CITY OF ONTARIO CITY COUNCIL AND HOUSING AUTHORITY AGENDA OCTOBER 6, 2020

Paul S. Leon Mayor

Debra Dorst-Porada Mayor pro Tem

Alan D. Wapner Council Member

Jim W. Bowman Council Member

Ruben Valencia Council Member



Scott Ochoa City Manager

Ruben Duran City Attorney

Sheila Mautz City Clerk

James R. Milhiser Treasurer

SPECIAL AND URGENT NOTICE

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at the upcoming meeting of the City of Ontario City Council and Housing Authority.

Members of the public may utilize alternative measures established by the City of Ontario to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting will be live broadcast on local cable Channel 3 as well as live streamed at: <u>www.ontarioca.gov/Agendas/CityCouncil,</u> YouTube.com/CityofOntario; or Zoom.

TO PROVIDE PUBLIC COMMENT: Those wishing to speak during the "Public Comment" portion of the meeting or any item on "Consent Calendar" must call 909-395-2900 between 6:00 p.m. and 6:30 p.m. the day of the meeting.

TO COMMENT BY E-MAIL: Submit your comments by email no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comments to <u>publiccomments@ontarioca.gov</u>. All comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter.

TO COMMENT BY MAIL: To submit your comments by mail, provide your name, agenda item you are commenting on, and your comments by mailing to Records Management, Ontario City Hall, 303 East "B" Street, Ontario, CA 91764. Comments by mail must be received in the Records Management Department no later than 4:00 p.m. on the day of the meeting. Postmarks are not accepted. All comments received by the deadline will be provided to the City Council for consideration before action is taken on the matter.

We appreciate your understanding during this unprecedented time of social distancing under the Emergency Declaration Order. These procedures may be modified in the future as social and public gathering protocols change.

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 5:30 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.

CALL TO ORDER (OPEN SESSION)

6:30 p.m.

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT

Members of the public who wish to address a closed session agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 5:00 - 5:30 p.m. or by emailing <u>PublicComments@ontarioca.gov</u> no later than 4:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

CLOSED SESSION

- GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Professional Firefighters Association, Local 1430; and Ontario Fire Management Group.
- GC 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Title: City Manager

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

PLEDGE OF ALLEGIANCE

Council Member Valencia

INVOCATION

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

Members of the public who wish to provide a general comment or address a specific agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 6:00 – 6:30 p.m. for "Consent Calendar" items or by emailing <u>PublicComments@ontarioca.gov</u> no later than 4:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of September 1, 2020, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills August 28, 2020 through September 10, 2020 and **Payroll** August 16, 2020 through August 29, 2020, when audited by the Finance Committee.

3. A PROFESSIONAL SERVICES AGREEMENT WITH HARRIS AND ASSOCIATES FOR ON-CALL PLAN CHECKING SERVICES

That the City Council approve and authorize the City Manager to execute a Three-Year Professional Services Agreement (on file in the Records Management Department) with Harris and Associates, of Irvine, California, to provide on-call Plan Checking Services for an estimated amount of \$720,000 per year; and authorize the City Manager to extend the agreement for one additional two-year period in the amount consistent with City Council approved budgets for each respective fiscal year.

4. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20134 LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20134 located at the northeast corner of Haven Avenue and Schaefer Avenue within the Rich Haven Specific Plan.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20134, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE.

5. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

That the City Council adopt a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the November 3, 2020 City Council Meeting, unless canceled sooner.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

6. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HINDERLITER DE LLAMAS & ASSOCIATES (HdL) FOR SALES TAX CONSULTING AND REVENUE RECOVERY TO ADD BUSINESS LICENSE/TRANSIENT OCCUPANCY TAX ADMINISTRATION, AUDITING AND ANALYSIS

That the City Council authorize the City Manager to execute an amendment to the existing agreement (on file in the Records Management Department) for sales tax consulting and revenue recovery services with Hinderliter de Llamas & Associates (HdL), of Brea, California, to include a new two-year term, with the option to renew for an additional two-years, for business license/transient occupancy tax (TOT) administration, auditing and analysis services, adding \$560,000 to the existing contract and raising the not to exceed limit to \$619,326.

7. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE)-AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES; AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council consider and:

(A) Accept a written petition (on file in the Records Management Department) from LS-ONTARIO II LLC, located in Irvine, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;

- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 57 (Neuhouse) (the "CFD"), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, November 17, 2020; and
- (C) Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 57 (Neuhouse).

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE).

8. FACILITIES MASTER PLAN FOR THE ONTARIO LIBRARY SYSTEM

That the City Council approve the Facilities Master Plan for the Ontario Library System (on file with the Records Management Department).

9. AN ORDINANCE APPROVING A SPECIFIC PLAN (FILE NO. PSP18-002 - ONTARIO RANCH BUSINESS PARK) TO ESTABLISH THE LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,905,027 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 85.6 ACRES OF LAND. THE PROJECT SITE IS BORDERED BY EUCALYPTUS AVENUE ON THE NORTH, MERRILL AVENUE ON THE SOUTH, SULTANA AVENUE ON THE EAST, AND EUCLID AVENUE ON THE WEST (APNS: 1054-011-01, 1054-011-02, 1054-011-04; 1054-021-01, 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, and 1054-281-03

That the City Council consider and adopt an ordinance approving the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSP18-002, The ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN, TO ESTABLISH LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,905,027 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 85.6 ACRES OF LAND. THE PROJECT SITE IS GENERALLY BORDERED BY EUCALYPTUS AVENUE ON THE NORTH, MERRILL AVENUE ON THE SOUTH, SULTANA AVENUE ON THE EAST, AND EUCLID AVENUE ON THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1054-011-01, 1054-011-02, 1054-011-04; 1054-021-01, 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, and 1054-281-03.

10. AWARD A DESIGN-BUILD AGREEMENT FOR THE CONSTRUCTION OF THE C BLOCK PARKING STRUCTURE/MCCARTHY BUILDING COMPANIES, INC.

That the City Council take the following actions:

- (A) Authorize the City Manager to execute a Design-Build Agreement with McCarthy Building Companies, Inc. of Newport Beach, California, to provide Design-Build construction services for the C Block Parking Structure in the amount of \$9,669,383;
- (B) Authorize a 15% project contingency of \$1,450,407; and
- (C) Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to agreements, assessments, easements, lot line adjustments, reduction of retention accounts, contracts and contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction related activities.

11. AN AMENDMENT TO THE LETTER OF AGREEMENT FOR THE EMERGENCY SENIOR MEALS PROGRAM

That the City Council authorize the City Manager, or his designee, to execute an amendment to the Letter of Agreement (on file in the Records Management Department) with the Ontario-Montclair School District of Ontario, California, for the emergency senior meals program in the not-to-exceed amount of \$169,844 through December 30, 2020.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

12. A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 AND RELATED MATTERS

That the City Council consider and adopt a resolution authorizing the issuance of City of Ontario Community Facilities District No. 45 (Northpark and Countryside Facilities) Special Tax Bonds, Series 2020

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Northpark and Countryside project and the Ontario Ranch development;
- (B) Approves the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizes the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND **RELATED ACTIONS.**

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

APPOINTMENT TO THE LIBRARY BOARD OF TRUSTEES

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

ADJOURNMENT

CITY OF ONTARIO CLOSED SESSION REPORT City Council // Housing Authority // Other // (GC 54957.1) October 6, 2020

ROLL CALL: Dorst-Porada_, Wapner _, Bowman _, Valencia _, Mayor / Chairman Leon _.

STAFF: City Manager / Executive Director ___, City Attorney ____

In attendance: Dorst-Porada _, Wapner _, Bowman _, Valencia _, Mayor / Chairman Leon _.

 GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Professional Firefighters Association, Local 1430; and Ontario Fire Management Group.

	No Reportable Action	Continue	Approved	
	/ /	/ /	/ /	
Disposition:				
In attendance: Dorst-Porada _, Wapner _, Bowman _, Valencia _, Mayor / Chairman Leon				
GC 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Title: City Manager				
	No Reportable Action	Continue	Approved	
	/ /	/ /	1 1	
Disposition:				

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report October 6, 2020 SECTION: CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT WITH HARRIS AND ASSOCIATES FOR ON-CALL PLAN CHECKING SERVICES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a Three-Year Professional Services Agreement (on file in the Records Management Department) with Harris and Associates, of Irvine, California, to provide on-call Plan Checking Services for an estimated amount of \$720,000 per year; and authorize the City Manager to extend the agreement for one additional two-year period in the amount consistent with City Council approved budgets for each respective fiscal year.

COUNCIL GOALS: <u>Invest in the Growth and Evolution of the City's Economy</u> <u>Operate in a Businesslike Manner</u>

FISCAL IMPACT: There is no net impact to the General Fund. Under the terms of the agreement, the City will compensate Harris and Associates at the rate of 60% of the plan check fees for improvement plans and subdivision maps. The Consultant will be paid from fees collected from applicants for plan check and inspection services on an as needed basis. The Fiscal Year 2020-21 Adopted Operating Budget includes appropriations of \$720,000 for such professional engineering services. Additional appropriations may be requested in future quarterly budget reports depending on the volume and extent of future projects.

BACKGROUND: Due to the volume of development projects within the City and the unpredictable timing of plan submittals, consultant plan check services are required on an as-needed basis to supplement the City's in-house plan checking services in order to maintain the City's plan check review schedule commitment.

The City solicited proposals for consultant engineering plan checking services for development projects from the following seven firms:

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

	Bryan Lirley, P.E.	Submitted to Co	ouncil/O.H.A.	10/06/2020
Department:	Engineering	Approved:		
City Manager	Stol /	Continued to: Denied:		
Approval:	appen	Demea.	-	2
				3

<u>COMPANY</u> Cannon Corporation Conekt2 Inc. Harris and Associates HR Green Interwest Consulting JMD Transtech

LOCATION Irvine, CA San Diego, CA Irvine, CA Corona, CA Ontario, CA City of Industry, CA Chino, CA

Using quality based selection, a panel of City staff reviewed the proposals and Harris and Associates was judged to be the most qualified firm and is being recommended based on their broad range of expertise, as demonstrated by their services provided to municipal agencies and capability to perform the work in a timely manner.

CITY OF ONTARIO

Agenda Report October 6, 2020 SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20134 LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20134 located at the northeast corner of Haven Avenue and Schaefer Avenue within the Rich Haven Specific Plan.

COUNCIL GOALS: <u>Invest in the Growth and Evolution of the City's Economy</u> <u>Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)</u> <u>Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario</u> <u>Ranch</u>

FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

BACKGROUND: Final Tract Map No. 20134, consisting of fifteen (15) numbered lots and fifteen (15) lettered lots on 80.61 acres (see Exhibit A), has been submitted by LS-Ontario II, LLC, a Delaware Limited Liability Company (Mr. David Mello, Jr., Vice President of Forward Planning), Haven Ontario NMC 2, LLC, a Florida Limited Liability Company (Mr. Craig Cristina, Senior Vice President), and Legacy Land Partners, LLC, a Florida Limited Liability Company (Mr. Craig Cristina, Senior Vice President).

Tentative Tract Map No. 20134 was approved by the Planning Commission on April 23, 2019 and is consistent with the adopted Rich Haven Specific Plan.

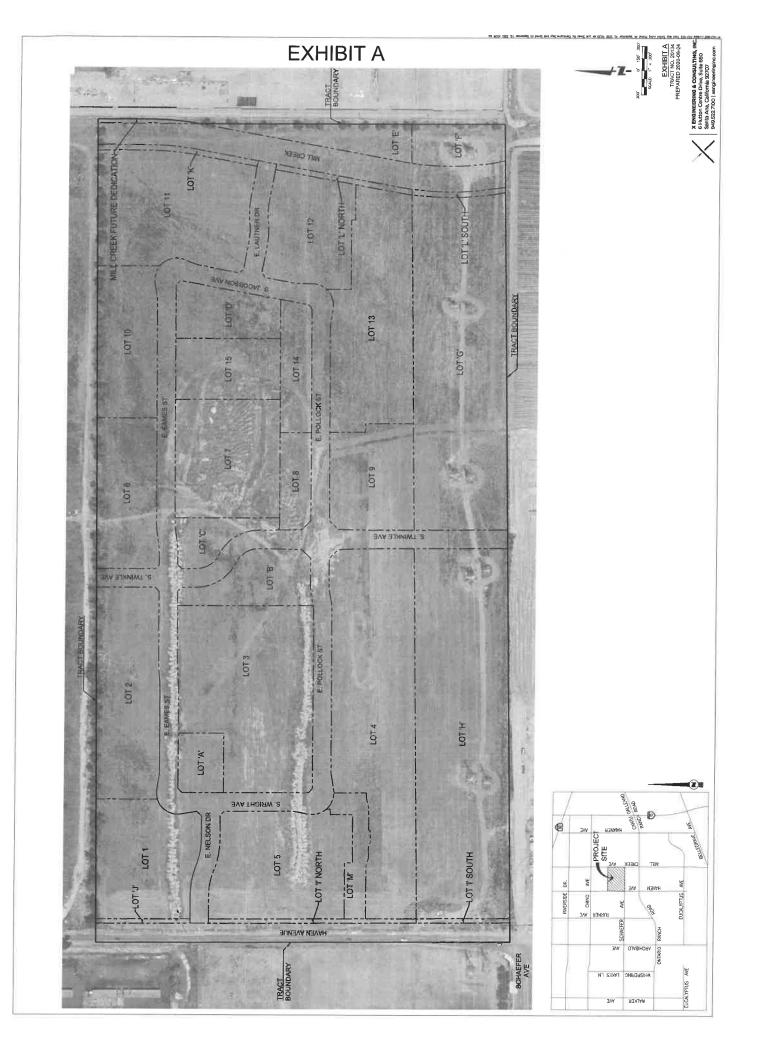
Improvements will include AC pavement, curb, gutter, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, sewer, water, recycled water mains, storm drain, and streetlights. The improvements in parkway landscaping will be consistent with current City approved drought measures.

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Department:	Michael Bhatanawin Engineering	Submitted to Counci Approved:	l/O.H.A.	10/06/2020
City Manager Approval:	Jul.	Continued to: Denied:		4

The developer has entered into an improvement agreement with the City for Final Tract Map No. 20134 and has posted adequate security to ensure construction of the required public improvements.

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



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20134, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE.

WHERAS, Tentative Tract Map No. 20134, submitted for approval by Richland Communities, was approved by the Planning Commission of the City of Ontario on April 23, 2019; and

WHEREAS, Tentative Tract Map No. 20134 consists of 15 numbered lots and 15 lettered lots within the Rich Haven Specific Plan being the South 1/2 of the Southwest 1/4 of Section 12, Township 2 South, Range 7 West, San Bernardino Base and Meridian, in the County of San Bernardino, State of California; and

WHERAS, a portion of Tentative Tract Map No. 20134, was subsequently sold to LS-Ontario II, LLC, a Delaware Limited Liability Company (Mr. David Mello, Jr., Vice President of Forward Planning) and the remaining portions are owned by Haven Ontario NMC 2, LLC a Florida Limited Liability Company (Mr. Craig Cristina, Senior Vice President) and Legacy Land Partners, LLC a Florida Limited Liability Company (Mr. Craig Cristina, Senior Vice President); and

WHEREAS, to meet the requirements established as prerequisite to final approval of Tract Map No. 20134, said developers have offered the improvement agreement together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

WHEREAS, the requirement for the preparation of Covenants, Conditions and Restrictions (CC&R's), approved by the City Attorney's Office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners has been deferred to a date that coincides with the recordation of the subject Tract Map.

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

- 1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
- 2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
- 3. That Final Tract Map No. 20134 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 6th day of October 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST, BEST & KREIGER, LLP CITY ATTORNEY STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO CITY OF ONTARIO

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 6, 2020 by the following roll call vote, to wit:

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)

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AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 6, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report October 6, 2020 SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

RECOMMENDATION: That the City Council adopt a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the November 3, 2020 City Council Meeting, unless canceled sooner.

COUNCIL GOALS: Maintain Current the High Level of Public Safety

FISCAL IMPACT: This resolution maintains the City's compliance with State and Federal requirements for emergency response and promotes the City's eligibility to receive State and Federal emergency assistance funds.

BACKGROUND: Governments worldwide are responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which as now been detected in nearly 100 countries, including the United States. The virus has been named "SARS-CoV-2"; and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").

COVID-19 is a serious disease that as of September 14, 2020 has killed over 925,000 people worldwide with over 6.5 million confirmed cases and over 194,000 deaths in the United States, as well as infecting more than 757,000 and killing over 14,000 in California. On March 4, 2020, the Governor of the State of California declared a State of Emergency. On March 10, 2020, the San Bernardino County Health Department proclaimed a Public Health Emergency; and the Board of Supervisors issued a Proclamation of Local Emergency due to COVID-19. On March 11, 2020, the World Health Organization declared the disease a global pandemic. On March 13, 2020, the President of the United States declared a National Emergency.

On June 18, 2020, California Governor Newsom issued a statewide order mandating the wearing of face masks or coverings for the public in which the City of Ontario followed by requiring face masks or coverings for city employees. On June 28, 2020, California Governor Newsom issued an order closing

STAFF MEMBER PRESENTING: Jordan Villwock, Fire Administrative Director

	Raymond Cheung Fire Department	Submitted to Council/O.H.A. Approved:	10/06/2020
City Manager Approval:	All	Continued to: Denied:	5

bars and restricting indoor restaurant operations for seven counties including the County of San Bernardino. On July 13, 2020, California Governor Newsom issued an order closing additional businesses including gyms, worship services, personal care services, hair salons, and malls. On August 28, 2020, California Governor Newsom released the next evolution of the response called the Blueprint for a Safer Economy. This plan replaces the State Watchlist and allows for more businesses to safely open with restrictions.

Beginning in July 2020, the City of Ontario began issuing Temporary Use Permits allowing restaurants to use outdoor spaces for dining purposes while waiving fees and expediting the process. Additionally, in July 2020, the City of Ontario drafted an operational transition plan for City facilities to reclose and some work functions to return to a telecommuting basis due to the increase infections in the County and the potential for employee spread.

The City of Ontario regularly participates in disaster drills to maintain its preparedness. The City's first and second response agencies are prepared for the impact of COVID-19; however, the declaration of a local emergency further unlocks resources and legal authority to quickly respond to changing conditions.

Through Ontario Ordinance No. 2990, the City Manager, as the Director of Emergency Services, proclaimed a Local Emergency on July 14, 2020 with additional details and originally proclaimed on March 17, 2020, to enhance the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek potential reimbursement by the State and Federal governments.

Per California Government Code § 8630, a proclamation of local emergency must be ratified by the governing body within 7 days of issuance and reviewed and continued every 30 days thereafter until termination of the local emergency as conditions warrant.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

WHEREAS, City of Ontario Ordinance No. 2990 empowers the City Manager as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely affected by a public calamity and the City Council is not in session, and:

WHEREAS, conditions of disaster or of extreme peril to the safety of persons and property have re-risen due to increased levels of positive cases of COVID-19 and accompanying higher hospitalizations and death rates; and

WHEREAS COVID-19 has spread to every country in the world, infecting more than 12 million persons and killing more than 550,000 individuals worldwide, and exists in every state in the United States, infecting more than 3 million persons and killing over 130,000 in the country, as well as infecting more than 300,000 and killing over 6,700 in California, and

WHEREAS, on June 18, 2020, California Governor Gavin Newsom issued a statewide order mandating the wearing of face masks or coverings for the public which the City of Ontario followed by requiring face masks or coverings for city employees; and

WHEREAS, on June 28, 2020, California Governor Gavin Newsom issued an order closing bars and restricting indoor restaurant operations for seven counties including the County of San Bernardino; and

WHEREAS, on July 13, 2020, California Governor Gavin Newsom issued an order closing additional businesses including gyms, worship services, personal care services, hair salons, and malls; and

WHEREAS, the City is issuing Temporary Use Permits allowing restaurants to use outdoor spaces for dining purposes to maintain a safe environment for restaurant employees and patrons while waiving fees and expediting the process; and

WHEREAS, the City has drafted an operational transition plan for City facilities to reclose and some work functions to return to a telecommuting basis due to the increased infections in the County and the potential for employee-spread; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to the continued battle against COVID-19; and

WHEREAS, these conditions warrant and necessitate that the City of Ontario declare the existence of a local emergency.

WHEREAS, on July 21, 2020 the Ontario City Council ratified Resolution No. 2020-124 proclaiming the existence of a local emergency.

WHEREAS, on August 18, 2020, the Ontario City Council ratified Resolution No. 2020–146 proclaiming the continued existence of a local emergency.

WHEREAS, on September 15, 2020, the Ontario City Council ratified Resolution No. 2020-155 proclaiming the continued existence of a local emergency.

NOW THEREFORE, BE IT RESOLVED, by the City Council does hereby proclaim the existence of a local emergency and directs the Emergency Organization of the City of Ontario to take the necessary steps for the protection of life, health and safety in the City of Ontario.

IT IS FURTHER RESOLVED, that during the existence of said local emergency the powers, functions, and duties of the Emergency Organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City; and

THE CITY COUNCIL DIRECTS, that all City Departments shall review and revise their department emergency and contingency plans to address the risks COVID-19 poses to their critical functions in coordination with the Office of Emergency Management (OEM); and

THE CITY COUNCIL FURTHER DIRECTS, that all City Departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the Financial Services Agency; and

THE CITY COUNCIL FURTHER DIRECTS, that OEM shall coordinate Citywide planning, preparedness and response efforts regarding COVID-19 with the San Bernardino County Department of Public Health and the San Bernardino County Office of Emergency Services (OES).

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the City Council, that the Resolution to Proclamation of a Local Emergency shall continue the previous proclamation while including additional requirements, guidelines, and procedures.

IT IS FURTHER RESOLVED AND ORDERED, by the City Council that a copy of this Resolution be forwarded to the San Bernardino County Office of Emergency Services to be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in San Bernardino County; that the Governor waive regulations that may hinder response and recovery efforts; that response and recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of October 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER, LLP CITY ATTORNEY STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO CITY OF ONTARIO

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 6, 2020 by the following roll call vote, to wit:

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)

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AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 6, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report October 6, 2020 SECTION: CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HINDERLITER DE LLAMAS & ASSOCIATES (HdL) FOR SALES TAX CONSULTING AND REVENUE RECOVERY TO ADD BUSINESS LICENSE/TRANSIENT OCCUPANCY TAX ADMINISTRATION, AUDITING AND ANALYSIS

RECOMMENDATION: That the City Council authorize the City Manager to execute an amendment to the existing agreement (on file in the Records Management Department) for sales tax consulting and revenue recovery services with Hinderliter de Llamas & Associates (HdL), of Brea, California, to include a new two-year term, with the option to renew for an additional two-years, for business license/transient occupancy tax (TOT) administration, auditing and analysis services, adding \$560,000 to the existing contract and raising the not to exceed limit to \$619,326.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: HdL's preliminary review of the City's current business license program suggests that revenues resulting from discovery and audit services may generate an ongoing increase of 10% to 20% in revenues (i.e. \$1,400,000 to \$3,000,000) for the first 24 months; subsequent year's revenues are expected to taper off, but a conservative estimate of permanent, increased General Fund revenue growth due to improved identification of businesses is approximately 8%, or \$610,000 annually. The City will pay a one-time audit fee of 35% for all new Business License and TOT revenues realized as a result of HdL's tax revenue discovery and compliance audit services. These discovery and audit fee amounts will vary from one year to another and are expected to range between \$200,000 to \$525,000 starting FY 2021-22; as such, the net amount paid in audit fees will be offset by recovered revenues. This amendment increases the total authorized contract amount from \$59,326 for sales tax services to include additional Business License/TOT services in the amount of not to exceed \$619,326 to support the first 24 months of services. Appropriations for subsequent fiscal years will be requested during the annual budget process and future funding is contingent upon City Council approval and budget adoption.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

	Jason M. Jacobsen Investments & Revenue Resources	Submitted to Council/O.H.A. Approved:	10/04/2020
City Manager Approval:	All	Continued to: Denied:	6

BACKGROUND: The HdL company was founded in 1983 and since then has helped cities, counties, and special districts maximize revenues through allocation audits, financial and economic analysis. As local tax experts, the firm also assists municipalities with Business License Administration Services, Business License Compliance and Audit Management, TOT Management, Short Term Rentals Discovery and Administration, Operations Support, Fee and Ordinance Analysis and other analytical services that allow cities and counties to expand the effectiveness of related internal operations. With over 14,000 licenses in various stages of licensure and 54 hotels in the City, it is in the City's best interest to contract services with HdL to insure continued Business License and TOT revenue monitoring. It is worth noting that most of HdL's key staff members have extensive local government experience, having previously held positions in city management, finance, planning, economic development or revenue collection.

As proposed, HdL will work with the City business license staff to assist with the administration of the City's business license program utilizing HdL's state of the art cloud-based business license software. HdL's proposal for business license administration and management includes:

- **On-Line Filing & Payment Processing** HdL will register a City approved domain name which will serve as the starting point for all web-based activities. This City-specific site is designed to look and feel like the City's own web pages and ensures a level of continuity between the business community, the City, and HdL.
- **Renewal Processing** HdL will send active business license accounts a renewal notice within 45 days of the renewal period ending. Accounts will receive all applicable forms necessary to complete the renewal process.
- New Account Processing HdL will process any new business license applications and complete the new account registration process in a timely fashion. HdL will also facilitate intra-city departmental approvals such as zoning, code compliance, fire inspection, and other regulatory related functions.
- **Delinquent Account Processing** HdL will endeavor to collect delinquent accounts through a series of City approved processing methods. This will include, at minimum, two follow up delinquent notices and up to two additional contacts via letter, email or telephone. Delinquent accounts will be collected with full penalties as allowed by the Municipal code or through current City practices. Accounts that remain delinquent will be processed through the City approved processes established in HdL's collections component of the Compliance Management Program.
- **Payment Posting/Processing** HdL will process mail, online and phone payments in an expedited manner. The City will process payments received in person at the counter. Licensed accounts will be updated daily with payment information, and revenues received by HdL will be disbursed to the City net of HdL's service fees at an interval to be determined with the City during project implementation. HdL's payment acceptance process accepts the following payment types:
 - o Check / Money Order / Cashier's Check
 - o E-Check
 - Debit Cards
 - Credit Cards (Visa, Mastercard, Discover, & American Express)
 - o Check by Phone
- **Business Support Center** HdL will provide businesses with multiple support options for registering, renewing, making payments and for general inquiries. A toll-free number will be provided to businesses in order to access one of our license specialists Monday-Friday 8:00am to 5:00pm. Businesses will also have access to support via, e-mail, fax, and via the Business Support

Center On-Line. HdL constantly monitors quality control points to ensure courteous customer service, minimal hold times under 2 minutes, and the return of voice messages the same business day.

Additionally, HdL's TOT Operations Management services provides continual monitoring of TOT returns, which is the optimal way to increase compliance while maintaining positive relations with the City's lodging providers. The TOT program is education focused, ensuring that providers are clear on reporting requirements and methodology. HdL's tax administration professionals are available as needed to support both the City's team and the City's lodging providers. Some of the TOT operations: management includes

- New TOT Account Processing HdL will process all new TOT registrations
- Return Processing HdL will process the monthly TOT returns within 5 days of submission
- **Payment Posting** / **Processing** HdL will process all payments, update accounts, and remit revenues to the City net HdL's fees on a monthly basis
- **Customer Support Center** HdL will provide lodging providers with multiple support options for registering, filing returns, making payments and for general inquiries. A toll-free number will be provided to lodging providers in order to access one of the tax specialists. Lodging providers will also have access to support via email, fax, and the online business Support Center.

If approved, HdL's technical capabilities will allow for the identification of all types of businesses that must be licensed, including those participating in the sharing economy such as short-term rentals, drive sharing services, etc. HdL possesses advanced data matching techniques in order to identify which business entities are complying with the City's Municipal Code and which require follow up.

CITY OF ONTARIO

Agenda Report October 6, 2020

SECTION: CONSENT CALENDAR

SUBJECT: ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE) AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES; AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION: That the City Council consider and:

- (A) Accept a written petition (on file in the Records Management Department) from LS-ONTARIO II LLC, located in Irvine, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 57 (Neuhouse) (the "CFD"), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, November 17, 2020; and
- (C) Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 57 (Neuhouse).

COUNCIL GOALS: Operate in a Businesslike Manner

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 Ontario Ranch

FISCAL IMPACT: In accordance with the City Council's long standing direction that development of Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the financial resources of the existing City; the use of Mello-Roos financing in the Neuhouse project is projected to generate approximately \$552,688.00 per year, at build-out, to fund City services; and

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Department:	Jason M. Jacobsen Investments & Revenue Resources	Submitted to Council/O.H.A. Approved:	10/06/2020
City Manager Approval:	771	Continued to: Denied:	
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\$7.8 million in bond proceeds to fund a portion of the public infrastructure improvements that will serve the project. The use of Mello-Roos financing is critical in achieving the City Council's goal of "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch." 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; therefore, there is no General Fund impact from t-he issuance of Mello-Roos bonds. City Council approval will be required in future years to process annual special tax levies.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides 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. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance City services and public improvements are the adoption of resolutions declaring the City's intention to establish a community facilities district, authorizing the levy of 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. LS ONTARIO II LLC, has provided a written petition to the City requesting formation of a community facilities district for the Neuhouse project in Ontario Ranch. The Neuhouse project addresses the development of approximately 30 gross acres located generally west of Mill Creek Avenue, east of Haven Avenue, south of Chino Avenue and north of Schaefer Avenue. At build out, the projects are projected to include 334 residential units; 100-detached and 234 attached units.

Included, as part of the resolution of intention for the proposed district, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 57 (Neuhouse). 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, Resolution No. 2006-021, in all aspects.

Under the proposed Rate and Method of Apportionment, the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not increase over time. The amount of bonds authorized (\$33 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$7.8 million) in order to allow future City Councils the option to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services without increasing the amount of the annual special taxes. The term and structure of the Rate and Method of Apportionment of Special Tax for the Neuhouse project are consistent with those of the previously adopted Rate and Method of Apportionments for Ontario Ranch community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in Ontario Ranch are developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in Ontario Ranch community facilities districts to disclose the maximum annual special tax amounts to each homeowner before entering into a sales contract.

List of infrastructure to be financed:

- Water;
- Storm Drain;
- Sewer;
- Street, Bridges, and Circulation; and
- Fiber Optic

City staff has discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the community facilities district for the regularly scheduled City Council meeting on Tuesday, November 17, 2020, to consider the matter.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

WHEREAS, Section 53318 of the Mello-Roos Community Facilities Act of 1982 (the "Act") provides that proceedings for the establishment of a Community Facilities District shall be instituted by a legislative body of a local agency when a petition requesting the institution of the proceedings signed by the owners of not less than 10% of the area of land proposed to be included in the community facilities district and not proposed to be exempt from the special tax, describing the boundaries of the territory that is proposed for inclusion in the community facilities district and specifying the types of facilities and services to be financed by the community facilities district is filed with the clerk of the legislative body; and

WHEREAS, Section 53318 of the Act further provides that such a petition is not required to be acted upon until the payment of a fee in an amount that the legislative body determines, within 45 days of receiving such petition, is sufficient to compensate the legislative body for all costs incurred in conducting proceedings to create a community facilities district pursuant to the Act; and

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received a written petition (the "Petition") from LS-ONTARIO II LLC, a Delaware limited liability company (the "Landowner"), requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of facilities and services to be financed by the Community Facilities District; and

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land proposed to be included within the Community Facilities District and not proposed to be exempt from the special tax; and

WHEREAS, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district; and WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53321 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

WHEREAS, the City and the Landowner have entered into a Deposit and Reimbursement Agreement, dated as of October 1, 2020 (the "Deposit Agreement"), relating to the Community Facilities District, that provides for the advancement of funds by the Landowner to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to the Landowner of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, the City desires to include in this Resolution, in accordance with Section 53314.9 of the Act, the proposal to repay funds pursuant to the Deposit Agreement.

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

<u>SECTION 1.</u> The foregoing recitals are true and correct, and the City Council so finds and determines.

<u>SECTION 2.</u> The City Council hereby finds that the Petition is signed by the owner of the requisite amount of land proposed to be included in the Community Facilities District.

<u>SECTION 3.</u> The City Council proposes to establish a community facilities district under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community Facilities District are described in the map showing the proposed Community Facilities District (the "Boundary Map") on file with the City Clerk of the City (the "City Clerk"), which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the Boundary Map with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

<u>SECTION 4.</u> The name proposed for the Community Facilities District is "City of Ontario Community Facilities District No. 57 (Neuhouse)."

<u>SECTION 5.</u> 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.

<u>SECTION 6.</u> 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.

<u>SECTION 7.</u> 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.

<u>SECTION 8.</u> 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.

<u>SECTION 9.</u> 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.

<u>SECTION 10.</u> The City Council hereby fixes Tuesday, November 17, 2020, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities District; provided, that, in the event the November 17, 2020 City Council meeting is held via teleconference and/or videoconference only, the means by which the public may observe such public hearing and offer public comment shall be prescribed in the notice and agenda for such City Council meeting.

<u>SECTION 11.</u> The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

<u>SECTION 12.</u> The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

<u>SECTION 13.</u> Each officer of the City who is or will be responsible for providing one or more of the proposed types of Facilities or Services is hereby directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the Facilities and Services by type which will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing the Facilities and Services. Such officers are hereby also directed to estimate the fair and reasonable cost of the Facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said public hearing.

<u>SECTION 14.</u> The Landowner has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

<u>SECTION 15.</u> 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 16. 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 6th day of October 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER, LLP CITY ATTORNEY STATE OF CALIFORNIA)COUNTY OF SAN BERNARDINO)CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 6, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 6, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES AND INCIDENTAL EXPENSES

Facilities

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

Facilities to be Purchased

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

Services

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

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

(a) the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities;

(b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and

(c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 57 (Neuhouse) ("CFD No. 57") and collected each Fiscal Year, commencing in Fiscal Year 2021-22, 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. 57, 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 of Part 1 of 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. 57: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 57 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. 57 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 57 of complying with City, CFD No. 57. 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. 57 related to the analysis and reduction, if any, of the Special Tax A on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 57 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. 57; and amounts estimated or advanced by the City or CFD No. 57 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 A" means the Special Tax A for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

"Backup Special Tax A" means the Special Tax A 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. 57 under the Act and payable from Special Tax A.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 57 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 A Requirement and Special Tax B Requirement, providing for the levy and collection of the Special Taxes, and performing the other duties provided for herein.

"CFD No. 57" means City of Ontario Community Facilities District No. 57 (Neuhouse).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 57.

"Contractual Impositions" means (a) a voluntary contractual assessment established and levied on an Assessor's Parcel pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (commencing with Section 5898.10 *et seq.*), as amended from time to time, (b) a special tax established and levied on an Assessor's Parcel pursuant to Section 53328.1 of the California Government Code and related provisions of the Act, as amended from time to time, and (c) any other fee, charge, tax, or assessment established and levied on an individual Assessor's Parcel pursuant to a contractual agreement or other voluntary consent by the owner thereof (e.g., property owner association assessments). "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 A.

"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, 2020, and before May 1 of the prior Fiscal Year.

"Expected Residential Lot Count" means 334 Buildable Lots of Single Family Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

"Facilities" means the public facilities authorized to be financed, in whole or in part, by CFD No. 57.

"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.

"Gated Community Attached Dwelling Unit" means, with respect to Special Tax B, a Unit within any residential building containing two or more dwelling units (including attached condominiums, townhouses, duplexes, triplexes, and apartments) within a gated community that, within such community, is primarily served by private interior streets.

"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 and Table 2 below.

"Lower Income Household Welfare Exemption Property" means, for each Fiscal Year, an Assessor's Parcel within the boundaries of CFD No. 57 that is subject to a

welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the most recent County assessor's roll finalized prior to such Fiscal Year.

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

"Maximum Special Tax B" means, with respect to an Assessor's Parcel of Taxable Property, the Maximum Special Tax B determined in accordance with Section C.2 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.

"Multiple Family Dwelling Unit" means, with respect to Special Tax B, a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Community Attached Dwelling Units.

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

"Other Residential Property" means, with respect to Special Tax A, all Assessor's Parcels of Developed Property for which a building permit was issued by the City for purposes of constructing Units, excluding Single Family Attached Property and Single Family Detached Property.

