposed General Plan land use designation. The proposed General Plan Amendment and Zone Change will provide a transitional between the Mobile Home Park and multi-family residential units, creating greater land use compatibility with adjoining sites than currently exists. The existing land use contributes towards generating greater levels of noise, truck traffic and other associated nuisances that can be disruptive to surrounding residential uses.

On September 4, 2014, a neighborhood meeting was held and notifications were mailed to property owners within a 300 foot radius of the project site. Three property owners attended the meeting and were in support of the project and no additional inquiries were received.

On October 28, 2014, the Planning Commission voted unanimously (6-0) to recommend City Council approval of the Mitigated Negative Declaration, General Plan Amendment, and the Zone Change.

ENVIRONMENTAL REVIEW: The initial study was prepared in compliance with the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. The initial study identified potential impacts resulting from the project in the area of utilities (water and sewer), noise, air quality, and traffic. With the proposed mitigation measures, the potential impacts identified in the initial study will be reduced to a level of less than significant. To ensure that the all mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the Project pursuant to CEQA Guidelines § 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures.

Attachment 1: General Plan Amendment

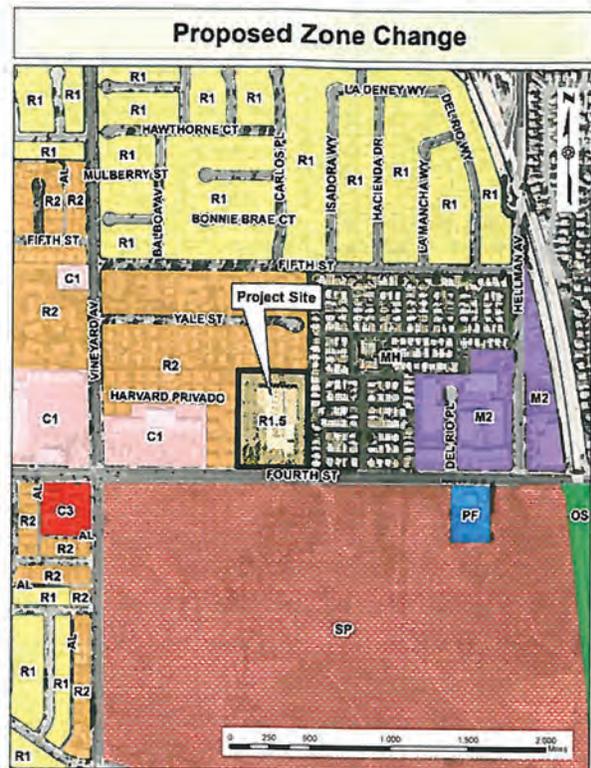
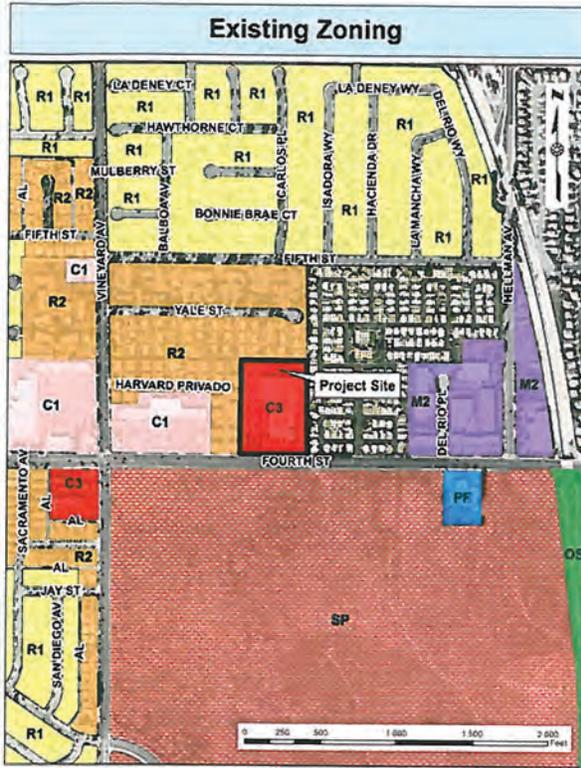


Attachment 2: Amended LU-03 Future Buildout Table

Note: Deletions to the table are shown in ~~strikethrough text~~, and additions are shown in **red text**

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	458	2.0 du/ac	916	3,660		
Low Density ⁶	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium ⁶ Density	843 849	8.5 du/ac	7,166 7,218	28,644 28,851		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	10,932 10,938		86,923 86,975	322,410 322,617		
Retail/ Service						
Neighborhood ⁶ General	265	0.30 FAR			3,466,679	8,388
General Commercial	604 598	0.30 FAR			7,889,152 7,809,306	7,329 7,255
Office/ Commercial	414	0.75 FAR			13,534,854	30,015
Hospitality	145	1.00 FAR			6,316,200	7,241
<i>Subtotal</i>	1,424 1,418				31,154,613 31,074,767	52,847 52,773
Total	31,924		104,197 104,249	356,958 357,166	255,554,789 255,474,944	324,302 324,228

Attachment 3: Zone Change



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR FILE NOS. PGPA14-002 AND PZC14-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR 6.11 ACRES OF LAND LOCATED AT 2041 EAST FOURTH STREET, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0110-441-10).

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for Planning File No.'s PGPA14-002 and PZC14-003 (the "Initial Study/Mitigated Negative Declaration"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, Planning File No.'s PGPA14-002 and PZC14-003 analyzed under the Initial Study/Mitigated Negative Declaration consists of a General Plan Amendment to change the existing General Plan land use designation from General Commercial (GC) to Low Medium Density Residential (LMDR - 5.1 -11 du/ac) that includes changes to The Ontario Plan (TOP) – Policy Plan Exhibits LU-01: Official Land Use Plan and LU-03: Future Buildout Table – to reflect the proposed land use designation changes and Zone Change from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential – 5.1-11 du/ac), for property located at 2041 East 4th Street, Ontario, CA 91764 (the "Project"); 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 Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

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

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

WHEREAS, the MND was made available to the public and to all interested agencies for review and comment pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on October 28, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC14-095, recommending the City Council approve the application.

WHEREAS, on November 18, 2014, the City Council of the City of Ontario conducted a hearing to consider the MND, the initial study and the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the 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 MND, 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 MND, 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 MND, initial study and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines.

b. The MND and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgement of the City Council;

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts.

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 MND, the Mitigation Monitoring and Reporting Program and the initial study.

SECTION 2. The City Council does hereby find that based upon the entire record of proceedings before it and all information received, and pursuant to State CEQA Guidelines Section 15162 and 15164, upon the specific findings and conclusions set forth in Section 1 above, the City Council hereby approves and adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the Project, which is included as Exhibit A of this Resolution.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves and adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

California Environmental Quality Act Environmental Checklist Form

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



Project Title/File No(s): Ensley Cottages – PGPA14-002, PZC14-003, PRD14-001, PMTT14,008 & PDEV14-016

Lead Agency: City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2876

Contact Person: Lorena Mejia, Associate Planner

Project Sponsor: Warmington Residential, 3090 Pullman Street, Costa Mesa CA 92626

Project Location: The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site is located near the northeast corner of Fourth Street and Vineyard Avenue, at 2041 East 4th Street.

Figure 1—REGIONAL LOCATION MAP

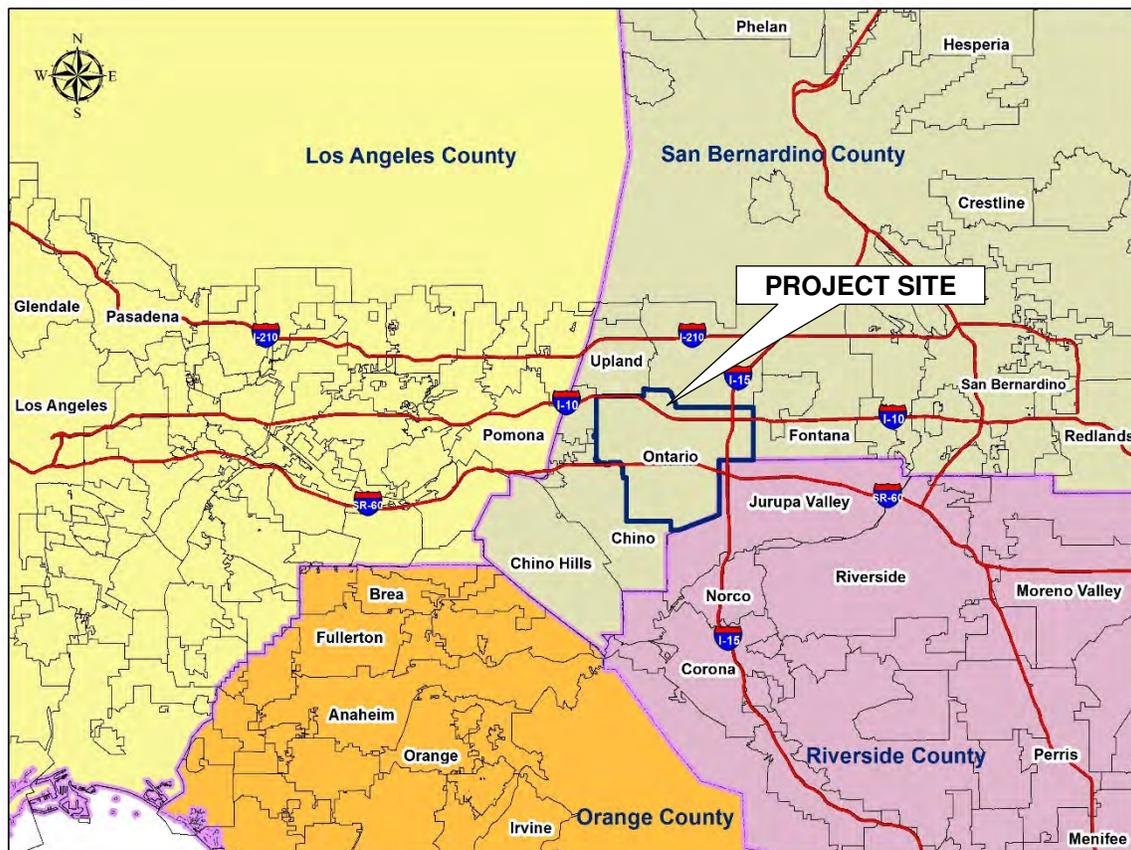


Figure 2—VICINITY MAP

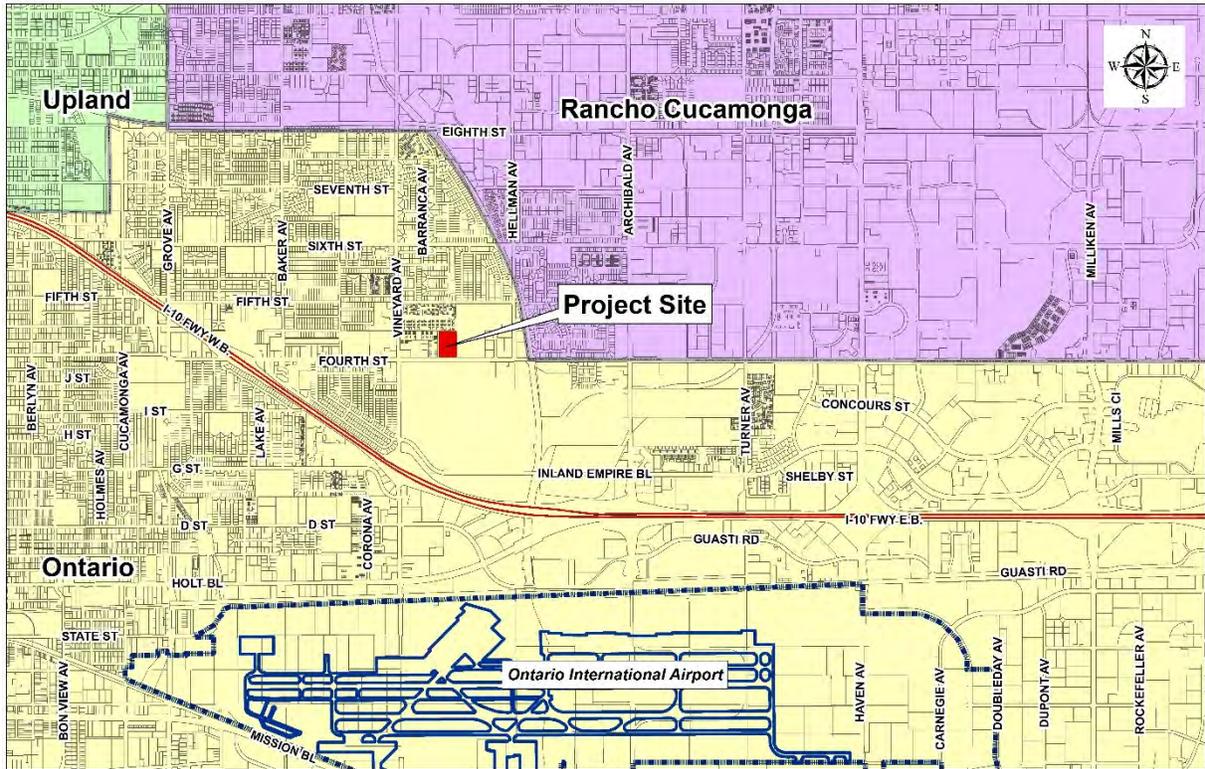


Figure 3—AERIAL PHOTOGRAPH



General Plan Designation: GC – General Commercial

Zoning: C3 – Commercial Service District

Description of Project: A General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan are being proposed that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project requires five separate applications and each one is detailed below:

1. A General Plan Amendment (PGPA14-002) to change the existing general plan land use designation from General Commercial (GC) to Low Medium Density Residential (LMDR - 5.1 -11 du/ac) (**Exhibit A – General Plan Amendment**). The amendment includes changes to The Ontario Plan (TOP) – Policy Plan Exhibits **LU-01: Official Land Use Plan** and **LU-03: Future Buildout** to reflect the proposed land use designation changes;
2. A zone change (PZC14-003) for the site from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential – 5.1-11 du/ac) which is necessary to create consistency with the proposed general plan amendment (**Exhibit B – Zone Change**);
3. A Planned Residential Development (PRD14-001) plan to develop the site as one land use complex that departs from the R1.5 residential zone district base development standards and allow for reduced lot sizes, setbacks and lot coverage while still providing superior development for the project site (**Exhibit C – PRD Development Standards**);
4. A Tentative Tract Map (PMTT14-008) to subdivide the parcel into 55 numbered lots and 2 lettered lots (**Exhibit D – Proposed Tentative Tract Map 18984**); and
5. A Development Plan (PDEV14-016) to allow for the construction of the 55 single family detached homes and active open space recreational amenities (**Exhibit E – Site Plan**).

Project Setting: The 6.11 acre project site was developed in the early 1980s and utilized as a newspaper printing facility and offices for The Inland Valley Daily Bulletin (**Exhibit F – Existing Site Photos**). From the mid-1980s until May of 2013 the Daily Bulletin published and printed periodicals and related inserts within the 76,000 square foot building. The production processes included imaging, maintenance, photo processing, printing, folding/assembly, silver recovery units (SRUs), and wastewater treatment. Wastewater generated during the imaging processes, maintenance activities, photo processing, and printing was directed to the wastewater treatment system that was directed to the SRUs and then to the below grade wastewater clarifier in the northern portion of the site prior to discharge to the sanitary sewer system. As of May of 2013, the building is currently being used as offices for the newspaper and storage. The existing building lies within the center of project site and is surrounded by paved areas utilized for parking and on-site circulation. There is a 20 foot water, sewer and drainage easement adjacent to the eastern property line that runs north-south on the parcel that will remain. There are existing block walls along the west, north and east property lines that will also remain.

Surrounding Land Uses:

	<u>Zoning</u>	<u>Current Land Use</u>
▪ North—	R2: Medium Density Residential	Multi-family residential
▪ South—	Meredith International Center Specific Plan	Vacant
▪ East—	MH: Mobile Home Park District	Mobile Home Park
▪ West—	R2: Medium Density Residential	Multi-family residential

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): The project site is located within Cucamonga Valley Water District service area and a letter was received from the Cucamonga Valley Water District (**Exhibit G – Cucamonga Valley Water District Service Letter**) stating that there will be adequate supply of water available to meet the needs of the development.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

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

Signature

10/8/2014

Date

Lorena Mejia, Associate Planner
Printed Name

City of Ontario Planning Department
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

CEQA Environmental Checklist Form

File No(s): PGPA14-002, PZC14-003, PRD14-001, PMTT14-008 & PDEV14-016

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

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

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

EXPLANATION OF ISSUES

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

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

Discussion of Effects: The Policy Plan (General Plan) does not identify scenic vistas within the City. However, the Policy Plan (Policy CD1-5) of The Ontario Plan requires all major north-south streets be designed and constructed to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. North-south streets should be clear of visual clutter, including billboards and be enhanced appropriately by framing corridors with trees. The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10).

The project site is located along 4th Street a major east-west street and is identified as a 6-lane Principal Arterial in the Functional Roadway Classification Plan (Figure M-2) of the Mobility Element within the Policy Plan. Furthermore, the current zone allows 55-foot building heights and the proposed zone R1.5 allows 35-foot building heights resulting in greater views of the San Gabriel Mountains for properties located south of the project site due to the reduced building heights. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required.

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

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east-west direction. I-15 traverses the northeastern portion of the City in a north-south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 75,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The existing building was built in the mid-1980s and is located approximately half a mile from the closest freeway, the I-10. There are no historic buildings or any scenic resources identified on or in the vicinity of the project site. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by multi-family residential to the north and west, a mobile home park to the east and vacant land to the south.

The proposed project will substantially improve the visual quality of the area through the removal of the existing 76,000 square foot building that was built in the mid-1980s with the replacement of a 55 small lot single family residential subdivision, which will be consistent with the policies of the Community Design Element of the TOP Policy Plan (General Plan). The project site will complement the surrounding residential uses and achieve greater land use compatibility with the development of a low density residential development with 9.1 dwelling units per acre. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). New lighting will be introduced to the site with the development of the project. Pursuant to the requirements of the City's Development Code, project on-site lighting will be shielded, diffused or indirect, to avoid glare to pedestrians or motorists. In addition, lighting fixtures will be selected and located to confine the area of illumination to within the project site and minimize light spillage.

Site lighting plans will be subject to review by the Planning Department and Police Department prior to issuance of building permits (pursuant to the City's Building Security Ordinance). Therefore, no adverse impacts are anticipated in relation to the project

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). As, stated above the site is currently developed and does not contain any agricultural uses. Further, the site is identified as "Developed Land" on the map prepared by the California Resources Agency, pursuant to the Farmland Mapping and Monitoring Program. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The majority of agricultural land uses and all existing Williamson Act contracts are located south of Riverside Drive in an area of the City known as the New Model Colony. The project site is located in the northern most part of the City in an area that is urbanized and not used for agricultural land uses as shown in **Exhibit H – Williamson Act Contracts**.

The current zone for the project site is C3 (Commercial Service District) and is characterized as allowing uses for highway-oriented businesses and transportation-related service establishments, serving City-wide and regional needs. The project site is not zoned for agricultural use and a Williamson Act contract is not in effect on the subject site. Therefore, no impacts to agricultural uses are anticipated, nor will there be any conflict with existing Williamson Act contracts.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The current zone for the project site is C3 (Commercial Service District) and is characterized as allowing uses for highway-oriented businesses and transportation-related service establishments, serving City-wide and regional needs. To accommodate the proposed project, the applicant has requested the rezoning of the project site to R1.5 (Low-Medium Density Residential). The proposed rezoning of the project site would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. The proposed rezoning would be consistent with The Ontario Plan and the development standards and allowed land uses of the R1.5 zone. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land and no adverse impacts are anticipated in relation to the project.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The current zone for the project site is C3 (Commercial Service District) and is characterized as allowing uses for highway-oriented businesses and transportation-related service establishments, serving City-wide and regional needs and Farmland is not an intended use for the zone. As mentioned above, the project site is currently developed with a 75,000 square foot commercial building and there are no agricultural uses occurring onsite. Therefore, the proposed project would not result in the individual or cumulative loss of Farmland to non-agricultural uses.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, to the extent that the proposed project would result in changes to the existing environment, those changes would not impact forest land.

Mitigation Required: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project will not conflict with or obstruct implementation of any air quality plan. As noted in The Ontario Plan FEIR (Section 5.3), pollutant levels in the Ontario area already exceed Federal and State standards. To reduce pollutant levels, the City of Ontario is actively participating in efforts to enhance air quality by implementing Control Measures in the Air Quality Management Plan for local jurisdictions within the South Coast Air Basin.

The proposed project is consistent with The Ontario Plan, for which the EIR was prepared and impacts evaluated. Furthermore, the project is consistent with the City's participation in the Air Quality Management Plan and, because of the project's limited size and scope, will not conflict with or obstruct implementation of the plan. However, out of an abundance of caution, the project will use low VOC architectural coatings as recommended by the South Coast Air Quality Management District's Air Quality modeling program. Therefore, the impacts anticipated in relation to the project are less than significant.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). Short term air quality impacts will result from construction related activities associated with construction activity, such as excavation and grading, machinery and equipment emissions, vehicle emissions from construction employees, etc. The daily emissions of nitrogen oxides and particulates from resulting grading and vehicular emissions may exceed threshold levels of the South Coast Air Quality Management District (SCAQMD). Therefore, mitigation is required for this project and will minimize impacts to a less than significant level.

Mitigation: The following fugitive dust mitigation measures shall be required:

- i) Use of dust control during clearing, grading and construction. Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures. If freshwater resources are too precious to waste on dust control, availability of brackish or reclaimed water sources shall be investigated. Soil disturbance shall be terminated when high winds (25 mph or greater) make dust control extremely difficult.
- ii) Minimization of construction interference with regional non-project traffic movement. Impacts shall be reduced to below a level of significance by the following mitigation measures:
 - (1) Scheduling receipt of construction materials to non-peak travel periods.
 - (2) Routing construction traffic through areas of least impact sensitivity.
 - (3) Limiting lane closures and detours to off-peak travel periods.
 - (4) Providing rideshare incentives for contractor and subcontractor personnel.
- iii) After clearing, grading or earth moving:
 - (1) Seed and water until plant cover is established;

- (2) Spread soil binders;
 - (3) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind; and
 - (4) Reduce “spill-over” effects by washing vehicles entering public roadways from dirt off road project areas, and washing/sweeping project access to public roadways on an adequate schedule.
- iv) Emissions control from on-site equipment through a routine, mandatory program of low-emission tune-ups.
- c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality because of the limited size and scope of the project. Although no impacts are anticipated, the project will still comply with the air quality standards of the TOP FEIR and the SCAQMD resulting in impacts that are less than significant, refer to sections 3a and 3b.

Mitigation: None required.

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

Discussion of Effects: Sensitive receptors are defined as populations that are more susceptible to the effects of pollution than the population at large. The SCAQMD identifies the following as sensitive receptors: long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, child care centers, and athletic facilities. According to the SCAQMD, projects have the potential to create significant impacts if they are located within one-quarter mile of sensitive receptors and would emit toxic air contaminants identified in SCAQMD Rule 1401. The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed 55 residential units, is considered a sensitive receptor. There are not, however, any known hot spots or heavy concentrations of pollutants in the area that would expose residents to potential adverse impacts. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). To accommodate the proposed development of 55 single family homes, the applicant has requested general plan land use designation amendment from General Commercial (GC) to Low Medium Density Residential (LMDR) and the rezoning of the project site from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential). The uses proposed on the subject site, as well as those permitted within the R1.5 zoning district, do not create objectionable odors. Further, the project shall comply with the policies of the Ontario Municipal Code and The Ontario Plan - Policy Plan for the proposed land use designation amendment (LMDR) and zone change (R1.5). Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is currently developed in an area that has not been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. Therefore, no adverse impacts are anticipated.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is currently developed and does not contain any riparian habitat or other sensitive natural community identified by the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is currently developed and there is no wetland habitat on the site. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is currently developed and is surrounded by residential development to the north, east and west. As a result, there are no wildlife corridors connecting this site to other areas. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The City of Ontario does not have a tree preservation or biological resources ordinance. However, the City of Ontario Standard Conditions (Resolution 2010-021) for new development includes language for protecting existing mature trees in place wherever possible. A tree report was prepared for the project site and it included the location, dbh (diameter breast height) and health condition of 130 trees. There were 85 trees identified as being in good health and the remaining were considered to be in poor health. The proposed development would require the entire site to be disturbed leaving limited opportunities for the preservation of existing trees in their current locations. However, along the western and front property lines some of the trees may remain in place if they are in good health and located outside of areas where structures or walls will be located. The City of Ontario Standard Conditions also stipulates that replacement trees for mature trees removed shall be 48" box size at a rate of 2 trees for each tree removed or as approved. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The existing commercial building built in the mid-1980s and is less than 50 years of age and cannot be considered for eligibility for listing in the California Register of Historic Resources. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The Ontario Plan FEIR (Section 5.5) indicates that no archeological sites or resources have been recorded in the City with the Archeological Information Center at San Bernardino County Museum. However, only about 10% of the City of Ontario has been adequately surveyed for prehistoric or historic archaeology. While no adverse impacts to archeological resources are anticipated at this site due to its urbanized nature, standard conditions have been imposed on the project that in the event of unanticipated archeological discoveries, construction activities will not continue or will moved to other parts of the project site and a qualified archaeologist shall be

contacted to determine the significance of these resources. If the find is discovered to be historical or unique archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented. Therefore, the impacts anticipated in relation to the project are less than significant.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The City of Ontario is underlain by deposits of Quaternary and Upper-Pleistocene sediments deposited during the Pliocene and early Pleistocene time, Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are, therefore, considered to have high sensitivity at depths of 10 feet or more below ground surface. In addition, the Ontario Plan FEIR (Section 5.5) indicates that one paleontological resource has been discovered in the City. However, the project proposes excavation depths to be less than 10 feet. While no adverse impacts are anticipated, standard conditions have been imposed on the project that in the event of unanticipated paleontological resources are identified during excavation, construction activities will not continue or will moved to other parts of the project site and a qualified paleontologist shall be contacted to determine significance of these resources. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented. Therefore, the impacts anticipated in relation to the project are less than significant.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project is in an area that has been previously disturbed by development. No known religious or sacred sites exist within the project area. Thus, human remains are not expected to be encountered during any construction activities. However, in the unlikely event that human remains are discovered, existing regulations, including the California Public Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, standard conditions have been imposed on the project that in the event of unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable. Therefore, the impacts anticipated in relation to the project are less than significant.