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

"Price Point Consultant" means any consultant or firm of such consultants selected by CFD No. 57 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. 57 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 57, (ii) the City, (iii) any owner of real property in CFD No. 57, or (iv) any real property in CFD No. 57, and (e) is not connected with CFD No. 57 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 57 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. 57 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.1 below, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Developed Property; however, for Developed Property in the fourth step of Section D.1 below, Proportionately means that the amount of the increase above the Assigned Special Tax A, if necessary, is equal for all Assessor's Parcels of Developed Property, except that if the Backup Special Tax A 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) with respect to Special Tax B, that the ratio of the actual Special Tax B levy to the Maximum Special Tax B is equal for all Assessor's Parcels of Developed Property; (c) for Final Mapped Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Final Mapped Property; (d) for Undeveloped Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Undeveloped Property; (e) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Taxable Property Owner Association Property; and (f) for Taxable Public Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A 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. 57 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 or utility right-of-way that makes impractical its use for any purpose other than that set forth in such easement; provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

"Rate and Method of Apportionment" means this Rate and Method of Apportionment of Special Tax.

"Residential Floor Area" means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor's Parcel, or as set forth in other official records maintained by the City's Building Department or other appropriate means selected by CFD No. 57. 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, for each Fiscal Year, an Assessor's Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2020, and before May 1 of the prior Fiscal Year.

"Services" means the services authorized to be financed, in whole or in part, by CFD No. 57.

"Single Family Attached Property" means all Assessor's Parcels of Developed Property for which a building permit or use permit was issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor's Parcel Numbers assigned to them (except for a duplex unit, which may share an Assessor's Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the Unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Single Family Detached Property" means all Assessor's Parcels of Developed Property for which a building permit was issued for construction of a Unit, on one legal lot, that does not share a common wall with another Unit.

"Single Family Property" means all Assessor's Parcels of Single Family Attached Property and Single Family Detached Property.

"Special Taxes" means, collectively, Special Tax A and Special Tax B.

"Special Tax A" means the special tax authorized by the qualified electors of CFD No. 57 to be levied within the boundaries of CFD No. 57 to pay for Facilities and Services.

"Special Tax A 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. 57 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 a pro rata share of 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 A levy on Final Mapped Property or Undeveloped Property; and (vi) provide an amount equal to Special Tax A delinquencies based on the historical delinquency rate for Special Tax A as determined by the CFD Administrator.

"Special Tax B" means the special tax authorized by the qualified electors of CFD No. 57 to be levied within the boundaries of CFD No. 57 to pay for Services.

"Special Tax B Requirement" means for any Fiscal Year that amount required, after taking into account available amounts in any funds and accounts established to pay for Services, to pay the cost of Services, a pro rata share of Administrative Expenses, and an

amount equal to Special Tax B delinquencies based on the historical delinquency rate for Special Tax B 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. 57, 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. 57 that are not exempt from the Special Taxes 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 Taxes 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 Taxes 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 a Unit within a Land Use Class, for the Fiscal Year in which Total Tax Burden is being calculated, the sum of (a) the Assigned Special Tax A for such Land Use Class for such Fiscal Year, plus (b) the Special Tax B for such Land Use Class for such Fiscal Year, plus (c) the ad valorem property taxes, special assessments, special taxes for any overlapping community facilities districts, and any other governmental fees, charges (other than fees or charges for services such as sewer and trash), taxes. and assessments (which do not include Contractual Impositions) collected by the County on ad valorem tax bills and that the CFD Administrator estimates would be levied or imposed on such Unit in such Fiscal Year if the residential dwelling unit thereon or therein had been completed and sold, and was subject to such fees, charges, taxes, and assessments in such Fiscal Year.

"Trustee" means the trustee or fiscal agent under the Indenture.

"TTM 20135" means Tentative Tract Map No. 20135, the area of which is located within CFD No. 57.

"TTM 20136" means Tentative Tract Map No. 20136, the area of which is located within CFD No. 57.

"TTM 20137" means Tentative Tract Map No. 20137, the area of which is located within CFD No. 57.

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

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2021-22, all Taxable Property within CFD No. 57 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 Developed Property shall be further classified as Single Family Detached Property or Single Family Attached Property, Other Residential Property (for Special Tax A), Multiple Family Residential Unit or Gated Community Attached Dwelling Unit (for Special Tax B), or Non-Residential Property. For Special Tax A, Assessor's Parcels of Single Family Detached Property shall be assigned to Land Use Classes 1 through 5 and Assessor's Parcels of Single Family Attached Property shall be assigned to Land Use Classes 6 through 12, as listed in Table 1 below based on the Residential Property shall be assigned to Land Use Class 13, and Non-Residential Property shall be assigned to Land Use Class 14.

C. <u>MAXIMUM SPECIAL TAX</u>

1. Special Tax A

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax A 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. 57 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within CFD No. 57 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax A 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 A 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 A, the Backup Special Tax A shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax A revenues within the Tentative Tract Map area(s) where the Assigned Special Tax A reductions occurred. Upon determining the reductions, if any, in the Assigned Special Tax A and Backup Special Tax A required pursuant to this Section C, the CFD Administrator shall complete the Certificate of Modification of Special Tax substantially in the form attached hereto as Exhibit A (the "Certificate of Modification"), shall execute such completed Certificate of Modification, and shall deliver such executed Certificate of Modification to CFD No. 57. Upon receipt thereof, if in satisfactory form, CFD No. 57 shall execute such Certificate of Modification. The reduced Assigned Special Tax A and Backup Special Tax A specified in such Certificate of Modification shall become effective upon the execution of such Certificate of Modification by CFD No. 57.

The Special Tax A reductions required pursuant to this section shall be reflected in an amended notice of Special Tax lien, which CFD No. 57 shall cause to be recorded with the County Recorder as soon as practicable after execution of the Certificate of Modification by CFD No. 57. The reductions in this section apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) Maximum Special Tax A

The Maximum Special Tax A 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 A or (ii) the amount derived by application of the Backup Special Tax A. The Maximum Special Tax A shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) Assigned Special Tax A

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

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Detached Property	< 1,701	\$2,426 per Unit
2	Single Family Detached Property	1,701 - 1,900	\$2,508 per Unit
3	Single Family Detached Property	1,901 - 2,100	\$2,621 per Unit
4	Single Family Detached Property	2,101-2,300	\$2,732 per Unit
5	Single Family Detached Property	> 2,300	\$2,829 per Unit
6	Single Family Attached Property	< 801	\$968 per Unit
7	Single Family Attached Property	801 - 1,000	\$1,181 per Unit
8	Single Family Attached Property	1,001 - 1,200	\$1,444 per Unit
9	Single Family Attached Property	1,201 – 1,400	\$1,700 per Unit
10	Single Family Attached Property	1,401 – 1,600	\$1,900 per Unit
11	Single Family Attached Property	1,601 - 1,800	\$2,048 per Unit
12	Single Family Attached Property	> 1,800	\$2,275 per Unit
13	Other Residential Property		\$43,849 per Acre
14	Non-Residential Property		\$43,849 per Acre

 TABLE 1

 Assigned Special Tax A – Developed Property

3) Backup Special Tax A

The Backup Special Tax A shall be \$2,648 per Unit for Single Family Detached Property and \$1,752 for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 100 for Single Family Detached Property or 234 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

Backup Special Tax A	=	\$264,825 ÷ Expected Residential Lot				
		Count Proper		Single	Detached	Family

or \$410,004 ÷ Expected Residential Lot Count for Single Attached Family Property If any portion of a Final Subdivision Map, or any area expected by CFD No. 57 to become Final Mapped Property, such as the area within TTM 20135, TTM 20136, TTM 20137, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax A for all Designated Buildable Lots of Single Family Detached Property and Single Family Attached Property subject to the change shall be calculated according to the following steps:

- Step 1: Determine the total Backup Special Tax A that could have been collected from Designated Buildable Lots, separately for Single Family Detached Property and Single Family Attached Property, prior to the Final Subdivision Map or expected Final Mapped Property change.
- Step 2: Divide the amount determined in Step 1 by the number of Designated Buildable Lots, separately for Single Family Detached Property and Single Family Attached Property, that exists after the Final Subdivision Map or expected Final Mapped Property change.
- Step 3: Apply the amount determined in Step 2 as the Backup Special Tax A per Unit for Single Family Detached Property and Single Family Attached Property.

The Backup Special Tax A 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 A for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$43,849 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Special Tax B

The Maximum Special Tax B for each Assessor's Parcel classified as Developed Property shall be determined by reference to Table 2 below.

Land Use Class	Maximum Special Tax B Fiscal Year 2021-22	
Residential Property		
Single Family Property	\$1,825 per Unit	
Multiple Family Residential Unit	\$1,582 per Unit	
Gated Community Attached Dwelling Unit	\$1,326 per Unit	
Non-Residential Property	\$0.34 per Sq. Ft.	

TABLE 2 MAXIMUM SPECIAL TAX B – DEVELOPED PROPERTY

On January 1 of each Fiscal Year, commencing January 1, 2022, the Maximum Special Tax B to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

3. 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 A levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax A for all Units of Single Family Property and Acres of Other Residential Property and Non-Residential Property (based on the pro rata share of Square Footage between Other Residential Property and Non-Residential Property, according to the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel. The Maximum Special Tax B levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax B for all Units of Residential Property and all Square Footage of Non-Residential Property (based on the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

1. Special Tax A

Each Fiscal Year, beginning with Fiscal Year 2021-22, the CFD Administrator shall determine the Special Tax A Requirement for such Fiscal Year. The Special Tax A shall then be levied as follows:

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

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

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

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

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

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

Notwithstanding the above, under no circumstances shall Special Tax A levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 57 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.

2. Special Tax B

Each Fiscal Year, beginning with Fiscal Year 2021-22, the CFD Administrator shall determine the Special Tax B Requirement. The Special Tax B shall then be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax B for such Assessor's Parcel, until the Special Tax B Requirement is satisfied. However, the Special Tax B levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax B levied in the prior Fiscal Year.

E. <u>EXEMPTIONS</u>

No Special Tax shall be levied on up to 5.87 Acres of Public Property and up to 6.64 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax A under this section shall be subject to the levy of Special Tax A 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 A for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax A shall be levied in any Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax A obligation pursuant to the formula set forth in Section H.

No Special Tax shall be levied on Lower Income Household Welfare Exemption Property; provided, however, that if, in any Fiscal Year, applicable law does not require that Lower Income Household Welfare Exemption Property be exempt from some portion, or all, of the Special Tax, such portion, or all, of the Special Tax shall be levied on such property in accordance with this Rate and Method of Apportionment based on the Land Use Class to which the Assessor's Parcel is assigned.

F. <u>APPEALS</u>

Any property owner may file a written appeal of the Special Tax with CFD No. 57 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. <u>MANNER OF COLLECTION</u>

The Special Taxes 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. <u>PREPAYMENT OF SPECIAL TAX A</u>

The following definitions apply to this Section H:

"CFD Public Facilities" means \$8,701,000 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. 57.

"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, 2021, through June 30, 2055.

"Prepayment Period 2" means July 1, 2055, through June 30, 2088.

"Prepayment Period 3" means July 1, 2088, through June 30, 2122.

Only Special Tax A may be prepaid; Special Tax B shall continue to be levied on an annual basis on all Developed Property in CFD No. 57.

1. **Prepayment in Full**

The obligation of an Assessor's Parcel to pay the Special Tax A 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, 2020, 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 A 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 A 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	Reserve Fund Credit
Total	Prepayment Amount

As of the proposed date of prepayment, the Special Tax A 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 A and Backup Special Tax A for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax A 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 A and Backup Special Tax A 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 A computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax A for CFD No. 57 based on the Developed Property Special Tax A which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 57, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax A computed pursuant to Paragraph 2 by the estimated total Backup Special Tax A at buildout of CFD No. 57, excluding any Assessor's Parcels which have been prepaid.

4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").

- 5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
- 6. Compute the Future Facilities Costs for the applicable Prepayment Period.
- 7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
- 8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
- 9. Determine the Special Tax A 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. 57, 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 A 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. 57.

The Special Tax A 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 A levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year's Special Tax A 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 Special Tax A has been prepaid and that the obligation of such Assessor's Parcel to pay Special Tax A shall cease.

With respect to Special Tax A 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 Special Tax A 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 Special Tax A has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay Special Tax A 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 Special Tax A resumes, Special Tax A for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax A prepayment shall be allowed unless the amount of Maximum Special Tax A that may be levied on Taxable Property within CFD No. 57 (after excluding 5.87 Acres of Public Property and 6.64 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax A on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2020, 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:

$$PP = (PF - AE) \times \% + AE.$$

The terms above have the following meaning:

PP = the partial prepayment

- PF = the Prepayment Amount (full prepayment) for Special Tax A calculated according to Section H.1
- AE = the Administrative Fees and Expenses determined pursuant to paragraph 11 above
- % = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying Special Tax A

The Special Tax A 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 Special Tax A and the percentage by which Special Tax A shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of Special Tax A 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. 57 that there has been a partial prepayment of Special Tax A and that a portion of Special Tax A with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax A, 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 Special Tax A 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 Special Tax A resumes, Special Tax A for the then applicable Prepayment Period may be prepaid.

I. <u>TERM OF SPECIAL TAX</u>

The Fiscal Year after which no further Special Tax A shall be levied or collected is Fiscal Year 2121-2122, except that Special Tax A that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years. Special Tax B shall continue to be levied indefinitely on an annual basis on all Developed Property in CFD No. 57.

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX A (PAGE 1 OF 2)

CITY OF ONTARIO AND CFD NO. 57 CERTIFICATE

- 1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax (the "Rate and Method") for City of Ontario Community Facilities District No. 57 (Neuhouse) ("CFD No. 57"), the Assigned Special Tax A and the Backup Special Tax A for Developed Property within CFD No. 57 has been modified.
 - a. The information in Table 1 relating to Assigned Special Tax A for Developed Property within CFD No. 57, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A	
1	Single Family Detached Property	< 1,701	\$[] per Unit	
2	Single Family Detached Property	1,701 - 1,900	\$[] per Unit	
3	Single Family Detached Property	1,901 - 2,100	\$[] per Unit	
4	Single Family Detached Property	2,101 - 2,300	\$[] per Unit	
5	Single Family Detached Property	> 2,300	\$[] per Unit	
6	Single Family Attached Property	< 801	\$[] per Unit	
7	Single Family Attached Property	801 - 1,000	\$[] per Unit	
8	Single Family Attached Property	1,001 - 1,200	\$[] per Unit	
9	Single Family Attached Property	1,201 - 1,400	\$[] per Unit	
10	Single Family Attached Property	1,401 - 1,600	\$[] per Unit	
11	Single Family Attached Property	1,601 - 1,800	\$[] per Unit	
12	Single Family Attached Property	> 1,800	\$[] per Unit	
13	Other Residential Property		\$[] per Acre	
14	Non-Residential Property		\$[] per Acre	

 TABLE 1

 Assigned Special Tax A – Developed Property

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

EXHIBIT A

CERTIFICATE OF MODIFICATION OF SPECIAL TAX A (PAGE 2 OF 2)

The Backup Special Tax A shall be \$[___] per Unit for Single Family Detached Property and \$[___] per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 100 for Single Family Detached Property or 234 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

- Backup Special Tax A = \$[___] ÷ Expected Residential Lot Count for Single Family Detached Property
 - or \$[____] ÷ Expected Residential Lot Count for Single Family Attached Property
- 2. The Special Tax A for Developed Property may only be modified prior to the first issuance of CFD No. 57 Bonds.
- 3. Upon execution of this certificate by CFD No. 57, CFD No. 57 shall cause an amended notice of Special Tax lien for CFD No. 57 to be recorded reflecting the modifications set forth herein.

Capitalized undefined terms used herein have the meanings ascribed thereto in the Rate and Method. The modifications set forth in this Certificate have been calculated by the CFD Administrator in accordance with the Rate and Method.

GOODWIN CONSULTING GROUP, INC. CFD ADMINISTRATOR

By:_____

Date:_____

The undersigned acknowledges receipt of this Certificate and of the modification of the Assigned Special Tax A and Backup Special Tax A for Developed Property as set forth in this Certificate.

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE)

By:	6			

Date:_____

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE).

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), has this date adopted its Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 57 (Neuhouse), and to Authorize the Levy of Special Taxes," stating its intention to establish City of Ontario Community Facilities District No. 57 (Neuhouse) (the "Community Facilities District") for the purpose of financing certain public facilities (the "Facilities") and services, as further provided in said Resolution; and

WHEREAS, in order to finance the Facilities it is necessary to incur bonded indebtedness in the amount of up to \$33,000,000.

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

<u>SECTION 1.</u> The foregoing recitals are true and correct, and the City Council so finds and determines.

<u>SECTION 2.</u> The City Council hereby declares that in order to finance the Facilities, it is necessary to incur bonded indebtedness.

<u>SECTION 3.</u> The purpose for which the proposed debt is to be incurred is to provide the funds necessary to pay the costs of the Facilities, including all costs and estimated costs incidental to, or connected with, the accomplishment of said purpose and of the financing thereof, as permitted by Section 53345.3 of the Act.

<u>SECTION 4.</u> The maximum amount of the proposed debt is \$33,000,000.

<u>SECTION 5.</u> The City Council hereby fixes Tuesday, November 17, 2020, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the proposed debt authorization; provided, that, in the event the November 17, 2020 City Council meeting is held via teleconference and/or videoconference only, the means by which the public may observe such public hearing and offer public comment shall be prescribed in the notice and agenda for such City Council meeting.

<u>SECTION 6.</u> The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53346 of the Act.

<u>SECTION 7.</u> 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 8. 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 6th day of October 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER, LLP CITY ATTORNEY STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO CITY OF ONTARIO

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 6, 2020 by the following roll call vote, to wit:

)

)

)

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 6, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report October 6, 2020 SECTION: CONSENT CALENDAR

SUBJECT: FACILITIES MASTER PLAN FOR THE ONTARIO LIBRARY SYSTEM

RECOMMENDATION: That the City Council approve the Facilities Master Plan for the Ontario Library System (on file in the Records Management Department).

COUNCIL GOALS: Operate in a Businesslike Manner

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 Library Facilities Master Plan ("Library Master Plan") covers a 20-year period of Library facility needs that will be addressed through a phased approach. Overall costs are currently projected to be between \$35.5 million and \$63 million, depending on the projects selected for implementation. The estimated figures are based solely on construction cost. Associated costs related to expansion, renovation, or creation of facilities of the Ontario Library will be presented to Council for approval in future items, pursuant to fiscal constraints and City Council policy. With its comprehensive approach, involvement of professional expertise, and interdepartmental coordination, the Library Master Plan will better position the Library to pursue external funding.

BACKGROUND: The Ontario Library system is a driver of social, cultural, and economic advancement for the City, as well as for the Inland Empire region. With the population of Ontario forecasted to nearly double in size over the next decade, the goal of the library system is to grow alongside the City's population to successfully meet the patrons' evolving needs. To achieve this goal, the Library has developed a Library Master Plan, which identifies space and facility needs and provides recommendations on approaches to address those needs. Adoption of the Library Master Plan allows the City to have a strategy to make library system improvements in a systematic way. The Library Master Plan is a roadmap that takes a long term look at Ontario City Library growth along with population growth. Future Library developments will continue to prioritize Council, Board, and community input at each step along the way.

STAFF MEMBER PRESENTING: Shawn Thrasher, Library Director

	Alonso Ramirez Community Life & Culture	Submitted to Council/O.H.A. Approved:	10/06/2020
City Manager		Continued to: Denied:	
Approval:	Am		8

The Library Master Plan was developed by Anderson Brule Architects, Inc. (ABA), an architectural firm with expertise in strategic planning and stakeholder engagement. The process of developing the Library Master Plan began in August 2019 and was split into two phases: a discovery phase (needs assessment) and a planning phase (service model and prioritization). The primary objective of both phases was to understand and explore community needs, service goals, and space needs. The process began with site visits, as well as an assessment of existing facilities. This was followed by community outreach meetings and staff engagement workshops. The goal of the stakeholder interactions was to determine community needs for the City of Ontario, as well as the library system, and to identify services the community would like to see in the future. Once the findings from the first phase stakeholder meetings were documented, ABA worked with library staff to develop a series of service models or projects, which were presented and prioritized by the community during the second phase of public meetings. Lastly, the community was also given the opportunity to prioritize space types that would support the service needs identified during the previous round of community meetings. This last round of hearings to prioritize space was to be conducted via an online survey due to the pandemic.

The process included four open houses at both locations, two online surveys, two staff interactive workshops, and interviews with members of City Council and the Library Board of Trustees. While the two online surveys did not employ a statistical random sample, as it is not standard practice when developing master plans for library systems, random samples will be used during the development and implementation of project specific plans. Altogether, there was a total of 1,472 participants throughout the entire process, of which 75 percent lived in Ontario, and 89 percent of them use the Ontario Library system.

Through the development process, ABA identified several library trends important for the success of future library facilities and services. The trends included: the need for children's rooms, teens spaces, homework centers, makerspaces, informal gathering spots for the community, opportunities for early literacy, summer learning experiences for youth, opportunities to teach adult skills to the youth, employment and workforce development, and senior services. Furthermore, ABA identified the following spaces that are the most important to the public in both the main location, as well as satellite branches: technology enabled seating, children and family space, makerspaces, and homework centers.

In order to successfully meet the future needs of Ontario's growing population, ABA developed the following phased approach designed to grow in parallel to the City population:

Phases	Project	Population
1	Implementation of a Mobile Library	Current Population
2a	Creation of a Satellite Library in West Ontario	Population reaches 205,000
2b	Creation of a Satellite Library in Central City/60 Corridor	Population reaches 215,000
3	Creation of a Satellite Library in Northern Ontario	Population reaches 225,000
4	Creation of a New Branch Library in South Ontario	Population reaches 240,000
5	Conversion of Lewis into a Teen Library/Zone	Population reaches 245,000
6	Renovation of Ovitt Main Library	Population reaches 265,000
7	Conversion of West Ontario Satellite into a Branch Library	Population reaches 290,000
8	Creation of Second Satellite Library in Northern Ontario	Population reaches 305,000

On September 8, 2020, the Ontario Library Board of Trustees adopted the Library Master Plan with a vote of 3-1. Staff along with members of the Library Board of Trustees will be working closely together over the years to ensure the success of the Library Master Plan and the growing value of the library for the community.

CITY OF ONTARIO

Agenda Report October 6, 2020

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A SPECIFIC PLAN (FILE NO. PSP18-002 -ONTARIO RANCH BUSINESS PARK) TO ESTABLISH THE LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND **INFRASTRUCTURE IMPROVEMENTS** FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,905,027 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 85.6 ACRES OF LAND. THE PROJECT SITE IS BORDERED BY EUCALYPTUS AVENUE ON THE NORTH, MERRILL AVENUE ON THE SOUTH, SULTANA AVENUE ON THE EAST, AND EUCLID AVENUE ON THE WEST (APNS: 1054-011-01, 1054-011-02, 1054-011-04; 1054-021-01, 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, and 1054-281-03

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).

COUNCIL GOALS: <u>Invest in the Growth and Evolution of the City's Economy</u> <u>Operate in a Businesslike Manner</u> <u>Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)</u> <u>Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario</u> <u>Ranch</u>

FISCAL IMPACT: Adoption of the Ontario Ranch Business Park Specific Plan would result in both short and long-term fiscal impacts to the City. Short-term impacts include infrastructure improvements to serve the new Business Park and Industrial development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fees ("DIF") associated with the various improvements. Long-term fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the developer will be required to form

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

	Alexis Vaughn	Submitted to Council/O.H.A.	10/04/2020
Department:	Planning	Approved:	
City Manager Approval:	All	Denied:	9

and/or join a Community Facilities District ("CFD") to cover the additional public service costs. No Original Model Colony dollars will be used to fund this Ontario Ranch development.

BACKGROUND: On September 15, 2020, the City Council introduced and waived further reading of an ordinance approving the Specific Plan. The Ontario Plan (TOP) Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. A Specific Plan is required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Additionally, a Specific Plan is required to incorporate a development framework for detailed land use, circulation, infrastructure improvements (such as drainage, sewer, and water facilities), provision for public services, and urban design and landscape standards.

ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN: The Ontario Ranch Business Park Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. The Ontario Ranch Business Park Specific Plan establishes the procedures and requirements to approve new development within the project site to ensure that TOP Policy Plan goals and policies are achieved.

<u>Land Use Plan</u> — The Ontario Ranch Business Park Specific Plan consists of two Planning Areas that will accommodate a variety of commercial, office, technology, light manufacturing, and warehouse/distribution uses. The Land Use Plan implements the vision of TOP by providing opportunities for employment in manufacturing, distribution, research and development, service, and supporting retail at intensities designed to meet the demand of current and future market conditions.

The Specific Plan identifies the land use intensity anticipated in two proposed Planning Areas (Exhibit A: Land Use Plan). The Specific Plan is proposing a maximum 0.45 Floor Area Ratio (FAR) within the Business Park land use designation (Planning Area 1) and 0.54 FAR within the General Industrial land use designation (Planning Area 2). The proposed FARs for each of the Planning Areas are consistent with the Policy Plan Land Use designations for Business Park and Industrial. The project, as currently proposed, was analyzed at a slightly lower FAR for both land use designations than allowed by the Policy Plan.

The Specific Plan proposes the potential development of up to 1,905,027 square feet of Industrial and Business Park development. Planning Area 1, located along the northern portion of the Specific Plan area, is 23.8 acres in size and can potentially be developed with 457,905 square feet of Business Park development. In addition, buildings within the Business Park land use area that front onto a public right-of-way shall not exceed a building footprint of 125,000 square feet. Planning Area 2, located along the southern portion of the Specific Plan, is 61.8 acres in size and can potentially be developed with 1,447,123 square feet of Industrial development (Exhibit B: Land Use Summary Table).

<u>Design Guidelines</u> — The design theme and concept for the Ontario Ranch Business Park Specific Plan was created to ensure a high-quality, attractive, and cohesive design structure for the Specific Plan that meet the following objectives:

1. Demonstrates high-quality development that complements and integrates into the community and adds value to the City.

- 2. Creates a functional and sustainable place that ensures Ontario Ranch Business Park is competitive regionally and appropriate in the Ontario Ranch community.
- 3. Illustrates the distinctive characteristics of the two land use plan zoning districts: Business Park District (Planning Area 1) and Industrial General District (Planning Area 2).
- 4. Establishes criteria for building design and materials, landscape design, and site design that provide guidance to developers, builders, architects, landscape architects, and other professionals preparing plans for construction.
- 5. Provides guidance to City staff and the Planning Commission in the review and evaluation of future development projects in the Ontario Ranch Business Park Specific Plan area.
- 6. Incorporates construction and landscape design standards that promote energy and water conservation strategies.
- 7. Implements the goals and policies of The Ontario Plan and the intent of the Ontario Development Code.

The Design Guidelines have been established to promote high-quality architecture as required by the Ontario Development Code and TOP. The proposed architectural theme of the Specific Plan incorporates a Contemporary Architectural style and the two Planning Areas will be required to be designed to be compatible with and complement one another. The design guidelines of the Specific Plan will require all buildings to provide a recognizable base, body, roofline and entry. The Specific Plan provides examples of the type of Industrial and Business Park concepts that are envisioned to be constructed within the Specific Plan.

All buildings will be required to be designed to highlight the primary entryways by incorporating special materials, visual relief, massing, and shading. Additionally, the facades that front onto a public street will incorporate vertical and horizontal articulation and material changes that will assist in enhancing these elevations and providing visual interest from the public view.

<u>Circulation Concept</u> — The circulation plan for the Specific Plan reinforces the objective of moving vehicles, pedestrians, cyclists, and public transit safety and efficiently through and around the project. The Specific Plan establishes the hierarchy and general location of roadways within the Ontario Ranch Business Park Specific Plan. Traffic signals will be constructed or modified at the following four major intersections:

- 1. Euclid Avenue and Eucalyptus Avenue;
- 2. Sultana Avenue and Eucalyptus Avenue;
- 3. Sultana Avenue and Merrill Avenue; and
- 4. Euclid Avenue and Merrill Avenue.

Additionally, primary access into the Business Park development will be provided along Eucalyptus Avenue to the north and Euclid Avenue to the west. Primary access into the Industrial development will be provided along Merrill Avenue to the south and Sultana Avenue to the east.

Landscape Design — The landscape design theme for the Ontario Ranch Business Park Specific Plan encourages landscape materials and designs that enhance the aesthetics of the structure, create and define public and private spaces, and provide shade and environmental benefits. Table 5.1 of the Ontario Ranch Business Park Specific Plan identifies the plant material and trees to be used within parking lots, along street parkways, within sign monument areas, and adjacent to buildings. Additionally, the Specific Plan establishes the overall landscape coverage for the project and the landscape setbacks along the perimeter streets and interior property lines.

<u>Infrastructure and Services</u> — The backbone infrastructure to serve all areas of the Specific Plan will be installed by the developers in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optic facilities. Natural gas will be provided by The Gas Company and electricity by SCE. Development of the project requires the installation by the developer of all infrastructure necessary to serve the project as a standalone development, with phasing and ultimate details to be reviewed and approved via a Development Agreement with the project site's final map.

<u>Specific Plan Phasing</u> — Development phasing within the Specific Plan will be determined by the developers, based upon the real estate market conditions. The Specific Plan outlines development phase one as Planning Area 2, and development phase two as Planning Area 1 (Figure 5: Conceptual Site Plan). The phases may be developed as sub-phases and may occur either sequentially or concurrently with one another. Specific infrastructure, community facilities, and open space dedications will be provided/conditioned with future individual tract map(s) and/or development plan(s) that will be presented to the Planning Commission at a future date.

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

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan. The Ontario Ranch Business Park Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy analysis in Chapter 7.0 "General Plan Consistency" of the Specific Plan describes the manner in which the Ontario Ranch Business Park Specific Plan complies with the Policy Plan goals and policies.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

Senate Bill 330 – Housing Accountability Act (Govt. Code § 65589.5 et seq.) (SB 330) was passed by the California Legislature, signed by the Governor and became effective on January 1, 2020. The bill is the result of the Legislature's extensive findings regarding the California "housing supply crisis" with "housing demand far outstripping supply."

SB 330 amends Govt. Code Sections 65589.5, adds Govt. Code Sections 65940, 65943 and 65950, and repeals and readopts Sections 65906.5, 65913.10 and 65941.1. To summarize, no city may disapprove a residential housing development project for low- to moderate-income households (as defined therein) unless it makes a finding that the housing development project "would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households…" such as where the housing development project is proposed on land "which does not have adequate water or wastewater facilities to serve the project." (Govt. Code § 65589.5(d)(2), (4)).

In addition, the legislation adds Chapter 12 to Division 1 of Title 7 of the Government Code (Section 66300 et seq.) that applies to "affected cities," which are identified as cities in urbanized areas as determined by the most recent census. In accordance with SB 330, the Department of Community Development and Housing ("HCD") has prepared a list of affected cities and has determined that Ontario is an "affected city." Therefore, pursuant to Government Code section 66300(b)(1)(A) and (b):

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an \land affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018..."

except when approved by HCD or when the following exception is set out in Govt. Code § 66300(i)(1) applies:

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

On September 15, 2020, the City Council approved the related General Plan Amendment (File No. PGPA18-008) that changed the projects site's land use designations from General Commercial, Office Commercial and Low-Medium Density Residential to approximately 23.8 acres of Business Park and 61.8 acres of Industrial. The GPA will allow development of up to 236,000 square feet of Business Park and 1,669,027 square feet of Industrial, for a maximum development of 1,905,027 square feet. The GPA also eliminated the low-moderate density housing designation, thereby theoretically eliminating 159 units (as determined by the City's density determinations to be 8.5 dwelling units per acre [du/ac.]). In compliance with SB330, the Specific Plan EIR evaluated the elimination of 159 units and determined that based on SB 330 exceptions for lack of water and sewer to serve a residential project and the no net loss of residential capacity, the project is consistent with HCD exception findings. The proposed project site does not have sufficient water or wastewater facilities to serve a residential project. As explained in Section 3.4.1.2, of the DEIR, at present there is no water or sewer infrastructure that could serve residential units because the land has been used for agricultural purposes with water provided by on-site wells and sewer provided by septic systems. The total estimated

cost of the proposed water and sewer infrastructure is \$13.1 million and \$9.4 million, respectively (Murow 2020; Appendix N of this DEIR). This cost would be financially infeasible for the 159 units presently allowed under the current residential General Plan designation and, therefore, the cost of such improvements would make residential development on the site financially infeasible (see Govt. Code § 66589.5(d)(2) cited above).

The City has addressed removal of 159 low-moderate residential units and demonstrated a no net loss of residential capacity, consistent with Government Code Section 66300(i)(1). On December 17, 2019, the City Council approved an Amendment to the Meredith International Centre Specific Plan (File No. PSPA19-002) to establish a Mixed-Use Overlay district on 22.39 acres of land within a portion of Planning Area 2 (Urban Commercial) land use district, located at the southeast corner of Vineyard Avenue and Inland Empire Boulevard. The Meredith International Centre Specific Plan is listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. The Specific Plan allowed 800 dwelling units at a density of 37 dwelling units per acre, which have all been constructed. The Specific Plan amendment approved in December 2019 provides for an additional 925 residential units at a density of 41 dwelling units per acre, which will add 925 units to the Available Land Inventory Table. The Addendum to the Meredith International Centre Specific Plan Amendment Environmental Impact Report (SCH# 2014051020) approved on December 17, 2019, supports that change in the Specific Plan that results in 925 additional residential units within the City. On March 30, 2020, the City Council approved a General Plan Amendment to TOP Policy Plan Future Buildout Table (Exhibit LU-03) to reflect the addition of 975 residential units, assumed density and intensity for the Mixed-Use/Meredith section of the Buildout Table. The loss of 159 units under the current Policy Plan designation will be directly offset by the addition of 925 units, resulting in a no net loss of residential units.

AIRPORT LAND USE COMPATIBILITY: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is located within the Chino Airport's airport influence area (AIA) but outside the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Master Plan. The project site is within Safety Zone 6, Traffic Pattern Zone of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). Zone 6 compatibility criteria prohibit people intensive uses such as stadiums, large day care centers, hospitals, and nursing homes. In the San Bernardino County Chino Airport Comprehensive Land Use Plan, the site is within Safety Zone III, Traffic Pattern/Overflight Zone. Light industrial and manufacturing uses are acceptable within this zone, provided they do not generate any visual, electronic or physical hazards to aircraft (Vidal 1991). The Airport Land Use Compatibility Plan (ALUCP) for Chino Airport completed by the County of Riverside in 2008 provides additional guidance for development around Chino Airport. The project site is not within an existing or current airport noise hazard zone and is in Zone D as designated in the ALUCP (Mead and Hunt 2004a).

ENVIRONMENTAL REVIEW: The Specific Plan is located within the City of Ontario in what was formally the approximate 8,200-acre City of Ontario Sphere of Influence (SOI). On January 7, 1998, the City of Ontario adopted the New Model Colony (NMC) General Plan Amendment (GPA) setting forth a comprehensive strategy for the future development of the SOI. The NMC is bound by Riverside Drive to the north, Milliken/Hamner Avenue to the east, Euclid Avenue to the West and Merrill Avenue/Bellgrave to the south.

On January 27, 2010, the city adopted TOP and certified the accompanying EIR. TOP serves as the City's new General Plan for the entire City, including the NMC (now referred to as Ontario Ranch). TOP identified many areas that might have a potentially significant impact on the environment. These areas included: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service Systems. Through the EIR process these potential impacts were analyzed, revisions were incorporated into the plan and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant.

Even though an EIR was prepared for TOP, the analyses focused on the program or "big picture" impacts associated with development. With the submittal of the Ontario Ranch Business Park Specific Plan, staff is charged with evaluating the potential impacts of development at the project level. Staff completed an Initial Study for the project and determined that an EIR should be prepared for the Ontario Ranch Business Park Specific Plan. As noted in the Planning Commission staff report, dated July 28, 2020, an EIR was prepared addressing 15 key areas.

The Ontario Ranch Business Park Specific Plan EIR (SCH# 2019050018) evaluates each of these areas and identifies mitigation measures and/or revisions to the plan to lessen the impacts of the project. Of the 15 areas considered by the EIR, all but three (3) of the impact areas were mitigated a level of less than significant. Even with the mitigation measures, the impacts to air quality, agriculture resources and transportation/traffic could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. While mitigation of all potential impacts to a level of less than significant is desirable, the fact that three areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable is not unexpected for TOP. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the City Council certify the EIR, including the adoption of the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan for the project

PLANNING COMMISSION REVIEW: On July 28, 2020, the Planning Commission conducted a public hearing and voted (6-0) to recommend City Council certification of the Ontario Ranch Business Park Specific Plan Environmental Impact Report (SCH#2019050018), including the adoption of a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; approval of the General Plan Amendment (File No. PGPA18-008); and approval of the Ontario Ranch Business Park Specific Plan (File No. PSP18-002).

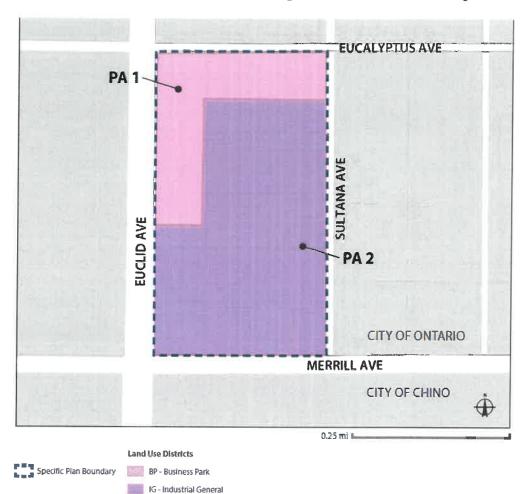


Exhibit "A" Ontario Ranch Business Park Specific Plan Land Use Map

Exhibit "B"			
Land	Use Summary Tabl	e	

Maximum Floor Area Ratio ^{1,2}	Site Acreage	Maximum Building Square Footage
0.45	23.8	457,904
0.54	61.8	1,447,123
	85.6	1,905,027 SF
	Area Ratio ^{1,2} 0.45	Area Ratio ^{1,2} Site Acreage 0.45 23.8 0.54 61.8

Note:

1

1. Provided the General Plan Amendment application submitted in conjunction with this Specific Plan to designate PA 1 as Business Park and PA 2 as Industrial - General is approved.

2. The project EIR as proposed is reviewing square footages below the maximum TOP thresholds. The FAR may be increased to the TOP max levels of 0.60 and 0.55 for BP and IG respectively with a Specific Plan Amendment and appropriate CEQA analysis.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO. CALIFORNIA, APPROVING FILE NO. PSP18-002, THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN, TO ESTABLISH LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE **IMPROVEMENTS** FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,905,027 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 85.6 ACRES OF LAND. THE PROJECT SITE IS GENERALLY BORDERED BY EUCALYPTUS AVENUE ON THE NORTH, MERRILL AVENUE ON THE SOUTH, SULTANA AVENUE ON THE EAST, AND EUCLID AVENUE ON THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF-APNS: 1054-011-01. 1054-011-02, 1054-011-04; 1054-021-01. 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, AND 1054-281-03.

WHEREAS, REDA, OLV ("Applicant") has filed an Application for the approval of a Specific Plan, File No. PSP18-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 85.6 acres of land, bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Sultana Avenue on the east, and Euclid Avenue on the west, within the Business Park and Industrial land use designations, and is presently improved with agriculture/dairy and single-family residential uses; and

WHEREAS, the property to the north of the project site is within the SP(AG) zoning district and is currently developed with a plant nursery and a dairy farm. The property to the east is within the SP(AG) zoning district and is currently developed with a dairy farm. The property to the south of the project site is located within the City of Chino and is developed with the Chino Airport. The properties to the west of the project site are located within the City of Chino and are developed with single-family residential homes or are vacant; and

WHEREAS, the Ontario Ranch Business Park Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. In addition, the Specific Plan will establish the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved; and

WHEREAS, the Ontario Ranch Business Park Specific Plan consists of approximately 85.6 acres of land, which includes the potential development of up to 1,905,027 square feet of business park and industrial development; and

WHEREAS, a request for approval of a General Plan Amendment (File No. PGPA18-008) to change the land use designations shown on the Land Use Plan Map (EXHIBIT LU-1) for 85.6 acres of land from General Commercial, Office Commercial, and Low-Medium Density Residential (5.1-11 dwelling units per acre) to Business Park and Industrial, and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes has also been submitted as part of the proposed Ontario Ranch Business Park Specific Plan; and

WHEREAS, the land use intensity of the Ontario Ranch Business Park Specific Plan anticipated in the two planning areas is consistent with The Ontario Plan (TOP). The Specific Plan is proposing a maximum 0.45 Floor Area Ratio (FAR) within the Business Park land use designation (Planning Area 1) located along the northern portion of the Specific Plan area. Planning Area 1 is 23.8 acres in size and can be potentially developed with 457,904 square feet of business park development. In addition, buildings within the Business Park land use area that front onto a public right-of-way shall not exceed a 125,000 square-foot building footprint. The Specific Plan is proposing a maximum 0.54 Floor Area Ratio (FAR) within the Industrial land use designation (Planning Area 2) located along the southern portion of the Specific Plan. Planning Area 2 is 61.8 acres in size and can potentially be developed with 1,447,123 square feet of industrial development. The proposed FARs for each of the Planning Areas is consistent with the Policy Plan Land Use designations for Business Park and Industrial; and

WHEREAS, the Ontario Ranch Business Park Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy (General Plan) analysis in the Appendix "Policy Plan (General Plan) Consistency," of the Specific Plan describes the manner in which the Ontario Ranch Business Park Specific Plan complies with the Policy Plan goals and policies applicable to the Ontario Ranch Business Park Specific Plan; and

WHEREAS, the Ontario Ranch Business Park Specific Plan does not conflict with the Land Use Policies of the General Plan (TOP) and will provide for development, in a manner consistent with the General Plan. The policy (General Plan) analysis in the Appendix "Policy Plan (General Plan) Consistency," of the Specific Plan describes the manner in which the Ontario Ranch Business Park Specific Plan complies with the Policy Plan goals and policies applicable to the Ontario Ranch Business Park Specific Plan; and

WHEREAS, an Environmental Impact Report (EIR) (SCH# 2019050018), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration, have been prepared in accord with the California Environmental Quality (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Ontario Ranch Business Park); and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the project site is also located within the Airport Influence of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on July 28, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC20-050, recommending the City Council approve the Application; and

WHEREAS, on September 15, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

<u>SECTION 1</u>. *Environmental Determination and Findings*. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Environmental Impact Report (EIR), Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration prepared for the project and supporting documentation. Based upon the facts and information contained in the EIR (SCH# 2019050018) and supporting documentation, the City Council finds as follows:

(1) The Ontario Ranch Business Park Specific Plan EIR, Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration contains a complete and accurate reporting of the environmental impacts associated with the Project; and (2) The Ontario Ranch Business Park Specific Plan EIR, Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Ontario Ranch Business Park Specific Plan EIR, Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration reflects the independent judgment of the City Council.

SECTION 2. Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance and Chino Airport Influence Area. The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is located in the Chino Airport's airport influence area (AIA) but outside the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Master Plan. The project site is within Safety Zone 6, Traffic Pattern Zone of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics - California Airport Land Use Planning Handbook). Zone 6 compatibility criteria prohibit people intensive uses such as stadiums, large day care centers, hospitals, and nursing homes. In the San Bernardino County Chino Airport Comprehensive Land Use Plan, the site is within Safety Zone III, Traffic Pattern/Overflight Zone. Light industrial and manufacturing uses are acceptable within this zone, provided that they do not generate any visual, electronic or physical hazards to aircraft (Vidal 1991). The Airport Land Use Compatibility Plan (ALUCP) for Chino Airport completed by the County of Riverside in 2008 provides additional guidance for development around Chino Airport. The project site is not within an existing or current airport noise hazard zone and is in Zone D as designated in the ALUCP (Mead and Hunt 2004a).

<u>SECTION 3.</u> **Concluding Facts and Reasons.** 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 and 2, above, the City Council hereby concludes as follows:

(1) The approximately 85.6-acre Ontario Ranch Business Park Specific Plan is suitable for business park and industrial development and is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed land uses in the proposed districts will also be in harmony in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed Ontario Ranch Business Park Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide standards and guidelines for the harmonious development within the districts, in a manner consistent with the Policy Plan. The Specific Plan is proposing business park and industrial type development for the approximately 85.6-acre site, which is what is mandated by the land use plan of the Policy Plan, therefore, the proposed industrial uses will be in conformance with the policies and goals of the Policy Plan; and

(3) During the Ontario Ranch Business Park Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 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; and

(4) The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

Senate Bill 330 – Housing Accountability Act (Govt. Code § 65589.5 et seq.) (SB 330) was passed by the California Legislature, signed by the Governor and became effective on January 1, 2020. The bill is the result of the Legislature's extensive findings regarding the California "housing supply crisis" with "housing demand far outstripping supply."

SB 330 amends Govt. Code Sections 65589.5, adds Govt. Code Sections 65940, 65943 and 65950, and repeals and readopts Sections 65906.5, 65913.10 and 65941.1. To summarize, no city may disapprove a residential housing development project for low- to moderate-income households (as defined therein) unless it makes a finding that the housing development project "would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households…" such as where the housing development project is proposed on land "which does not have adequate water or wastewater facilities to serve the project." (Govt. Code § 65589.5(d)(2), (4)).

In addition, the legislation adds Chapter 12 to Division 1 of Title 7 of the Government Code (Section 66300 et seq.) that applies to "affected cities," which are identified as cities in urbanized areas as determined by the most recent census. In accordance with SB 330, the Department of Community Development and Housing ("HCD") has prepared a list of affected cities and has determined that Ontario is an "affected city." Therefore, pursuant to Government Code section 66300(b)(1)(A) and (b):

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an \affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018..."

except when approved by HCD or when the following exception is set out in Govt. Code § 66300(i)(1) applies:

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

As discussed in Section 2 of the staff report, the General Plan Amendment (GPA) is proposed to change the site's land use designations from General Commercial, Office Commercial and Low-Medium Density Residential to approximately 23.8 acres of Business Park and 61.8 acres of Industrial. The General Plan Amendment will allow development of up to 236,000 square feet of business park and 1,669,027 square feet of industrial, for a maximum development of 1,905,027 square feet. The GPA would therefore eliminate the low-moderate density housing designation, thereby theoretically eliminating 159 units (as determined by the City's density determinations to be 8.5 dwelling units per acre [du/ac.]). In compliance with SB330, the EIR evaluated the elimination of 159 units and determined that based on SB 330 Exceptions for lack of water and sewer to serve a residential project and the no net loss of residential capacity, the project is consistent with HCD exception findings. The proposed project site does not have sufficient water or wastewater facilities to serve a residential project. As explained in Section 3.4.1.2, of the DEIR, at present there is no water or sewer infrastructure that could serve residential units because the land has been used for agricultural purposes with water provided by on-site wells and sewer provided by septic systems. The total estimated cost of the proposed water and sewer infrastructure is \$13.1 million and \$9.4 million, respectively (Murow 2020; Appendix N of this DEIR). This cost would be financially infeasible for the 159 units presently allowed under the current residential General Plan designation and therefore the cost of such improvements would make residential development on the site financially infeasible (see Govt. Code § 66589.5(d)(2) cited above).

To address the removal of 159 low-moderate residential units at a density of 8.5 dwelling units per acre and demonstrate a "no net loss", the project is in compliance with provisions of Section 66300(i)(1) have been met and there is no net loss of residential capacity. On December 17, 2019, the City Council approved an Amendment to the Meredith International Centre Specific Plan (File No. PSPA19-002) to establish a Mixed-Use Overlay district on 22.39 acres of land within a portion of Planning Area 2 (Urban Commercial) land use district, located at the southeast corner of Vineyard Avenue and Inland Empire Boulevard. The Meredith International Centre Specific Plan is listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. The Specific Plan allowed 800 dwelling units at a density of 37 dwelling units per acre, which have all been constructed. The Specific Plan amendment approved in December 2019 provides for an additional 925 residential units at a density of 41 dwelling units per acre, which will add 925 units to the Available Land Inventory Table. The Addendum to the Meredith International Centre Specific Plan Amendment Environmental Impact Report (SCH# 2014051020) certified by the City Council on April 7, 2015, approved on December 17, 2019, supports that change in the Specific Plan that results in 975 additional residential units within the City. On March 30, 2020, the City Council approved a General Plan Amendment to The Ontario Plan ("TOP") Policy Plan Future Buildout Table (Exhibit LU-03) to reflect the addition of

975 residential units, assumed density and intensity for the Mixed-Use/Meredith section of the Buildout Table. The loss of 159 units under the current Policy Plan designation will be directly offset by the addition of 975 units and therefore resulting in a no net loss.

<u>SECTION 4</u>. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Ontario Ranch Business Park Specific Plan, attached hereto as "Attachment A," and incorporated herein by this reference.

<u>SECTION 5</u>. *Indemnification.* 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.

<u>SECTION 6</u>. **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.

<u>SECTION 7.</u> 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 6th day of October 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP CITY ATTORNEY STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO CITY OF ONTARIO

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3168 was duly introduced at a regular meeting of the City Council of the City of Ontario held September 15, 2020 and adopted at the regular meeting held October 6, 2020 by the following roll call vote, to wit:

)

)

)

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3168 duly passed and adopted by the Ontario City Council at their regular meeting held October 6, 2020 and that Summaries of the Ordinance were published on September 22, 2020 and October 13, 2020, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PSP18-002; Ontario Ranch Business Park Specific Plan

(Document follows this page)

ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN



ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN City of Ontario

Specific Plan

Developer

Real Estate Development Associates, LLC 4450 MacArthur Blvd., Suite 100 Newport Beach, CA 92660 (949) 216-7300 This page intentionally left blank

ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN

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1.0 INTRODUCTION

The Ontario Ranch Business Park Specific Plan (this "Specific Plan") is one of the initial industrial specific plans implementing the vision outlined by the City of Ontario for the Ontario Ranch area (formerly New Model Colony). The Ontario Ranch area covers 8,200 acres of the former 14,000-acre San Bernardino Agricultural Preserve, which was historically used for dairy or cattle farming by descendants of Dutch, French Basque, Portuguese, and Mexican families.

The Agricultural Preserve was divided in 1999, with portions incorporated into the three adjacent cities of Chino, Chino Hills, and Ontario. The City of Ontario named its portion the *New Model Colony* after the original *Model Colony of Ontario* established by the Chaffey Brothers, William and George Jr., in 1882. The original Model Colony was founded on innovative land development principles that included the distribution of water rights with land purchases (Mutual Water Company), a grand boulevard (Euclid Avenue), and an agricultural college (Chaffey College, established 1885).

Within Ontario Ranch the City of Ontario promotes innovative land development principles to continue the legacy of the Model Colony. The land use plan for Ontario Ranch provides for housing, commercial and industrial areas, parks, a lake, a golf course, and trail and bike links. Specific plans are required to guide development in Ontario Ranch to ensure the City objectives are achieved.

On January 26, 2010, the City of Ontario adopted The Ontario Plan, which serves as its new business plan and includes a long-term vision and principle-based policy plan, essentially functioning as the General Plan for the city, including Ontario Ranch.

1.1 Purpose and Intent of the Specific Plan

The Ontario Ranch Business Park Specific Plan provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for development. A comprehensive set of design guidelines and development regulations are included to guide and regulate site planning, architectural character, and landscape within the community, ensuring that excellence in community design is achieved during project development. The Specific Plan establishes the procedures and requirements to approve new development within the project site.

The purpose of the Specific Plan is to:

- 1. Provide a planning framework that responds to the physical and market driven aspects of future development opportunities;
- 2. Specify adequate and coordinated infrastructure, utilities, and public services for this area of the Ontario Ranch;
- 3. Promote compatible uses and interfaces with adjacent properties;

- 4. Ensure the appropriate location and intensity of uses through new development parameters; and
- 5. Conform with State laws and local ordinances and policies for the preparation of the Specific Plan.

The objectives of the Specific Plan are to:

- Create a professional, well-maintained and attractive environment for the development of a multi-purpose business park, light industrial and warehousing/logistics complex that is compatible with nearby residential neighborhoods.
- 2. Provide the entitlements and framework for the development of approximately 1.9 million square feet (sf) of business park and light industrial uses.
- 3. Provide employment opportunities for community residents.
- 4. Facilitate the construction of utilities, roads, and other major infrastructure investments that will be sufficiently sized to adequately serve the Specific Plan area.
- 5. Expand Ontario's industrial uses in proximity to local airports and regional transportation networks.
- 6. Create an economic engine to drive future growth in Ontario Ranch, spur infrastructure improvements in the area and implement the Specific Plan vision.

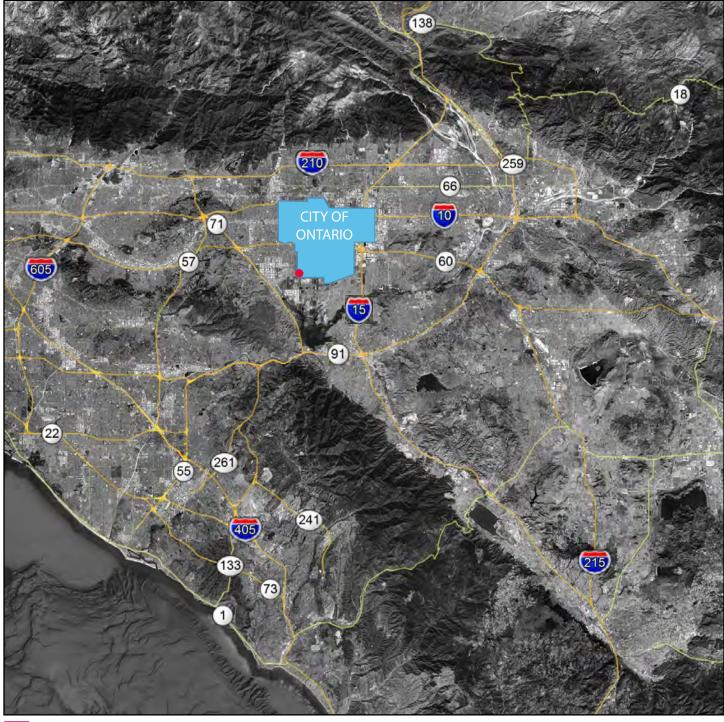
1.2 Project Description

This Specific Plan is the regulatory document for the Ontario Ranch Business Park, accommodating up to 1,905,027 square feet (sf) of business park and light industrial uses on approximately 85 acres of land. The Specific Plan addresses consistency with The Ontario Plan; provides a development plan identifying land uses, circulation, infrastructure, streetscape, and landscape plans; establishes allowable uses and development standards for reviewing individual projects; presents design guidelines to create a visually attractive environment; summarizes the development review process; and specifies provisions for administration and implementation of the Specific Plan.

Location and Specific Plan Boundary

The Specific Plan area is located along the western and southern boundaries of the city of Ontario, adjacent to the City of Chino (Figure 1.1), within Ontario Ranch (Figure 1.2). The Specific Plan area is bounded by Eucalyptus Avenue on the north, Sultana Avenue on the east, Merrill Avenue on the south, and Euclid Avenue on the west. Figure 1.3, Specific Plan Boundary, illustrates the limits of the Specific Plan area and identifies the eleven parcels that it encompasses.

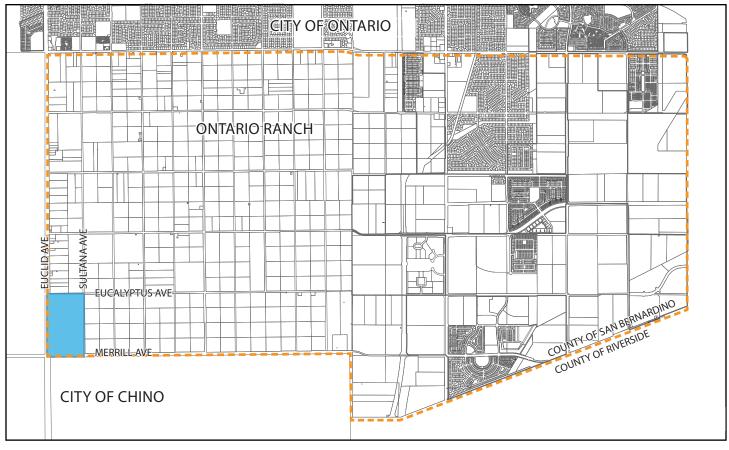
FIGURE 1.1: REGIONAL LOCATION



SPECIFIC PLAN AREA

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FIGURE 1.2: ONTARIO RANCH



SPECIFIC PLAN AREA

ONTARIO RANCH

EXISTING ASSESSOR PARCELS

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FIGURE 1.3: SPECIFIC PLAN BOUNDARY



Map data ©2018 Google, INEGI 0.25 mi



Assessor Parcel Number (APN)

Existing Assessor Parcels

XXXX-XXX-XX

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Employment Generation

At build-out, the Ontario Ranch Business Park is anticipated to create hundreds of jobs in warehousing, logistics, light manufacturing, and administration. Actual job creation depends on the type of land uses ultimately developed, as a wide range of office, business park, and industrial uses are permitted. For example, e-commerce uses such as internet merchant fulfillment would yield more jobs than a distribution warehouse since many e-commerce companies employ labor-intensive picking and packing operations. Employment opportunities will range from entry level to highly skilled labor, adding to Ontario's competitive advantage in the region. Ontario Ranch Business Park will also provide expanded opportunities for start-up businesses.

Infrastructure Framework

In cooperation with adjacent property owners and developers, the Specific Plan will help establish the necessary framework to enable the continued growth and development of Ontario Ranch. The Specific Plan identifies master planned water, sewer, and storm drain infrastructure. The extent of infrastructure to be provided by Ontario Ranch Business Park will be established as part of the development agreement.

Community Compatibility

The Specific Plan is sensitive to the existing residential use located across the street on the west side of Euclid Avenue. Its land use plan designates the northern frontage and the western frontage across from the residential use as Business Park, which provides for smaller scale buildings with less intense uses. The Industrial designation is applied to the remainder of the Specific Plan area where there are no existing sensitive uses.

1.3 Specific Plan Requirements

The range of issues contained in a specific plan is left to the discretion of the decisionmaking body. However, all specific plans must, at a minimum, address the following:

- 1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- 4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the above identified items.

1.4 Authority and Scope

The Ontario Plan requires approval of a Specific Plan for development within Ontario Ranch to guide development of the project site, ensure unified districts and neighborhoods, and implement the City's goals and policies. The City of Ontario has zoned the project site SP (Specific Plan) Zoning District with an AG (Agriculture) Overlay District. This Specific Plan provides zoning regulations to govern development of the project site and shall take precedence over the City of Ontario Development Code. However, in instances where the Specific Plan is silent, the Development Code shall prevail.

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457) grants the City the authority to adopt a specific plan by ordinance (a regulatory plan) or resolution (a policy driven plan). This Specific Plan is a regulatory document, providing land use and design guidance adopted by ordinance.

As a regulatory plan, this document serves as zoning law for the land within the Specific Plan area. Development plans, site plans, and tentative tract and parcel maps must be consistent with this Specific Plan and The Ontario Plan. The topics covered in this Specific Plan include land use, infrastructure, development standards, design guidelines, and implementation measures. The minimum requirements of a specific plan are established by California Government Code Sections 65450 through 65457 and City of Ontario Code Sections 9-1.2100 to 9-1.2125.

No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan (California Government Code Section 65455). The California Government Code also requires compatibility with local, regional and other planning measures. For example, the Specific Plan must be consistent with any applicable comprehensive airport land use plan (ALUP) (California Government Code Section 65302.3). After adoption, any identification of inconsistency must be followed by the amendment of either existing plans and regulations or the specific plan itself. Failure to correct inconsistencies can result in the inability to enforce specific plan regulations and policies.

1.5 California Environmental Quality Act Compliance

The Specific Plan is a discretionary project and is subject to the requirements of the California Environmental Quality Act (CEQA). Pursuant to State and local CEQA guidelines, an Environmental Impact Report addressing the impacts associated with the development of the project must be considered and certified by the City prior to approval of the Specific Plan.

To address potential environmental impacts, it is anticipated that an environmental impact report (EIR) will be prepared. The EIR will analyze the potential environmental impacts of the adoption and implementation of the Specific Plan and any concurrently processed permits. The EIR for the Specific Plan will be most helpful in dealing with

concurrently processed implementing projects (such as development within the Specific Plan and/or related infrastructure provision) and subsequent activities within the Specific Plan area. With a detailed analysis of the Specific Plan and development, many subsequent activities, such as grading permits or other development permits, could be found to be within the scope of the project described in the EIR, and no further environmental documents would be required.

1.6 Organization of this Specific Plan

The Specific Plan is organized by chapter as follows:

- **1. Introduction.** This chapter states the purpose and intent of the Specific Plan, introduces the proposed project, summarizes specific plan requirements, and explains the scope and authority of the Specific Plan and its compliance with CEQA.
- 2. Existing Conditions. This chapter explains the baseline conditions for the project site including current and surrounding land uses, airport influence, circulation, utilities, and environmental conditions.
- **3. Development Plan.** This chapter establishes the overall development concept for the Specific Plan including the land use plan, infrastructure plans for water, sewer, utilities, and circulation, and the provision of public services such as fire, police, and solid waste disposal.
- 4. Land Use and Development Regulations. This chapter establishes the land use designations and regulations for the Specific Plan. Upon adoption of this Specific Plan, the land use and development standards within this chapter serve as the legal zoning for the Specific Plan area.
- 5. **Design Guidelines.** This chapter identifies the conceptual themes for site planning, architecture, and landscape design in the Specific Plan area.
- 6. Administration and Implementation. This chapter provides requirements for the development review and administration of the Specific Plan including amendment procedures and implementation priorities.
- **7. The Ontario Plan Consistency.** This chapter describes the Specific Plan's conformance with The Ontario Plan.

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2.0 EXISTING CONDITIONS

The following sections document the conditions prior to the adoption of this Specific Plan, including land uses, airport influence areas, Williamson Act contracts, land use designations, circulation, and environmental conditions.

2.1 Existing and Surrounding Land Uses

The Specific Plan area is occupied by agricultural uses, including a dairy farm, row crops, and vacant land. Dairy farming and agriculture have been the primary uses of the property since the 1930s or earlier.

Figure 2.1 shows the existing uses in the vicinity, which include:

- North across Eucalyptus Avenue: plant nursery, dairy farm
- South across Merrill Avenue (City of Chino): Chino Airport
- East: dairy farms, row crops, and vacant land
- West across Euclid Avenue (City of Chino): residential uses, vacant land, and the former Stark Youth Correctional Facility

The Ontario Plan designates the surrounding areas in Ontario Ranch for business park, industrial, and residential uses.

2.2 Airport Influence Areas

Ontario International Airport Influence Area

The Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) was adopted by the Ontario City Council on April 19, 2011. The intent of a compatibility plan is to avoid conflicts between airport operations and surrounding land uses. The Specific Plan area is not within the safety, noise impact, or airspace protection zones of the ONT ALUCP; however, it is within the Airport Influence Area, as is the entire City of Ontario. While a Real Estate Transaction Disclosure policy is not required for non-residential land, developers or tenants may purchase a Natural Hazard Disclosure report that would indicate that the property is in an Airport Influence Area.

Chino Airport Overlay Zone

The Specific Plan area is within Safety Zone 6 of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). Zone 6 compatibility criteria prohibit peopleintensive uses such as stadiums, large day care centers, hospitals, and nursing homes. This page intentionally left blank.

FIGURE 2.1: SURROUNDING LAND USES



Specific Plan Boundary

Map data ©2018 Google, INEGI 1,000 Feet

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The Specific Plan's land uses are compatible with these guidelines. The Handbook guidelines suggest the provision of approximately 10 percent usable open land in projects within Safety Zone 6. The Handbook further indicates that ideal emergency landing sites are ones that are long, level, free of obstacles and with minimum dimensions of 300 feet long by 75 feet wide, much like a runway. In the Specific Plan area, surrounding roads (Euclid, Eucalyptus, Sultana and Merrill Avenues), drive aisles, and truck parking lots can be considered as acceptable open lands in urbanized settings.

2.3 Williamson Act Contracts

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The motivation for the Williamson Act is to promote voluntary land conservation, particularly farmland conservation. There are no active Williamson Act contracts located within the Specific Plan area.

2.4 Existing Ontario Plan and Zoning Designations

The Ontario Plan existing land use designations and existing zoning map designations for the Specific Plan area (prior to adoption of the Ontario Ranch Business Park Specific Plan) are shown in Figure 2.2.

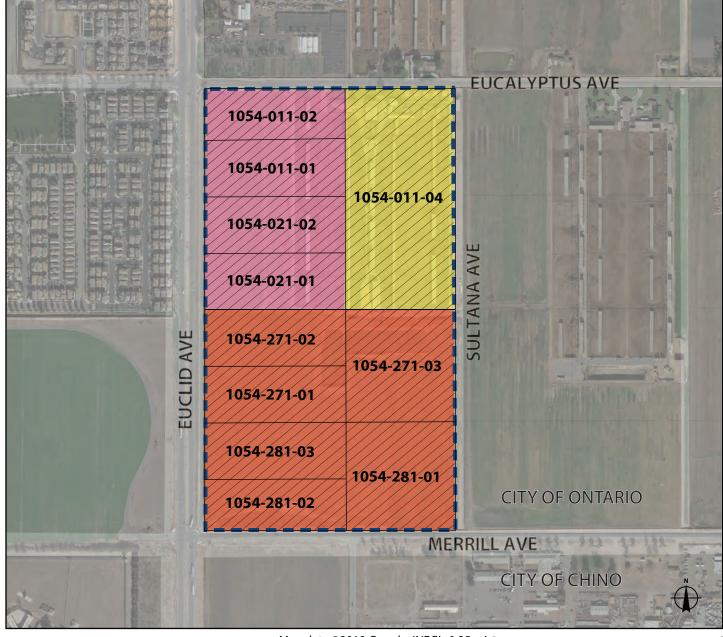
The Ontario Plan existing land use designations are:

- General Commercial (0.4 Floor Area Ratio (FAR))
 Assessor Parcel Number (APN): 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 and 1054-281-03
- Office Commercial (0.75 FAR) APN: 1054-011-01, 1054-011-02, 1054-021-01 and 1054-021-02
- Low-Medium Density Residential (5.1 11 dwelling units per acre) APN: 1054-011-04

The project includes an application for a General Plan Amendment to change the land use designations to Industrial and Business Park, as discussed in Chapter 3, Development Plan.

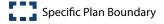
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FIGURE 2.2: EXISTING LAND USE AND ZONING



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Land Use Designation



Low-Medium Density Residential

Zoning Designation AG - Specific Plan XXXX-XXX-XX

Assessor Parcel Number (APN)

Office Commercial

General Commercial

The existing zoning designation is SP (Specific Plan) Zoning District with an AG (Agriculture) Overlay District. The AG Overlay indicates that the land can continue to be used for agricultural uses, but the SP District designation requires approval of a specific plan by the City for urban development of the project site.

2.5 Existing Circulation

The Specific Plan area is located approximately three miles south of State Route 60 via State Route 83 (Euclid Avenue), which is located on the western boundary of the Specific Plan area, as shown in Figure 2.3.

Vehicular circulation in the Specific Plan area is provided by Eucalyptus Avenue on the north, Merrill Avenue on the south, and Euclid Avenue on the west.

Existing improvements for Euclid Avenue include interim pavement and an unimproved dirt center median. Euclid Avenue has a fully dedicated right-of-way as specified in The Ontario Plan.

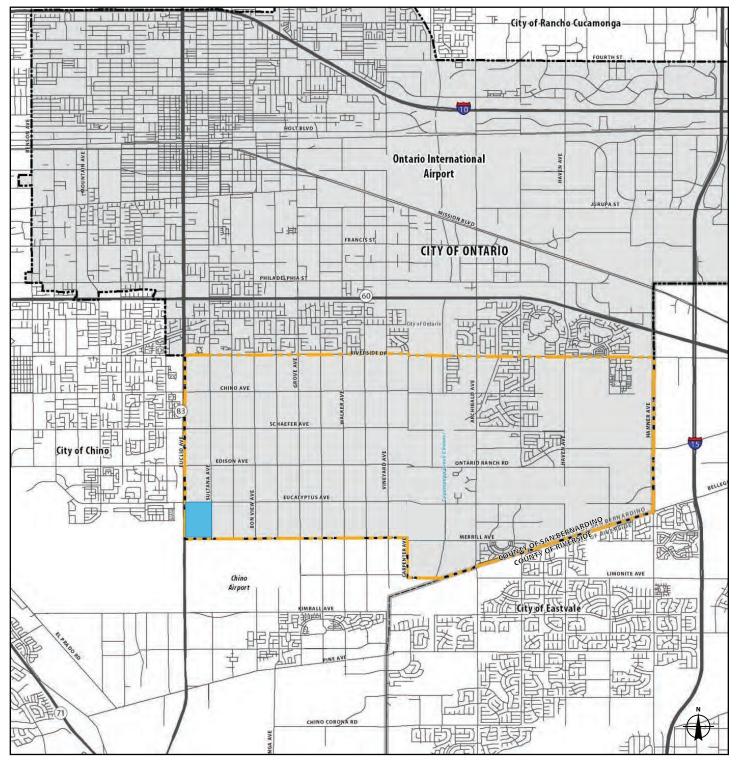
Eucalyptus and Merrill Avenues are both substandard, requiring right-of-way dedication and major street and parkway improvements.

On the eastern boundary of the Specific Plan area, Sultana Avenue is a fully dedicated yet unimproved street that exists only on paper, requiring major street and parkway improvements.

Along Euclid Avenue traffic signals are located at the Eucalyptus Avenue and Merrill Avenue intersections.

Access to the site is currently provided via five driveway entrances located on Eucalyptus Avenue.

FIGURE 2.3: REGIONAL CIRCULATION



- - Ontario Ranch
 - Specific Plan Area
- City of Ontario
- Freeways/Highways
 - Roads

2.6 Existing Environmental Conditions

Topography

The overall project site is moderately flat, sloping from north to south with approximately a 30-foot drop in elevation.

Geology, Soils, and Seismicity

The Phase I environmental site assessment (ESA) included boring to depths of 10 to $30\pm$ feet and trenching to depths of 4 to $12\pm$ feet. Soils encountered through boring and trenching consist of highly organic soils to depths of 1 to $1\%\pm$ feet. The near-surface soils possess low to medium expansion potentials. Groundwater was not encountered in any of the soil borings conducted as part of the assessment

The near-surface soils are considered corrosive to ferrous metals, including ductile iron pipe. Additionally, the near surface soils encountered at a boring located in the cattle pen area possessed chloride concentrations that can be deleterious to steel in reinforced concrete. A methane gas survey determined on-site levels are below the threshold.

A geotechnical feasibility study on the Specific Plan site indicated that the proposed development is considered feasible from a geotechnical standpoint. The subject site is located in an area that is subject to strong ground motions due to earthquakes. Research of available maps indicates that the Plan area is not located within an Alquist-Priolo Earthquake Fault Zone. Furthermore, a geotechnical feasibility study did not identify any evidence of faulting during the geotechnical investigation. Therefore, the possibility of significant fault rupture on the site is considered low.

The potential for other geologic hazards such as seismically induced settlement, lateral spreading, tsunamis, inundation, seiches, flooding, and subsidence affecting the site is considered low. Research of the San Bernardino County Land Use Services website indicates that the subject site is not located within a zone of liquefaction susceptibility. Based on the mapping performed by San Bernardino County and the conditions encountered at the boring locations, liquefaction is not considered to be a design concern for development within the Specific Plan area.

Hydrology

Storm runoff from the project site generally drains from north to south. There are two detention areas onsite, one located in the center of the site and the other at the southerly portion of the site adjacent to Merrill Avenue.

The southeast portion of the Specific Plan area surface drains southerly to a dirt swale located adjacent to Merrill Avenue, then westerly to a set of four corrugated steel pipes, then southerly to an earthen channel adjacent to Euclid Avenue.