Mitigation: None required.

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

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East

4th Street (APN: 0110-441-10). There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Ontario Plan FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

ii) **Strong seismic ground shaking?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Policy Plan (General Plan) FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. The closest fault zone is located more than ten miles from the project site. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. All construction will be in compliance with the Uniform Building Code (UBC), the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). As identified in the TOP FEIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than 10 feet to the surface can cause the highest liquefaction susceptibility. Depth to ground water at the project site during the winter months is estimated to be between 250 to 450 feet below ground surface. Therefore, the liquefaction potential within the project area is minimal. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required.

iv) **Landslides?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project will not result in significant soil erosion or loss of topsoil because of the previously disturbed and developed nature of the project site and the limited size and scope of the project. Grading increases the potential for erosion by removing protective vegetation, changing natural drainage patterns, and constructing slopes. However, compliance with the California Building Code and review of grading plans by the City Engineer will ensure no significant impacts will occur. In addition, the City requires an erosion/dust control plan for projects located within this area. Implementation of a NPDES program, the Environmental Resource Element of the Policy Plan (General Plan) strategies, Uniform Building Code and Ontario Municipal code and required mitigation would reduce impacts to a less than significant level.

Mitigation: The following mitigation measures shall be implemented:

- i) Prior to issuance of grading permits, the applicant shall submit an erosion control plan to reduce wind erosion impacts.
 - ii) Fugitive dust generated during cleaning, grading, earth moving or excavation should be controlled by regular watering, paving of construction roads, or other dust-preventative measures.
 - iii) After clearing, grading, or earth moving:
 - (1) Seed and water until plant cover is established;
 - (2) Spread soil binders;
 - (3) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind; and
 - (4) Sweep streets if silt is carried to adjacent public thoroughfares.
 - iv) Obtain authorization to discharge storm water under an NPDES construction storm water permit and pay appropriate fees.
- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project would not result in the location of development on a geologic unit or soil that is unstable, or that would become unstable because as previously discussed, the potential for liquefaction and landslides associated with the project is less than significant. The Ontario Plan FEIR (Section 5.7) indicates that subsidence is generally associated with large decreases or withdrawals of water from the aquifer. The project would not withdraw water from the existing aquifer. Further, implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-

441-10). The majority of Ontario, including the project site, is located on alluvial soil deposits. These types of soils are not considered to be expansive. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The area is served by the local sewer system and the use of alternative systems is not necessary. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The impact of buildout of The Ontario Plan (TOP) on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the TOP-Policy Plan. According to the EIR, this impact would be significant and unavoidable (Re-circulated Portions of TOP Draft Environmental Impact Report, p. 2-118). The TOP EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for TOP's significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in TOP EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in TOP EIR; (3) the proposed project is consistent with The Ontario Plan.

As part of the City's certification of The Ontario Plan EIR and its adoption of The Ontario Plan, the City adopted mitigation measures 6-1 through 6-6 with regard to the significant and unavoidable impact relating to GHG emissions. These mitigation measures, in summary, required:

MM 6-1. The City is required to prepare a Climate Action Plan (CAP).

MM 6-2. The City is required to consider for inclusion in the CAP a list of emission reduction measures.

MM 6-3. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.

MM 6-4. The City is required to consider the emission reduction measures and concepts contained in MMs 6-2 and 6-3 when reviewing new development prior to adoption of the CAP.

MM 6-5. The City is required to evaluate new development for consistency with the Sustainable Communities Strategy, upon adoption by the Southern California Association of Governments.

MM 6-6. The City is required to participate in San Bernardino County's Green Valley Initiative.

While Public Resources Code section 21083.3 requires that relevant mitigation measures from a General Plan EIR be imposed on a project that is invoking that section's limited exemption from CEQA, these mitigation measures impose obligations on the City, not applicants, and hence are not directly relevant. However, the mitigation proposed below carries out, on a project-level, the intent of The Ontario Plan's mitigation on this subject.

Mitigation Required: The following mitigation measures shall be required:

- i) The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by the applicant in connection with the project:
 - ii) Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant , low-maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects;
 - iii) Require all new landscaping irrigation systems installed to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors;
 - iv) Reduce heat gain from pavement and other similar hardscaping;
- b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City's contribution of greenhouse gas emissions at build-out by fifteen (15%), because the project is upholding the applicable City's adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases. Therefore, no adverse impacts are anticipated.

Mitigation Required: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project is not anticipated to involve the transport, use or disposal of hazardous materials during either construction or project implementation. Therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned

Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). From the mid-1980s until May of 2013 the Daily Bulletin published and printed periodicals and related inserts within the 76,000 square foot building. The production processes included imaging, maintenance, photo processing, printing, folding/assembly, silver recovery units (SRUs), and wastewater treatment. Wastewater generated during the imaging processes, maintenance activities, photo processing, and printing was directed to the wastewater treatment system that was directed to the SRUs and then to the below grade wastewater clarifier in the northern portion of the site prior to discharge to the sanitary sewer system. As of May of 2013, the building is currently being used as offices for the newspaper and storage only. A Phase Environmental Site Assessment (JE Compliance Services, Inc. - February 2014) was completed for the project site and the findings concluded that the presence or likely presence of a recognized environmental condition (any hazardous substances or petroleum products) in, on or at the site were not found. In addition, there are no known stationary commercial or industrial land uses within close proximity to the subject site, which use/store hazardous materials to the extent that would pose a significant hazard to visitors/occupants to the subject site, that would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Therefore, no adverse impacts are anticipated.

Mitigation: None required

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project does not include the use, emissions or handling of hazardous or acutely hazardous materials, substances or waste. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code § 65962.5. Therefore, the project would not create a hazard to the public or the environment and no impact is anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). According to Land Use Element (Exhibit LU-01 Official Land Use Plan) of the Policy Plan (General Plan), the entire City is located within the Ontario International Airport Influence Area and is required to meet the policies and criteria set forth in the Ontario Airport Land Use Compatibility Plan (ONT ALUCP) for each of the four compatibility factors (safety, noise, airspace

protection and overflight). Policy Map 2-2 of the ONT ALUCP identifies the areas within the City that are located within the Safety Zones that are generally located south of Holt Blvd., west of Wineville Avenue, north of Jurupa Street and east of San Antonio Avenue. The project site is located outside of the safety zones north of ONT along 4th Street and approximately 1.26 miles from the nearest safety zone. Since, the project site is located outside of the safety zones the project would not result in a safety hazard for people residing or working in the project area and therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because the project is required to comply with all applicable City codes, any impacts would be reduced to a less than significant level.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is not located in or near wildlands. Therefore, no impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of

55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is served by City sewer service and will not affect water quality standards or waste discharge requirements. Discharge of storm water pollutants from areas of materials storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing, waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work) areas could result in a temporary increase in the amount of suspended solids, trash and debris, oil and grease, organic compounds, pesticides, nutrients, heavy metals and bacteria pathogens in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is required to comply with the statewide National Pollutant Discharge Elimination System (NPDES) General Industrial Activities Stormwater Permit, the San Bernardino County Area-Wide Urban Runoff Permit (MS4 permit) and the City of Ontario's Municipal Code (Section 6, Title 6). This would reduce any impacts to a less than significant level.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is located within Cucamonga Valley Water District service area and a letter was received from the Cucamonga Valley Water District (Exhibit A – Cucamonga Valley Water District Service Letter) stating that there will be adequate supply of water available to meet the needs of the development. Therefore, the proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The development of the site will require the grading of the site and excavation is expected to be less than ten feet and would not affect the existing aquifer, estimated to be about 230 to 250 feet below the ground surface. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). It is not anticipated that the project would alter the drainage pattern of the site or area, in a manner that would result in erosion, siltation or flooding on-or-off site nor will the proposed project increase the erosion of the subject site or surrounding areas. The existing drainage pattern of the project site will not be altered and it will have no significant impact on downstream hydrology. Stormwater generated by the project will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included in the SWPPP, and a stormwater monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. No changes in erosion off-site are anticipated therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project is not anticipated to increase the flow velocity or volume of storm water runoff to cause environmental harm from the site and will not create a burden on existing infrastructure. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall reduce any potential impacts to a less than significant level.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). It is not anticipated that the project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create or contribute stormwater runoff pollutants during construction and/or post-construction activity. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" (WQMP), individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). Activities associated with the construction period, could result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is required to comply with the statewide NPDES General Construction Permit and the City of Ontario's Municipal Code (Section 6, Title 6) to minimize water pollution. Thus it is anticipated that there is no potential for discharges of stormwater during construction that will affect the beneficial uses of the receiving waters. However, with the General Construction Permit requirement and implementation of the policies in The Ontario Plan, any impacts associated with the project would be reduced less than significant level.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is not located within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). As identified in the Safety Element (Exhibit S-2) of the Policy Plan (General Plan), the site lies outside of the 100-year flood hazard area. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). As identified in the Safety Element (Exhibit S-2) of The Ontario Plan, the site lies outside of the 100-year flood hazard area. No levees or dams are located near the project site. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, no impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is currently developed and surrounded by multi-family residential to the north and west and a mobile home park to the east (**Exhibit I – Surrounding Land Uses**). The proposed general plan land use designation amendment from General Commercial (GC) to Low Medium Density Residential (LMDR) and zone change to R1.5 (Low-Medium Density Residential)

will allow for the construction of the 55 small lot single family residential subdivision. The proposed project will serve as a transitional residential use between the Mobile Home Park and multi-family residential units which is better suited for the immediate area. Therefore, no adverse impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project includes an amendment to the land use plan however, the project does not interfere or conflict with any policies for environmental protection as they relate to The Ontario Plan or any other City policy or regulation. As such, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). There are no adopted habitat conservation plans in the project area. Therefore, no conflicts or impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). There are no known mineral resources in the area and no impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project will not expose people to or generate noise levels in excess of standards as established in The Ontario Plan FEIR (Section 5.12). No additional analysis will be required and no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The uses associated with this project normally do not induce groundborne vibrations. As such, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project will not be a significant noise generator and will not cause a substantial permanent increase in ambient noise levels because of the limited size and scope of the project. Moreover, the proposed use will be required to operate within the noise levels permitted for residential development, pursuant to City of Ontario Development Code. Therefore, no increases in noise levels within the vicinity of the project are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). Temporary construction activities will minimally impact ambient noise levels. All construction machinery will be maintained according to industry standards to help minimize the impacts. Normal activities associated with the project are unlikely to increase ambient noise levels. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). According to Land Use Element (Exhibit LU-01 Official Land Use Plan) of the Policy

Plan (General Plan), the entire City is located within the Ontario International Airport Influence Area and is required to meet the policies and criteria set forth in the Ontario Airport Land Use Compatibility Plan (ONT ALUCP) for each of the four compatibility factors (safety, noise, airspace protection and overflight). Policy Map 2-3 of the ONT ALUCP identifies the areas within the City that are located within the Noise Impact Zones. The project site is located outside of the Noise Impact Zones north of ONT along 4th Street and approximately half a mile from the 60 dB CNEL Noise Impact Zone. Since, the project site is located outside of the Noise Impact Zones the project would not result in exposing people residing or working in the project area to excessive noise levels. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project includes the construction of 55 single family residential homes and would potentially increase the City's population by 209 people. The California Department of Finance lists the City's current population to be 167,382 the increase of 209 people would be a 0.001% increase in City population and would not induce a substantial population growth. Therefore, no impacts are anticipated

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is currently developed with a non-residential use and would not result in the displacement of existing housing units. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 75,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is currently developed with a non-residential use and would not result in the displacement of people. Therefore, no impacts are anticipated.