The remainder of the Specific Plan area surface drains southerly to an onsite detention basin, then southerly via a concrete spillway to the dirt swale adjacent to Merrill Avenue, the corrugated steel pipes, and finally the earthen channel adjacent to Euclid Avenue. Areas north of the project site drain southerly towards Eucalyptus Avenue and then westerly towards Euclid Avenue. Eucalyptus Avenue is not fully improved, so it is possible that offsite flows from the north enter the project site.

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the project site is not located within a flood hazard zone.

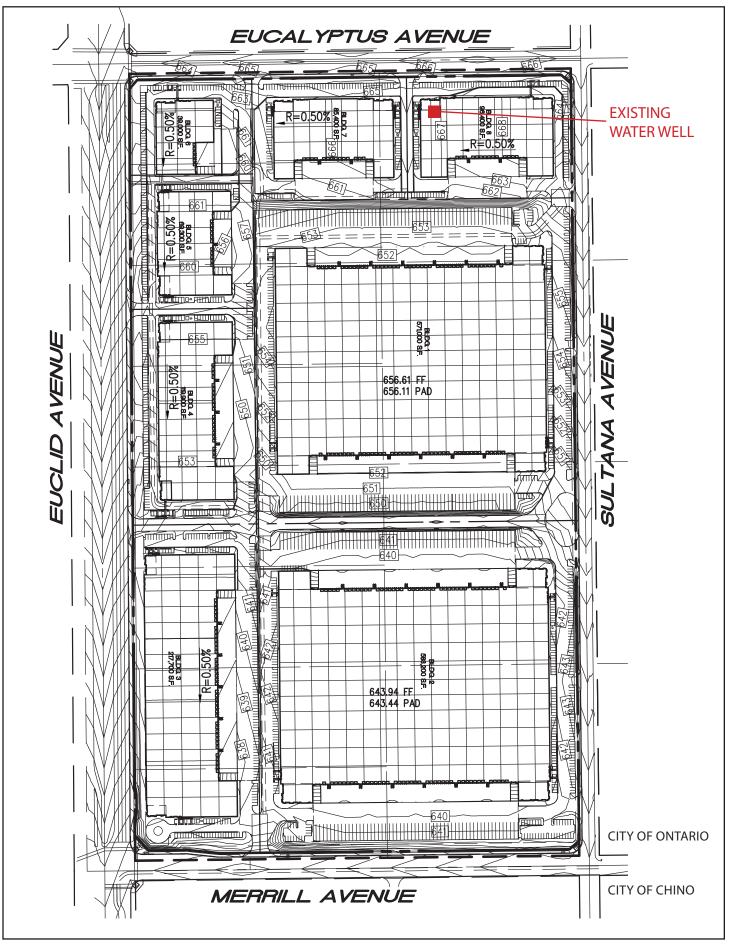
Biological Resources

The Specific Plan area generally represents low biological resource value due to highly disturbed site conditions and historic dairy/agricultural use, resulting in low biological diversity. There is limited vegetation on the majority of the site; the vegetation that exists is generally non-native grasses and weeds.

2.7 Existing Ground Water Wells

In compliance with the Chino Basin Water Master's Well Procedure for Developers, a well use/destruction plan and schedule for all existing private/agricultural wells shall be submitted to the City of Ontario for approval prior to the issuance of permits for any construction activity. If a private well is actively used for water supply, the Developer shall submit a plan to abandon such well and connect users to the City's water system (residential to the domestic water system and agricultural to the recycled water system) when available. Wells shall be destroyed/abandoned per the California Water Resource Guidelines and require permitting from County Health Department. The locations of existing wells are shown in Exhibit 2.4, "Existing Wells". A copy of such permit and Form DWR 188 Well Completion Form shall be provided to the Development Engineering Department and the Utilities Engineering Department prior to issuance of grading and/or building permits. If the Developer proposes temporary use of an existing agricultural well for purposes other than agriculture, such as grading, dust control, etc., the developer shall make a formal request to the City of Ontario for such use prior to issuance of permits for any construction activity. Upon approval, the Developer shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by the agreement.

FIGURE 2.4: EXISTING GROUND WATER WELL



3.0 DEVELOPMENT PLAN

This chapter provides the framework to guide development of the Ontario Ranch Business Park Specific Plan. The chapter presents the proposed planning areas, infrastructure plans, and public services to support the project.

3.1 Land Use Plan

The Specific Plan consists of two Planning Areas accommodating a variety of industrialserving commercial, low-intensity office, technology, light manufacturing, and warehouse/distribution uses that are compatible with the site's location within Safety Zone 3 of the Chino Airport. The Land Use Plan implements the vision of the Ontario Plan by providing opportunities for employment in manufacturing, distribution, and research and development at intensities designed to meet the demand of current and future market conditions. A list of allowable uses by Planning Area is presented in Chapter 4 (Land Use and Development Standards).

Figure 3.1 (Land Use Plan) identifies the location of the Planning Areas. The two Planning Areas are described below:

BP (Business Park) Zoning District: The BP zoning district accommodates industrialserving commercial, low intensity office uses, and certain light industrial uses. Development within this district is typically multi-tenant in nature; however, singletenant buildings are not precluded.

IG (Industrial - General) Zoning District: The IG zoning district accommodates storage and warehousing uses located in larger buildings on larger sites. Uses may include e-commerce, high cube warehouses, or distribution. A wide range of manufacturing and assembly uses are also permitted in this district.

Table 3.1 provides the maximum allowable gross building area for each Planning Area at its associated floor area ratio. Development standards (found in Chapter 4), such as setback requirements, parking, landscaping, infrastructure, and site design, may reduce the maximum gross square footage.

Table 3.1 Maximum Specific Plan Build-Out

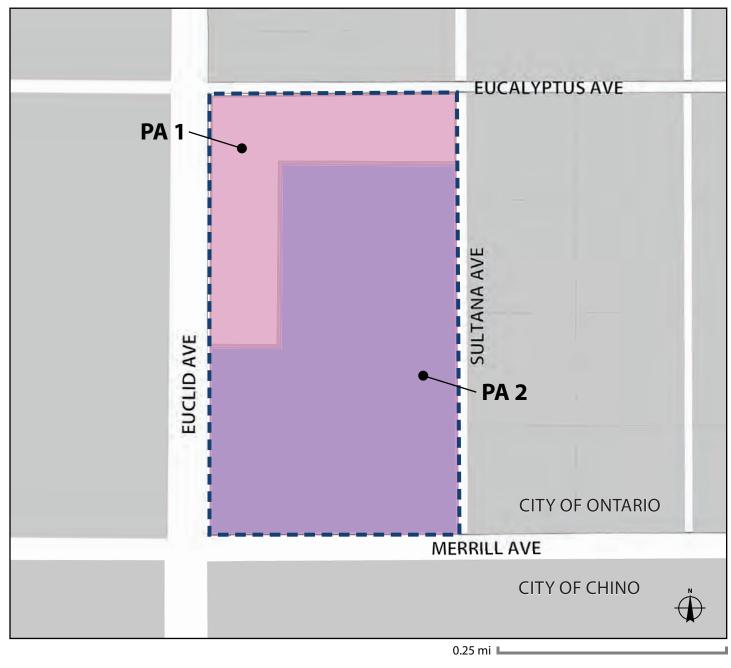
Planning Area	Maximum Floor Area Ratio ^{1,2}	Site Acreage	Maximum Building Square Footage
Planning Area 1: Business Park	0.45	23.8	457,904
Planning Area 2: Industrial - General	0.54	61.8	1,447,123
TOTAL		85.6	1,905,027 SF

Note:

1. Provided the General Plan Amendment application submitted in conjunction with this Specific Plan to designate PA 1 as Business Park and PA 2 as Industrial - General is approved.

2. The project EIR as proposed is reviewing square footages below the maximum TOP thresholds. The FAR may be increased to the TOP max levels of 0.60 and 0.55 for BP and IG respectively with a Specific Plan Amendment and appropriate CEQA analysis.

FIGURE 3.1: LAND USE PLAN



Land Use Districts



BP - Business Park

IG - Industrial General

3.2 Conceptual Site Plan

The conceptual site plan for the Ontario Ranch Business Park Specific Plan is presented in Figure 3.2. Under this conceptual plan, Planning Area 1 (Business Park Zoning District) is developed with five buildings totaling 457,904 square feet (SF) and Planning Area 2 (Industrial – General Zoning District) is developed with three buildings totaling 1,447,123 SF (Table 3.2). Cumulatively, the eight buildings depicted in the conceptual site plan provide **1,905,027 SF** of development.

The conceptual site plan reflects current market trends, site conditions, and planned infrastructure. However, the conceptual site plan may be modified provided it does not exceed the maximum building area presented in Table 3.1 and complies with this Specific Plan and applicable provisions of the City of Ontario Development Code.

Planning Area	SP Zoning District	Site Acreage	Proposed Conceptual Building Square Footage
1	BP	23.8	457,904
2	IG	61.8	1,447,123
TOTAL		85.6	1,905,027 SF

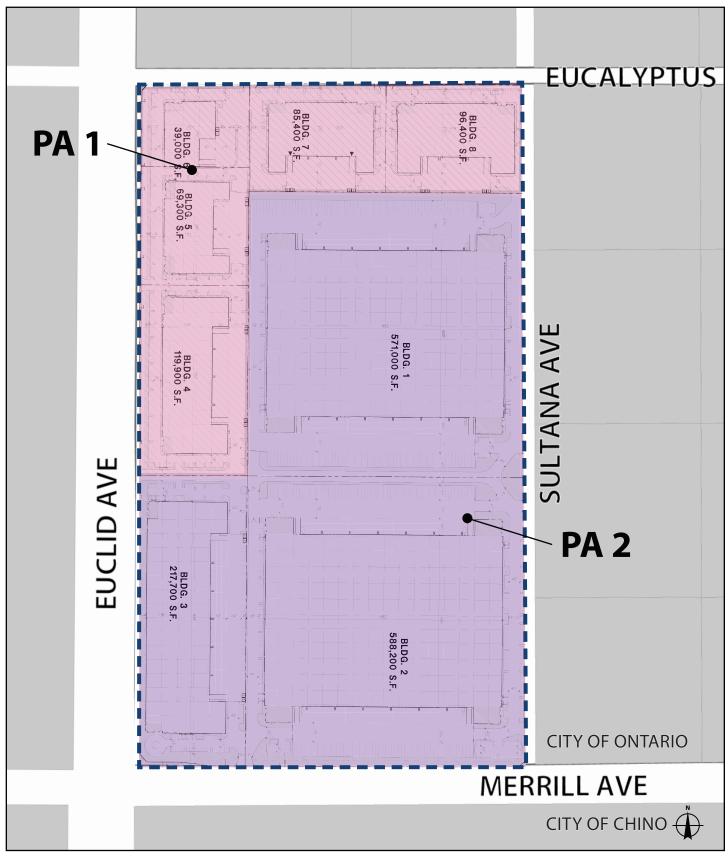
Table 3.2 Conceptual Site Plan

3.3 Circulation Plan

The Circulation Plan (Figure 3.3) facilitates movement of vehicles, pedestrians and cyclists within the Specific Plan area, consistent with the City of Ontario's Roadway Classification System, shown in Figure 3.4.

Figure 3.5 presents typical street cross sections for Euclid, Eucalyptus, Sultana, and Merrill Avenues. Conceptual streetscape design is presented in Chapter 5 (Design Guidelines). Road surface, sidewalk, and trail improvements within the Specific Plan area must be approved by the City's Engineering Department.

FIGURE 3.2: CONCEPTUAL SITE PLAN



Land Use Districts



BP - Business Park

IG - Industrial General

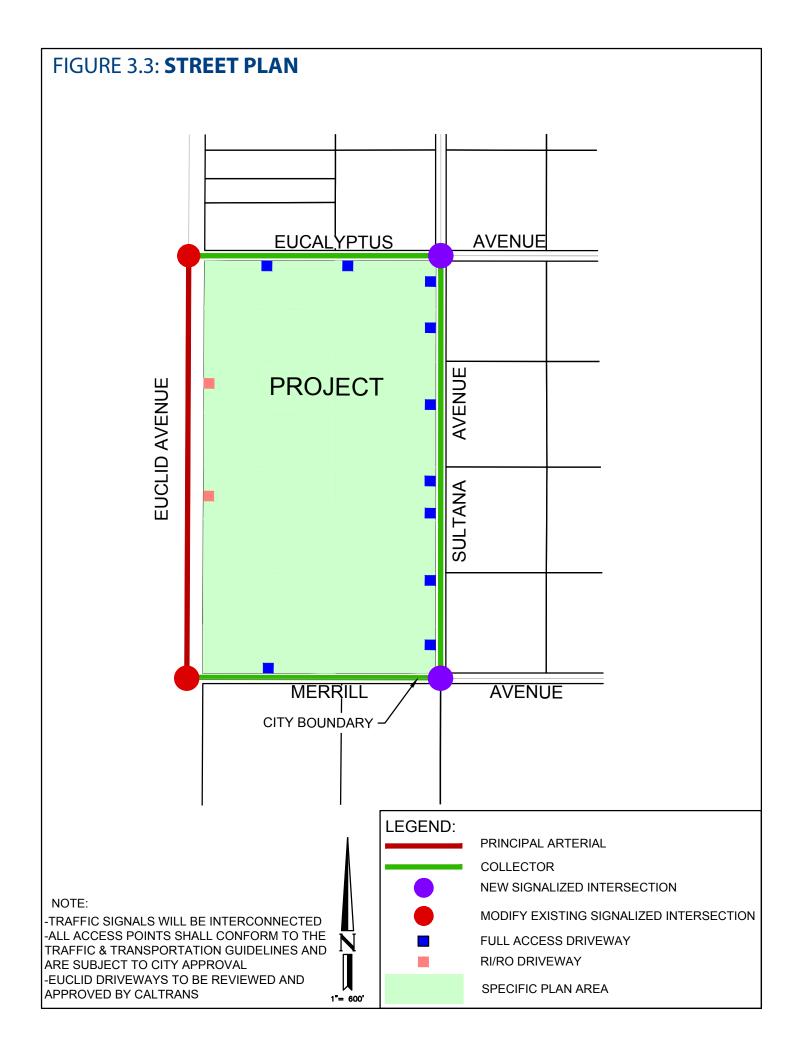
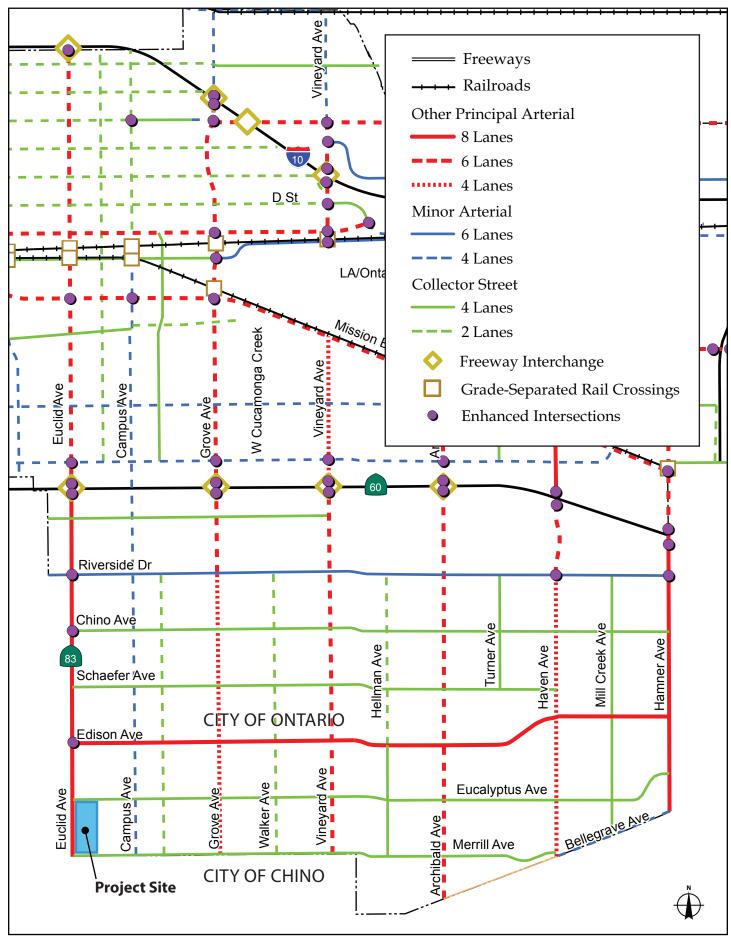


FIGURE 3.4: CITY OF ONTARIO ROAD CLASSIFICATION SYSTEM



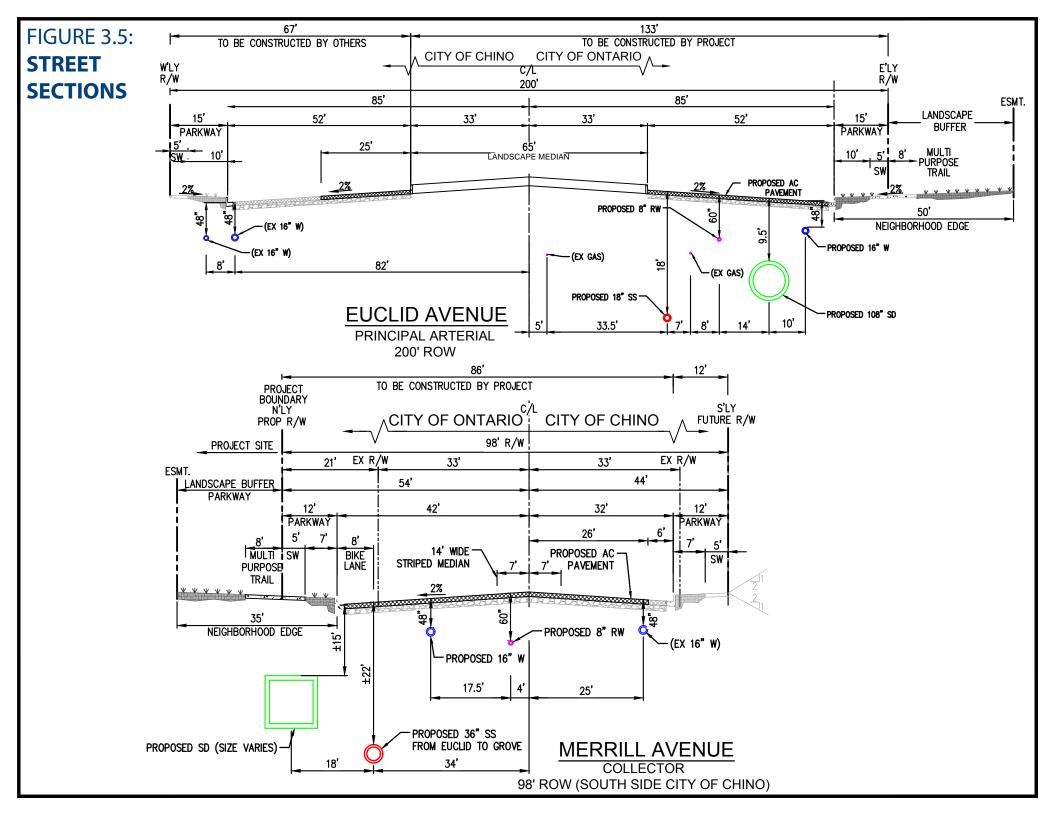
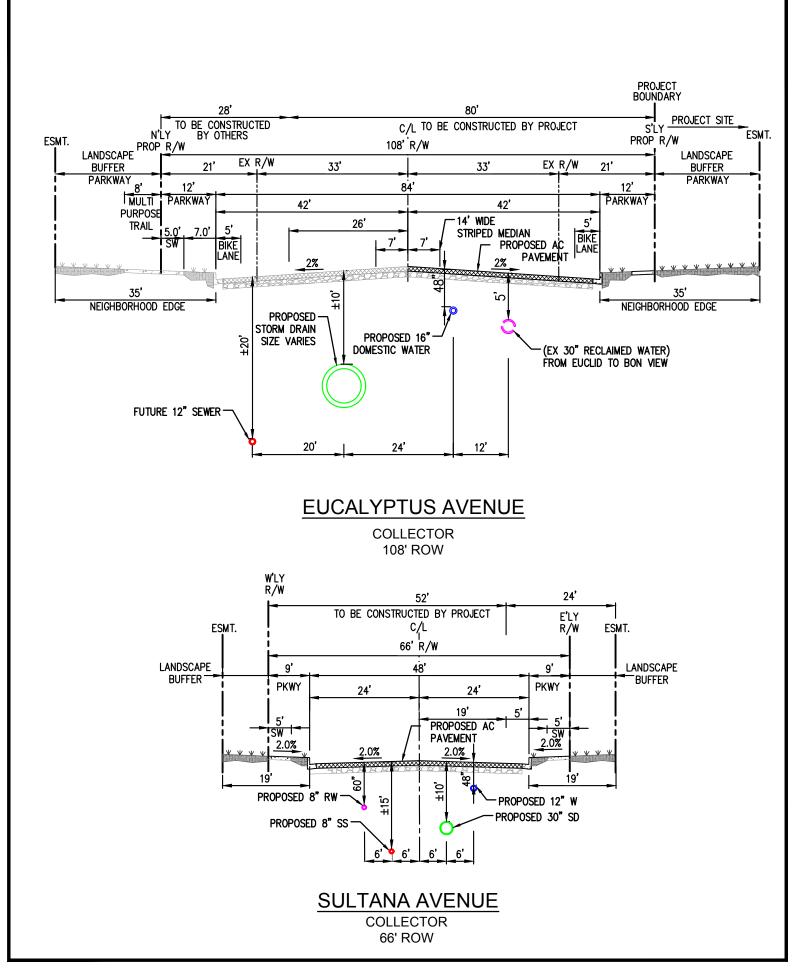


FIGURE 3.5: STREET SECTIONS



3.3.1 Euclid Avenue (Route 83)

Euclid Avenue is an expressway under Caltrans' jurisdiction that is designated as an eightlane Principal Arterial in The Ontario Plan's Functional Roadway Classification Plan. The centerline of this street forms the boundary between the City of Ontario to the east and the City of Chino to the west. Euclid Avenue is designed with a 200-foot wide right-ofway, a 66-foot wide center median, and 52-feet of pavement including curbs and gutter. The existing half-width street right-of-way is 100 feet; therefore, no dedication is required.

The Euclid Avenue streetscape design illustrated in Chapter 5, Design Guidelines, for the east side of the street adjacent to the project site specifies a 15-foot wide parkway including a five-foot wide sidewalk and an eight-foot wide on-site multipurpose trail within a 35-foot wide landscape buffer, creating a 50-foot wide neighborhood edge as specified in the Ontario Ranch Colony Streetscape Master Plan.

3.3.2 Eucalyptus Avenue

Eucalyptus Avenue is located along the northern boundary of the Specific Plan area, providing east/west access to the site. Eucalyptus Avenue is designated by the Functional Roadway Classification Plan as a four-lane Collector Street. The Specific Plan specifies an 108-foot wide right-of-way with 84 feet of pavement including curb/gutter.

The Eucalyptus Avenue streetscape design presented in Chapter 5, Design Guidelines, for the north side of the street adjacent to the project site specifies a 12-foot wide parkway including a seven-foot wide curb-adjacent landscaped area and a five-foot wide sidewalk. The north side also provides an eight-foot wide on-site multipurpose trail within a 23-foot wide landscape buffer setback. Together, the parkway and landscape buffer setback create a 35-foot wide neighborhood edge, as described in the *Ontario Ranch Colony Streetscape Master Plan*. A 21-foot dedication will be required for Eucalyptus Avenue.

3.3.3 Sultana Avenue

Sultana Avenue is designated as a Collector Street with a 66-foot wide right-of-way and 48 feet of pavement including curb and gutter. The Sultana Avenue streetscape presented in Chapter 5, Design Guidelines, specifies a 9-foot-wide parkway including a 4 foot landscape and a five-foot wide sidewalk. The west side of the street adjacent to the project site provides a 10-foot wide landscape buffer setback. Sultana Avenue is not yet developed adjacent to the Specific Plan area. However, the right-of-way exists, and no dedication is required.

3.3.4 Merrill Avenue

Merrill Avenue is designated as a four-lane Collector Street in the Functional Roadway Classification Plan and provides east-west access to the project's southern boundary. The centerline of this street forms the boundary between the City of Ontario to the north and

the City of Chino to the south. The Specific Plan specifies an 98-foot wide right-of-way and 74 feet of pavement including curb and gutter for Merrill Avenue.

The Merrill Avenue streetscape design presented in Chapter 5, Design Guidelines, for the north side of the street adjacent to the project site includes an eight-foot wide Class II onstreet bike lane at the edge of the street, a seven-foot wide curb-adjacent landscaped area, and a five-foot wide sidewalk. An eight-foot wide multipurpose trail is located within a 23-foot wide landscape buffer setback. Together, these improvements establish a 35-foot wide neighborhood edge, as specified in the *Ontario Ranch Streetscape Master Plan*. A 21-foot street dedication will be required for Merrill Avenue.

3.3.5 Local Circulation

Final site planning and off-site design shall be subject to City approval. In addition to the typical street sections described and depicted, additional geometric enhancements, including but not limited to those at intersections, may be required to adequately mitigate impacts identified in the Traffic Impact Analysis/Specific Plan EIR. Local roadway circulation shall accommodate trucks with a double trailer combination wheelbase of 67 feet (known as the WB-67 design vehicle).

Driveways shall conform to access requirements of the Traffic and Transportation Design Guidelines. Driveway locations, specifically those that are in proximity to master-planned or future traffic signals, shall be located so as not to interfere with queues as projected in the Traffic Impact Analysis for the Specific Plan. The use of surrounding roads, drive aisles and truck parking lots to address the open land requirement for the Chino Airport Overlay zone is discussed in Chapter 2 (Section 2.2: Airport Influence Areas).

Fair share responsibilities for street improvements will be addressed in a Development Agreement with the City.

3.3.6 Traffic Control Devices

All traffic signs regulating, warning, and/or guiding traffic on public roads will conform to the California Manual on Uniform Traffic Control Devices (MUTCD), latest edition. All traffic-control signs, whether on public or private property, shall conform to the California MUTCD.

3.3.7 Truck Routes

The City of Ontario designates and maintains a network of truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses (Figure 3.6). Euclid Avenue, located at the western perimeter of the Specific Plan area, is a designated truck route. Merrill Avenue, which runs along the southern boundary of the Specific Plan area, is a designated truck route from Euclid Avenue to Archibald Avenue.

3.3.8 Pedestrian Circulation

To improve safety and the pedestrian experience, connect the various parts of the Specific Plan area, and expand access to nearby land uses, sidewalks will be provided along all streets abutting the Specific Plan area. Sidewalks will be five-feet wide, constructed of concrete, and installed in conjunction with adjacent roadway improvements.

3.3.9 Trails and Bike Paths

Trails and bicycle paths will provide an additional mode of circulation in and around the Specific Plan area. Multipurpose trails will be provided on the east side of Euclid Avenue, and the north side of Merrill Avenue (Figure 3.7).

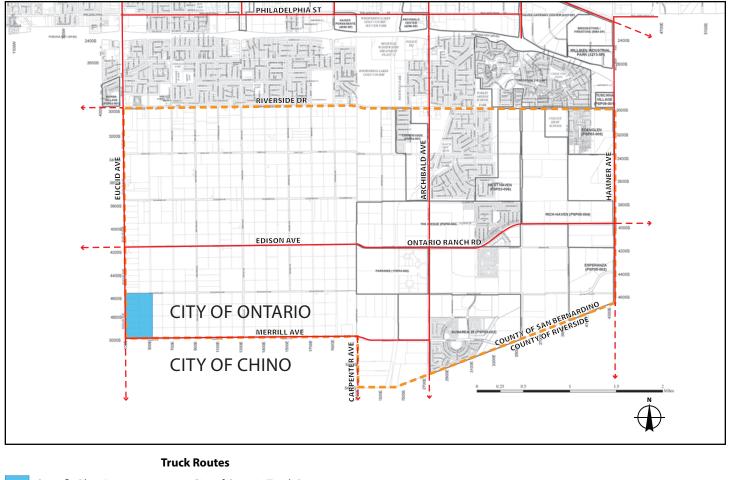
The Ontario Plan Mobility Element specifies a Class II bikeway on the north and south side of Merrill Avenue. Class II bikeways are defined as dedicated (striped) lanes along streets, with no parking allowed in the bike lane. This bike lane provides linkages to the City's bike path system (Figure 3.8).

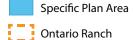
The trail and bikeway improvements will be installed along the project frontages in conjunction with street improvements. The city reserves the right to implement bike lanes on Eucalyptus at the discretion of the Traffic and Transportation Division.

3.3.10 Transit

Transit options provide an alternative mode of transportation for motorists and a primary mode for the transit dependent. The City is coordinating with regional transit agencies to implement Bus Rapid Transit (BRT) service to target destinations and along corridors, including Euclid Avenue on the western boundary of the Specific Plan area.

FIGURE 3.6: TRUCK ROUTES





- ----- City of Ontario Truck Routes
- --- Adjacent Agency Truck Routes

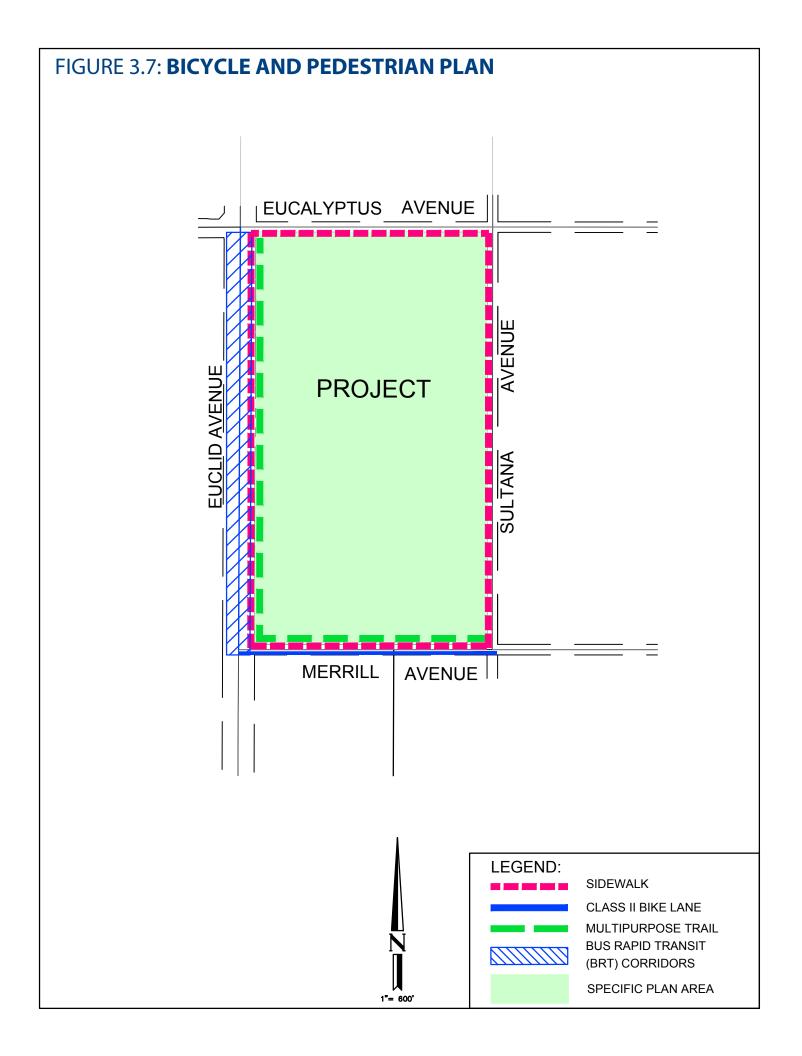
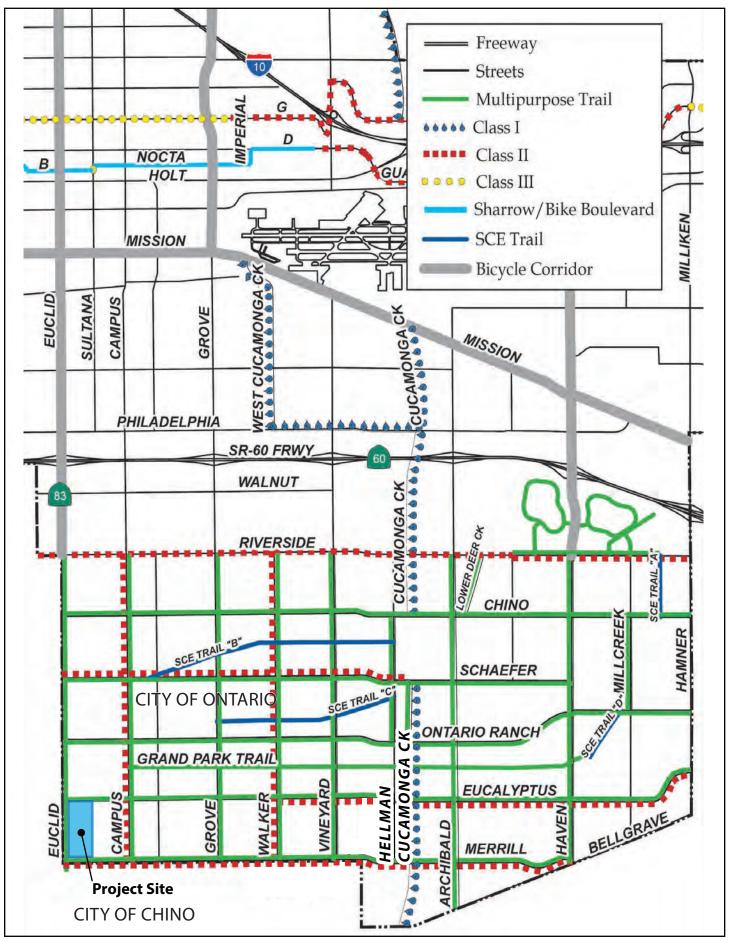


FIGURE 3.8: CITY OF ONTARIO TRAIL AND BIKEWAYS PLAN



3.4 Potable Water Plan

Water service to the Specific Plan area will be provided by the City of Ontario. Potable water is provided by imported water from the Water Facilities Authority (WFA), Chino Basin Desalter Authority (CDA) and groundwater from the Chino Basin, extracted via the City's wells. The WFA was formed in 1980 as a Joint Powers Authority by the Cities of Chino, Chino Hills, Ontario and Upland, and the Monte Vista Water District. It was formed to construct and operate water treatment facilities that provide a supplemental supply of potable water to its member agencies.

Currently there are no City potable water mains or City potable water infrastructure in the vicinity of the Specific Plan Area. The project site lies within the 925 Pressure Zone (PZ) (Figure 3.10). Providing potable water service to the Specific Plan Area requires extending the Phase 2 West Backbone 24-inch potable water main in Eucalyptus Avenue from Carpenter Avenue to Grove Avenue; extending this potable water main in Eucalyptus Avenue with a 16-inch potable water main from Grove Avenue to Euclid Avenue; installing a 16-inch potable water main in Merrill Avenue from Eucalyptus Avenue to Walker Avenue; installing a 16-inch potable water main in Walker Avenue from Euclid Avenue to the 24-inch potable water main in Eucalyptus Avenue from Euclid Avenue to From Euclid Avenue; installing a 16-inch potable water main in Merrill Avenue from Euclid Avenue to the 24-inch potable water main in Eucalyptus Avenue. This will provide the primary potable water loop for the Specific Plan Area (Figure 3.9).

In addition to extending the 925 Pressure Zone (PZ) Phase 2 West Backbone, the Specific Plan area requires a connection between the 925 Pressure Zone (PZ) Phase 2 West Backbone and the 1010 Pressure Zone (PZ). This will supply a second source of potable water to the Specific Plan Area. The connection to the 1010 Pressure Zone (PZ) will require extending the Phase 2 West Backbone at Eucalyptus Avenue and Grove Avenue by installing a 30-inch potable water main north on Grove Avenue to Chino Avenue. The connection to the 1010 Pressure Zone will require installing an 18-inch potable water main in Chino Avenue easterly to the existing 18-inch potable water main located on the west side of the Cucamonga Creek channel and installing a Pressure Reducing Station between the 1010 PZ and 925 PZ near the intersection of Grove Avenue and Chino Avenue. Other elements of the Phase 2 Water System are shown on Figure 3.9. The elements shown north of Chino Avenue will be constructed by others. The balance of Phase 2 Water System will be required to participate in the future Phase 2 Water System improvements, as detailed in the development agreement with the City.

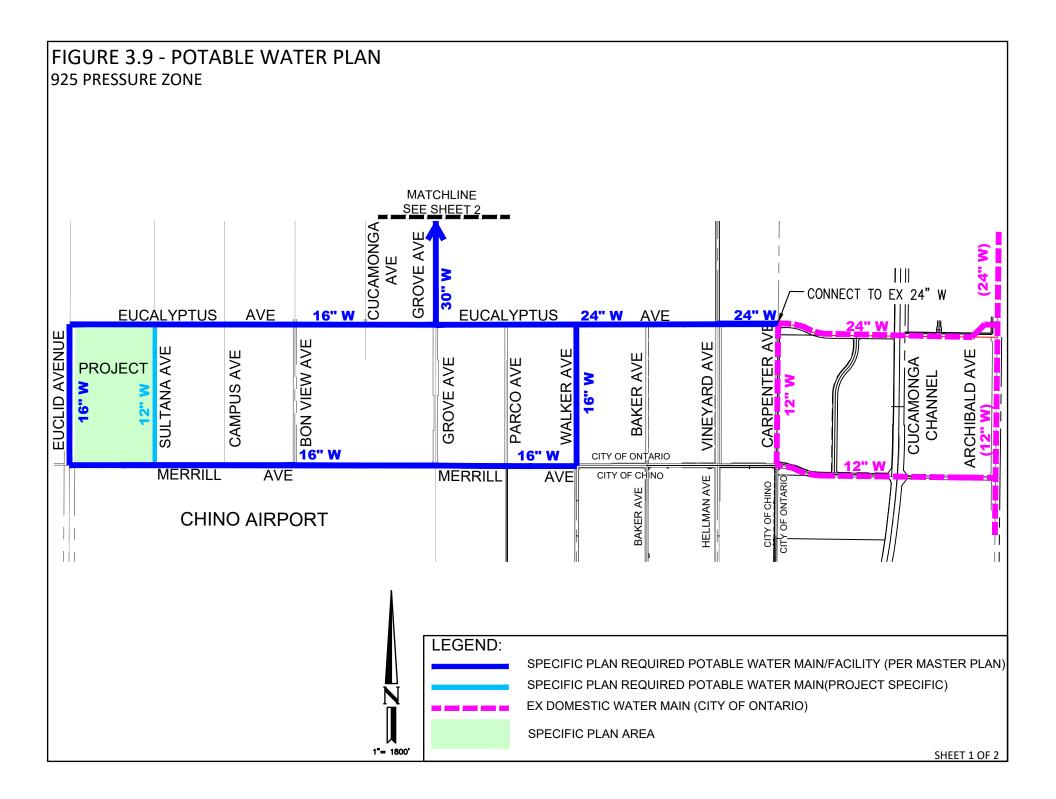
The Specific Plan area also requires the planning, design, and construction of the Adjacent Potable Water System, which includes: installing a 12-inch potable water main in Sultana Avenue connecting to the 16- inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue.

Water mains required to serve the project will need to be constructed prior to or concurrent with on-site water improvements. Within the project site, a private network of 2- to 4-inch water lines for domestic water service and 10- to 12-inch water lines for fire service water will be installed. The on-site water system includes connections to the

water main in Eucalyptus Avenue and Euclid Avenue to serve PA-1 and to the main in Merrill Avenue and Sultana Avenue to serve PA-2.

Until the ultimate pipeline network for Ontario Ranch has been completed, there may be instances where construction of improvements to serve a project may not meet the required fire flow demands. Therefore, projects within the Specific Plan area may be required to construct additional pipelines not indicated in the Master Plan or upsize master planned pipelines to meet Fire Department fire flow requirements and/or Water Master Plan criteria. The developer will submit a hydraulic analysis to the City for review and approval to demonstrate adequate fire flow and adherence to Potable Water Master Plan criteria.

The overall water infrastructure plan to serve the City of Ontario is shown on Figure 3.10. The City's ultimate domestic water system will consist of five pressure zones. Most of Ontario Ranch (including the Specific Plan area) is in the 925 Pressure Zone. The sizing and alignment of potable water lines will follow the most current approved City of Ontario water system plan. Required Potable Water Infrastructure is subject to change based upon findings of approved hydraulic study and master plan updates; and, Potable Water main locations are also subject to change based upon the developer conducted and City approved Conceptual Design Report.



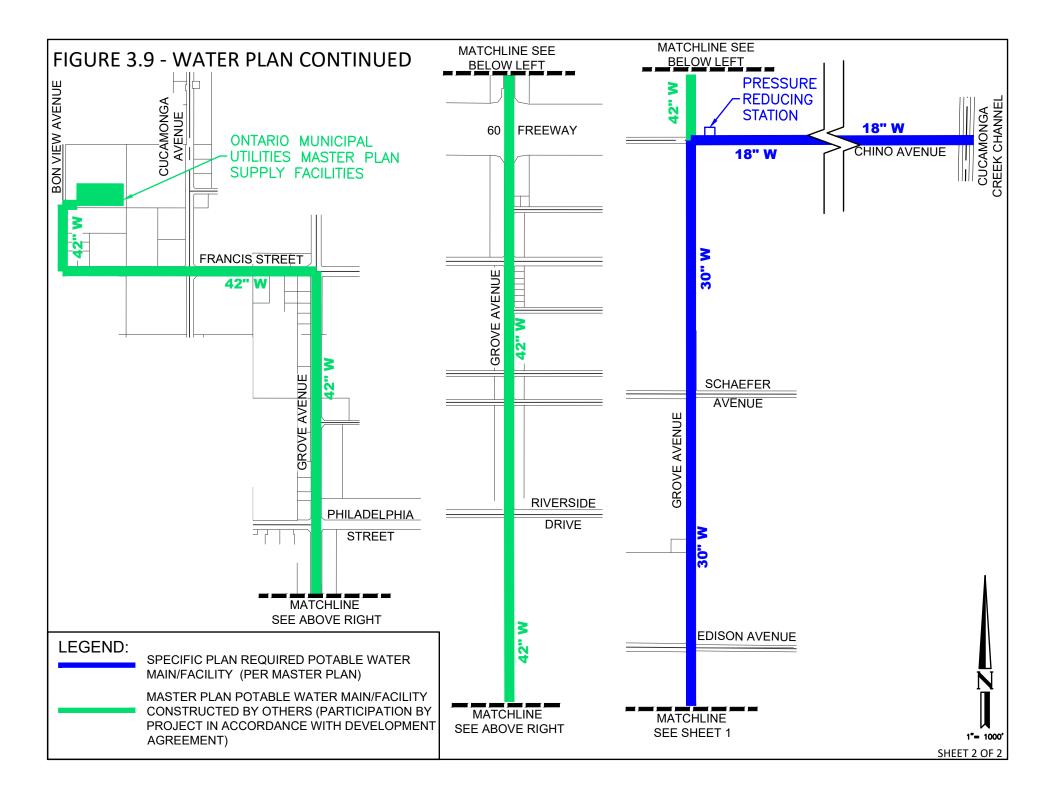
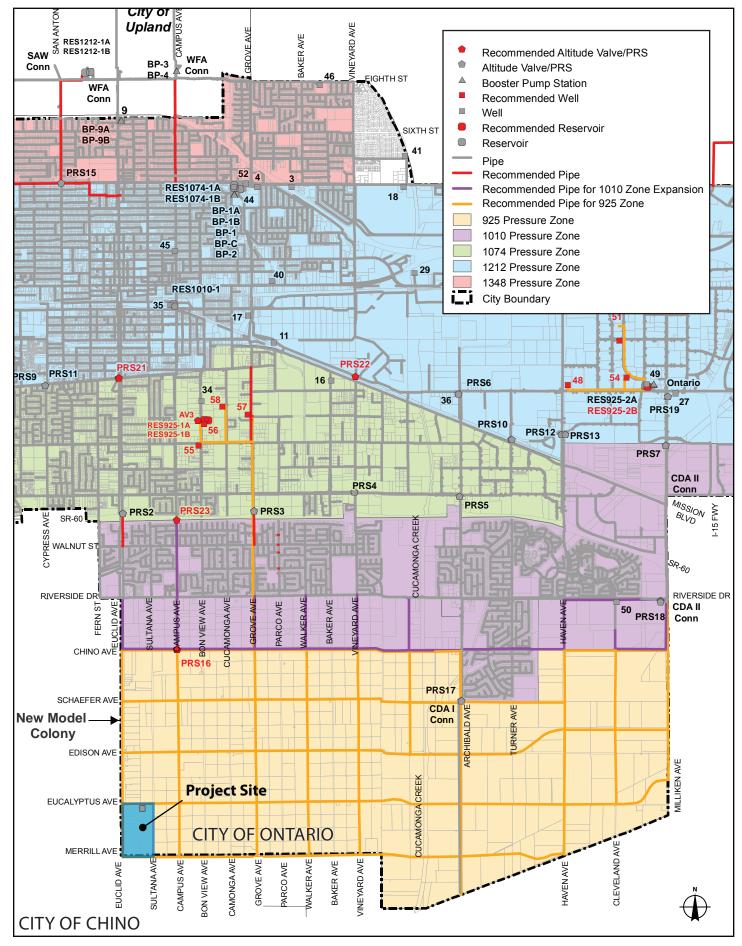


FIGURE 3.10: CITY OF ONTARIO ULTIMATE WATER SYSTEM



3.5 Recycled Water Plan

The City of Ontario Ordinance 2689 requires all new development in Ontario Ranch to connect to and use recycled water for all approved uses, including but not limited to landscape irrigation. Prior to use of recycled water, approval from the City of Ontario and State Water Resources Control Board (SWRCB) is required. Interim connection to potable water is not allowed.

Currently there are no City owned recycled water mains or City recycled water infrastructure in the vicinity of the Specific Plan Area. There is an existing 30-inch Inland Empire Utility Agency (IEUA) recycled water main in Eucalyptus Avenue adjacent to the Specific Plan Area. Recycled Water is provided to the City of Ontario by the IEUA from its four wastewater reclamation plants. The entire Specific Plan area is within the City's master planned 930 Pressure Zone. Recycled water infrastructure improvements requiring the planning, design, and construction of new 930 Pressure Zone (PZ) Recycled Water Master Plan main lines area will be required (Figure 3.11). New recycled water infrastructure is planned to include installing an 8-inch recycled water main in Euclid Avenue connecting the existing IEUA 30-inch 930 Pressure Zone Recycled Water main in Eucalyptus Avenue to an 8-inch recycled water main in Merrill Avenue. The 8-inch recycled water main in Merrill Avenue will extend from Euclid Avenue easterly to Sultana Avenue. An 8-inch recycled water main will be installed in Sultana Avenue connecting the recycled water main in Merrill Avenue to the existing IEUA 30-inch recycled water main in Eucalyptus Avenue. The existing 30-inch IEUA recycled water main in Eucalyptus between Euclid and Bon View may need to be relocated as part of the infrastructure improvements in order to meet minimum Division of Drinking Water (DDW) separations and/or City of Ontario/IEUA standards & requirements.

Sizing and alignment of the recycled water lines will be consistent with the City of Ontario recycled water system plan and a City approved hydraulic analysis.

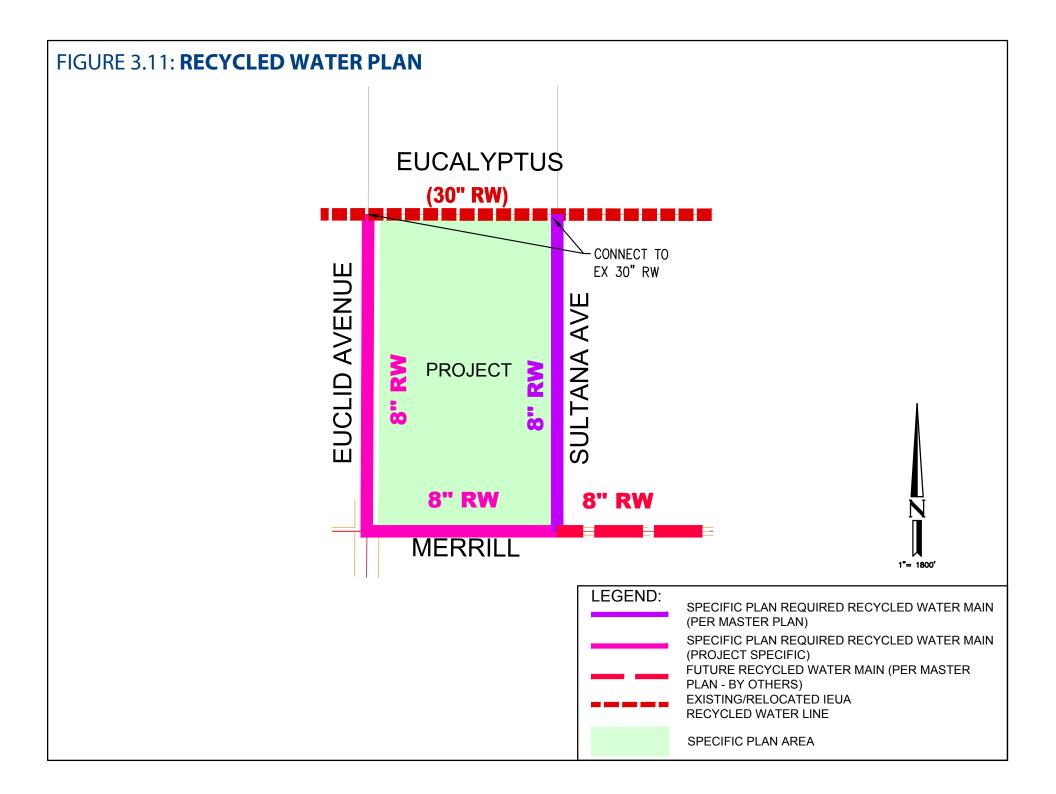
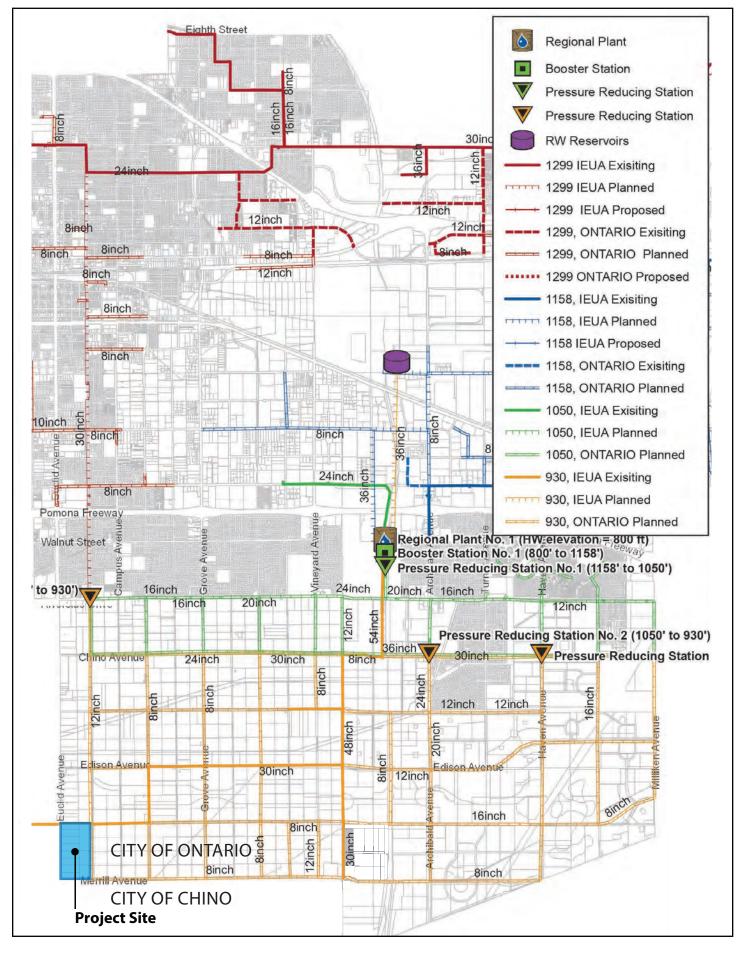


FIGURE 3.12: CITY OF ONTARIO FUTURE RECYCLED WATER SYSTEM



3.6 Sewer Plan

Regional wastewater treatment services are provided to the City of Ontario and its neighboring agencies by the Inland Empire Utilities Agency (IEUA). Several regional trunk sewers collect sewage generated in the City and transport it to IEUA's Regional Plant No.1 and Regional Plant No.5 for treatment. The City of Ontario's sewer service area is divided into eight sewersheds, primarily based on the outlet points where the City's system ties into the IEUA downstream facility. Ontario Ranch is located in Sewershed 8.

There are no sewer mains located within the broader vicinity of the Specific Plan area; therefore, the Specific Plan includes a network of new public sewer mains (Figure 3.13), consistent with the City of Ontario's ultimate sewer system plan (Figure 3.14). A 36-inch sewer main will connect to an existing IEUA interceptor trunk main sewer located in Kimball Avenue to the south, run north in Euclid Avenue to Merrill Avenue, then reduces to a 30-inch sewer main east to Sultana Avenue. The IEUA interceptor trunk sewer main is 54-inches east of Euclid and 60-inches west of Euclid Avenue. The final point of connection to the existing IEUA interceptor trunk sewer at Euclid Avenue and Kimball Avenue will be determined at the time of final design subject to the approval of the City and IEUA. A 21-inch sewer main will run from Merrill Avenue north within Euclid Avenue to Eucalyptus Avenue. An eight-inch public sewer main will be located along Sultana Avenue. An eight-inch private main will also be installed in an on-site easement to provide for connections at the northeast portion of the site. Six-inch sewer laterals will connect buildings to sewer mains.

The ultimate sizing and alignment of the sewer shall be consistent with the City of Ontario ultimate sewer system plan and/or a City conducted and approved hydraulic analysis.

A Sewer Sub-Area Master Plan (SSAMP) shall be prepared for each Tract Map and Development within the Specific Plan

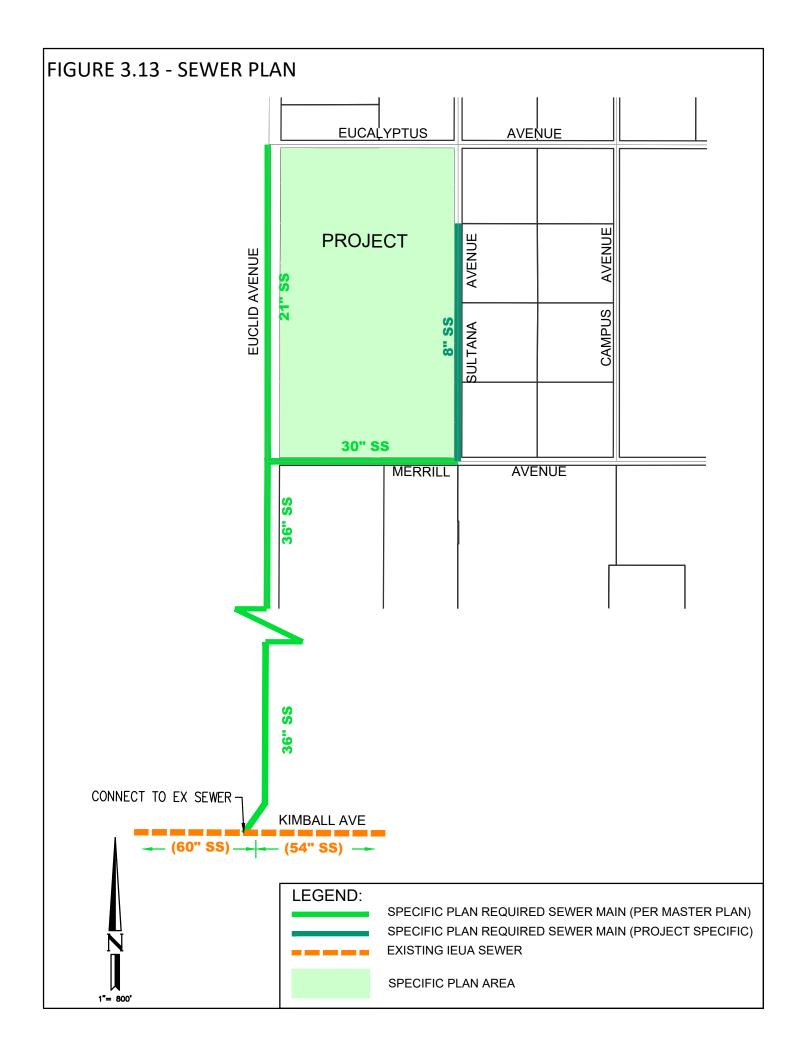
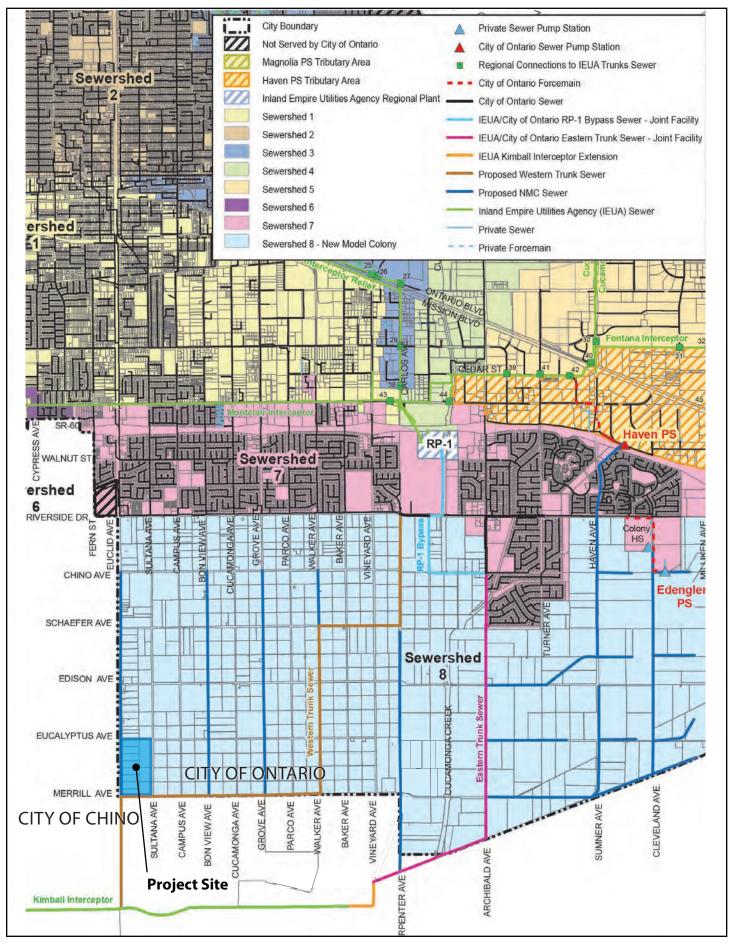


FIGURE 3.14: CITY OF ONTARIO ULTIMATE SEWER SYSTEM



3.7 Conceptual Grading Plan

Site topography is moderately flat, sloping from the north to the south. There is an approximately 30-foot change in elevation across the Specific Plan area.

The grading activities for the Specific Plan area will generally consist of clearing and grubbing, demolition of existing structures, and moving surface soils to construct building pads, driveways and streets.

The Conceptual Grading Plan (Figure 3.15) provides a balance of cut and fill for the Specific Plan area. Grading and earthwork analysis indicate the project can balance without the use of retaining walls. Earthwork will include approximately 242,079 cubic yards (CY) of cut and 242,079 CY of fill with 292,457 CY of over-excavation. Geotechnical and/or environmental conditions encountered during grading operations may impact final earthwork calculations. Grading plans for each development project within the Specific Plan area will be reviewed and approved by the City of Ontario prior to the issuance of grading permits. Grading plans and activities will conform to the City's grading ordinance and dust and erosion control requirements.

All landscaped areas within the Specific Plan area shall be graded as shallow swales and designed to accept runoff water from impervious surfaces. Water quality retention basins, trenches, etc., (the exact location of which will be determined at the time of Water Quality Management Plan (WQMP) approval for individual implementing projects) will have a maximum side slope of 3:1.

3.8 Dry Utilities Plan

Utility services provided to the site will be installed underground in accordance with City of Ontario guidelines.

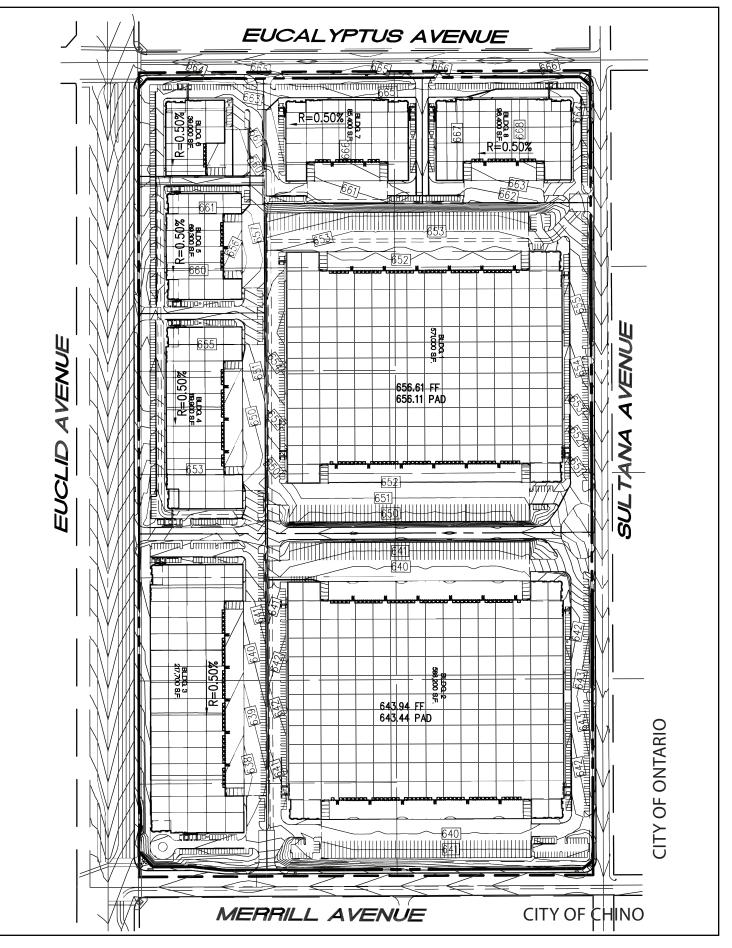
3.8.1 Communication System

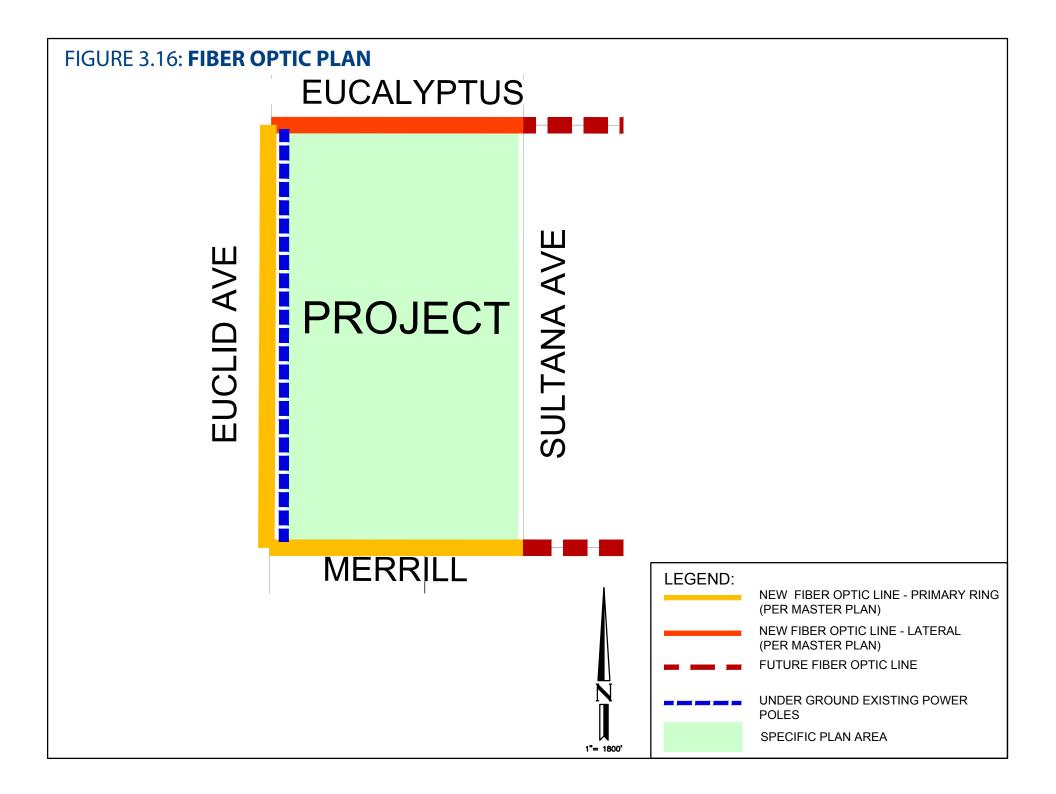
Developments in Ontario Ranch are required to install and provide fiber conduit to all improved lots. Proposed on-site facilities will be placed underground within a duct and structure system that will be installed by the developer. Pursuant to the City of Ontario 2013 Fiber Optic Master Plan, the fiber optic network will be owned and operated by the City of Ontario and as such maintenance of the installed system will be the responsibility of the City and/or Special District fiber optic entity and not the developer. According to the City's Fiber Optic Master Plan, the proposed fiber optic infrastructure, including approximately 23 miles of backbone fiber south of Riverside Drive, is an investment into a long term capital asset using newly constructed and existing conduit to provide high speed communication links to key locations throughout the City. The Specific Plan area will be connected to the City's system as shown on Figure 3.16.

3.8.2 Natural Gas

The Gas Company will provide natural gas to the Specific Plan area. Gas mains will be installed to the individual development projects by the Gas Company, as necessary.

FIGURE 3.15: CONCEPTUAL GRADING PLAN





3.8.3 Electricity

Southern California Edison will provide electricity to the Specific Plan area from existing facilities in the vicinity. All new lines within the Specific Plan area shall be installed according to City of Ontario requirements.

3.9 Storm Drainage Plan

The Specific Plan area storm drain improvements (Figure 3.17) are consistent with the facilities specified in Drainage Area XIV of the City of Ontario Storm Drain Master Plan (Figure 3.18).

Catch basins located throughout the site will collect runoff. On-site storm drain systems will convey runoff southerly to a reinforced concrete box facility in Merrill Avenue. Landscaped areas adjacent to Euclid Avenue will continue to drain to the street. The Specific Plan will also construct storm drains in Eucalyptus Avenue and Euclid Avenue north of Merrill Avenue. The reinforced concrete box facility in Merrill Avenue will end just north of the existing earthen channel, located between the paved portions of Euclid Avenue and the existing easterly right-of-way. The storm water will then bubble up in the structure and spill out into the existing channel where it will continue to flow south to eventually discharge south of Pine Avenue in the City of Chino.

Though the Specific Plan will construct several storm drains consistent with the Storm Drain Master Plan, the ultimate discharge location downstream, between Pine Avenue and Merrill Avenue in the City of Chino, is not fully improved at this time. Until this occurs, the project will utilize on-site storm water detention so that discharge from Specific Plan development remains less than peak flow rates prior to development.

Each storm drain in Euclid Avenue and Merrill Avenue will be equipped with a hydrodynamic separator or equivalent alternative approved devices to satisfy the statewide trash mandate. Each device will be approved by and listed on the Certified Full Capture System List of Trash Treatment Control Devices of the State Water Resources Control Board (SWRCB).

3.9.1 NPDES Compliance

The grading and drainage of the Specific Plan area will be designed to retain/infilter, harvest, and re-use or biotreat surface runoff to comply with the current requirements of the San Bernardino County NPDES Stormwater Program's Water Quality Management Plan (WQMP) for significant new development projects. The objective of the WQMP for this project is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants and changes in hydrology. These effects may be minimized through the implementation of site designs that reduce runoff and pollutant transport by minimizing impervious surfaces and maximizing on-site infiltration, employing Source Control Best Management Practices (BMP's), or using on-site structural Treatment Control BMP's where the infeasibility of installing Low Impact Development BMP's is demonstrated.

New development within the Specific Plan area will utilize a variety of Low Impact Development site drainage designs to manage stormwater, including but not limited to retention/infiltration basins, trenches and swales, and above ground bio-treatment systems. Development projects within the Specific Plan area will comply with the latest Low Impact Development guidelines and incorporate features including but not limited to:

- Landscape designs that promote water retention and incorporation of water conservation elements such as use of native plants and drip irrigation systems;
- Permeable surface designs in areas with low traffic;
- Parking lots that drain to landscaped areas to provide retention and infiltration, or bio-treatment where infiltration is infeasible;
- Limit soil compaction during grading operations within landscaped storm water infiltration areas to no more than 80 percent compaction.

Prior to the issuance of a grading or construction permit, a Storm Water Pollution Prevention Plan (SWPPP), Erosion & Sediment Control Plan sheets, and a WQMP will be prepared and approved. The SWPPP and Erosion & Sediment Control Plan Sheets will identify and detail all appropriate BMP's to be implemented or installed during construction of the project, and the WQMP will describe all post-construction BMP's designed to address water quality and quantity of runoff for the life of the project.

3.10 Public Services

This sub-section addresses public services within the Specific Plan area, including police, fire and solid waste disposal services.

3.10.1 Police

The City of Ontario will provide police services to the Specific Plan area. The closest police station is located approximately five miles north of the Specific Plan area at 2500 S. Archibald Avenue, just south of SR-60. This station is also the City of Ontario Police Department headquarters.

3.10.2 Fire

The City of Ontario will provide fire protection services to the Specific Plan area. The Ontario Fire Department currently has eight stations, which are staffed with eight fourman paramedic engine companies and two four-man truck companies. The closest operational fire station, Station 2, is located at 544 W Francis Street, approximately four miles north of the Specific Plan area.

3.10.3 Solid Waste Disposal

The City of Ontario will provide solid waste services to the Specific Plan area. The City offers a full array of commercial and industrial services designed to meet the business community's needs. Solid waste facilities will follow the "Solid Waste Department Refuse and Recycling Planning Manual." The Manual establishes the City of Ontario's requirements for refuse and recycling storage and access for service, as well as addresses

the City's recycling goals. The Mid-Valley Landfill is the nearest County of San Bernardino landfill located at 2390 N. Alder Avenue in the City of Rialto, approximately 20 miles northeast of the Specific Plan area.