Mitigation: None required.

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

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

i) **Fire protection?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The site is in a developed area currently served by the Ontario Fire Department. Furthermore, Fire Station 5 is located approximately $\frac{3}{4}$ of mile west of the project site. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. Therefore, no impacts are anticipated.

Mitigation: None required.

ii) **Police protection?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The site is in a developed area, currently served by the Ontario Police Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. Therefore, no impacts are anticipated.

Mitigation: None required.

iii) **Schools?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is located within the Cucamonga Elementary School District and will be required to pay school fees as prescribed by state law prior to the issuance of building permits. Therefore, no impacts are anticipated.

Mitigation: None required.

iv) **Parks?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The site is in a developed area, currently served by the City of Ontario and located within a mile of a Cucamonga-Guasti Regional Park and Vineyard City Park. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. Furthermore, the project includes a 19,864 square foot recreation facility for residents within the proposed development. Therefore, no impacts are anticipated.

Mitigation: None required.

v) **Other public facilities?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The site is in a developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. Therefore, no impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). This project is not proposing a significant amount of new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. The site is in a developed area, currently served by the City of Ontario and located within a mile of a Cucamonga-Guasti Regional Park and Vineyard City Park. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. Furthermore, the project includes a 19,864 square foot recreation facility for residents within the proposed development. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). This project is not proposing a significant amount of new housing or large employment generator that would require the construction of neighborhood parks or other recreational facilities. The site is in a developed area, currently served by the City of Ontario and located within a mile of a Cucamonga-Guasti Regional Park and Vineyard City Park. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. Furthermore, the project includes a 19,864 square foot recreation facility for residents within the proposed development. Therefore, no impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of

55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The TOP EIR traffic study utilized the full development (buildout) of the Preferred Land Use Strategy (*LU-01: Official Land Use Plan*) to forecast future traffic. The Official Land Use Plan identifies the project site as having a General Commercial land use. *Exhibit LU-03: Future Buildout Table* identifies the assumed buildout for each land use. The assumed buildout for General Commercial land uses is a 0.30 Floor Area Ratio (FAR).

Staff analyzed the existing and proposed land use buildout trip generation scenarios to determine if the proposed amendment would be a greater impact than what was previously analyzed in the TOP EIR traffic study (*Ontario General Plan Update: Transportation Technical Report, Kimley-Horn and Associates, March 19, 2009*). The trip generation analyses relied upon the *Trip Generation, 8th Edition, Institute of Transportation Engineers (ITE) 2008* to determine the number of trips generated from the project site during p.m. peak hours. The current General Commercial land use designation produces 294 trips during p.m. peak hours and the proposed Low Medium Density Residential Land Use would generate 56 trips during p.m. peak hours. The analyses concluded that the proposed general plan amendment land use designation change from General Commercial to Low Medium Density Residential (5.1-11 du/ac) would result in 238 less trips during p.m. peak hours (**Exhibit J – Land Use Traffic Analysis**). Therefore, the proposed amendment would not result in a greater impact than what was previously analyzed in the adopted TOP FEIR traffic study.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The TOP EIR traffic study utilized the full development (buildout) of the Preferred Land Use Strategy (*LU-01: Official Land Use Plan*) to forecast future traffic. The Official Land Use Plan identifies the project site as having a General Commercial land use. *Exhibit LU-03: Future Buildout Table* identifies the assumed buildout for each land use. The assumed buildout for General Commercial land uses is a 0.30 Floor Area Ratio (FAR).

Staff analyzed the existing and proposed land use buildout trip generation scenarios to determine if the proposed amendment would be a greater impact than what was previously analyzed in the TOP EIR traffic study (*Ontario General Plan Update: Transportation Technical Report, Kimley-Horn and Associates, March 19, 2009*). The trip generation analyses relied upon the *Trip Generation, 8th Edition, Institute of Transportation Engineers (ITE) 2008* to determine the number of trips generated from the project site during p.m. peak hours. The current General Commercial land use designation produces 294 trips during p.m. peak hours and the proposed Low Medium Density Residential Land Use would generate 56 trips during p.m. peak hours. The analyses concluded that the proposed general plan amendment land use designation change from General Commercial to Low Medium Density Residential (5.1-11 du/ac) would result in 238 less trips during p.m. peak hours (**Exhibit J – Land Use Traffic Analysis**). Therefore, the proposed amendment would not result in a greater impact than what was previously analyzed in the adopted TOP FEIR traffic study.

Mitigation: None required.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project is located within the High Terrain Zone of the ONT ALUCP and described as an area where the terrain is in close proximity of the ONT's airspace surfaces and thus has a

greater potential of creating airspace hazards. Properties located within the High Terrain Zone are not allowed to construct structures taller than 70 feet in height. The proposed project would result in structures up to 35 feet in height, which is 35 feet below the established threshold. Furthermore, the project site will not create physical, visual or electric hazards to aircraft in flight or interfere with air traffic patterns at Ontario International Airport. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project is in an area that is mostly developed. All street improvements are complete and no alterations are proposed for adjacent intersections or arterials. The project will, therefore, not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project will be designed with two points of access along 4th Street providing access for all emergency vehicles and will therefore not create an inadequate emergency access. No impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project is required to meet parking standards established by the Ontario Development Code and will therefore not create an inadequate parking capacity. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project does not conflict with any transportation policies, plans or programs. Therefore, no impacts are anticipated.

Mitigation: None required.

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

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project is served by the City of Ontario sewer system, which has waste treated by the Inland Empire Utilities Agency at the RP-1 (or RP-5) treatment plant. The project is required to meet the requirements of the Ontario Engineering Department regarding wastewater. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project is served by the City of Ontario sewer system and which has waste treated by the Inland Empire Utilities Agency at the RP-1 (or RP-5) treatment plant. RP-1 (or RP-5) is not at capacity and this project will not cause RP-1 (or RP-5) to exceed capacity. The project will therefore not require the construction of new wastewater treatment facilities, or the expansion of existing facilities. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project is served by the City of Ontario. The project is required to meet the requirements of the Ontario Engineering Department regarding storm drain facilities. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project site is located within Cucamonga Valley Water District service area and a letter was received from the Cucamonga Valley Water District (**Exhibit G – Cucamonga Valley Water District Service Letter**) stating that there will be an adequate supply of water available to meet the needs of the development. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project is served by the City of Ontario sewer system, which has waste treated by the Inland Empire Utilities Agency at the RP-1 (or RP-5) treatment plant. RP-1 (or RP-5) is not at capacity and this project will not cause RP-1 (or RP-5) to exceed capacity. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). City of Ontario serves the proposed project. Currently, the City of Ontario contracts with a waste disposal company that transports trash to a landfill with sufficient capacity to handle the City's solid waste disposal needs. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). This project complies with federal, state, and local statutes and regulations regarding solid waste. Therefore, no impacts are anticipated.

Mitigation: None required.

18) MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The proposed project does not have the potential to reduce wildlife habitat and threaten a wildlife species. Therefore, no impacts are anticipated.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project does not have impacts that are cumulatively considerable.

Mitigation: None required.

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

Discussion of Effects: The project includes a General Plan Amendment, Zone Change, Planned Residential Development, Tentative Tract Map and Development Plan that would result in the demolition of an existing 76,000 square foot commercial building and allow for the construction of 55 single family detached homes on a 6.11 acre site, located at 2041 East 4th Street (APN: 0110-441-10). The project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None required.

EARLIER ANALYZES

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

- 1) Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.
 - a) The Ontario Plan Final EIR
 - b) The Ontario Plan
 - c) City of Ontario Development Code
 - d) Ontario International Airport Land Use Compatibility Plan
 - e) Ontario International Airport Land Use Compatibility Plan Negative Declaration (SCH 2011011081)
 - f) Phase 1 Environmental Site Assessment – Prepared by JE Compliance Services, Inc. (February 2014)

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

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

Comments III.A and C were addressed in The Ontario Plan FEIR and considered a significant adverse effect that could not be mitigated. A statement of overriding considerations was adopted for The Ontario Plan FEIR.

MITIGATION MEASURES

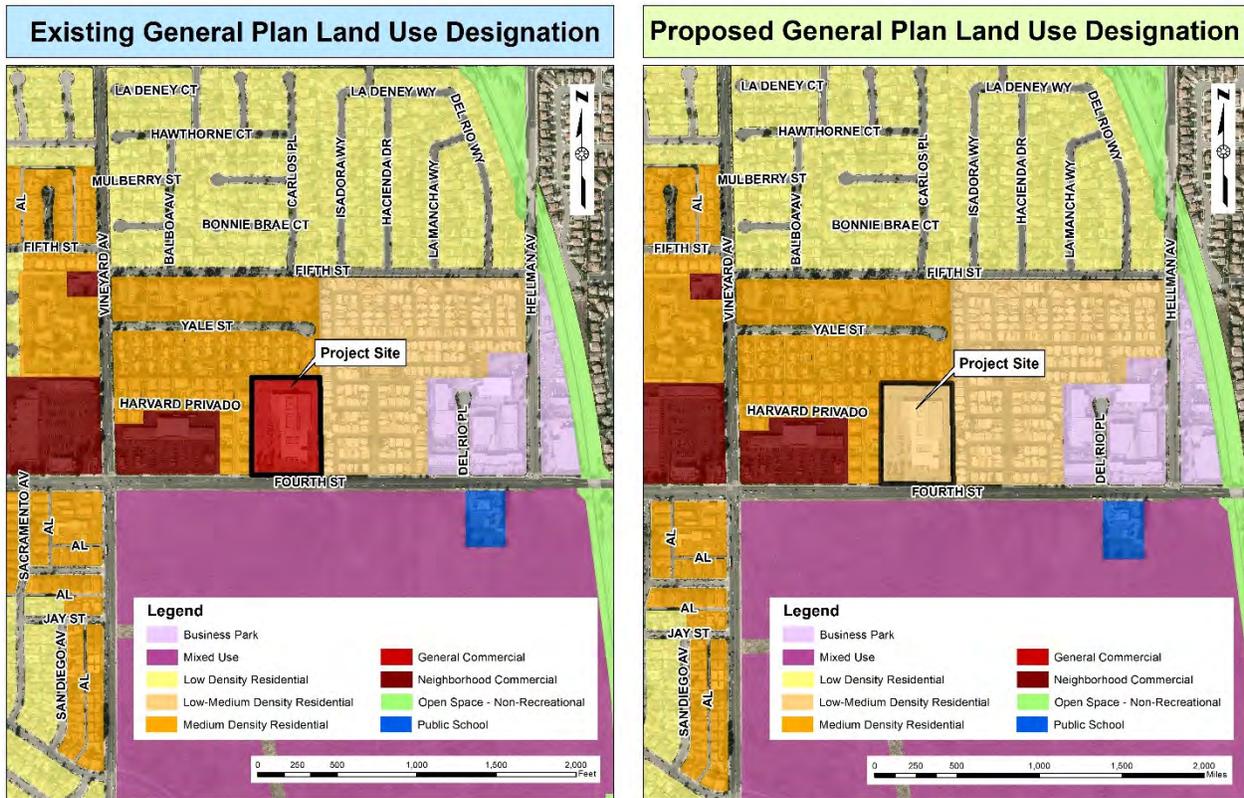
(For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project):

- 1) **Air Quality**—The following fugitive dust mitigation measures shall be required:
 - a) Use of dust control during clearing, grading and construction. Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures. If freshwater resources are too precious to waste on dust control, availability of brackish or reclaimed water sources shall be investigated. Soil disturbance shall be terminated when high winds (25 mph or greater) make dust control extremely difficult.
 - b) Minimization of construction interference with regional non-project traffic movement. Impacts shall be reduced to below a level of significance by the following mitigation measures:
 - i) Scheduling receipt of construction materials to non-peak travel periods.
 - ii) Routing construction traffic through areas of least impact sensitivity.
 - iii) Limiting lane closures and detours to off-peak travel periods.
 - iv) Providing rideshare incentives for contractor and subcontractor personnel.
 - c) After clearing, grading or earth moving:
 - i) Seed and water until plant cover is established;
 - ii) Spread soil binders;
 - iii) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind; and
 - iv) Reduce "spill-over" effects by washing vehicles entering public roadways from dirt off road project areas, and washing/sweeping project access to public roadways on an adequate schedule.
 - d) Emissions control from on-site equipment through a routine, mandatory program of low-emission tune-ups.
- 2) **Geology and Soils**—The following mitigation measures shall be implemented:
 - a) Prior to issuance of grading permits, the applicant shall submit an erosion control plan to reduce wind erosion impacts.
 - b) Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures.
 - c) After clearing, grading, or earth moving:
 - i) Seed and water until plant cover is established;
 - ii) Spread soil binders;
 - iii) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind; and
- 3) Sweep streets if silt is carried to adjacent public thoroughfares.
 - a) Obtain authorization to discharge storm water under an NPDES construction storm water permit and pay appropriate fees.
- 4) **Greenhouse Gas Emissions**—The following mitigation measures shall be implemented:
 - a) The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by

the applicant in connection with the project:

- i) Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant , low-maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects;
- ii) Require all new landscaping irrigation systems installed to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors;
- iii) Reduce heat gain from pavement and other similar hardscaping;

Exhibit A – General Plan Amendment



LU-03 Future Buildout¹

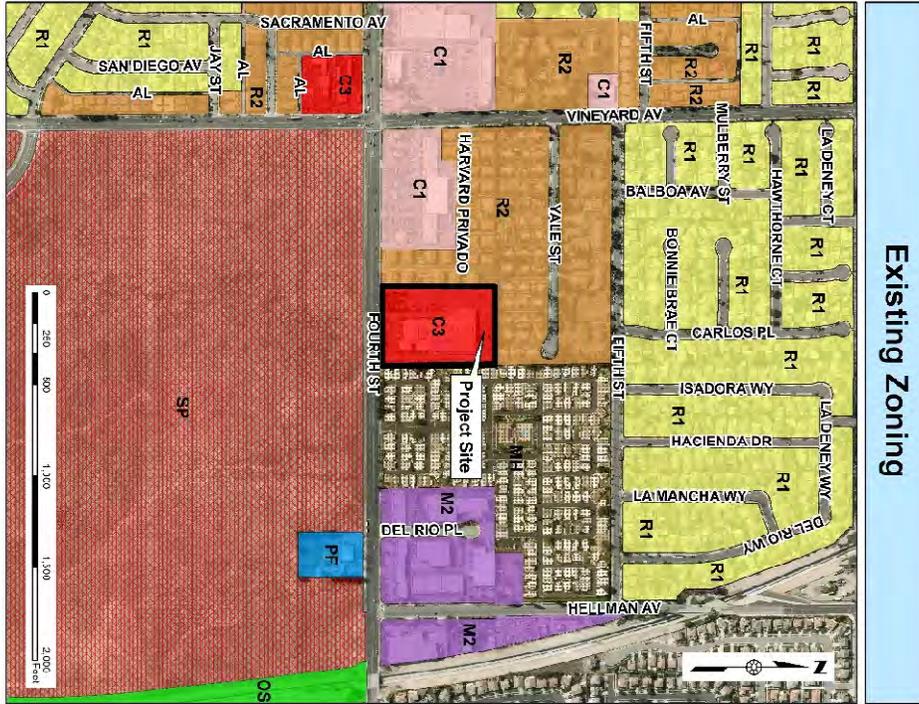


Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	458	2.0 du/ac	916	3,660		
Low Density ⁶	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium ⁶	843	8.5 du/ac	7,166	28,644		
Density	849		7,218	28,851		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	10,932 10,938		86,923 86,975	322,418 322,617		

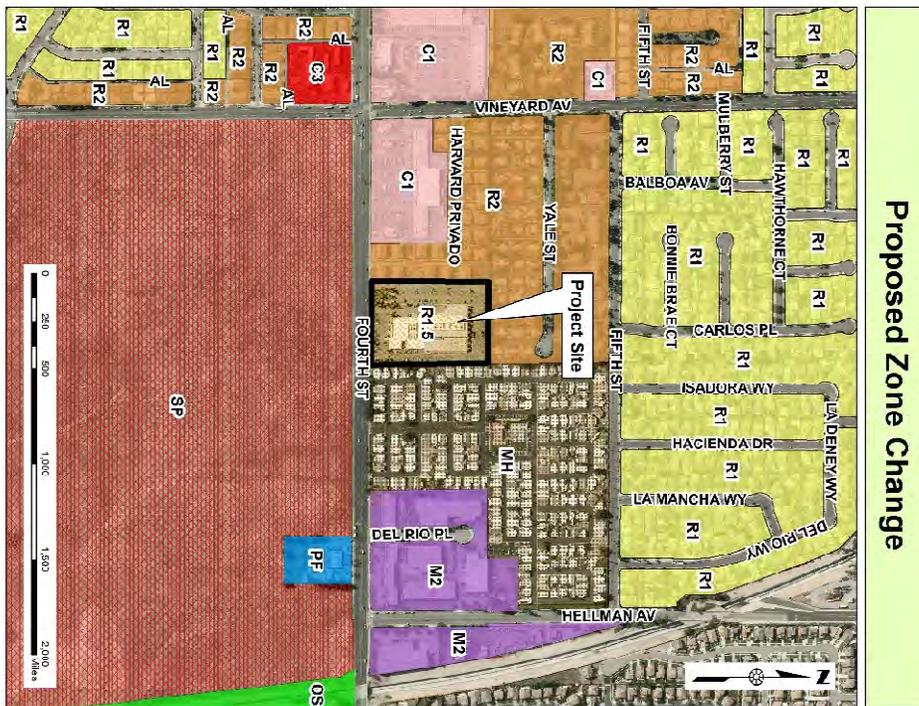
Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood ⁶	261	0.30 FAR			3,414,407	8,262
General	604	0.30 FAR			7,889,152	7,329
Commercial	598				7,809,306	7,255
Office/Commercial	414	0.75 FAR			13,534,854	30,015
Hospitality	145	1.00 FAR			6,316,200	7,241
<i>Subtotal</i>	1,424 1,418				31,154,613 31,074,767	52,847 52,773

<i>Subtotal</i>	9,697					
Total	31,924		104,197 104,249	356,958 357,166	255,554,789 255,474,944	324,302 324,228

Exhibit B – Zone Change



Existing Zoning



Proposed Zone Change

Exhibit C – PRD Development Standards

Site Requirements	Ensley Cottage Minimum Development Standards	PRD & R-1.5 Development Code Minimum Standards
Minimum Lot Size		
a. Interior Lots	2,448 sq. ft.	4,000 sq. ft.
b. Corner Lots	2,448 sq. ft.	4,500 sq. ft.
Minimum Lot Dimensions		
a. Lot Width		
i. Interior Lots	36 ft.	40 ft.
ii. Corner Lots	41 ft.	45 ft.
b. Lot Depth	68 ft.	100 ft.
Lot Coverage	55%	60% - Per R1.5 standard
Maximum Density	9.0 du/ac	5.1 - 11.0 du/ac – Per R1.5 standard
Building Height	35 ft.	35 ft. – Per R1.5 standard
Building Requirements		
1. Front Yard Setback		
a. From a Private Street	5 ft.	15 ft.
b. From Garage Entry	5 ft. or 18 ft.	20 ft.
2. Interior Side Yard	5 ft.	5/5 or 10/0; Patio covers may encroach to within 5 ft. of an interior side property line.
3. Private Street Side Yard	5 ft.	10 ft.; Patio covers may encroach to within 5 ft. of an interior side property line.
4. Rear Yard	10 ft.	10 ft.; Patio covers may encroach to within 5 ft. of a rear side property line.
Open Space Requirements		
Total Open Space	20 % Net Project Area	20% Net Project Area
Private Open Space	450 SF	450 SF
Active Open Space Areas	1 Major Facility 1 Minor Facility	1 Major Facility 1 Minor Facility
Parking Requirements		
Single Family Dwelling Unit	2.0 spaces/du	2.0 spaces/du

Exhibit E – Site Plan



Exhibit F – Existing Site Photos



Looking North towards the Project Site



Looking North towards the existing Building



Looking West along the front portion of the Project Site



Looking northeast along the rear portion of the Project Site



Looking North along the west side of the Project Site

Exhibit G – Cucamonga Valley Water District Service Letter



10440 Ashford Street, Rancho Cucamonga, CA 91730-2799
P.O. Box 638, Rancho Cucamonga, CA 91729-0638
(909) 987-2591 Fax (909) 476-8032

Martin E. Zvirbulis
Secretary / General Manager/CEO

August 22, 2014
City of Ontario
303 East "B" Street
Ontario, California 91764

**Re: Availability of Water and Sewer Service
TTM 18984
4th Street east of Vineyard Avenue
Ontario, CA**

To Whom It May Concern:

You are hereby advised that Tentative Tract Map 18984 is located within the service area of the Cucamonga Valley Water District.

We have reviewed the tentative map for the development and have determined that the District has an adequate supply of water available to meet the needs of the development. Also, the District anticipates the existing sewer system and sewage treatment plant capacity to be adequate for this development.

Following the receipt of appropriate application, arrangements can be made for the installation of facilities required to meet the needs of the development and furnish public water and sewer utility service to the development in accordance with the District's policies, rules, regulations, and rate ordinances.

If you have any questions or need further information, please contact me.

Sincerely,

CUCAMONGA VALLEY WATER DISTRICT

A handwritten signature in blue ink that reads "Raymond B. Abeyta".

Raymond B. Abeyta
Engineering Technician III

Oscar Gonzalez
President

James V. Curatalo, Jr.
Vice President

Luis Cetina
Director

Randall James Reed
Director

Kathleen J. Tiegs
Director

Exhibit I – Surrounding Land Uses



Multi-Family Residential West of the Project Site



Mobile Home Park East of the Project Site

Exhibit J – Land Use Traffic Analysis

Project Traffic Generation Forecast Comparison

PM Peak Hours Average Rate

Land Use Trip Generation Factors	Average Rate	Units/SF	Total
210: Single Family	1.02/per unit	55 units	56 trips
820: Shopping Center	3.73/1,000 SF	79,845 SF	298 trips
Net Project Trip Generation Forecast			- 242 trips

Notes:

- 1) TOP EIR assumed a 0.30 FAR for General Commercial.
- 2) The 6.11 acre project site would yield a 79,845 SF building with 0.30 FAR.
- 3) The proposed project would result in 242 less trips during PM peak hours for the project site.
- 4) Source: Trip Generation, 8th Edition, Institute of Transportation Engineers (ITE) 2008

MITIGATION MONITORING AND REPORTING PROGRAM

Project File No.: PGPA14-002, PZC14-003, PRD14-001, PMTT14-008 & PDEV14-016

Project Sponsor: Warmington Residential, 3090 Pullman Street, Costa Mesa CA 92626

Lead Agency/Contact Person: Lorena Mejia, Associate Planner, City of Ontario, Planning Department, 303 East B Street, Ontario, California 91764, (909) 395-2036

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified (Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
1) AIR QUALITY						
<p>a) Use of dust control during clearing, grading and construction. Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures. If freshwater resources are too precious to waste on dust control, availability of brackish or reclaimed water sources shall be investigated. Soil disturbance shall be terminated when high winds (25 mph or greater) make dust control extremely difficult.</p>	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
<p>b) Minimization of construction interference with regional non-project traffic movement. Impacts shall be reduced to below a level of significance by the following mitigation measures:</p> <ul style="list-style-type: none"> i) Scheduling receipt of construction materials to non-peak travel periods. ii) Routing construction traffic through areas of least impact sensitivity. iii) Limiting lane closures and detours to off-peak travel periods. iv) Providing rideshare incentives for contractor and subcontractor personnel. 	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
<p>c) After clearing, grading or earth moving:</p> <ul style="list-style-type: none"> i) Seed and water until plant cover is established. ii) Spread soil binders. iii) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind. iv) Reduce "spill-over" effects by washing vehicles entering public roadways from dirt off road project areas, and washing/sweeping project access to public roadways on an adequate schedule. 	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified (Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
d) Emissions control from on-site equipment through a routine, mandatory program of low-emission tune-ups.	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
2) GEOLOGY & SOILS						
a) The applicant shall submit an erosion control plan to reduce wind erosion impacts.	Building Dept, Planning Dept & Engineering Dept	Grading Plan issuance	Prior to issuance of grading permits	Plan check		Withhold grading permit
b) Fugitive dust generated during cleaning, grading, earth moving or excavation shall be controlled by regular watering, paving of construction roads, or other dust-preventative measures.	Building Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
c) After clearing, grading, or earth moving: i) Seed and water until plant cover is established. ii) Spread soil binders. iii) Form and maintain a crust on the surface through repeated soaking that will prevent dust pickup by wind. iv) Sweep streets if silt is carried to adjacent public thoroughfares	Building Dept & Planning Dept	Throughout construction	As necessary	On-site inspection		Stop work order; or withhold grading permit; or withhold building permit
d) Obtain authorization to discharge storm water under an NPDES construction storm water permit and pay appropriate fees.	Engineering Dept	Grading Plan issuance	Prior to issuance of grading permits	Plan check		Withhold grading permit
3) GREENHOUSE GAS EMISSIONS						
a) The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by the applicant in connection with the project: i) Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant, low-maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects. ii) Require all new landscaping irrigation systems installed to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors.	Building Dept & Planning Dept	Throughout construction	As necessary	Plan check/On-site inspection		Stop work order; or withhold building permit

CEQA Environmental Checklist Form

File No(s): PGPA14-002, PZC14-003, PRD14-001, PMTT14-008 & PDEV14-016

<i>Mitigation Measures/Implementing Action</i>	<i>Responsible for Monitoring</i>	<i>Monitoring Frequency</i>	<i>Timing of Verification</i>	<i>Method of Verification</i>	<i>Verified (Initial/Date)</i>	<i>Sanctions for Non-Compliance</i>
iii) Reduce heat gain from pavement and other similar hardscaping						

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA14-002, TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, EXHIBIT LU-01: OFFICIAL LAND USE PLAN AND EXHIBIT LU-03: FUTURE BUILDOUT FROM GENERAL COMMERCIAL TO LOW MEDIUM DENSITY RESIDENTIAL (LMDR - 5.1 -11 DU/AC) FOR PROPERTY LOCATED AT 2041 EAST FOURTH STREET, AS THE SECOND AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN FOR THE 2014 CALENDAR YEAR, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0110-441-10.