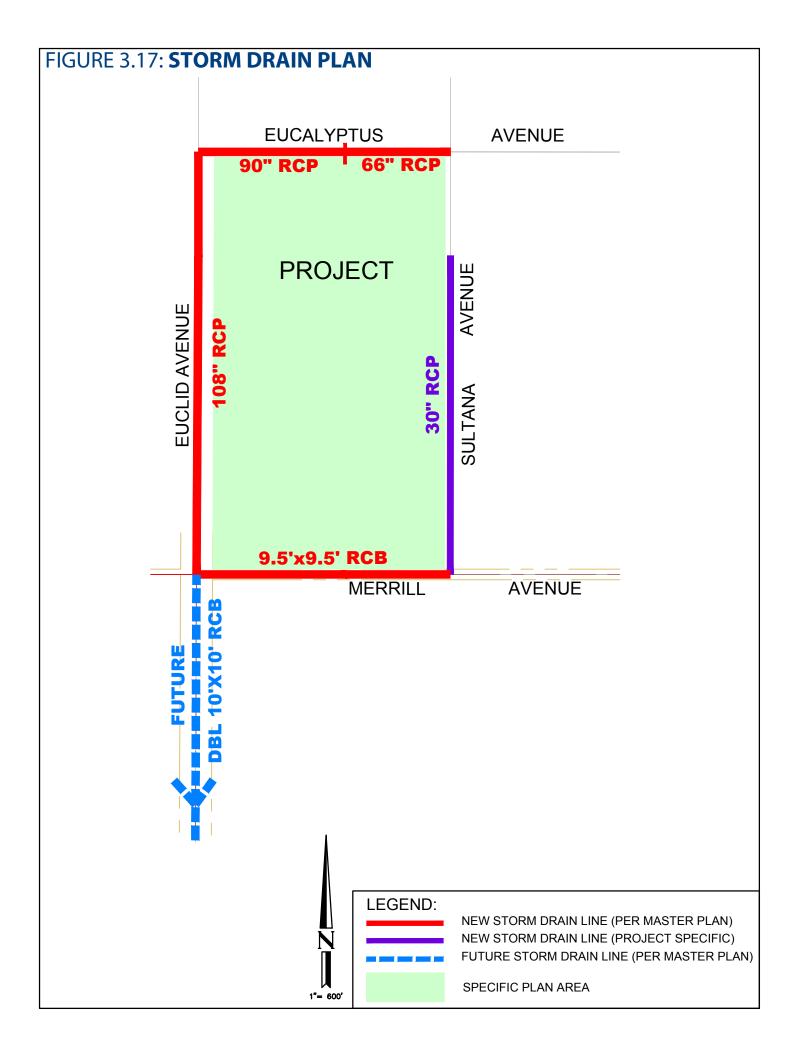
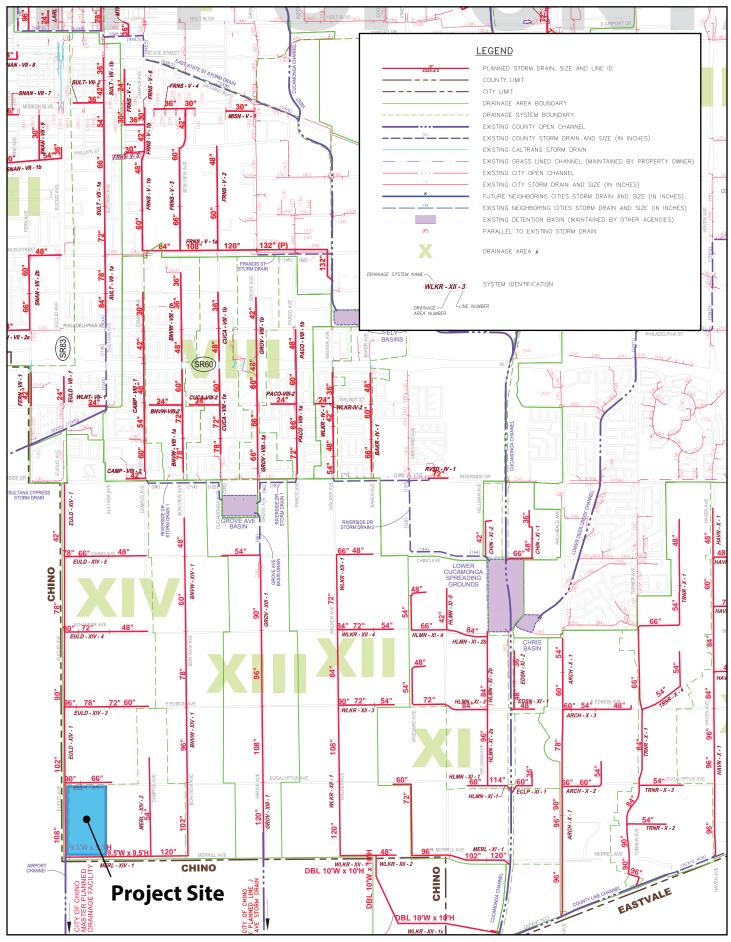


FIGURE 3.18: CITY OF ONTARIO PLANNED DRAINAGE FACILITIES



3.11 Phasing Plan

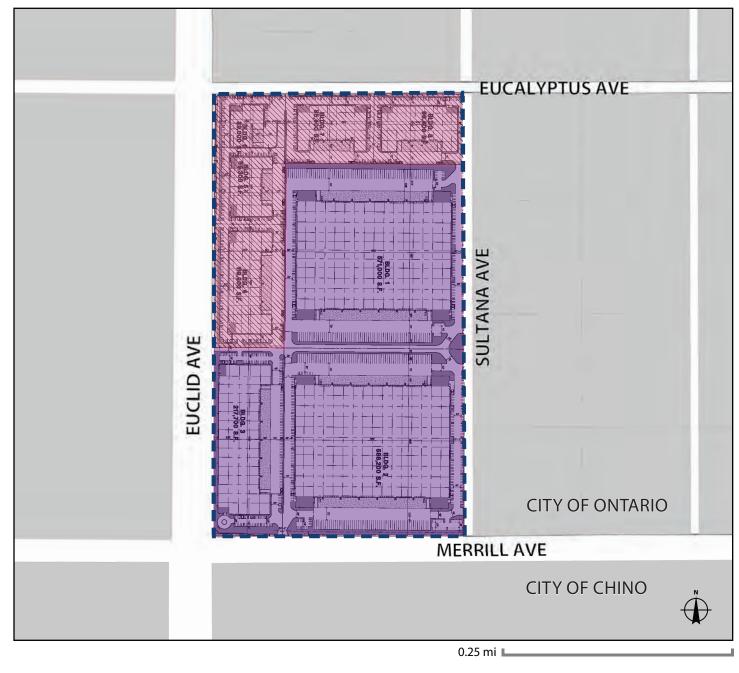
Development phasing of the project site will be determined by the landowner and/or developer based upon real estate market conditions. Phasing will occur as appropriate levels of infrastructure are provided. Phasing sequencing is subject to change over time to respond to various market and local factors and as such, individual phases may overlap or develop concurrently. Infrastructure improvements, as required and approved by the City Engineer to support the development, will be installed by the developer. Figure 3.19, Conceptual Phasing Plan, describes two general phases of development for Ontario Ranch Business Park.

Specific Plan backbone infrastructure will be installed by the project developer, in accordance with the applicable City-adopted infrastructure plan for the area, as well as the provisions of this Specific Plan and an approved Development Agreement. Fair share responsibilities for improvements will be addressed in a Development Agreement with the City of Ontario. The timing for installation of infrastructure and utilities within the Specific Plan area will be determined as part of the City's approval of parcel maps. Infrastructure will be constructed and made available in a timely manner as development progresses. All of the Specific Plan required infrastructure can be found in Section 3.3 (Figures 3.3 and 3.5) for Streets, Section 3.4 (Figure 3.9) for Potable Water, Section 3.5 (Figure 3.11) for Recycled Water, Section 3.6 (Figure 3.13) for Sewer, Section 3.8 (Figure 3.16) for Fiber Optics, and Section 3.9 (Figure 3.17) for Storm Drain. Phasing will be determined per separate Development Agreement.

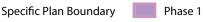
Phase 1: Phase 1 consists of the construction of the storage, warehousing, and industrial development in Planning Area 2. This phase may be developed in two or more sub-phases, based on development plans.

Phase 2: Phase 2 consists of the construction of the business park development in Planning Area 1. This phase may be developed in several sub-phases in response to market demands and according to the logical and orderly completion of infrastructure improvements. Final grading and infrastructure improvements will be completed in accordance with the approved Development Agreement and City Engineer approval.

FIGURE 3.19: CONCEPTUAL PHASING PLAN







Phase 2

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4.0 LAND USE AND DEVELOPMENT STANDARDS

This chapter identifies the allowable uses and the standards for building heights, setbacks, parking, coverage, landscape, signage, and all other development standards within the Specific Plan area. The application of these regulations is intended to create a harmonious relationship within the Specific Plan area and with the surrounding land uses as well as to protect the health, safety, and general welfare of the community.

4.1 General Provisions

Upon adoption of the Specific Plan, the development standards and procedures established within the Specific Plan become the governing zoning standards for any new construction, addition, or remodel within the Specific Plan area. However, in reviewing individual projects requiring discretionary approval, additional conditions may be applied by the approving body to accomplish the goals and objectives of this Specific Plan.

4.2 Allowable Uses

Table 4.1 (Land Use Matrix) shows the allowable land use, activity, or facility permitted within the Specific Plan's BP (Business Park) and IG (Industrial - General) Zoning Districts, as discussed in Chapter 3. These uses include a variety of industrial-serving commercial, low-intensity office, technology, light manufacturing, and warehouse/distribution uses that are compatible with the site's location within Safety Zone 3 of the Chino Airport. The letters/symbols used in Table 4.1 shall have the following meanings:

"P" - Permitted Land Uses

A Permitted Use (P) is permitted by right and may be established as the primary use of a building without the need for discretionary approval. Permitted Uses are subject to the development standards and guidelines applicable to the zoning district in which the use is located.

"C" - Conditionally Permitted Land Uses

A Conditionally Permitted Use (C) is permitted upon issuance of a Conditional Use Permit (CUP) pursuant to Section 4.02.015 of the Ontario Development Code and City processing procedures.

"A" - Administratively Permitted Uses

An Administratively Permitted Use (A) is permitted upon issuance of an Administrative Use Permit (AUP) pursuant to Section 4.03.015 of the Ontario Development Code and City processing procedures.

"--" - Prohibited Land Uses

A land use indicated with a "--" symbol is prohibited within the zoning district.

Land Uses Not Listed

A land use not listed in Table 4.1 shall be considered a prohibited land use. For land uses similar to those listed in Table 4.1, but not expressly stated in this Specific Plan, the Planning Director or his/her designee has the authority to make a determination of the applicability of similar land uses.

Land Use	BP District	IG District
AGRICULTURAL USES	Bi Bistrict	le bistrict
Commercial Crop Production and Farming (excluding marijuana)	С	Р
Community Gardens, Urban Farms, and Related Uses	A	A
Kennels and Catteries		P
RESIDENTIAL USES		•
Caretaker's Unit (not to exceed 1,000 square feet)	Α	Α
CONSTRUCTION	~	
Contractors (e.g., building construction, site preparation, capital		
improvement projects)		
Completely within a building	Р	Р
With outdoor storage		P
MANUFACTURING		-
Apparel Manufacturing	Р	Р
Artisan Crafts (made by hand) such as glassworks, jewelry, and		
pottery	Р	Р
Beverage Manufacturing		С
Chemical Manufacturing (excludes pesticides and fertilizers)		С
Computer and Electronic Product Manufacturing	Р	Р
Electrical Equipment, Appliance and Component Manufacturing	Р	Р
Fabricated Metal Product Manufacturing		Р
Ammunition and Arms	С	С
Food Manufacturing, General (but excluding animal slaughtering		Р
and processing and seafood product preparation and packaging)		Р
Food Manufacturing, Limited (bread, tortilla, snack foods, roasted		
nuts and peanut butter, coffee, tea, flavoring syrup, seasoning and	С	С
dressing, spice extract)		
Furniture and Related Product Manufacturing	Р	Р
Glass and Glass Product Manufacturing		С
Leather and Allied Product Manufacturing (excluding leather and	Р	Р
hide tanning and finishing)	P	P
Machinery Manufacturing		Р
Miscellaneous Manufacturing (medical equipment and supplies,	Р	Р
jewelry, sporting goods, toys, office supplies, signs, etc.)	Г	F
Paper Manufacturing		С
Pharmaceutical and Medicine Manufacturing (excludes biological	С	С
product manufacturing)		
Printing and Related Support Activities	Р	Р
Primary Metal Manufacturing		С

Table 4.1: Allowable Uses

Table 4.1: Allowable Uses

Land Use	BP District	IG District	
Petroleum and Coal Products Manufacturing		C	
Plastics Product Manufacturing		Р	
Rubber Product Manufacturing		С	
Textile Mills		С	
Textile Product Mills		С	
Transportation Equipment Manufacturing		Р	
Wood Product Manufacturing		С	
WHOLESALE TRADE		1	
Merchant Wholesalers, Durable Goods - General (includes motor			
vehicles and parts, lumber and construction materials, metals and			
minerals other than petroleum, and machinery equipment and		Р	
supplies)			
Merchant Wholesalers, Durable Goods - Limited (includes furniture			
and home furnishings, professional and commercial equipment and			
supplies, hardware, plumbing, and heating equipment and	Р	Р	
supplies)			
Merchant Wholesalers, Nondurable Goods (excludes industrial			
gases, petroleum bulk stations and terminals, and fireworks and		Р	
explosives merchant wholesalers)			
Wholesale Electronic Markets, Agents and Brokers (excludes			
automobile auctions)	Р		
HEALTH CARE AND SOCIAL ASSISTANCE	•	•	
Ambulatory Health Care Services	Р		
Child Day Care Services (Commercial Facilities)			
Child Day Care Services (Employer Provided Services)			
Medical Office	Р		
Vocational Rehabilitation Services	C		
COMMERCIAL USES			
Information			
Broadcasting	Р	Р	
Data Processing, Health, and Related Services	Р	Р	
Publishing Industries	Р	Р	
Motion Picture and Sound Recording Facilities (excludes movie			
theaters)	Р	Р	
Recording and sound studios	Р		
Telecommunication Facilities	Р	Р	
Eating and Drinking Places, and Food Services		L	
Alcoholic beverage sales for consumption on the premises			
(includes all retailer's on-sale licenses issued by the State of	С		
California Department of Alcoholic Beverage Control)			
Food Bank or Meal Delivery Services	С	С	
Restaurant			
Without drive-thru	Р		
With drive-thru	С		
Motor Vehicle Mechanical and Electrical Repair and Maintenance			
Servicing Facilities (limited to retail-oriented services, such as			
	Р		

Table 4.1: Allowable Uses

Land Use	BP District	IG District
activities that involves the limited use of pneumatic tools or		
equipment that create noise impacts)		
General Repair Facilities (includes general motor vehicle mechanical maintenance of air conditioning, brake, cooling, electric, exhaust, fue engine, transmission, and drive train)		-
General Repair Facilities - Automobile, Light Truck and Van Repair and Maintenance	С	С
 General Repair Facilities- Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance 		С
Automotive Body, Paint, Interior and Glass Repair		
 Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization 	С	С
 Minor Customization Work (limited to the "bolt-on" replacement or addition of parts only no body or paint work is allowed) 	с	С
 Large Truck and Bus Body, Paint, and Interior Repair and Maintenance 		С
Personal Services		
Couriers and Messengers	Р	Р
Commercial and Industrial Machinery and Equipment Repair and Maintenance (except automotive and electronic)		Р
Electronic and Precision Equipment Repair and Maintenance	Р	Р
Fitness and Recreational Sports Center		I
Gross Floor Area less than 10,000 square feet	Р	
Gross Floor Area 10,000 square feet or more	С	
Industrial Laundry and Linen Supply	С	С
Personal and Household Goods Repair and Maintenance	Р	Р
Pet Boarding and Kennels		
Day only (e.g. Doggie Daycare)	С	
Overnight Stays	С	
Postal Services	Р	Р
Passenger Car Rental and Leasing	С	
Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing	С	Р
Offices		
Administrative and Support Services	Р	
Finance and Insurance Offices	Р	
Management of Companies and Enterprises	Р	
Office Ancillary to a Primary Industrial Use (less than 10% of GFA)	Р	Р
Professional, Scientific, and Technical Services (e.g. accounting, tax preparation, architecture, bookkeeping, legal, engineering, consulting)	Р	
Real Estate Offices	Р	

Table 4.1: Allowable Uses

Retail Alcoholic beverage sales for consumption off the premises (includes all retailer's off-sale licenses issued by the State of	C C	
(includes all retailer's off-sale licenses issued by the State of	-	
	-	
	С	
California Department of Alcoholic Beverage Control)	С	
Auction Houses		
Automotive Parts and Accessories (including tires)	Р	
Convenience stores (without alcoholic beverage sales)	Р	
Gasoline Fueling Station with or without Convenience Store	С	
(without alcoholic beverage sales)	Ľ	
Internet Fulfillment/Warehousing/Distribution (E-Commerce)	Р	Р
Industrial Retail Sales (retail sales of goods and/or products either		
manufactured, warehoused or wholesaled on-site)		
• Maximum 15% of building floor area or 8,000 square feet,	٨	А
whichever is less	whichever is less	
• Over 15% of building floor area or 8,000 square feet	С	С
Non-Store Retailers (includes electronic shopping and mail-order		
houses, vending machine operators, and other direct selling	Р	Р
establishments (excluding fuel/petroleum dealers)		
WAREHOUSING		
Warehousing and Storage (General and Other)		
Completely within a building	Р	Р
Outdoor Storage Accessory to an Allowed Use	А	А
Outdoor Storage as the Primary Use		С
Refrigerated Warehousing and Storage	Р	Р
OTHER		
Religious Assembly	С	
Parking Facilities	Р	
Vocational/Trade Schools	С	С
Notes:		

1. P=Permitted, C= Conditionally Permitted, A=Administratively Permitted, -- = Prohibited

2. Refer to the Specific Plan EIR and Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) for additional development criteria and policies that may affect allowable land uses.

4.3 Development Standards

Table 4.2 (Development Standards) provides a summary of the development standards applicable to the land uses, structures, and related improvements located within the Specific Plan area. Refer to the Ontario Development Code for any standard not addressed in Table 4.2.

Table 4.2 Development Standards

Production from the standard	Zoning District	
Development Standard	BP	IG
Minimum Lot Area	10,000 sq ft	20,000 sq ft
Minimum Lot Dimensions	·	
1. Lot Width	100 ft	100 ft
2. Lot Depth	100 ft	100 ft
Maximum Floor Area Ratio ^{1,2}	0.45	0.54
Maximum Building Footprint ³	125,000 sq ft	N/A
Minimum Landscape Setback		
1. Euclid Avenue	35 ft	35 ft
2. Eucalyptus Avenue	23 ft	N/A
3. Merrill Avenue	N/A	23 ft
4. Sultana Avenue	10 ft	10 ft
5. Interior Side	N/A	N/A
6. Interior Rear	N/A	N/A
Minimum Building Setback ⁴		
1. Euclid Avenue	35 ft	35 ft
2. Eucalyptus Avenue	23 ft	N/A
3. Merrill Avenue	N/A	23 ft
4. Sultana Avenue	10 ft	10 ft
5. Interior Side	10 ft	10 ft
6. Interior Rear	10 ft	10 ft
Minimum Parking Space and Drive Aisle Separation	ons ^{5,6,9}	
 Parking Space or Drive Aisle to Street Property Line 	20 ft	10 ft
 Parking Space or Drive Aisle to Interior Property Line 	5 ft	5 ft
	Areas adjacent to public entries and office areas: 10 ft	
 Parking Space to Buildings, Walls, and Fences 	Areas adjacent 5 ft	to other building areas:
	Within screened loading and storage yard areas: 0 ft	
 Drive Aisles to Buildings, Walls, and Fences 	5 ft	5ft
 Drive Aisles within Screened Loading and Storage Yard Areas 	0 ft	0 ft
Maximum Building Height ^{7,8}	45 ft	55 ft
Minimum Landscape Coverage	15%	10%

Table 4.2 Development Standards

Zoning District				
Development Standard		BP	IG	
Walls, Fences, and Hedges: Per Ontario Development Code Division 6.02 (Walls, Fences, and Obstructions) and Section 5.5 (Buffering and Screening) in the Design Guidelines.				
Notes:				
1.	The max Floor Area Ratio (FAR) for Planning A 0.45 up to an FAR of 0.60, provided that the to 1 does not exceed 0.45 FAR and the total comexceed 457,904 square feet.	otal average FAR fo	or the entire Planning Area	
2.	The max Floor Area Ratio (FAR) for Planning A of 0.54 up to an FAR of 0.55, provided that the Area 2 does not exceed 0.54 FAR and the tota exceed 1,447,123 square feet.	e total average FAI	R for the entire Planning	
3.	 The maximum building footprint limit is applicable only to buildings that front onto a public right-of-way. All setback areas shall be measured from the property line and shall be landscaped. 			
4.	4. Within yard areas fully screened by a decorative wall, there shall be no minimum drive aisle or parking space setback required, unless adjacent to residentially zoned properties.			
5.	5. The minimum separation area between a building, wall, or fence, and a parking space or drive aisle shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 5-foot wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.			
6.	Architectural projections, mechanical equipm exceed maximum height up to 25 percent abo			
7.	The maximum building height and floor area r Ontario International Airport Land Use Compa ALUCP for properties affected by airport safet and policies that may affect allowable land us	ratio may be restri atibility Plan (ONT cy zones for additio	cted pursuant to the ALUCP). Refer to the	
8.	The use of surrounding roads, drive aisles and requirement for the Chino Airport Overlay zon Airport Influence Areas).		-	

Table 4.3 (Off-Street Parking and Loading Design Standards) establishes the design standards for off-street parking in the Specific Plan area. Refer to the Ontario Development Code for any standard not addressed in Table 4.3.

Development Standard	Requirement		
Parking space dimensions			
1. Standard parking	9 feet wide by 18 feet long		
2. Tractor trailer parking	12 feet wide by 45 feet long		
3. At grade loading space	12 feet wide by 18 feet long		
Minimum aisle width with 90-degree parking angle	24 feet		
Maximum gradient at parking space	5 percent measured in any direction		
Dock-high loading facilities			
1. Dock high loading door loading space	12 feet wide by 45 feet long with 14-foot minimum vertical clearance measured from finished surface of loading dock.		
2. Truck maneuvering area	Designed to accommodate the minimum practical turning radius of a 53-foot semi-trailer and tractor combination.		

Table 4.3: Off-Street Parking and Loading Design Standards

Table 4.4 (Required Number of Parking and Loading Spaces) specifies the number of parking spaces that must be provided according to land use. For a use not specified in the table, refer to the Ontario Development Code, Table 6.03-1: Off-Street Parking Requirements.

Table 4.4: Required Number of Parking and Loading Spaces

Land Use	Number of Required Spaces
Multi-tenant business park	3 spaces per 1,000 square feet plus required parking for "general business offices" when exceeding 10 percent of gross floor area; plus one tractor trailer parking space per 4 dock-high loading doors
General office when office use exceeds 10 percent of building gross floor area	4 spaces per 1,000 square feet of gross floor area of office use
Industrial speculative buildings	 Per 1,000 square feet of gross floor area: Up to 50,000 sq ft: 1.85 spaces 50,001 – 100,000 sq ft: 1 space 100,001 sq ft and over: 0.5 space One tractor trailer parking space per 4 dock-high loading doors. Plus required parking for "general business offices" and other associated uses, when those uses exceed 10 percent of the building gross floor area.
Manufacturing	1.85 spaces per 1,000 square feet of gross floor area, plus one tractor trailer parking space per 4 dock-high loading doors, plus required parking for "general business offices" and other associated uses, when those uses exceed 10 percent of the building gross floor area.
Restaurants (includes outdoor seating area up to 25 percent of gross floor area)	 Under 2,000 square feet: 5 spaces per 1,000 square feet of gross floor area More than 2,000 square feet:10 spaces per 1,000 square feet of gross floor area
Warehousing and distribution (includes office uses if less than 10 percent of building gross floor area)	1 space per 1,000 square feet of gross floor area for first 20,000 square feet; 0.5 space per 1,000 square feet of additional gross floor area, plus one tractor trailer parking space per 4 dock-high loading doors plus required parking for "general business offices" and other associated uses, when those uses exceed 10 percent of the building gross floor area.

Sufficient off-street loading and unloading spaces shall be provided on each development site, and adequate provisions and space shall be made for maneuvering freight vehicles and handling freight. Loading activity, including turnaround and maneuvering, shall be made on site. Buildings, structures, and loading facilities shall be designed and placed on the site so that vehicles, whether rear loading or side loading, may be loaded or unloaded at any loading dock, door, or area without extending beyond the property line.

Land Use and Development Standards

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5.0 DESIGN GUIDELINES

This chapter identifies conceptual themes for site planning, architecture, and landscape design within the Specific Plan area. The guidelines are intended to ensure a cohesive and attractive development that meets the following objectives:

- 1. Demonstrates high quality development that complements and integrates into the community and adds value to the City.
- 2. Creates a functional and sustainable place that ensures Ontario Ranch Business Park is competitive regionally and appropriate in the Ontario Ranch community.
- 3. Illustrates the distinctive characteristics of the two land use plan zoning districts: Business Park District (Planning Area 1) and Industrial - General District (Planning Area 2).
- 4. Establishes criteria for building design and materials, landscape design, and site design that provide guidance to developers, builders, architects, landscape architects, and other professionals preparing plans for construction.
- 5. Provides guidance to City staff and the Planning Commission in the review and evaluation of future development projects in the Ontario Ranch Business Park Specific Plan area.
- 6. Incorporates construction and landscape design standards that promote energy and water conservation strategies.
- 7. Implements the goals and policies of The Ontario Plan and the intent of the Ontario Development Code.

5.1 Site Design

As discussed in Chapter 3, Planning Area 1 is sited along the northern portion of the site to buffer the existing residential uses located on the west side of Euclid Avenue within the City of Chino from the industrial and/or warehouse and distribution uses of Planning Area 2. Site design within Planning Area 1 (Business Park District) and Planning Area 2 (Industrial - General District) shall incorporate the following design features.

Key provisions include:

- 1. Provide a well-organized site plan that emphasizes pedestrian connectivity and attractive landscape areas for the public through the location and arrangement of buildings, circulation, and parking areas.
- 2. Orient buildings towards street frontages to create an inviting public perimeter. Enhanced elevations shall be provided for buildings that front Euclid Ave.
- 3. Provide visible pedestrian access to buildings from the street, parking areas, and perimeter sidewalks through signage, prominent architectural features, and landscape design.

- 4. Employ enhanced paving, accent trees, and other landscape features that highlight major building entries.
- 5. Design drive aisles to minimize impact to pedestrians, provide adequate stacking space, and prevent queuing of vehicles onto public streets.
- 6. Locate visitor and short-term parking areas at the front and sides of buildings near primary building entrances.
- 7. Organize landscaped areas, drive entrances, and/or buildings to create separate parking areas to prevent the parking lot from being the dominant visual element.
- 8. Locate loading and storage areas away from streets when feasible, ensure adequate space for vehicle backing and maneuvering on-site, and provide adequate parking for loading vehicles so normal traffic flow is not impeded.
- 9. Screen parking areas and loading docks facing the street using landscape buffers planted with screen trees and drought tolerant vegetation.
- 10. Orient and screen elements such as trash enclosures, loading bay doors, and service docks to minimize their visibility.
- 11. Locate service entrance to prevent conflict with front entry.
- 12. Place electrical rooms and transformers away from front entries and street views.

5.2 Architectural Design

The building design, materials, colors, and textures establish its theme and character. Architecture shall be compatible and complementary with other buildings within the Specific Plan area; however, design diversity is encouraged to provide visual interest. Although development within Planning Area 1 and Planning Area 2 differ in building height and scale, similar design concepts apply as follows.

Key provisions include:

- 1. Ensure scale, massing, fenestration, materials, and colors are consistent with the building's architectural style and compatible with the overall design in the Specific Plan area.
- Avoid blank walls by providing articulation on building elevations visible from a public right-of-way through elements such as cornices, parapets, expression lines, and changes in materials and/or colors.
- 3. Provide the greatest level of articulation on the front facades that are visible from the public rights-of-way and at the main entrances.
- Design entry features as a significant aspect of a building's overall composition through massing, detailing, architectural treatments, and/or special materials and colors.
- 5. Employ recessed or covered building entrances to provide shade and visual relief.
- 6. Design office buildings, business parks, and office areas of industrial or warehouse buildings with an emphasis on the use of windows, architectural details, and building articulation.
- Integrate the design of industrial/warehouse office areas into the overall building composition so they create powerful architectural statements and not visually disjointed "add-ons".
- 8. Employ a minimum of four different colors, materials, and/or textures on each building.
- 9. Avoid terminating a change in material or color at a building edge; instead, select a logical termination point in relation to the architectural features or massing.
- 10. Paint exposed downspouts, service doors, and mechanical screens the same color as the adjacent wall. Exposed downspouts are not permitted on elevations that front onto a street.

Design Guidelines



Planning Area 1 Architectural Design Examples



Planning Area 2 Architectural Design Examples

Ontario Ranch Business Park Specific Plan

5.3 Landscape Design

Conceptual landscape plans encourage durable landscape materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits. The following guidelines ensure that intersection sight lines and pedestrian safety are preserved. Landscaping plans within the Specific Plan area to comply with City of Ontario Landscape Development Guidelines and the Standard Drawings and Traffic and Transportation Guidelines for sight-distance.

Key provisions include:

- 1. Landscape and irrigate all areas of the site not covered by buildings, structures, paving, or impervious surfaces.
- Design and grade projects to direct storm runoff from building roofs and paved areas into swaled landscape areas for retention/infiltration. Landscape areas may be used for storm water basins and swales at no greater than 50% of the available landscape area and may not obstruct the mature root zone of required tree locations
- 3. Provide shade for expanses of paving, building walls, roofs, and windows with irrigated shade trees located in appropriate areas where space permits to reduce the impacts of heat gain.
- 4. Design parking lot landscaping to reduce associated heat buildup, improve aesthetics, and integrate with on-site landscape and adjacent streetscape.
- 5. Use landscaping to aid in the screening and buffering of mechanical equipment, trash collection areas, loading docks and outside storage areas from public view.
- 6. Show utilities on plan and keep utilities clear of required tree locations. Coordinate with the landscape plans. Utilities such as backflow devices and transformers shall be screened using landscaping that provides at least 75 percent coverage. Backflow devices and transformers shall be located at least five feet from hardscape to ensure space for landscape screening.
- Prepare landscape plans that meet the requirements of the Landscape Development Guidelines and provide for the efficient use of water. Plants shall be selected and planted based upon their adaptability to the climate and topographical conditions of the project site.
- 8. Select drought-tolerant plants such as colorful shrubs and groundcovers, ornamental grasses and succulents, evergreen and deciduous trees, and species native to Southern California or naturalized to the arid Southern California climate.
- 9. Incorporate water conservation features in landscape and irrigation plans.
- 10. Place a landscape planter island every ten parking spaces within parking lots. Planter islands shall be at least five feet in width exclusive of curbs and the length of the abutting parking space. Planter islands shall include at least one tree, appropriate shrubs, and groundcover. Parking areas located behind screen walls shall not be subject to this provision.

- 11. Provide a minimum dimension of five feet exclusive of curbs for all landscape areas, except for vine pockets.
- 12. Space living plant materials less than or equal to the mature plant diameter. Nonliving ornamental landscape materials may comprise a maximum of five percent of the landscape area requirements and shall be permeable.

5.3.1 Streetscapes

Streetscape design creates an aesthetically pleasing view for pedestrians and motorists, screens parking and loading areas from the public right-of-way, and integrates the development into the surrounding community. The streetscape designs presented are conceptual only; final grading, plantings, and tree locations will be determined on a project-by-project basis.

5.3.1.1 Euclid Avenue Streetscape

Euclid Avenue features a wide raised landscaped median planted with trees, a 15-foot wide parkway and a 35-foot wide landscape setback. The parkway will include a 10-foot wide curb-adjacent landscape strip generally planted with trees and groundcover and a five-foot wide sidewalk. Tree species along the perimeter of Euclid Avenue will include Grevillea robusta in the parkway, Cedrus deodara groups behind the sidewalk alternating with groups of Cercis canadensis 'Forest Pansy' and Schinus molle in the median. Combined, the parkway and landscape setback create a 50-foot "Neighborhood Edge" as established in the Ontario Ranch Streetscape Master Plan, which is intended to provide a buffer at the Specific Plan boundary as well as a pleasing visual statement along the major City thoroughfare (Figure 5.1).

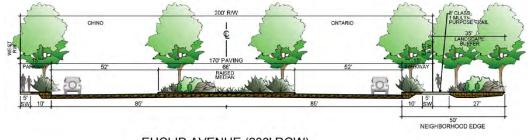


FIGURE 5.1: EUCLID AVENUE CONCEPTUAL STREETSCAPE

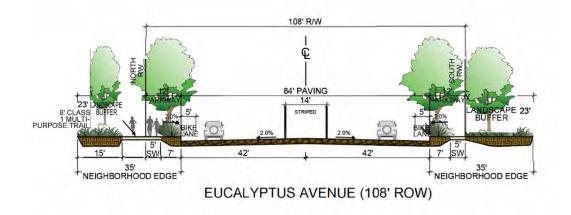
5.3.1.2 Eucalyptus Avenue Streetscape

The typical Eucalyptus Avenue section will feature a 12-foot wide parkway and 23-foot wide landscape setback to create a 35-foot Neighborhood Edge. The parkway will include a seven-foot wide curb-adjacent landscape strip generally planted with trees and groundcover and a five-foot wide sidewalk. Tree species along Eucalyptus Avenue will include Pistache trees in the parkway and behind the sidewalk alternating with groups of

EUCLID AVENUE (200' ROW)

Podocarpus gracilior trees. The Neighborhood Edge creates a buffer along the Specific Plan boundary as well as a visual statement (Figure 5.2).

FIGURE 5.2: EUCALYPTUS AVENUE CONCEPTUAL STREETSCAPE



5.3.1.3 Merrill Avenue Streetscape

The typical Merrill Avenue section will feature an eight-foot wide on-street Class II bike lane, 12-foot wide parkway and 23-foot wide landscape setback. The parkway will include a seven-foot wide curbadjacent landscape strip and a five-foot wide sidewalk. Tree species along Merrill Avenue will include Quercus agrifolia in the parkway and behind the sidewalk alternating with Cercis canadensis 'Forest Pansy.' The parkway and landscape setback will combine to form the 35-foot Neighborhood Edge buffer (Figure 5.3).

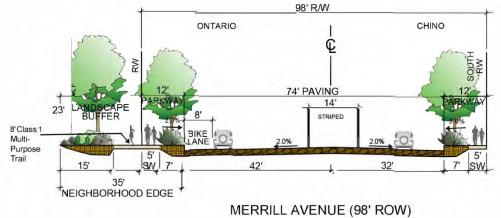


FIGURE 5.3: MERRILL AVENUE CONCEPTUAL STREETSCAPE

5.3.1.4 Sultana Avenue Streetscape

The typical Sultana Avenue section will feature a nine-foot wide parkway and 10-foot wide landscape setback. The parkway will include a four-foot wide curb-adjacent landscape strip and a five-foot wide sidewalk. Tree species along Sultana Avenue will include Koelreuteria paniculata and behind the sidewalk will include Quercus ilex (Figure 5.4).

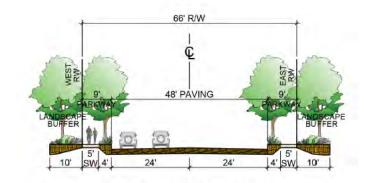


FIGURE 5.4: SULTANA AVENUE CONCEPTUAL STREETSCAPE

SULTANA AVENUE (66' ROW)

5.3.2 Project Entries

The Specific Plan area includes multiple shared vehicular driveways accessible from Euclid, Eucalyptus, and Merrill Avenues. Figure 5.5 presents a typical conceptual entry design featuring enhanced paving; a landscaped setback with flowering accent trees, canopy trees, and drought-tolerant landscaping; a multipurpose trail; sidewalk; and landscaped parkway with street trees.

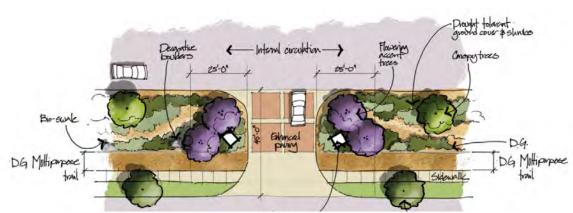


FIGURE 5.5: CONCEPTUAL VEHICULAR ENTRY

The conceptual site plan provides truck access via Sultana Avenue. Figure 5.6 illustrates the conceptual design featuring dedicated entry and exit driveways separated by a landscaped island planted with Coast Live Oak and California Sycamore.

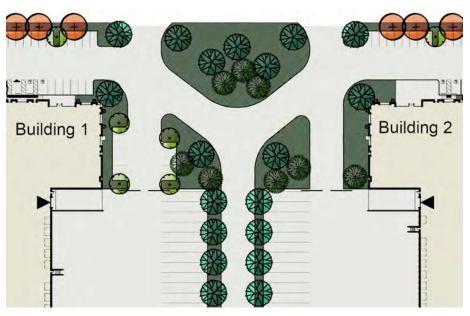


FIGURE 5.6: CONCEPTUAL TRUCK ENTRY

5.3.3 Plant Palette

The Plant Palette shown in Table 5.1 establishes a base palette for the Specific Plan area and includes a variety of groundcovers, shrubs, ornamental grasses, and evergreen and deciduous trees. The selection complements the design theme of the Specific Plan area and features water-efficient, drought-tolerant species native to the region. Similar plant materials may be substituted for the species listed in Table 5.1 if the alternative plants are climate appropriate and enhance the thematic setting.