WHEREAS, Warmington Residential ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA14-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located at 2041 East Fourth Street with a street frontage of 428.64 feet and a lot depth of 612.87 feet and is presently improved with a 76,000 square foot building; and

WHEREAS, the property to the north of the Project site is within the R2: Medium Density Residential zoning district and is developed with a multi-family residential, two-unit attached product. The property to the south has a zoning of Meredith International Center Specific Plan and is vacant. The property to the east is within the MH: Mobile Home Park zoning district and is developed with The Lamplighter Mobile Home Park and contains 246 spaces. The property to the west is within the R2: Medium Density Residential zoning district and is developed with a multi-family residential, three-unit attached product; and

WHEREAS, in 2010, The Ontario Plan ("TOP") was adopted and a component of the TOP is the Policy Plan (General Plan) - Exhibit LU1: Official Land Use Plan which established land use patterns citywide to achieve its Vision. When considering land use changes, the Policy Plan (General Plan) outlines policies to be adhered to as part of the analysis which include: (1) analyzing and minimizing adverse impacts on adjacent properties when considering land use and zoning requests (Policy LU2-2); (2) requiring amendments to be consistent with the City's overall Vision (Land Use Element principle); and (3) requiring amendments to the Land Use Plan to be accompanied by an analyses of fiscal impacts (Policy CE3-2); and

WHEREAS, the proposed General Plan Amendment from General Commercial (GC) to Low Medium Density Residential (LMDR) will serve as a transitional residential use between the Mobile Home Park and multi-family residential units creating greater land use compatibility with adjoining sites than what currently exists; and

WHEREAS, the proposed land use change would contribute towards achieving the City's overall vision and create greater level of land use compatibility within the immediate neighborhood; and

WHEREAS, the adoption of the General Plan Amendment would result in long term fiscal impacts to the City that include ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve a new residential development. However, the proposed amendment would result in a minimal increase to the City's annual expenditure for services; and

WHEREAS, the elimination of 6.11 acres of commercial land would result in the loss of 79,845 square feet of potential commercial space (based on a 0.30 FAR), which would result in the potential loss of sales tax revenues. However, the elimination of 79,845 commercial square feet represents a 0.01% decrease in commercial square footage, which is not significant; and

WHEREAS, the City of Ontario held a community meeting on September 4, 2014, to review the subject application with neighboring residents, receive comments and answer questions. Three residents attended the meeting and indicated their support for the project; 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 MND was made available to the public and to all interested agencies for review and comment pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on October 28, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC14-096, recommending the City Council approve the application; and

WHEREAS, as the first action on the Project, on November 18, 2014, the City Council approved a resolution adopting a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program, prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of less than significant; and

WHEREAS, on November 18, 2014, the City Council of the City of Ontario conducted a hearing to consider the MND, the initial study and the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the 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 MND, 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 MND, 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 MND, initial study and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines.

b. The MND and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgement of the City Council;

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts.

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 MND, the Mitigation Monitoring and Reporting Program and the initial study.

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 Ontario Plan, specifically Land Use Element Policy LU2-2 which required an analysis to minimize adverse impacts on adjacent properties which was completed and resulted in the proposed amendment creating a greater level of land use compatibility with the surrounding land uses;

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City a mitigated negative declaration and mitigation monitoring program was completed for the project that identified potential impacts and included mitigation measures to minimize impacts to a less than significant level;

c. The Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the second amendment to the Land Use Element of the 2014 calendar year consistent with California Government Code Section §65358;

d. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the land use designation of the subject property from the existing TOP designation General Commercial to Low Medium Density Residential (LMDR - 5.1 -11 du/ac) 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. The subject property is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested land use designation and anticipated development; and

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

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council approves the Project as shown on the attached Exhibit "A", attached hereto and incorporated herein by this reference.

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

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

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

PASSED, APPROVED AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held (full date written out) 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held (full date written out).

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit A – LU01: Official Land Use Plan Amendment

Existing General Plan Land Use Designation



Proposed General Plan Land Use Designation



Existing TOP Land Use Designation	Assessor's Parcel Number	Proposed TOP Land Use Designation
General Commercial	0110-441-10	Low-Medium Density Residential

Exhibit B – LU03: Future Buildout Table Amendment



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	916	3,660		
Low Density ⁶	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium ⁶ Density	843 849	8.5 du/ac	7,166 7,218	28,644 28,851		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	10,932 10,938		86,923 86,975	322,410 322,617		
Mixed Use						
• Downtown	112	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	247	<ul style="list-style-type: none"> 30% of the area at 40 du/ac 70% at 1.0 FAR for office and retail uses 	2,958	5,916	7,516,278	16,897
• Transit Center	76	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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
<i>Subtotal</i>	<i>1,821</i>		<i>17,274</i>	<i>34,549</i>	<i>41,258,102</i>	<i>87,803</i>

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 General	261	0.30 FAR			3,414,407	8,262
General Commercial	604	0.30 FAR			7,889,152	7,329
Office/Commercial	598				7,809,306	7,255
Hospitality	414	0.75 FAR			13,534,854	30,015
	145	1.00 FAR			6,316,200	7,241
<i>Subtotal</i>	<i>1,424</i>				<i>31,154,613</i>	<i>52,847</i>
	<i>1,418</i>				<i>31,074,767</i>	<i>52,773</i>
Employment						
Business Park	1,490	0.40 FAR			25,962,980	45,551
Industrial	6,561	0.55 FAR			157,179,094	138,101
<i>Subtotal</i>	<i>8,051</i>				<i>183,142,074</i>	<i>183,652</i>
Other						
Open Space-Non-Recreation	1,252	Not applicable				
Open Space-Parkland ⁶	982	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
<i>Subtotal</i>	<i>9,697</i>					
Total	31,924		104,197	356,958	255,554,789	324,302
			104,249	357,166	255,474,944	324,228

Notes

- 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.
- Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- 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.
- 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.
- To view the factors used to generate the number of employees by land use category, click here to access the [Methodology](#) report.
- 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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-003, A CHANGE IN THE ZONING DESIGNATION ON 6.11 GROSS ACRES OF LAND FROM C3 (COMMERCIAL SERVICE) TO R1.5 (LOW-MEDIUM DENSITY RESIDENTIAL – 5.1-11.0 DU/AC) FOR PROPERTY LOCATED AT 2041 EAST FOURTH STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0110-441-10.

WHEREAS, Warmington Residential ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC14-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located at 2041 East Fourth Street with a street frontage of 428.64 feet and a lot depth of 612.87 feet and is presently improved with a 76,000 square foot building; and

WHEREAS, the property to the north of the Project site is within the R2: Medium Density Residential zoning district and is developed with a multi-family residential two-unit attached product. The property to the south has a zoning of Specific Plan named Meredith International Center Specific Plan and is vacant. The property to the east is within the MH: Mobile Home Park zoning district and is developed with The Lamplighter Mobile Home Park and contains 246 spaces. The property to the west is within the R2: Medium Density Residential zoning district and is developed with a multi-family residential three-unit attached product; and

WHEREAS, the applicant is requesting a zone change for the project site from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential- 5.1-11 du/ac) to provide consistency with the proposed General Plan land use designation amendment of General Commercial (GC) to Low Medium Density Residential (LMDR - 5.1 -11 du/ac); and

WHEREAS, the proposed zone change would contribute towards achieving the City's overall vision and create greater level of land use compatibility within the immediate neighborhood; and

WHEREAS, the City of Ontario held a community meeting on September 4, 2014, to review the subject application with neighboring residents, receive comments and answer questions; 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 MND was made available to the public and to all interested agencies for review and comment pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on October 28, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC14-097, recommending the City Council approve the application; and

WHEREAS, as the first action on the Project, on November 18, 2014, the City Council approved a resolution adopting a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program, prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of less than significant; and

WHEREAS, on November 18, 2014, the City Council of the City of Ontario conducted a hearing to consider the MND, the initial study and the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the MND, 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 MND, 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 MND, initial study and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines.

b. The MND and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgement of the City Council;

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts.

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 MND, the Mitigation Monitoring and Reporting Program and the initial study.

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 Ontario 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.

f. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the zoning designation of the subject property from C3 (Commercial Service) to R1.5 (Low-Medium Density Residential- 5.1-11 du/ac) 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.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the Project as shown in Exhibit "A", attached hereto and incorporated herein by this reference.

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. 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 6. 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 7. Effective Date. This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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 _____, 2014, and adopted at the regular meeting held _____, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

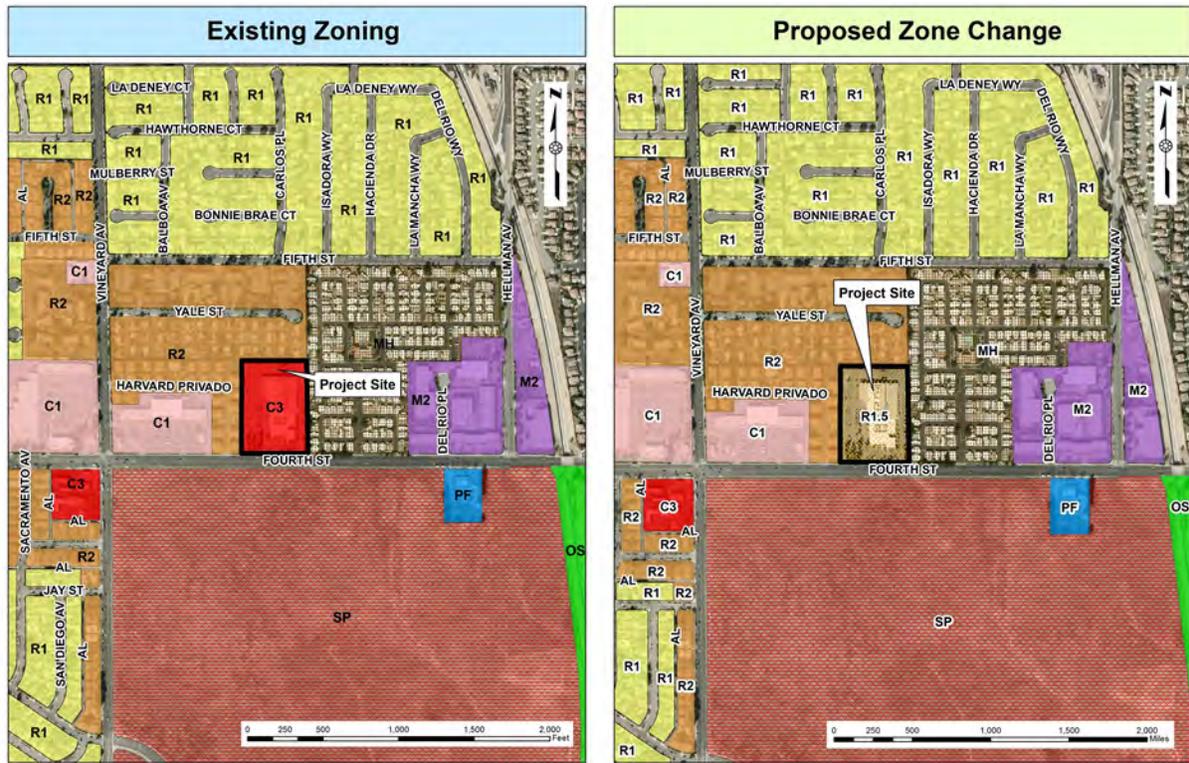
(SEAL)

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 – Proposed Zone Change



Existing Zoning	Assessor's Parcel Number	Proposed Zoning
C3 (Commercial Service)	0110-441-10	R1.5 (Low-Medium Density Residential- 5.1-11 du/ac)

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A ZONE CHANGE FROM AR (AGRICULTURAL RESIDENTIAL) TO R1 (SINGLE-FAMILY RESIDENTIAL) FOR FORTY-FOUR SINGLE-FAMILY RESIDENTIAL PROPERTIES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FRANCIS STREET AND SAN ANTONIO AVENUE

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC14-004) from AR (Agricultural Residential) to R1 (Single-Family Residential) for forty-four properties in order to provide consistency with the Policy Plan (General Plan) of The Ontario Plan land use designations, for properties generally located at the southwest corner of Francis Street and San Antonio Avenue, bound by Francis Street to the north, Spruce Street to the south, San Antonio Avenue to the east, and Redwood Avenue to the west (APNs: 1050-341-01, 1050-341-04 thru 05, 1050-341-09 thru 35, 1050-342-01 thru 07, 1050-624-15, 1050-631-09 thru 12, 1050-631-14, and 1050-631-38).

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

FISCAL IMPACT: The applicant's site is developed with two single-family residential homes. The zone change from AR (Agricultural Residential) to R1 (Single-Family Residential) would allow for the construction of up to five additional single-family homes, consistent with the surrounding area. Other properties included of the Zone Change request will be unaffected as they are already developed with single family homes.

BACKGROUND: On January 22, 2013, the Planning Commission adopted Resolution No. PC13-010 recommending that the City Council approve File No. PZC12-003, a change in the zoning designations for 604 properties throughout the City including the properties located within this application. However, the properties included in this project have not received City Council approval.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Diane Ayala
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014
Approved: _____
Continued to: _____
Denied: _____

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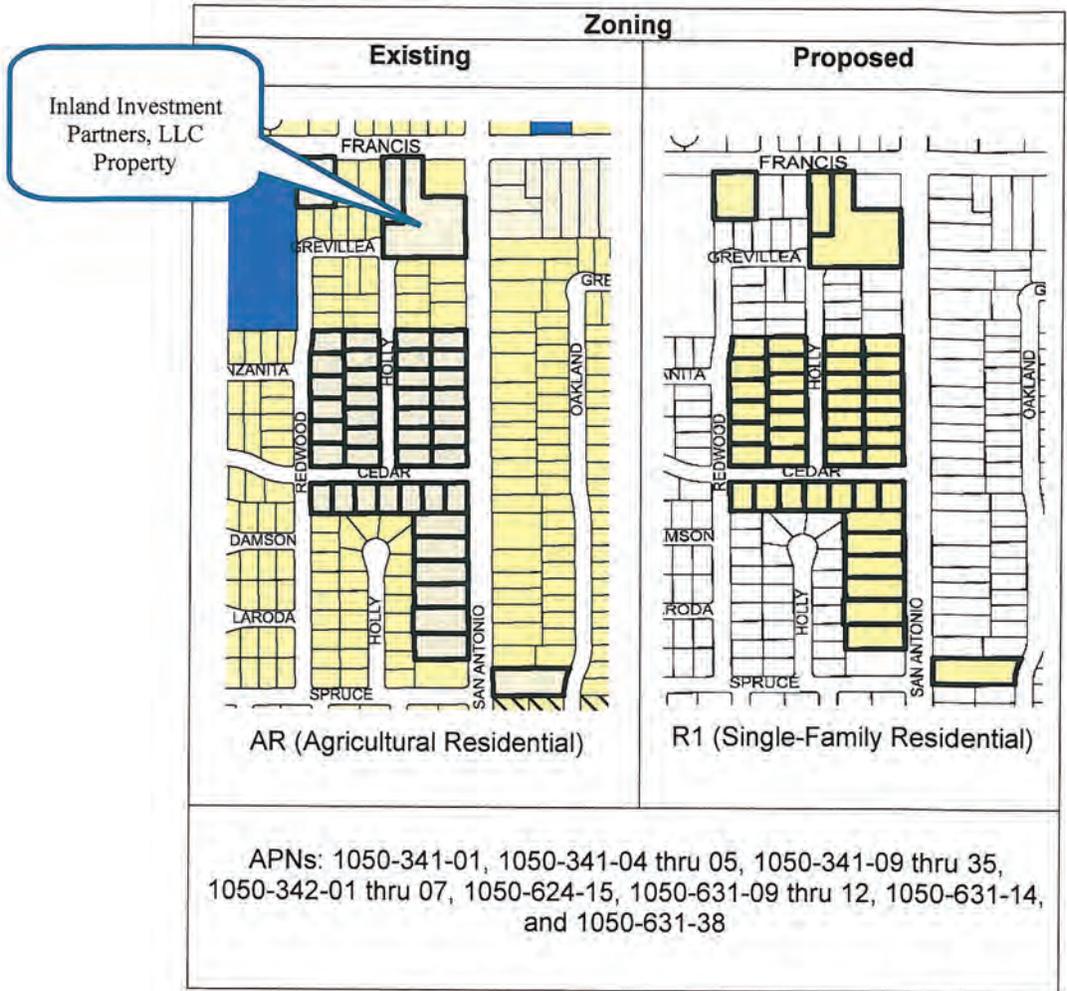
In May 2014, the property owner of 1816 and 1834 South San Antonio Avenue, Inland Investment Partners, LLC, filed applications for a zone change and tentative tract map. The zone change requested a change from AR (Agricultural Residential) to R1 (Single-Family Residential – 2.1-5 du/ac). The change would help facilitate the tentative tract map, proposing to maintain two existing structures and subdivide the remaining, underutilized areas into four additional lots.

Rather than limiting this action to only the two lots requested by the applicant, staff reviewed the previous zone change request. Based on the size, proximity, and developed state of nearby lots, the application was expanded by staff to incorporate other properties in the area. In all, forty-four properties were included in the request to provide consistency between the Policy Plan of The Ontario Plan and the zoning. All 44 properties were part of the zone change request previously considered by the Planning Commission.

Because of the lapse in time since the original approval in January 2013, staff decided to go back to the Planning Commission and conduct a public hearing on the zone change request. On October 28, 2014, the Planning Commission voted unanimously (6-0) to reaffirm their previous decision and recommended the City Council approve the proposed Zone Change.

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 analyzed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on July 2, 2013. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference.

Exhibit A: Zoning



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-004, A ZONE CHANGE FROM AR (AGRICULTURAL RESIDENTIAL) TO R1 (SINGLE-FAMILY RESIDENTIAL) FOR FORTY-FOUR (44) SINGLE-FAMILY RESIDENTIAL PROPERTIES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FRANCIS STREET AND SOUTH SAN ANTONIO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1050-341-01, 1050-341-04 THRU 05, 1050-341-09 THRU 35, 1050-342-01 THRU 07, 1050-624-15, 1050-631-09 THRU 12, 1050-631-14, AND 1050-631-38.

WHEREAS, City of Ontario and Inland Investment Partners, LLC ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC14-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to forty-four (44) single-family residential properties generally located at the southwest corner of Francis Street and San Antonio Avenue and is presently improved with single family homes; and

WHEREAS, the zoning of the properties is currently inconsistent with The Ontario Plan ("TOP") land use designations of the properties and the proposed zone change will make the zoning consistent with TOP land use designations; and

WHEREAS, the owners of affected properties were invited to a Community Open House on November 27, 2012; and

WHEREAS, On January 22, 2013, the Planning Commission previously adopted Resolution No. PC13-010, recommending approval of said zone changes to the City Council; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an Addendum to TOP Environmental Impact Report (State Clearinghouse No. 2008101141) adopted by City Council on July 2, 2013, under File No. PZC12-003, 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 28, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC14-098, reaffirming their previous decision, recommending the City Council approve the application; and

WHEREAS, on November 18, 2014, 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 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 previously adopted Addendum to TOP Environmental Impact Report (State Clearinghouse No. 2008101141) adopted by City Council on July 2, 2013, under File No. PZC12-003 and supporting documentation. Based upon the facts and information contained in the Addendum to TOP Environmental Impact Report (State Clearinghouse No. 2008101141) and supporting documentation, the City Council finds as follows:

a. The previous Addendum to TOP Environmental Impact Report contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous Addendum to TOP Environmental Impact Report was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous Addendum to TOP Environmental Impact Report reflects the independent judgement 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 changes are consistent with the goals and policies of the General Plan. The proposed zone changes will make the zoning designations consistent with The Ontario Plan ("TOP") land use designation.

b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice. The proposed zone changes encompass an area which is primarily developed with single family residential properties.

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. The properties subject to the zone change request meet Development Code requirements of the R1 (Single-Family Residential) Zoning District.

d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses. The proposed zone changes encompass an area which is primarily developed with single family residential properties. No adverse impacts of the project are anticipated.

e. The proposed zone change will not have a significant adverse impact on the environment. The proposed zone changes encompass an area which is primarily developed with single family residential properties. No adverse impacts of the project are anticipated.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the Project as shown in Exhibit "A" attached hereto and incorporated herein by this reference.

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. 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 6. 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 7. Effective Date. This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2014.

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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____, 2014, and adopted at the regular meeting held _____, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

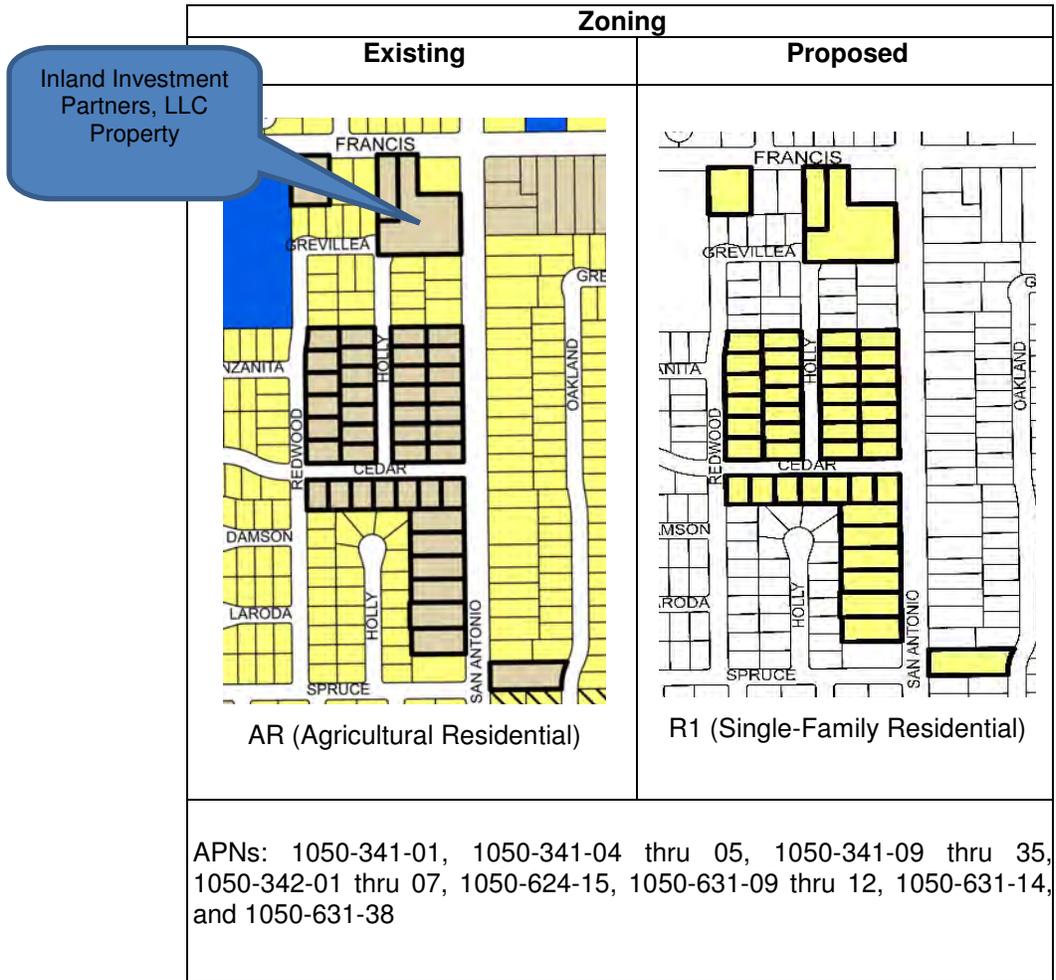
(SEAL)

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: Zoning



CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A HISTORIC PROPERTY PRESERVATION AGREEMENT FOR THE HANSEN HOUSE, A DESIGNATED HISTORIC LANDMARK

RECOMMENDATION: That the City Council adopt a resolution and authorize the City Manager to enter into a Historic Preservation Agreement (File No. PHP14-008, Mills Act contract) with property owner Janette De La Rosa Ducut for the single-family residence at 324 East I Street (APN: 1048-251-15).

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

FISCAL IMPACT: The projected net impact of the proposed contract to the City is \$93 in the first year and approximately \$932 over the first ten years of the contract from a reduction in property tax revenue in exchange for \$65,000 in private property improvements.

BACKGROUND: The Hansen House, located at 324 East I Street, is one of the few remaining examples of early 1910s grand style Tudor homes in Ontario. In recognition of its architectural style and the prominence of people who resided in the home, the Hansen House was designated by the City Council as Local Historic Landmark No. 93 on September 17, 2013. With the landmark status now solidified, the owner, Janette De La Rosa Ducut, is now requesting approval of a Mills Act contract.