Table 5.1: Plant Palette

Botanical Name	Common Name	Use
Chilopsis linearis	Desert Willow	Tree
Chitalpa tashkentensis		Tree
Cintaipa tashkentensis	Chitalpa Camphor Tree	Tree
Cupressus sempervirens	Italian Cypress	Tree
Heteromeles arbutifolia	Toyon	Tree
Juniperus s. 'Skyrocket'	Skyrocket Juniper Chinese Flame Tree	Tree
Koelreuteria bipinnata		Tree
Lagerstroemia i 'Muskogee'	Crape Myrtle	Tree
Olea europaea	Olive	Tree
Pinus canariensis	Canary Island Pine	Tree
Pinus eldarica	Afghan Pine	Tree
Pistacia chinensis	Chinese Pistache	Tree
Platanus acerifolia	London Plane	Tree
Platanus racemosa	California Sycamore	Tree
Quercus agrifolia	Coast Live Oak	Tree
Schinus molle	California Pepper	Tree
Tristania conferta	Brisbane Box	Tree
Washingtonia filifera	California Fan Palm	Tree
Phoenix dactylifera	Date Palm	Tree
Acca sellowiana	Pineapple Guava	Shrub
Buxus j. 'Green Beauty'	Japanese Boxwood	Hedge
Callistemon 'Little John'	Dwarf Bottle Brush	Shrub
Carissa macrocarpa 'Tuttle'	Natal Plum	Shrub
Cistus 'Sunset Pink'	Sunset Pink Rockrose	Shrub
Dianella 'Little Rev'	Dwarf Dianella	Shrub
Dianella tasmanica	Dianella	Shrub
Dodonaea viscosa 'Purpurea'	Hopseed Bush	Shrub
Eleagnus pungens	Silverberry	Shrub
Leucophyllum f. 'Green Cloud'	Texas Ranger	Shrub
Ligustrum j. texanum	Texas Privet	Shrub
Pittosporum tobira 'Variegata'	Variegated Mock Orange	Hedge
Pittosporum t. 'Wheeleri'	Wheeler's Dwarf	Shrub
Rhaphiolepis i. 'Clara'	Indian Hawthorn	Hedge
Rhaphiolepis i. 'Springtime'	Indian Hawthorn	Hedge
Rhamnus californica	Coffeeberry	Shrub
Rhamnus c. 'Mound San Bruno'	Dwarf Coffeeberry	Shrub
Rosmarinus o. 'Tuscan Blue'	Rosemary	Shrub
Salvia c. 'Allen Chickering'	Allen Chickering Sage	Shrub
Salvia greggii	Autumn Sage	Shrub
Salvia leucantha	Mexican Sage	Shrub
Westringia fruticosa	Coast Rosemary	Shrub
Xylosma congestum	Shiny Xylosma	Hedge
Agave 'Blue Flame'	Blue Flame Agave	Accent
Aloe maculata	Soap Aloe	Accent
Aloe petricola	Stone Aloe	Accent
Aloe polyphylla	Spiral Aloe	Accent
Aloe striata	Coral Aloe	
AIDE SUTULU		Accent

Botanical Name	Common Name	Use	
Echeveria 'Ruffles'	Ruffles Echeveria	Accent	
Hesperaloe parviflora	Red Yucca	Accent	
Acacia redolens 'Low Boy'	Dwarf Acacia	Groundcover	
Baccharis p. 'Pigeon Point'	Dwarf Coyote Bush	Groundcover	
Baccharis p. 'Centenial'	Coyote Bush	Groundcover	
Carex pansa	California Meadow Sedge	Grass	
Carex tumulicola	Foothill Sedge	Grass	
Festuca mairei	Altas Fescue	Grass	
Festuca o. 'Glauca'	Blue Fescue	Grass	
Lonicera j. 'Halliana'	Hall's Honeysuckle	Groundcover	
Muhlenbergia capillaris	Pink Muhly	Grass	
Myoporum parvifolium	Myoporum	Groundcover	
Rosa 'Flower Carpet' - Red	Red Flower Carpet Rose	Groundcover	
Rosmarinus o. 'Huntington Carpet'	Prostrate Rosemary	Groundcover	
Salvia 'Bee's Bliss'	Bee's Bliss Sage	Groundcover	
Senecio mandraliscae	Blue Fingers	Groundcover	
Sesleria autumnali	Moor Gras	Grass	
Trachelopspermum jasminiode	Star Jasmin	Groundcover	
Distictus buccinatoria	Blood-red Trumpet Vine	Vine	

Table 5.1: Plant Palette

5.4 Walls and Fences

Walls and fences are an important design feature intended to both complement building and landscape architecture and provide functional elements. Any proposed entry gates shall be reviewed and approved by the City of Ontario Traffic and Transportation Division prior to installation and will be permitted only if approved.

Key provisions include:

- 1. Provide attractive, durable, and complementary wall and fencing materials consistent with the building design.
- 2. Offset and architecturally treat long expanses of wall surfaces every 100 feet with material changes, pilasters and posts, staggered walls, or landscape treatments to prevent visual monotony.
- 3. Soften the appearance of fencing with plants that reach the height of the wall or fence at maturity.
- 4. Construct sliding gates visible from a public street with tubular steel, vertical steel pickets, or high-density perforated metal screening painted to match or complement adjacent walls. Interior gates not visible to public view may be galvanized steel or chain link.
- 5. Prohibit chain link fencing visible to the public.

Design Guidelines





Wall and Fence Examples

5.5 Buffering and Screening

To alleviate the unsightly appearance of parking, loading and service areas, buffering and screening design features should be used to enhance the overall development. Any proposed entry gates shall be reviewed and approved by the City of Ontario Traffic and Transportation Division prior to installation.

5.5.1 Parking Lots

- 1. Buffer parking lots adjacent to and visible from public streets using a combination of architectural wing walls, buildings, decorative screen walls, evergreen hedges, and landscape buffers.
- 2. Use plants for screening that are a minimum of 3 feet tall at the time of installation.



Examples of Parking Lot Buffering

5.5.2 Loading and Service Areas (Truck Courts)

 Screen loading docks and truck parking areas visible from Euclid Avenue, Eucalyptus Avenue, and Sultana Avenue. Screening may include portions of buildings and/or decorative walls. Landscaping and evergreen hedges shall be provided to soften screen walls.

- 2. Incorporate gated/screened entrances to loading areas into the overall architectural design of the development.
- 3. Design walls and fencing a minimum of eight-feet high and a maximum of 14-feet high, as measured from finished grade, to screen truck courts and hide views of the top of loading bays or trailers.
- 4. Utilize portions of a building, architectural wing walls, and/or landscaping to screen service areas.
- 5. Screen ground- and roof-mounted mechanical equipment from public view. Groundmounted equipment shall be screened with decorative walls or landscaping. Building architecture shall be designed to screen roof-mounted equipment.
- 6. Ensure refuse containers are easily accessible by service vehicles yet screened from public view within the building's façade or within a walled enclosure.
- 7. Obtain a use permit for outdoor storage, which shall be limited to predefined areas. Storage areas shall be screened from public view by decorative walls or with a minimum height of eight feet and a maximum height of 14 feet. The height of outdoor storage shall not-exceed the height of screening.



Loading and Service Area Example

5.6 Lighting

Site lighting provides illumination for operations, safety, security, and ambiance in parking lots, loading dock areas, pedestrian walkways, building entrances, signage, and architectural and landscape features.

Key provisions include:

- 1. Choose lighting fixtures that complement the building architecture and promote consistency throughout the Planning Areas.
- 2. Install ground or low mounted fixtures to provide safety and convenience along pedestrian walkways, entrances, activity areas, steps, ramps, and special features.
- Allow building-mounted accent lighting for general illumination provided there is no light spill or distraction onto roadways or adjacent property. Plain shoebox or unshielded wall packs are not permitted.
- 4. Direct exterior lighting fixtures downward to avoid unnecessary light spill and glare.
- 5. Limit pole-mounted, building-mounted, or tree-mounted lighting fixtures to no more than 30 feet in height to minimize light spill and glare.
- 6. Shield and direct pole-mounted lights away from public streets.
- 7. Ensure exterior lighting is consistent with the Chino Airport Land Use Compatibility Plan.
- 8. Design parking lot lighting to avoid placing fixtures in required tree locations.

5.7 Signage

Approval of a comprehensive sign program shall be required for development within the Specific Plan area. A sign program facilitates integration of signs with the overall site and building design to create a unified visual statement and provide for flexible application of sign regulations in the design and display of multiple signs.

Key provisions include:

- 1. Install an entry monument at the northeast corner of Euclid and Merrill Avenues to identify the Ontario Ranch area and/or the Ontario Ranch Business Park. Entry monuments shall be designed in accordance with City of Ontario Traffic and Transportation Guidelines for monument placement.
- 2. Employ signage to identify a center and tenants within a center, direct vehicular traffic, and provide on-site way-finding for pedestrians.
- 3. Employ signage within industrial sites to give direction to loading and receiving, visitor parking, and other special uses.
- 4. Provide a unifying sign theme in developments with multiple users.

- 5. Coordinate signage with the building design, materials, color, size, and placement.
- 6. Select signage with backlit or internally illuminated individual channel letters. Can-type box signs with translucent backlit panels are discouraged.
- 7. Avoid covering significant architectural elements with signage.
- 8. Position flush-mounted signs with respect to architectural features and align with signs on other buildings to maintain a pattern.
- 9. Place street address signs perpendicular to approaching vehicular traffic.
- 10. Ensure signage located within a landscaped planter is not blocked or damaged by plant materials.
- 11. Conserve energy by utilizing an automatic illumination shut-off mechanism when businesses are closed.
- 12. Construct signs from high quality materials and avoid exposed wiring, ballasts, conduits, fasteners, raceways, or similar hardware.



Signage Examples

Design Guidelines



Signage Examples Continued

5.8 Sustainable Design Strategies

Ontario Ranch Business Park is committed to sustainable design strategies that integrate principles of environmental stewardship into the design and construction process. Appropriate strategies will be determined for each project within the Specific Plan area. Strategies include, but are not limited to:

5.8.1 Sustainable Construction & Technology Concepts

- 1. Design and construct energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.
- 2. Employ passive design including skylights, building orientation, landscaping, and strategic colors to improve building energy performance.
- 3. Reduce the heat island effect by providing shade structures and trees that produce large canopies. In addition, choose roof and paving materials that possess a high level of solar reflectivity (cool roofs).
- 4. Use recycled and other environmentally friendly building materials wherever possible.
- 5. Incorporate skylights into at least two percent of warehouse/distribution building roof area to provide natural light and reduce electric lighting demand.
- 6. Use energy efficient LED (or similar) products.
- 7. Provide interior or exterior bicycle storage consistent with the California Green Building Standards Code.
- 8. Use drought tolerant landscaping with drip irrigation and include plantings such as trees, shrubs, groundcovers and/or vines. Optional amenities include benches, trellises, thematic fencing, and decorative walkways.
- 9. Employ high performance dual pane window glazing in office storefronts.

5.8.2 Water Quality

- 1. Utilize landscape areas including retention/infiltration swales and basins or biotreatment when infiltration is infeasible, as required by the San Bernardino County MS4 Permit and Water Quality Management Plan.
- 2. Select native and drought tolerant plants to reduce water demand.
- 3. Integrate permeable pavement and perforated curbs throughout the project area as feasible to allow stormwater to enter planter areas, assist with filtration and control runoff.
- 4. Use captured runoff to augment irrigation systems whenever possible.
- 5. Employ irrigation systems that respond to changing weather conditions, irrigate by hydrozone, and use micro-irrigation techniques.

6. Use recycled water to irrigate landscape areas and for other appropriate uses. The use of recycled water for certain purposes is required by the City of Ontario Recycled Water Master Plan.



Sustainable Design Examples

6.0 IMPLEMENTATION

This chapter summarizes the development process for implementation of the Ontario Ranch Business Park Specific Plan and provides for the orderly development of the Specific Plan area.

6.1 Applicability

The provisions, guidelines, and regulations contained within this Specific Plan provide the standards for land uses and development within Ontario Ranch Business Park. The Specific Plan supersedes the development standards and regulations of the Ontario Development Code unless stated otherwise in this document. Whenever the provisions and development standards of the Specific Plan conflict with those of the Ontario Development Code, the Specific Plan shall take precedence. Where the Specific Plan is silent, the Ontario Development Code shall apply.

6.1.1 Definition of Terms

The terms used within the Specific Plan shall mean the same as defined in the Ontario Development Code, unless otherwise noted.

6.2 Severability

The Specific Plan serves as the implementation tool for the City's Policy Plan (General Plan). In the event that any provision of this Specific Plan or its application to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and shall not affect the validity of the remaining provisions of this Specific Plan or applications thereof, which can be implemented without the invalid provision or application.

6.3 Interpretation

If an issue, condition, or situation occurs that is not sufficiently covered or provided for in this Specific Plan, those that are applicable for the most similar issue, condition, or situation shall be used. Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the City Planning Director in a manner consistent with the goals, policies, objectives, and intent established in the Specific Plan.

6.4 Consistency with Other Plans and Regulations

This sub-section discusses consistency of the Specific Plan with The Ontario Plan, Airport Land Use Compatibility Plans, the California Building Code, and CEQA.

6.4.1 Consistency with The Ontario Plan

No land use, activity, or facility shall be permitted that is inconsistent with the objectives, policies, general land uses, and programs of The Ontario Plan, as amended.

The Ontario Ranch Business Park entitlement application includes a General Plan Amendment to change the site's land use designations to Business Park and General Industrial to be consistent with this Specific Plan.

6.4.2 Consistency with Airport Land Use Compatibility Plans

Projects located within the Specific Plan area are subject to the restrictions and provisions of the Airport Land Use Compatibility Plans prepared for Ontario International Airport and Chino Airport.

6.4.3 Consistency with California Building Code

Projects located within the Specific Plan area must comply with the State of California Building Code as adopted and implemented by the City of Ontario.

6.4.4 Consistency with CEQA

The City of Ontario is defined as the lead agency under the California Environmental Quality Act (CEQA) based upon its authority to approve this Specific Plan. Concurrent with approval of this Specific Plan, the City Council will be required to certify the associated Environmental Impact Report (EIR), including a Mitigation Monitoring and Reporting Program to ensure that all approved EIR mitigation measures are implemented. The Planning Director shall be responsible for confirming that mitigation measures have been implemented through each project's approved plans.

6.5 Specific Plan Revisions

It is recognized that modifications to the text or exhibits of this Specific Plan may be warranted in the future to accommodate unforeseen conditions or events. Revisions shall be processed in a manner prescribed by the City of Ontario Planning Department pursuant to the provisions in this section.

6.5.1 Minor Modifications to the Specific Plan

Minor modifications to the Specific Plan will be processed administratively without the submission of a formal Specific Plan Amendment application and will not require a public hearing or review by the Planning Commission. The Planning Director shall have the authority to review and make a determination of approval, approval with conditions, or denial of a request for minor modification to the Specific Plan. The Planning Director may, at his/her discretion, refer any such request to the Planning Commission or the City Council.

Minor modifications are defined as:

1. Expansions or reductions to a Planning Area boundary or acreage, provided that the total acreage within each affected Planning Area is not modified by more than 20 percent.

- 2. An increase in maximum building area for single- and multi-tenant buildings of up to 20 percent, provided that the maximum square footage for the Planning Area established by this Specific Plan is not exceeded.
- 3. A modification of up to 20 percent of a project's required minimum lot area, minimum lot dimensions, or setback if compatible with the surrounding land uses and consistent with the overall design character of the Ontario Ranch Business Park.
- 4. Additions, deletions, or modifications to Table 4.1, Allowable Uses, which lists the permitted and conditionally permitted uses in the Specific Plan area, provided the Planning Director determines the changes to be consistent with the objectives and intent of the Specific Plan.
- Minor modification of conceptual design criteria for architectural features and materials, landscape treatments, lighting, signage, and sustainable design strategies.
- 6. Revisions to roadway alignment when the change results in centerline shift of less than 250 feet.
- Revisions to infrastructure facility sizing and precise location for dry utilities, water, sewer, and storm drainage improvements subject to approval of the City Engineer.
- 8. Changes to the Phasing Plan, provided infrastructure is available to serve the phase as determined by the City Engineer.
- 9. Revisions to exhibits in the Specific Plan that do not substantially change its intent or character.
- 10. Modifications of a similar nature to those listed above, which are deemed minor by the Planning Director and conform to the purpose and intent of this Specific Plan and The Ontario Plan.

6.5.2 Specific Plan Amendments

Proposed changes to this Specific Plan that do not meet the criteria for a Minor Modification will be subject to a formal Specific Plan Amendment application process pursuant to Section 4.01.035 of the Ontario Development Code and California Government Code Section 65450, et seq.

If the proposed amendment requires supplemental environmental analysis pursuant to CEQA, the applicant will adhere to the City's adopted procedures and CEQA Guidelines.

6.6 Subdivision Maps

Development within the Specific Plan area may require the processing of tentative and final tract or parcel maps and/or lot line adjustments or mergers. Subdivision maps and lot changes shall be reviewed and approved pursuant to Section 4.02.085 of the Ontario Development Code and other applicable City codes and regulations, California

Government Code Section 66410 et seq. (Subdivision Map Act), as well as the provisions of this Specific Plan.

6.7 Development and Land Use Review Procedures

Review procedures for development and land use within the Specific Plan area shall be as provided in this Specific Plan and in accordance with the Ontario Development Code.

6.7.1 Development Plan Review

Development proposed within the Specific Plan area will be subject to Development Plan review pursuant to Section 4.02.025 of the Ontario Development Code. The review is intended to ensure compliance with the provisions of this Specific Plan, protect the integrity and character of the physical composition of the City, and encourage high quality development.

6.7.2 Conditional Use Permit

A Conditional Use Permit is required for uses deemed "conditionally permitted" in Table 4.1 (Allowable Uses). Applications for a Conditional Use Permit will be processed pursuant to Section 4.02.015 of the Ontario Development Code.

6.7.3 Administrative Use Permit

An Administrative Use Permit is required for uses deemed "administratively permitted" in Table 4.1 (Allowable Uses). Applications for an Administrative Use Permit will be processed pursuant to Section 4.03.015 of the Ontario Development Code.

6.7.4 Appeals

Appeals of decisions of the Development Advisory Board, Zoning Administrator, Planning Director or the Planning Commission regarding implementation of this Specific Plan may be made by the applicant or other aggrieved party pursuant to Division 2.04 of the Ontario Development Code.

6.8 Development Agreement

Approval of a statutory development agreement authorized pursuant to California Government Code Section 65864 et seq. is required by this Specific Plan. The Development Agreement shall include, but not be limited to, methods for financing, acquisition, and construction of necessary infrastructure. The Development Agreement shall be fully executed prior to recordation of the first Final Map.

6.9 Specific Plan Phasing

Implementation of this Specific Plan is anticipated to occur in two phases, as discussed in Chapter 3.11, Phasing Plan:

• Phase 1: Construction of the storage, warehousing, and/or industrial uses in Planning Area 2.

• Phase 2: Construction of the business park uses in Planning Area 1.

These phases may be developed as sub-phases and may occur either sequentially or concurrently with one another.

All of the Specific Plan required infrastructure by Section 3.4 (Figure 3.9) for Potable Water, Section 3.5 (Figure 3.11) for Recycled Water, and Section 3.6 (Figure 3.13) for Sewer phasing will be determined per separate Development Agreement.

6.9.1 Phasing Objectives

Development phasing shall meet the following objectives:

- 1. The orderly build-out of the project based upon market and economic conditions;
- 2. The provision of adequate parking, infrastructure, and public facilities concurrent with the development of each phase; and
- 3. The protection of the public health, safety, and welfare.

6.9.2 Findings for Modification of the Phasing Plan

The Planning Director shall have the authority to approve modification of the Phasing Plan, subject to the following findings:

- 1. The modification is consistent with the Policy Plan (General Plan);
- 2. The modification will not adversely affect the implementation of the Specific Plan;
- 3. The modification will not be detrimental to public health, safety, and general welfare; and
- The modification will not delay the construction of infrastructure improvements necessary to serve the development.

6.10 Financing of Public Improvements

The financing of the construction, operation, and maintenance of public infrastructure improvements, facilities, and services within the Specific Plan area shall be provided through a combination of mechanisms. Final determination of the scope of improvements, maintenance responsibilities, and funding sources shall be specified in the approved Development Agreement, executed prior to recordation of the first Final Map.

Financing options may include, but are not limited to, the following:

- 1. Private capital investment by the project developer, the property owner(s), or a Property Owners Association.
- Private capital investment by a consortium of property owners and/or developers of the project and/or surrounding area.

- Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of public facilities or the provision of public services. City Council approval is a prerequisite for use of special district financing mechanisms.
- 4. Development Impact Fee (DIF) credits to be applied for infrastructure completed by the project developer. The City does not issue DIF credits unless the developer has entered into a separate DIF credit agreement after approval of the Development Agreement.
- Enhanced Infrastructure Financing District to fund infrastructure development through tax increment financing pursuant to Senate Bill 628.
- Community Revitalization and Investment Authorities (CRIA) to fund infrastructure development through tax increment financing pursuant to Assembly Bill 2.

6.11 Maintenance Plan

Final determination of maintenance responsibilities for the public and private improvements constructed in association with this Specific Plan shall be specified in the approved Development Agreement, which shall be executed prior to recordation of the first Final Map. However, it is anticipated that maintenance shall be generally shared by three entities as described below and outlined in Table 6.1, Maintenance Responsibilities.

6.11.1 City of Ontario, Community Facilities District & other Special District

The establishment of a community facilities district, landscape and lighting district, or other special district to fund the maintenance of public facilities shall be at the City's discretion. It is anticipated that public maintenance shall include the following:

- Right-of-way for public streets within the Specific Plan area (Euclid Avenue, Eucalyptus Avenue, Merrill Avenue, and Sultana Avenue) shall be dedicated to the City of Ontario per the provisions of this Specific Plan (Chapter 3, Development Plan) and as approved by the City Engineer.
- Landscape improvements and public streetlights within the public right-of-way and neighborhood edge shall be maintained through a landscape and lighting district or other special maintenance district established by the City.
- The City shall maintain off-site infrastructure improvements, including water, recycled water, sewer, and storm drainage facilities after they are accepted by the City.
- 4. The City shall maintain NPDES facilities located within the curb-to-curb area of public streets after they are accepted by the City. Operation and maintenance requirements for NPDES stormwater runoff source control and treatment control Best Management Practices shall be identified in the approved Water Quality Management Plan for the project.

6.11.2 Property Owners Association

A Property Owners Association (POA) shall be established for the maintenance of common areas, including such improvements as on-site landscape areas and parking and drive aisles within Ontario Ranch Business Park. It is anticipated that improvements maintained by the POA will include the following:

- 1. Driveways;
- On-site open spaces, on-site landscape areas, common areas, parking lots, and walkways;
- 3. Landscaping within setback/landscape buffer areas along Sultana Ave;
- 4. NPDES facilities within landscape setbacks and on-site common areas;
- 5. Property identification signage and architectural elements located within the landscaped buffer; and
- 6. Fencing and walls, including graffiti removal.
- 7. Water, sewer, recycled water facilities and storm drainage facilities located onsite shall be constructed by the developer are considered privately owned and maintained by property owners or Property Owners Association however the Property Owners Association shall maintain permanent on-site water quality basins, trenches, swales and biotreatment filters required by the San Bernardino County MS4 Permit and Water Quality Management Plan.

Area of Responsibility	City or Special District	Property Owners Association	Utility
Master Planned Roadways: Euclid Avenue, Eucalyptus Avenue,	Merrill Avenue	e, and Sultana Av	venue
Curb-to-curb improvements	•		
Behind the curb improvements - landscaping within the public right-of-way (parkways), sidewalks and neighborhood edge	•		
Other Improvements			
Traffic Signals and Traffic Control Signs on public streets	•		
Streetlights in the public right-of-way	•		
Drive aisles		•	
On-site parking areas		•	
Common open space		•	
Landscaping within setback/landscape buffer areas (Sultana Ave)		•	
Monument signage		•	
Walls and fences		•	
Stormwater drainage/water quality control facilities within the curb-to-curb area of public streets	•		
Stormwater drainage/water quality control facilities behind the curb		•	
Water, recycled water, and sewer infrastructure in the public right-of-way	•		
Dry utilities: electricity, natural gas, communication systems			•

6.12 Additional Entitlement Requirements

Currently, there are no existing City utilities, nor any improvement plans for City Utilities in the vicinity of the Specific Plan area. Several miles of new infrastructure are required to provide City utility services to the Specific Plan area. In order to ensure orderly expansion of the City Utility Systems and other City Infrastructure, the following Additional Entitlement Requirements are imposed upon all Subdivision Maps and Developments within the Specific Plan area.

6.12.1 Conceptual Design Report

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.), a conceptual design report shall be prepared and submitted to the Development Agency Engineering Department and the Utilities Engineering Department for review and approval for the established extent of all public improvements required for the project. The study shall identify existing and future rights-of-ways (ROW) and infrastructure improvements and establish all vertical and horizontal alignments for each utility. The report shall include cross-sections, profiles, and any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW. The study shall account for all utility conflicts, right-of-way variations, existing obstructions, and the timing of utility installation. Utilities cannot be located along an alignment that conflicts with existing conditions (e.g. electrical poles, private property, etc.) unless that applicant is accepting the responsibility of modifying the existing conditions (e.g. undergrounding, relocation, ROW acquisition, etc.).

Western Trunk Sewershed Scope: In order to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area, all the Master Plan Trunk Sewers connecting to the WTS and the WTS shall be included in the Conceptual Design Report. This shall include: the Western Trunk Sewer from the Inland Empire Utility Agency's Kimball Interceptor to the Whispering Lakes Pump Station Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Schaeffer Avenue to Chino Avenue.

6.12.2 Preliminary Design Report

As a condition of entitlements (subdivision maps, Development Plan Reviews, etc.) within the Specific Plan and prior to submittal of Infrastructure Improvements Plans, a Preliminary Design Report (PDR) for all public infrastructure shall be submitted and approved by the Development Agency Engineering Department and the Utilities Engineering Department. The PDR shall include the following:

Conceptual Design Compliance: A discussion modifying or confirming the conceptual design established with the Project's Conceptual Design Report. The study shall confirm all rights-of-ways (ROW), infrastructure improvements, and vertical and horizontal alignments for each utility. Street Cross Sections and Profiles:

Street Cross Sections and Profiles shall be provided for each public street, private street and Public Utility Easement (PUE) containing a public utility and at any points along the alignments where the ROW varies. The cross sections shall show the location and size of each utility and shall annotate the property/ROW lines, the type of finished surface material, the distance of each utility from centerline, the depth from finished surface to top of pipe, and the distance between utilities (outside wall to outside wall).

Constructability Review: The report shall include a discussion of the constructability issues along the proposed alignment and identify the recommended construction methods that may be utilized. The study shall perform field investigation (field survey and potholing) in order to identify potential utility conflicts, right-of-way variations, existing obstructions, and constructability issues created by the timing of utility installation.

Supporting Details: The PDR shall include any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW, including the placement of large appurtenances, clearance from existing obstructions, etc.

30% Design Drawings: The PDR findings shall be incorporated into a 30% design plan set and included in the PDR.

Western Trunk Sewershed Scope: In order to qualify for Development Impact Fees (DIF) and to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area, the PDR shall include all the Master Plan Trunk Sewers connecting to the WTS and the WTS. The PDR shall include: the Western Trunk Sewer from the Kimball Interceptor to the Whispering Lakes Pump Station Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Chino Avenue. At minimum, the PDRs shall include:

Horizontal and vertical alignment studies assuring that the entire sewershed and subsewersheds can be sewered.

Sewer sizing hydraulic calculations assuring the Trunk Sewer, with the proposed designs, can accommodate the Master Plan Flows meeting Master Plan Design Criteria.

As it relates to Ontario Ranch Business Park, this requirement has already been completed by the developer and no additional reports are required.

7.0 GENERAL PLAN CONSISTENCY

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65440-65457) permits the adoption and administration of Specific Plans as an implementation tool for elements contained within a jurisdiction's local General Plan. Approval of this Specific Plan is based on the finding that the regulations, guidelines, and programs contained within this Specific Plan are consistent with The Ontario Plan. The Ontario Plan establishes the direction and vision for the City of Ontario and provides a single comprehensive document to shape its future. The Ontario Plan provides for policies to accommodate change over its 30-year lifespan. The Ontario Plan consists of a six-part Component Framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback. The following sections demonstrate the Ontario Ranch Business Park Specific Plan implements the goals and policies of the City's Policy Plan (General Plan).

7.1 Land Use Element

GOAL LU1:	A community that has a spectrum of housing types and price ranges
	that match the jobs in the City and that make it possible for people to
	live and work in Ontario and maintain a quality of life.

Policy LU1-2 Sustainable Community Strategy

We integrate state, regional, and local Sustainable Community/Smart Growth principles into the development and entitlement process.

The Specific Plan encourages the efficient use of energy resources in design, product selection, and operational techniques. The Design Guidelines in Chapter 5 address lighting, bicycle parking, sustainable landscaping, and sustainable design strategies. Landscape provisions require the use of native drought-resistant vegetation and shade trees to conserve water and reduce heat islands. The sustainable design strategies include design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption. Protecting water quality, reducing runoff, and reducing water demand for landscaping are promoted in the Development Plan in Chapter 3 through the recycled water plan and storm drainage facilities source control and treatment practices.

Policy LU1-3 Adequate Capacity

We require adequate infrastructure and services for all development.

The Specific Plan establishes a Phasing Plan that has been coordinated with affected infrastructure providers and ensures that uses on the project site will be adequately served. The Specific Plan requires infrastructure development to occur in a timely manner. Potable and recycled water, sewer, fiber optic communications, and storm drain infrastructure improvements that will ultimately serve the Specific Plan area are addressed in Chapter 3, Development Plan. Infrastructure and services will be consistent with City of Ontario infrastructure master plans and the approved development agreement.

GOAL LU2: Compatibility between a wide-range of uses.

Policy LU2-3 Hazardous Uses

We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.

Uses within the Specific Plan are required to comply with federal, state, and local regulations pertaining to the use, storage, disposal, and transportation of hazardous materials, toxic substances, and other pollutants.

Policy LU2-5 Regulation of Uses

We regulate the location, concentration and operations of uses that have impacts on surrounding uses.

The Specific Plan land use plan contained in Chapter 3, Development Plan, utilizes the Business Park designation (Planning Area 1) to buffer the Industrial-General (IG) land use designation (Planning Area 2) from the existing residential uses located across Euclid Avenue within the City of Chino. Chapter 4, Land Use and Development Standards, restricts Planning Area 1 to less intense business park uses and requires the building height to be lower. Furthermore, the conceptual site design places truck traffic ingress and egress and visible loading docks away from the existing residential uses.

Policy LU2-6 Infrastructure Compatibility

We require infrastructure to be aesthetically pleasing and in context with the community character.

The Specific Plan design guidelines (Chapter 5) are intended to support high-quality development that complements the surrounding community. Landscaped areas and drive entrances will be planned to separate parking areas and keep the parking lot from being the dominant visual element of the site. The Specific Plan also establishes landscape setback requirements (Chapter 4, Land Use and Development Standards) and conceptual

streetscape design (Chapter 5, Design Guidelines) along all roadways within the Specific Plan area to create safe and attractive streets for pedestrians and motorists and ensure cohesive patterns of development.

Policy LU2-9 Methane Gas Sites

We require sensitive land uses and new uses on former dairy farms or other methaneproducing sites to be designed to minimize health risks.

The Specific Plan incorporates into its Implementation Plan (Chapter 6) requirements for the project to comply with any mitigation measures identified in the project environmental impact report, including those for soil remediation and proper venting to address the potential existence of methane gases within the Specific Plan area.

GOAL LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

Policy LU5-7 ALUCP Consistency with Land Use Regulations

We comply with state law that requires policy plan/general plans, specific plans, and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

The Specific Plan area is within the Ontario International Airport Influence Area and the Chino Airport Influence Area. The Specific Plan discusses compliance with the ALUCP requirements for the Ontario Airport and the Chino Airport in Chapter 2, Section 2.2, Airport Influence Areas.

7.2 Community Design Element

GOAL CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.

Policy CD1-2 Growth Areas

We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

The Specific Plan design guidelines (Chapter 5, Design Guidelines) and development standards (Chapter 4, Land Use and Development Standards) ensure high quality, cohesive, attractive, and appropriately-scaled development that complements and integrates into the Ontario Ranch community and adds value to the City.

GOAL CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional, and distinct.

Policy CD2-1 Quality Architecture

We encourage all developments to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section, and elevation through all aspects of the building and site design and appropriate for its setting;
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

The Specific Plan design guidelines (Chapter 5) ensure that: 1) scale, massing, fenestration, materials, and colors are consistent with the building's architectural style and compatible with the overall design in the Specific Plan area, 2) articulation is provided through elements such as cornices, parapets, expression lines, and changes in materials and/or colors, 3) use of a variety of colors, materials, and/or textures on each building is appropriate to the architectural features or massing.

Policy CD2-5 Streetscapes

We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identify through improvements to the public right-of-way such as sidewalks, street trees, parkways, curbs, street lighting, and street furniture.

Chapter 3.3, Circulation Plan, addresses connectivity, street improvements, pedestrian and bicycle plans, and transit. In Chapter 5.3, Landscape Design, the Specific Plan identifies street improvements and streetscape including parkways, street trees, sidewalks, landscape buffers, and street lighting for Euclid Avenue, Eucalyptus Avenue, Merrill Avenue, and Sultana Avenue within the Specific Plan area, which are consistent with the Circulation Element of The Ontario Plan. The Specific Plan streetscape design creates an aesthetically pleasing view for pedestrians and motorists, screens parking and loading areas from the public right-of-way, and visually integrates the development into the surrounding Ontario Ranch community.

Policy CD2-6 Connectivity

We promote development of local street patterns and pedestrian networks that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent "islands".

The Specific Plan creates an efficient street system by providing convenient connections with adjacent land uses in compliance with the vision of The Ontario Plan Circulation Element. Roads will be improved with sidewalks, trails and bikeways to supplement vehicular transportation through the design of Specific Plan street sections (Chapter 3.3: Circulation Plan) and streetscape (Chapter 5.3, Landscape Design).

Policy CD2-7 Sustainability

We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

The Specific Plan is committed to sustainable design strategies that integrate principles of environmental stewardship into the design, construction and operation process. The Specific Plan incorporates sustainability principles into its design guidelines (Chapter 5.8, Sustainable Design Strategies), such as drought tolerant landscaping, skylights in warehouse/distribution buildings to provide natural light and reduce lighting demand, high performance dual pane glazing in office storefronts, and LED products for energy efficient site lighting. Design strategies include the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption. The use of recycled water to irrigate landscape is required by the Specific Plan's Recycled Water Plan (Chapter 3.5), consistent with the City of Ontario Recycled Water Master Plan.

Policy CD2-9 Landscape Design

We encourage durable landscaping materials and designs that enhance the aesthetics of structure, create and define public and private spaces, and provide shade and environmental benefits.

Consistent with the vision for Ontario Ranch as outlined in the Ontario Ranch Streetscape Master Plan, the Specific Plan (Chapter 5.3, Landscape Design) provides for landscaped setbacks and landscaped parkways adjacent to bike lanes and sidewalks, defining these public spaces. The landscaped setbacks and parkways will include drought-tolerant plants featuring colorful shrubs and groundcovers, ornamental grasses and succulents, evergreen and deciduous trees, and species native to Southern California or naturalized to the arid Southern California climate to promote durable plant materials. The plant selection will complement the design theme of the Specific Plan area. Parking lot landscaping will reduce associated heat buildup, improve aesthetics, and integrate into onsite landscape design and adjacent streetscapes. Swaled landscape areas will retain/infiltrate stormwater run-off to improve water quality and promote groundwater recharge. Shade trees thoughtfully located near expanses of paving, building walls, roofs, and windows will reduce the impacts of heat gain.

Policy CD2-11 Entry Statements

We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

The Specific Plan establishes design guidelines to ensure high-quality development and a sense of place. As discussed in Chapter 5.3, Landscape Design, Euclid, Eucalyptus, Merrill and Sultana Avenues will feature landscaped setbacks adjacent to the Specific Plan area that will provide attractive entries to the site. An entry monument will be located at the northeast corner of Euclid and Merrill Avenues to identify the Ontario Ranch area and/or the Ontario Ranch Business Park.

Policy CD2-12 Site and Building Signage

We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structure.

The Specific Plan (Chapter 5.7, Signage) requires approval of a comprehensive sign program to address parcel identification, building identification and directional signage within the Specific Plan area. A comprehensive sign program will integrate project signage with the overall design of the site and structures to create a unified visual statement. A comprehensive sign program provides a means for flexible application of sign regulations to provide incentive and latitude in the design and display of multiple signs. Industrial uses on the site will also be appropriately signed to give direction to loading and receiving, visitor parking, and other special uses.

GOAL CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages that are conveniently located, visually appealing, and safe during all hours.

Policy CD3-1 Design

We require that pedestrian, vehicular, bicycle, and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort, and aesthetics.

The Specific Plan (Chapter 3.3, Circulation Plan) coordinates street, trail, and bikeway designs to serve onsite land uses and extend access to the surrounding area in compliance with The Ontario Plan Mobility Element. The Specific Plan specifies street improvements for Euclid Avenue, Eucalyptus Avenue, Merrill Avenue, and Sultana Avenue. The Specific Plan streetscape design (Chapter 5.3, Landscape Design) provides an aesthetically pleasing view for pedestrians and motorists, screens parking and loading areas from the public right-of-way, and integrates the development into the surrounding community.

Policy CD3-5 Paving

We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public places.

The Specific Plan development standards (Chapter 4, Land Use and Development Standards) require that design and materials for sidewalks and road surfaces within the Specific Plan area be approved by the City's Engineering Department. Specific Plan design guidelines (Chapter 5) encourage the use of enhanced paving to mark major building entries and paving materials that possesses a high level of solar reflectivity to reduce the heat island effect.

GOAL CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investment.

Policy CD5-1 Maintenance of Buildings and Property

We require all public and privately owned buildings and property (including trails and easements) to be properly and consistency maintained.

The Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6, Implementation, identifying the parties responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area. Privately owned buildings will be maintained as specified by the Property Owners Association (Chapter 6.10.2).

Policy CD5-2 Maintenance of Infrastructure

We require the continued maintenance of infrastructure.

The Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6, Implementation, identifying the parties responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area.

7.3 Mobility Element

GOAL M1:	A system of roadways that meets the mobility needs of a dynamic and
	prosperous Ontario.

Policy M1-1 Roadway Design and Maintenance

We require our roadways to:

• Comply with federal, state, and local design and safety standards.

- Meet the needs of multiple transportation modes and users.
- Handle the capacity envisioned in the Functional Roadway Classification Plan.
- Endeavour to maintain a peak hour Level of Service (LOS) E or better at all intersections.
- Be compatible with the streetscape and surrounding land uses.
- Be maintained in accordance with best practices and our Right-of-Way Management Plan

The Specific Plan complies with the Functional Roadway Classification Plan of the Mobility Element and, therefore, aims to comply with federal, state, and local design and safety standards; meet the needs of multiple transportation modes and users; and maintain a Level of Service of E or better at all intersections addressed in the project environmental impact report. Specific Plan site design strives to minimize the effects of truck traffic on nearby residential uses by locating truck entries and loading docks away from residential use.

Policy M1-2 Mitigation of Impacts

We require development to mitigate its traffic impact.

The Specific Plan requires in Chapter 6.3.4, Compliance with CEQA, that projects within the Specific Plan area comply with all mitigation measures, conditions, and project design features identified in the project environmental impact report. Chapter 5.1, Site Design, provides guidelines to ensure buildings, structures, and loading facilities will be designed so loading and unloading activities occur on-site without extending beyond the property line.

GOAL M2: A system of trails and corridors that facilitate and encourage bicycling and walking.

Policy M2-1 Bikeway Plan

We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.

The Specific Plan includes a Circulation Plan in Chapter 3 to provide connectivity to the trails and bikeway corridors identified in the Ontario Multipurpose Trails and Bikeway Corridor Plan, including installation of a Class II Bikeway along Merrill Avenue and multipurpose trails along Euclid, Eucalyptus, and Merrill Avenues.

Policy M2-3 Pedestrian Walkways

We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.

The Specific Plan street sections and streetscape designs (Chapter 3.1, Circulation Plan and Chapter 5.3, Landscape Design) provide for construction of five-foot wide public pedestrian sidewalks for Euclid Avenue, Eucalyptus Avenue, Merrill Avenue, and Sultana Avenue to connect with adjacent existing and planned pedestrian circulation systems. Pedestrian sidewalks are separated from vehicular travel lanes by a landscaped parkway. Proposed improvements for the Specific Plan area streets are consistent with the City's Ontario Ranch Streetscape Master Plan.

GOAL M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.

Policy M3-2 Transit Facilities at New Development

We require new development to provide transit facilities, such as bus shelters, transit bays and turnouts, as needed.

The Specific Plan discusses in Chapter 3.3.10, Transit, that the City is coordinating with regional transit agencies to implement Bus Rapid Transit (BRT) service to target destinations and along corridors, including Euclid Avenue on the western boundary of the Specific Plan area.

GOAL M4: An efficient flow of goods through the City that maximizes economic benefits and minimizes negative impacts.

Policy M4-1 Truck Routes

We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown on the truck routes.

The Specific Plan is designed to enable easy vehicular access to the truck route network and to encourage its industrial users to implement effective goods movement strategies. The Land Use and Circulation Plans for the Specific Plan area (Chapter 3, Development Plan) are designed to direct truck traffic away from nearby residential use in the City of Chino and focus trucks on the designated Merrill Avenue truck route. Chapter 3.1, Site Design, of the Design Guidelines stipulates buildings, structures, and loading facilities will be designed to ensure that loading and unloading activities and maneuvering of freight vehicles occurs on-site without extending beyond the property line.

7.4 Environmental Resources Element

GOAL ER1: A reliable and cost effective system that permits the City to manage its diverse water resources and needs.

Policy ER1-3 Conservation

We require conservation strategies that reduce water usage.

The Specific Plan incorporates water conservation strategies into its development plan and design guidelines. The use of recycled water to irrigate landscape areas is required consistent with the City of Ontario Recycled Water Master Plan (Chapter 3, Development Plan). Landscape and irrigation plans are encouraged to use water conservation features such as drought-tolerant plant species native to the region and drip irrigation (Chapter 5, Design Guidelines). The Specific Plan encourages the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.

Policy ER1-5 Groundwater Management

We protect groundwater quality by incorporating strategies that prevent pollution, require remediation where necessary, capture and treat urban run-off, and recharge the aquifer.

In Chapter 3.7, Storm Drainage Plans, the Specific Plan stipulates that prior to issuance of grading or construction permits, a Storm Water Pollution Prevention Plan (SWPPP) be prepared and approved by the City. The SWPPP will identify and detail appropriate Best Management Practices (BMPs) to prevent pollutant discharge into storm drain systems and natural drainages and aquifers. In addition to the preparation of a SWPPP, a WQMP will be prepared and approved that will enforce long-term BMPs to prevent pollutant discharges into storm drain systems, for the life of the project. Chapter 5.8.2, Water Quality, requires the provision of on-site landscape swales to collect and treat stormwater run-off.

Policy ER1-6 Urban Run-off Quantity

We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration, and ultimately reduce discharge volumes to traditional storm drain systems.

The Specific Plan (Chapter 3.9, Storm Drainage Plan) incorporates low impact development strategies including landscape designs that promote water retention; permeable surface designs in parking lots and areas with low traffic; parking lots that drain to landscaped areas to provide treatment, retention, or infiltration; and limited soil compaction during grading.

Policy ER1-7 Urban Run-off Quality

We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.

In Chapter 3.9, Storm Drainage Plan, the Specific Plan states that prior to issuance of grading or construction permits, a Water Quality Management Plan (WQMP) is required

to minimize stormwater runoff and provide on-site opportunities for groundwater recharge integrated into project design and amenities. The grading and drainage of the Specific Plan area will be designed to retain/infilter, harvest & re-use or biotreat surface runoff to comply with the current requirements of the San Bernardino County NPDES Stormwater Program's WQMP for significant new development projects.

Policy ER1-8 Wastewater Management

We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.

In Chapter 3.6, Sewer Plan, the Specific Plan provides for design of a wastewater system consistent with City and Regional Water Quality Board requirements. The Specific Plan includes a network of new public sewer mains consistent with the City of Ontario's Ultimate Sewer System Plan.

GOAL ER3: Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.

Policy ER3-1 Conservation Strategy

We require conservation as the first strategy to be employed to meet applicable energysaving standards.

The Specific Plan incorporates energy-saving conservation strategies into its design guidelines (Chapter 5) by addressing lighting, bicycle parking, sustainable landscaping, and energy efficiency. Sustainable design strategies (Chapter 5.8) include design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.

Policy ER3-3 Building and Site Design

We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.

The Specific Plan's Sustainable Design Strategies (Chapter 5.8) include the use of passive design to improve building energy performance through skylights, building orientation, landscaping, and use of select colors.

GOAL ER4: Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.

Policy ER4-1 Indoor Air Quality

We comply with State Green Building Codes relative to indoor air quality.

The Specific Plan requires development projects in the Specific Plan area to comply with the State of California Building Code as adopted and implemented by the City. The Specific Plan's Sustainable Design Strategies (Chapter 5.8) include the design and construction of energy efficient buildings to reduce air, water, and land pollution.

GOAL ER5: Protected high value habitat and farming and mineral resources extraction activities that are compatible with adjacent development.

Policy ER5-2 Entitlement and Permitting Process

We comply with state and federal regulations regarding protected species.

The Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report.

7.5 Safety Element

GOAL S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

Policy S1-1 Implementation of Regulations and Standards

We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

The Specific Plan requires all future development projects to comply with the State of California Building Code as adopted and implemented by the City.

Policy S1-2 Entitlement and Permitting Process

We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.

The Specific Plan acknowledges that all projects within the Specific Plan area shall comply with state guidelines and the California Building Code. Research of available maps indicates that the Specific Plan site is not located within an Alguist-Priolo Earthquake Fault *Zone.* Furthermore, there was no visible evidence of faulting during a geotechnical investigation conducted in 2015.

GOAL S2: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.

Policy S2-1 Entitlement and Permitting Process

We follow state guidelines and the California Building Code to determine when development proposals require hydrological studies prepared by a State-certified engineer to assess the impact that the new development will have on the flooding potential of existing development down-gradient.

The Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all applicable mitigation measures of the project environmental impact report, state guidelines, and the California Building Code regarding flooding and inundation hazards.

GOAL S3: Reduced risk of death, injury, property damage and economic loss due to fires, accidents and normal everyday occurrences through prompt and capable emergency response.

Policy S3-8 Fire Prevention through Environmental Design

We require new development to incorporate fire prevention consideration in the design of streetscapes, sites, open spaces and buildings.

The Specific Plan acknowledges that all projects within the Specific Plan area shall comply with the City's development review process, which provides for review by the City's Fire Department and potential redesign to incorporate fire prevention design elements within streetscapes, sites, open spaces, and buildings.

GOAL S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

Policy S4-1 Noise Mitigation

We utilize the City's noise ordinance, building codes, and subdivision and development codes to mitigate noise impacts.

The Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report, the City's noise ordinance, subdivision and development codes, and the California Building Code to mitigate noise impacts.

GOAL S5: Reduced risk of injury, property damage and economic loss resulting from windstorms and wind-related hazards.

Policy S5-2 Dust Control Measures

We require the implementation of Best Management Practices for dust control at all excavation and grading projects.

The Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report, the construction management plan, and any subdivision and development codes regarding dust control.

GOAL S6: Reduced potential for hazardous materials exposure and contamination.

Policy S6-9 Remediation of Methane

We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.

The Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report.

GOAL S7: Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, community involvement, and a system of continuous monitoring.

Policy S7-4 Crime Prevention through Environmental Design (CPTED)

We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.

The Specific Plan acknowledges that all projects within the Specific Plan area shall comply with the City's development review process, which provides for review by the City's Police Department and potential redesign to incorporate crime prevention design elements in streetscapes, sites, open spaces, and buildings. Parcel lighting (Chapter 5.6, Lighting) addresses illumination of parking lots, loading dock areas, pedestrian walkways, building entrances, signage, and architectural and landscape features. A key provision includes the installation of ground or low mounted fixtures to provide for safety and convenience along pedestrian walkways, entrances, activity areas, steps, ramps, and special features. Chapter 5.1, Site Design, also encourages delineation of pedestrian access to on-site buildings from adjacent streets and parking areas by marking building entrances with signage, prominent architectural features, and/or landscaping features.

7.6 Community Economics Element

GOAL CE1: A complete community that provides for all incomes and stages of life.

Policy CE1-1 Jobs-Housing Balance

We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-community.

The Specific Plan anticipates the creation of jobs in warehousing, logistics, light manufacturing, and administration within the Specific Plan area, which helps improve the region's jobs-housing balance. Actual job creation depends on the type of land uses ultimately developed on the site as a wide-range of commercial, office, and industrial uses are permitted in the Specific Plan. The Land Use Plan (Chapter 3.1) implements the vision of The Ontario Plan by providing opportunities for employment in manufacturing, distribution, research and development, service, and supporting retail at intensities designed to meet the demand of current and future market conditions.

Policy CE1-5 Business Attraction

We proactively attract new and expanding businesses to Ontario in order to increase the City's share of growing sector of regional and global economy.

In Chapter 3.1, Land Use Plan, the Specific Plan provides for the construction of over 1.3 million square feet of industrial development in compliance with City and regional planning goals and strategies that facilitate goods movement throughout the SCAG region.

GOAL CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

Policy CE2-1 Development Projects

We require new development and redevelopment to create unique, high-quality places that add value to the community.

The Specific Plan contains design guidelines in Chapter 5 to guide future development, consistent with the vision for Ontario Ranch. The guidelines are intended to ensure high quality, cohesive and attractive development that complements and integrates into the community and adds value to the City. The Specific Plan also establishes landscape setbacks along all roadways within the Specific Plan area to create safe and attractive streets for pedestrians and motorists.

Policy CE2-2 Development Review

We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

The Specific Plan establishes a land use plan (Chapter 3.1) and design guidelines (Chapter 5) addressing site design, building design, and landscape design that ensure high-quality, functional and sustainable development that is regionally competitive and appropriate for the Ontario Ranch community.

Policy CE2-5 Private Maintenance

We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

The Specific Plan includes a Maintenance Responsibility Matrix (Chapter 6.10) identifying the public, private, or utility providers responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area. A Property Owners Association will be established for the maintenance of on-site common areas, including such improvements as landscape areas and drive aisles.

Policy CE2-6 Public Maintenance

We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly-owned property.

The Specific Plan includes a Maintenance Responsibility Matrix (Chapter 6.10) identifying the public, private, or utility providers responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area. Right-of-way for public streets within the Specific Plan area and infrastructure improvements shall be dedicated to the City of Ontario for maintenance purposes. Landscape improvements and public streetlights within the public right-of-way shall be maintained through a landscape and lighting district or other special maintenance district established by the City. Dry utilities such as electricity, natural gas, and communication systems will be maintained by the appropriate utility company.



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Planning Department Land Development Division Conditions of Approval

File No: PSP18-002

Related Files: PGPA18-008

Project Description: A public hearing to consider certification of the Environmental Impact Report (SCH#2019050018), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, for the following: 1) A General Plan Amendment (File No. PGPA18-008) to modify the Land Use Plan (Exhibit LU-01) of the Policy Plan (General Plan) of The Ontario Plan to change the land use designations for 85.6 acres of land, from General Commercial (0.4 FAR), Office Commercial (0.75 FAR), and Low-Medium Density Residential (5.1-11 dwelling units per acre) to Business Park (0.6 FAR) and General Industrial (0.55 FAR), and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and 2) A Specific Plan (File No. PSP18-002 - Ontario Ranch Business Park) to establish the land use districts, development standards, design guidelines, and infrastructure improvements for the potential development of up to 1,905,027 square feet of General Industrial and Business Park land uses on 85.6 acres of land. The project site is generally bordered by Eucalvptus Avenue on the north. Merrill Avenue on the south. Sultana Avenue on the east, and Euclid Avenue on the west. (APNs: 1054-011-01, 1054-011-02, 1054-011-04; 1054-021-01, 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, and 1054-281-03) submitted by REDA, OLV

Prepared By:	Alexis Vaughn, Assistant Planner
	Phone: 909.395.2416 (direct)
	Email: avaughn@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 <u>Specific Plan</u>. The following shall be submitted to the Planning Department within 30 days following City Council approval of the Specific Plan/Specific Plan Amendment:

(a) Ten copies of the final Specific Plan document;

(b) One complete, unbound copy of the final Specific Plan document;

(c) One CD containing a complete Microsoft Word copy of the final Specific Plan document, including all required revisions;

(d) Five CDs, each containing a complete PDF copy of the final Specific Plan document, including all required revisions; and

(e) One CD containing a complete electronic website version of the final Specific Plan document, including all required revisions.

2.2 <u>Indemnification</u>. 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.3 <u>Additional Fees</u>.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

CITY OF ONTARIO

Agenda Report October 6, 2020 SECTION: CONSENT CALENDAR

SUBJECT: AWARD A DESIGN-BUILD AGREEMENT FOR THE CONSTRUCTION OF THE C BLOCK PARKING STRUCTURE

RECOMMENDATION: That the City Council take the following actions:

- (A) Authorize the City Manager to execute a Design-Build Agreement with McCarthy Building Companies, Inc. of Newport Beach, California, to provide Design-Build construction services for the C Block Parking Structure in the amount of \$9,669,383;
- (B) Authorize a 15% project contingency of \$1,450,407; and
- (C) Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to agreements, assessments, easements, lot line adjustments, reduction of retention accounts, contracts and contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction related activities.

COUNCIL GOALS: <u>Invest in the City's Infrastructure (Water, Streets. Sewers, Parks, Storm Drains and</u> <u>Public Facilities)</u>

FISCAL IMPACT: The scope of the estimated construction costs of the C Block Parking Structure is \$11,119,790. Funding has been earmarked for this project and will be included as part of the Fiscal Year 2020-21 First Quarter Budget Update Report to the City Council.

BACKGROUND: The City is preparing for the construction of a five level, 400 space parking structure as part of a mixed-used development on the C Block in downtown Ontario. Staff considered different design and constructions methods for the parking structure, such as Design-Bid-Build, Design-Build, and Public-Private-Partnership. Staff chose the Design-Build option because it was the most efficient in terms of cost and time. In addition, staff considered building the structure with the ability to convert it from a parking structure to a different use in the future. This would have entailed

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

· ·	David Simpson Design and Construction	Submitted to Council/O.H.A.	10/04/2020
City Manager		Continued to: Denied:	
City Manager Approval:	Al		10

level parking with separate ramps. Unfortunately, this design would cost an extra \$6-9 million due to an additional level to meet the 400 parking spaces and extra infrastructure not required for a parking structure.

In May 2020 the City solicited prequalification proposals from Design-Build entities interested in qualifying to build a multi-story parking structure on the North West corner of Lemon and C Streets. Five of the seven submittals were deemed responsive. Those five Design-Build entities were asked to submit proposals to design and construct a five-story parking structure containing approximately 400 parking spaces. Four proposals were received and graded. Their scores are listed below.

Contractor Name	Raw Score for Project Time	Weighted Score for Appearance	Weighted Score for Price	Total Weighted Score
McCarthy Building	12 (March 21, 2022)	48	36 (\$9,669,383)	96
Swinerton Builders	18 (March 10, 2022)	32	24 (\$9,976,075)	74
Bomel Construction	6 (March 29, 2022)	14	48 (\$9,626,773)	68
Largo Concrete	24 (December 13, 2021)	26	12 (\$9,979,595)	62

A selection team of City staff comprised of Planning, Engineering, Public Works, Economic Development and Transtech reviewed and scored each submittal based on its proposed cost, exterior appearance and project time. Based on the scores, McCarthy Building Company's proposal was deemed most responsive with an overall score of 96. Their proposal was the best blend of exterior appeal, time, and overall cost. McCarthy Builders has extensive design-build experience. Their recent projects include the Corona Metrolink, the Pomona Valley Hospital, and the Corona Emergency Expansion parking structures. Therefore, staff recommends approval of a Design-Build Agreement with McCarthy Building Company.

Staff also recommends the establishment of a project wide umbrella contingency. The C Block Parking Structure related contractor and consultant contingencies, remaining balances and reserve funds would be pooled to address short falls across the project. Establishment of such a fund would facilitate overall coordination and contribute to the C Block Parking Structure becoming operational by Spring of 2022.

CITY OF ONTARIO

Agenda Report October 6, 2020 SECTION: CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE LETTER OF AGREEMENT FOR THE EMERGENCY SENIOR MEALS PROGRAM

RECOMMENDATION: That the City Council authorize the City Manager, or his designee, to execute an amendment to the Letter of Agreement (on file in the Records Management Department) with the Ontario-Montclair School District of Ontario, California, for the emergency senior meals program in the not-to-exceed amount of \$169,844 through December 30, 2020.

COUNCIL GOALS: Operate in a Businesslike Manner

<u>Pursue City's Goals and Objectives by Working with Other Governmental Agencies</u> <u>Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City</u> <u>Programs, Policies and Activities</u>

FISCAL IMPACT: The Ontario-Montclair School District (OMSD) provides senior meals at the rate of \$4.00 per meal. The initial purchase and distribution of food was approved for reimbursement through FEMA until July 10, 2020. Under the CARES Act, the current delivery costs associated with the senior meals program is reimbursable and was capped at costs through June 30, 2020. To sustain the program through December 30, 2020, staff recommends amending the current agreement with a not-to-exceed amount of \$169,844. Funding will be included in the First Quarter Budget Update Report.

BACKGROUND: On March 10, 2020, the San Bernardino County Health Department proclaimed a Public Health Emergency; and the Board of Supervisors issued a Proclamation of Local Emergency due to COVID-19. Through Ontario Ordinance No. 2990, the City Manager, as the Director of Emergency Services, proclaimed a local emergency on March 14, 2020 in order to enhance the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek potential reimbursement by the State and Federal governments. On March 17, 2020 the City Council ratified the local emergency proclamation.

Due to the local emergency proclamation, the Ontario Senior Center has remained closed to the public since March 17, 2020. At the beginning of the closure, Recreation & Community Services staff worked

STAFF MEMBER PRESENTING: Helen McAlary, Executive Director Community Life & Culture

* *	Nicholas S. Gonzalez Recreation & Community Services	Submitted to Coun Approved:	cil/O.H.A.	10/06/2020
City Manager Approval:		Continued to: Denied:		11

quickly with partners to finalize daily food distribution plans for Ontario seniors throughout the community. The City entered into an initial agreement with OMSD on April 6, 2020 to arrange for senior meals to be delivered to the Ontario Senior Center at a cost of \$4.00 per meal, Monday through Friday. OMSD prepares a nutritionally adequate meal that provides at a minimum an entree, a fruit, a vegetable and a milk.

Recreation & Community Services staff have been working closely with OMSD on packaging all meals and preparing them for disbursement. Seniors that are part of this program must provide proof of residency within the City and can elect to have a meal delivered to their residence or pick up a meal at the Ontario Senior Center through a drive-up system to minimize risk and exposure.

Through the partnership with OMSD, Recreation & Community Services staff have provided over 40,000 senior meals to Ontario residents. Meal counts are averaging at approximately 350 senior meals per day. OMSD remains a valuable and reliable partner for the City's emergency senior meals program and staff is recommending this agreement be extended through December 30, 2020. The City has the right to terminate this agreement should the Ontario Senior Center open to the public before the expiration date of the amendment.

CITY OF ONTARIO

Agenda Report October 6, 2020

SECTION: ADMINISTRATIVE REPORTS/ DISCUSSION/ACTION

SUBJECT: A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 AND RELATED MATTERS

RECOMMENDATION: That the City Council consider and adopt a resolution authorizing the issuance of City of Ontario Community Facilities District No. 45 (Northpark and Countryside Facilities) Special Tax Bonds, Series 2020.

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Northpark and Countryside project and the Ontario Ranch development;
- (B) Approves the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizes the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

COUNCIL GOALS: <u>Operate in a Businesslike Manner</u> <u>Focus Resources in Ontario's Commercial and Residential Neighborhoods</u> <u>Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)</u> <u>Ensure the Development of a Well Planned, Balanced and Self-Sustaining Community in Ontario</u> <u>Ranch</u>

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Department:	Jason M. Jacobsen Investment & Revenue Resources	Submitted to Council/O.H.A. Approved:	10 104 2020
City Manager Approval:	2/1/	Continued to: Denied:	
Approval:	aak		12

FISCAL IMPACT: The use of Mello-Roos financing for public facilities in the residential development of the Northpark and Countryside Facilities project in the Ontario Ranch development is estimated to generate approximately \$10 million, based on current market interest rates, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. The resolution authorizing the issuance of City of Ontario Community Facilities District No. 45 (Northpark and Countryside Facilities) Special Tax Bonds, Series 2020, and related matters, limits the principal amount of the bonds to \$10 million. The City currently expects the bonds to be sold no later than November 2020; however, such schedule could change based on market volatility and market conditions. 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 applicable community facilities district, there is no General Fund impact from the issuance of Mello-Roos bonds. City Council approval will be required in future years to process annual special tax levies.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local government, with the requisite consent and approval from 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. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting a resolution declaring the City's intention to establish a community facilities district and levy special taxes, and a resolution to issue bonds. On May 15, 2018 the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of the District with the adoption of Resolution No. 2018-041, declaring the City's intention to establish the District and to authorize the levy of special taxes. On June 19, 2018, the City Council adopted Resolution No. 2018-084 forming the District, and Resolution No. 2018-085 deeming it necessary to incur bonded indebtedness. Based on a successful property owner election held on June 19, 2018, the City Council adopted Ordinance No. 3105 on July 3, 2018, authorizing the levy of special taxes within the District to finance public improvements related to the Northpark and Countryside project.

The Northpark project addresses the residential development of approximately 36 gross acres located generally west of Park Place Avenue, east of Archibald Avenue, south of Eucalyptus Avenue, and north of Parkview Street. The Countryside project addresses the development of approximately 9 gross acres located west of Archibald Avenue, east of Cucamonga Creek Channel, south of Riverside Drive and north of Chino Avenue. At build out, the development is projected to include 241 detached residential units.

The proposed resolution references several bond documents and other matters related to the proposed issuance of bonds by City of Ontario Community Facilities District No. 45 (Northpark and Countryside Facilities). These documents are listed below and are on file with the Records Management Department.

- Indenture
- Bond Purchase Agreement
- Continuing Disclosure Agreement
- Preliminary Official Statement

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000. AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE. BOND PURCHASE AGREEMENT A AND Α CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has formed the City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District") under the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the Community Facilities District is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain public facilities (the "Facilities") and to issue bonds payable from the Special Taxes; and

WHEREAS, in order to provide funds to finance certain of the Facilities, the Community Facilities District proposes to issue its City of Ontario Community Facilities District No. 45 (Northpark and Countryside) Special Tax Bonds, Series 2020 (the "Series 2020 Bonds"), in the aggregate principal amount of not to exceed \$10,000,000; and

WHEREAS, in order to provide for the authentication and delivery of the Series 2020 Bonds, to establish and declare the terms and conditions upon which the Series 2020 Bonds are to be issued and secured and to secure the payment of the principal thereof, premium, if any, and interest thereon, the Community Facilities District proposes to enter into an Indenture with Zions Bancorporation, National Association, as trustee (the "Trustee") (such Indenture, 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 "Indenture"); and

WHEREAS, Stifel, Nicolaus & Company, Incorporated (the "Underwriter"), has presented the Community Facilities District with a proposal, in the form of a Bond Purchase Agreement, to purchase the Series 2020 Bonds from the Community Facilities District (such Bond Purchase 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 "Purchase Agreement"); and WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 ("Rule 15c2-12") requires that, in order to be able to purchase or sell the Series 2020 Bonds, the underwriter thereof must have reasonably determined that the Community Facilities District has, or one or more appropriate obligated persons have, undertaken in a written agreement or contract for the benefit of the holders of the Series 2020 Bonds to provide disclosure of certain financial information and certain listed events on an ongoing basis; and

WHEREAS, in order to cause such requirement to be satisfied, the Community Facilities District desires to enter into a Continuing Disclosure Agreement with the Trustee (such Continuing Disclosure 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 "Continuing Disclosure Agreement"); and

WHEREAS, a form of the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2020 Bonds has been prepared (such Preliminary Official Statement, 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 "Preliminary Official Statement"); and

WHEREAS, there have been prepared and submitted to this meeting forms of:

- (a) the Indenture;
- (b) the Purchase Agreement;
- (c) the Continuing Disclosure Agreement; and
- (d) the Preliminary Official Statement; and

WHEREAS, Harris Realty Appraisal has prepared and provided to the Community Facilities District an appraisal report, dated August 3, 2020 (the "Appraisal"), providing an opinion of value of the property in the Community Facilities District, which has been submitted to this meeting; and

WHEREAS, Section 5852.1 of the California Government Code requires that the City Council obtain from an underwriter, financial advisor or private lender and disclose, in a meeting open to the public, prior to authorization of the issuance of the Series 2020 Bonds, good faith estimates of (a) the true interest cost of the Series 2020 Bonds, (b) the sum of all fees and charges paid to third parties with respect to the Series 2020 Bonds, (c) the amount of proceeds of the Series 2020 Bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Series 2020 Bonds, and (d) the sum total of all debt service payments on the Series 2020 Bonds calculated to the final maturity of the Series 2020 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2020 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2020 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2020 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2020 Bonds; and

WHEREAS, in compliance with Section 5852.1 of the California Government Code, the City Council has obtained from CSG Advisors Incorporated, as the Community Facilities District's municipal advisor, the required good faith estimates, which the Municipal Advisor has prepared in consultation with the Underwriter, and such estimates are disclosed and set forth in Exhibit A attached hereto; and

WHEREAS, the Community Facilities District desires to proceed to issue and sell the Series 2020 Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Series 2020 Bonds; and

WHEREAS, the City Council is the legislative body of the Community Facilities District; and

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.

<u>SECTION 2.</u> Subject to the provisions of Section 3 hereof, the issuance of the Series 2020 Bonds, in an aggregate principal amount of not to exceed \$10,000,000, on the terms and conditions set forth in, and subject to the limitations specified in, the Indenture, be and the same is hereby authorized and approved. The Series 2020 Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Indenture, as the same shall be completed as provided in this Resolution.

SECTION 3. The Indenture, 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, the Assistant City Manager of the City, the Executive Director of Finance of the City, the Deputy City Treasurer 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 Community Facilities District, to execute and deliver the Indenture 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 Indenture by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not authorize an aggregate principal amount of Series 2020 Bonds in excess of \$10,000,000, shall not result in a final maturity date of the Series 2020 Bonds later than September 1, 2052, and shall not result in a true interest cost for the Series 2020 Bonds in excess of 6.00%.

SECTION 4. The Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Purchase Agreement in the form presented 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 Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in an aggregate underwriter's discount (not including any original issue discount) from the principal amount of the Series 2020 Bonds in excess of 1.50% of the aggregate principal amount of the Series 2020 Bonds at negotiated sale as contemplated by the Purchase Agreement will result in a lower overall cost.

<u>SECTION 5.</u> The Continuing Disclosure Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Continuing Disclosure Agreement in the form presented 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 Continuing Disclosure Agreement by such Authorized Officer.

<u>SECTION 6.</u> The Preliminary Official Statement, in substantially the form presented to this meeting and made a part hereof as though set forth in full herein, with such changes, insertions and omissions therein as may be approved by an Authorized Officer, be and the same is hereby approved, and the use of the Preliminary Official Statement in connection with the offering and sale of the Series 2020 Bonds is hereby authorized and approved. Each of the Authorized Officers is hereby authorized to certify on behalf of the Community Facilities District that the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

SECTION 7. The preparation and delivery of a final Official Statement (the "Official Statement"), and its use in connection with the offering and sale of the Series 2020 Bonds, be and the same is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement, with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute the final Official Statement and any amendment or supplement thereto.

<u>SECTION 8.</u> Based upon the property values within the Community Facilities District reported in the Appraisal and the value-to-lien information set forth in the Preliminary Official Statement, the City Council, for purposes of Section 53345.8 of the Act, hereby finds and determines that the value of the real property that would be subject to the Special Tax to pay debt service on the Series 2020 Bonds will be at least three times the principal amount of the Series 2020 Bonds to be sold and the principal amount of all other bonds outstanding that are secured by a special tax levied pursuant to the Act on property within the Community Facilities District or a special assessment levied on property within the Community Facilities District.

<u>SECTION 9.</u> The City Council hereby waives the provisions of the City's Mello-Roos Community Facilities Act of 1982 Local Goals and Policies, as amended to date, that are inconsistent or in conflict with the issuance of the Series 2020 Bonds and the financing of the Facilities as approved and authorized hereby, and finds and determines that benefit inures to the ultimate property owners, the Community Facilities District and/or the City as a result of such waiver.

<u>SECTION 10.</u> 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 11. 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 6th day of October 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER, LLP CITY ATTORNEY STATE OF CALIFORNIA)COUNTY OF SAN BERNARDINO)CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 6, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 6, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

GOOD FAITH ESTIMATES

The good faith estimates set forth herein are provided with respect to the Series 2020 Bonds in accordance with Section 5852.1 of the California Government Code. Such good faith estimates have been provided to the Community Facilities District by CSG Advisors Incorporated, the Community Facilities District's municipal advisor (the "Municipal Advisor"), which the Municipal Advisor has prepared in consultation with Stifel, Nicolaus & Company, Incorporated, the Underwriter.

Principal Amount. The Municipal Advisor has informed the Community Facilities District that, based on the Community Facilities District's financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Series 2020 Bonds to be issued and sold is \$8,815,000 (the "Estimated Principal Amount"), which does not include approximately \$710,000 of net premium estimated to be generated based on current market conditions. Net premium is generated when, on a net aggregate basis for a single issuance of bonds, the price paid for such bonds is higher than the face value of such bonds. Such Estimated Principal Amount and such estimated net premium amount would produce approximately \$9,525,000 of gross proceeds.

True Interest Cost of the Series 2020 Bonds. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Series 2020 Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Series 2020 Bonds, is 3.47%.

Finance Charge of the Series 2020 Bonds. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Series 2020 Bonds, which means the sum of all fees and charges paid to third parties (or costs associated with the Series 2020 Bonds), is \$332,000.

Amount of Proceeds to be Received. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the Community Facilities District for sale of the Series 2020 Bonds, less the finance charge of the Series 2020 Bonds, as estimated above, and any reserves or capitalized interest paid or funded with proceeds of the Series 2020 Bonds, is \$8,689,000.

Total Payment Amount. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the Community Facilities District will make to pay debt service on the Series 2020 Bonds, plus the finance charge for the Series 2020 Bonds, as described above, not paid with the proceeds of the Series 2020 Bonds, calculated to the final maturity of the Series 2020 Bonds, is \$15,470,000, which excludes any reserves or capitalized interest funded or paid with proceeds of the Series 2020 Bonds (which may offset such total payment amount).

The foregoing estimates constitute good faith estimates only and are based on market conditions prevailing at the time of preparation of such estimates. The actual principal amount of the Series 2020 Bonds issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the sale of the Series 2020 Bonds being different than the date assumed for purposes of such estimates, (b) the actual principal amount of Series 2020 Bonds issued and sold being different from the Estimated Principal Amount, (c) the actual amortization of the Series 2020 Bonds being different than the amortization assumed for purposes of such estimates, (d) the actual market interest rates at the time of sale of the Series 2020 Bonds being different than those estimated for purposes of such estimates, (e) other market conditions, or (f) alterations in the Community Facilities District's financing plan, or a combination of such factors. The actual date of sale of the Series 2020 Bonds and the actual principal amount of Series 2020 Bonds issued and sold will be determined by the Community Facilities District based on the timing of the need for proceeds of the Series 2020 Bonds and other factors. The actual interest rates borne by the Series 2020 Bonds will depend on market interest rates at the time of sale thereof. The actual amortization of the Series 2020 Bonds will also depend, in part, on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the Community Facilities District.