A Mills Act contract is a contract between the City and a property owner whereby the property owner agrees to certain improvements that preserve the historic integrity and character of the building and to keep the property in good repair. In exchange for the improvements/investments, State law requires the County Tax Assessor to reassess the property's value based on an alternative formula. The new assessed value may result in a significant reduction in the owner's property taxes. The Mills Act does not require investment in the property to be equal to the amount tax savings. The purpose is to provide a financial incentive to the owners of historic properties. A Mills Act contract is recorded on the property by the

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Elly Antuna
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014

Approved: _____

Continued to: _____

Denied: _____

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County of San Bernardino and is a perpetual 10-year contract that automatically renews annually. If a property that has a recorded Mills Act contract is sold, the County of San Bernardino continues to assess the property using the alternate formula and the new owner is required to fulfill the contractual preservation agreement. A contract can be non-renewed by either party upon written notice. If a contract is cancelled as a result of non-compliance with the conditions of the contract, a cancellation fee of 12.5% of the market value (as of the time of cancellation) is assessed.



The proposed contract represent a reinvestment of \$65,000 in property owner funds into the City's neighborhoods within a ten-year period and includes improvements to electrical, plumbing, exterior finishes (windows, repointing of brick mortar, restoration and repair of balconies, repainting exterior wood) and interior finishes (skylights, patching of broken walls).

The City has 59 approved Mills Act contracts and one proposed, for a total of 60 Mills Act contracts. Of the 59 properties with approved contracts, six are commercial, one is multi-family residential, and the others are single-family residential.

In addition, staff has calculated the impacts of the Mills Act Program on the City's revenues and the budget. The average annual cost of the 60 Mills Act contracts would be \$17,219. In exchange for this modest decrease in property tax revenues, approximately \$2,303,522 will be reinvested into historic homes over a 10 year period – a ratio of \$13.38 in private funds spent for every dollar lost by the City.

	<u>Existing</u>	<u>Proposed</u>	<u>Total</u>
Number of Contracts	59	1	60
Estimated Average Annual Tax Savings to Owners	\$1,727	\$555	\$1,708
Estimated Annual Cost to City (first year)	\$17,126	\$93	\$17,219
Estimated Cost to City (over 10 years)	\$171,255	\$932	\$172,187

On October 28, 2014, the Planning Commission voted unanimously (6-0) to recommend City Council approve the proposed Mills Act contract.

ENVIRONMENTAL REVIEW: The application was reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). Per Section 21065 of the CEQA Guidelines, the Historic Preservation Agreement (Mills Act contract) is not considered a project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING FILE NO. PHP14-008, AND AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT) WITH JANETTE DE LA ROSA DUCUT FOR THE PROPERTY LOCATED AT 324 EAST I STREET (APN: 1048-251-15).

WHEREAS, California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as a property of historical significance: and

WHEREAS, Janette De La Rosa Ducut possess fee title in and to that certain real property, together with associated structures and improvements thereon, located at the street address commonly known as 324 East I Street, Ontario, California (hereinafter referred to as the "Property"); and

WHEREAS, on September 17, 2013, the City Council of the City of Ontario designated the Property as a Historic Local Landmark pursuant to the terms and provisions of Article 26, of the Ontario Development Code; and

WHEREAS, the City and Janette De La Rosa Ducut, for their mutual benefit, now desire to enter into a Historic Property Preservation Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter referred to as the "Preservation Agreement").

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

1. That the Preservation Agreement, which is subject to the provisions of the City's Historic Preservation Ordinance (Sec. 9-1.2600 of the Ontario Municipal Code), is ratified and approved;
2. That the City Clerk of the City of Ontario, California, shall cause the Historic Preservation Agreement to be recorded in the office of the County Recorder of San Bernardino County; and
3. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of November 2014.

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. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 18, 2014 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. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held November 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RECORDING REQUESTED BY
And When
RECORDED MAIL TO:

City Clerk, City of Ontario
303 East "B" Street
Ontario, CA 91764

Exempt Recording Fees Pursuant to Government
Code Section 6103 & 27383

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 18th day of November 2014, by and between the City of Ontario, a municipal corporation (hereinafter referred to as the "City") and Janette De La Rosa Ducut (hereinafter referred to as the "Owner").

WITNESSETH:

A. Recitals.

(I) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance;

(ii) Owner possesses fee title in and to that certain real property, together with

associated structures and improvements thereon, commonly known as the Hansen House, generally located at the street address 324 East I Street, Ontario, CA 91764 (hereinafter such property shall be referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as Exhibit "A" and is incorporated herein by this reference;

(iii) On September 17, 2013, the City Council of the City of Ontario designated the Historic Property as a local historic landmark pursuant to the terms and provisions of Title 9, Chapter 1 Article 26 of the Ontario Municipal Code; and,

(iv) The City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on November 18, 2014, and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such initial term will automatically be extended as provided in paragraph 2, below.

2. Renewal. Each year on the anniversary of the effective date of this Agreement (hereinafter referred to as the "renewal date"), a year shall automatically be added to the initial term of this Agreement unless notice of non-renewal is mailed as provided herein.

If either Owner or City desires in any year not to renew the Agreement, Owner or City shall serve written notice of non-renewal of the Agreement on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner to City at least ninety (90) days prior to the annual renewal date, or served by City to Owner at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the term of the Agreement provided herein. Owner may make a written protest of the notice. Upon receipt by the Owner of a notice from the City of non-renewal, the City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice to Owner of non-renewal. If either City or Owner serves notice to the other of non-renewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

3. Fees. Prior to recordation the applicant shall pay the applicable fee in effect at the time recordation is requested.

4. Standards for Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements and restrictions:

A. Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto, marked as Exhibits "B", and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

B. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's

Rehabilitation Standards and the State Historical Building Code and in accordance with the attached schedule of potential home improvements, drafted by the applicant and approved by the City Council, attached hereto as Exhibit "C".

C. Owner shall allow reasonable periodic examinations, by prior appointment, of the interior and exterior of the Historic Property by representatives of the County Assessor, State Department of Parks and Recreation, State Board of Equalization, and the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

5. Provision of Information of Corporation. Owner hereby agrees to furnish City with any and all information requested by the City, which may be necessary or advisable to determine compliance with the terms and provision of this Agreement.

6. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Sections 50280, et seq., may cancel this Agreement if it determines that Owner breached any of the conditions of this Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines that the Owner has failed to restore or rehabilitate the property in the manner specified in subparagraph 3(B) of this Agreement. In the event of cancellation, Owner may be subject to payment of those cancellation fees set forth in California Government Code Sections 50280, et seq.

7. Enforcement of Agreement. In lieu of and/or in addition to any provision to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement, and if such a violation is not corrected to the reasonable satisfaction of the City within thirty (30) days thereafter, or if

not corrected within such reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days (provided that acts to cure the breach of default may be commenced within thirty (30) days and must be pursued to completion by Owner), then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any court, state or federal, for injunctive relief against any violation by Owner or apply for such other relief against any violation by Owner or apply for such other relief as may be appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this agreement shall be deemed to be a waiver of any other subsequent breach thereof or default herein under.

8. Binding Effect of Agreement. The Owner hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations and restriction as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the

burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that Owner's legal interest in the Historic Property is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and the Owner.

9. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto.

To City: City of Ontario
303 East "B" Street
Ontario, CA 91764

Attention: Planning Director

To Owner: Janette De La Rosa Ducut
324 East I Street
Ontario, CA 91764

10. General Provisions.

A. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

B. Owner agrees to and shall hold City and its elected officials, officers, agents, and employees harmless from liability for damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor,

agent, employee or other person acting on his behalf which relates to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents, and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

C. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

D. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

E. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

F. This Agreement shall be construed and governed in accordance with the laws of the State of California.

G. The Owner [or agent of the Owner] shall provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.

11. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the office of the County Recorder of the County of San Bernardino.

12. Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, City and Owner have executed this Agreement on the day and year first written above.

CITY OF ONTARIO

Dated: _____

By: _____
Al C. Boling, City Manager

Attest

Mary E. Wirtes, City Clerk

Approved as to Form

John Brown, City Attorney

Dated: _____

By: _____
Janette De La Rosa Ducut, Owner

State of California Cultural Resource Database

Mills Act Contract

EXHIBIT A HISTORIC PROPERTY PRESERVATION AGREEMENT

Legal Description

City of Ontario
Planning Department
303 East B Street
Ontario, CA 91764
Phone: 9093952036
Fax: 9093952420
<http://www.ci.ontario.ca.us>

File No: PHP14-008

The property located at: 324 East I Street
Ontario, CA 91764

is legally described as: TOWN OF ONTARIO W 64 FT E 164 FT N 136 FT

APN: 104825115

State of California Cultural Resource Database
Mills Act Contract

EXHIBIT B HISTORIC PROPERTY PRESERVATION AGREEMENT
Property Maintenance

City of Ontario
Planning Department
303 East B Street
Ontario, CA 91764
Phone: 9093952036
Fax: 9093952420
<http://www.ci.ontario.ca.us>

Address: 324 E I
Ontario,
CA

APN: 104825115

File No: PHP14-008

All buildings, structures, yards and other improvements shall be maintained in a **manner which** does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
2. Scrap lumber, junk, trash or debris;
3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
4. Stagnant water or excavations, including unmaintained pools or spas;
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

The property owner shall also comply with the provisions of the Duty to Keep in Good Repair Section of the Historic Preservation Ordinance (Sec. 9-1.2665 of the Ontario Development Code) and all other applicable provisions of the City's Property Appearance - Nuisance Ordinance (Chapter 22 of Title 5 of the Ontario Municipal Code, Commencing at Sec. 5-22.02).

State of California Cultural Resource Database
Mills Act Contract

EXHIBIT C HISTORIC PROPERTY PRESERVATION AGREEMENT
Proposed Improvements

City of Ontario
Planning Department
303 East B Street
Ontario, CA 91764
Phone: 9093952036
Fax: 9093952420
<http://www.ci.ontario.ca.us>

Address: 324 E I
Ontario,
CA

APN: 104825115

File No: PHP14-008

Improvements Information:

Description:	Completed?
Year 2015: Replace eroded plumbing (sewer drain lines)	<input type="checkbox"/>
Year 2016: Repair broken or missing windows	<input type="checkbox"/>
Year 2017:	<input type="checkbox"/>
Year 2018: Repoint outdoor brick mortar	<input type="checkbox"/>
Year 2019: Repair cracked skylights	<input type="checkbox"/>
Year 2020: Patch up broken walls (exposed lath and plaster)	<input type="checkbox"/>
Year 2021: Upgrade electrical knob & tube wiring and provide grounding	<input type="checkbox"/>
Year 2022:	<input type="checkbox"/>
Year 2023: Restore/repair balconies (replace damaged or missing wood siding and repaint. Repair termite damage in the Family Room (replace baseboard, some flooring, and the door framing).	<input type="checkbox"/>
Year 2024: Repaint exterior wood half timber siding and fascia	<input type="checkbox"/>

CITY OF ONTARIO

Agenda Report
November 18, 2014

SECTION:
ADMINISTRATIVE REPORTS/
ACTION/DISCUSSION

SUBJECT: CONFIRMATION OF APPOINTMENT OF DEPUTY POLICE CHIEF BRAD KAYLOR TO POLICE CHIEF

RECOMMENDATION: That the City Council confirm the City Manager's appointment of Brad Kaylor to the position of Police Chief.

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: None.

BACKGROUND: Police Chief Eric V. Hopley announced his retirement effective December 18, 2014. Pursuant to Ontario Municipal Code Section 2-3.204 (a): "Police Chief. The Police Chief shall be appointed by the City Manager for an indefinite term, subject to confirmation by the Council." It is recommended that Deputy Police Chief Brad Kaylor be confirmed as Police Chief beginning December 19, 2014.

Deputy Police Chief Kaylor has worked a variety of assignments, which include; Patrol, Gang Violence Suppression Unit, Field Training Program, Narcotics, SWAT, Investigations, Criminal Intelligence Unit, and Labor Relations Unit. Deputy Chief Kaylor has held supervisory and command positions in: Patrol Operations, South Area Command, SWAT/Crisis Negotiations, Traffic Division, COPS/MET Division, and DEA HIDTA Group 50.

Deputy Chief Kaylor is a graduate of Claremont High School and holds a Bachelor of Science degree in Organization Management from the University of La Verne. In 1988, he attended the San Bernardino County Sheriff's Department 93rd basic academy session and upon graduation became a Police Officer for the City of Claremont. In 1990, he started as a patrol officer with the Ontario Police Department.

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: Al C. Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 11/18/2014

Approved: _____

Continued to: _____

Denied: _____