

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
OCTOBER 2, 2018

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

ORDER OF BUSINESS The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

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

CALL TO ORDER (OPEN SESSION)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Chino Basin Municipal Water District v. City of Chino et al., Court of Appeal of the State of California, Fourth Appellate District, Division Two, Case Number E068640.*
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1048-552-17 and 1048-551-11; 240 North Euclid Avenue and 308 North Euclid Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Wells Fargo, N.A., a national banking association; Under negotiation: Price and terms of payment.

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Wapner

INVOCATION

Pastor Michael Schreib, Bible Baptist Church International

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

SPECIAL PRESENTATION

CHAFFEY COLLEGE – DOWNTOWN ONTARIO

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.

I. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of September 4, 2018, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills August 12, 2018 through August 25, 2018 and **Payroll** August 12, 2018 through August 25, 2018, when audited by the Finance Committee.

3. ACCEPT WRITTEN PETITIONS TO ANNEX TERRITORY TO THE EXISTING CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) AND ADOPT A RESOLUTION OF INTENTION TO ANNEX TERRITORY AND TO LEVY SPECIAL TAXES THEREIN

That the City Council consider and:

- (A) Accept written petitions (on file with the Records Management Department) from BrookCal Ontario LLC, located in Costa Mesa, California, and STG Communities II, LLC, located in Irvine, California, to annex territory to City of Ontario Community Facilities District No. 27 (New Haven Services) (the “CFD”), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to annex territory to the CFD, authorize the levy of special taxes therein, and set a public hearing for the annexation to the CFD as part of the regularly scheduled City Council meeting scheduled on Tuesday, November 6, 2018.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ANNEX TERRITORY TO CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN.

4. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA18-001) BETWEEN THE CITY OF ONTARIO AND RICHLAND DEVELOPERS, INC., TO ESTABLISH THE TERMS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 18929 (FILE NO. PMTT13-016) TO SUBDIVIDE 54.81 ACRES OF LAND INTO 207 RESIDENTIAL NUMBERED LOTS AND 24 LETTERED LOTS AND TENTATIVE TRACT MAP 18930 (FILE NO. PMTT13-017) TO SUBDIVIDE 49.45 ACRES OF LAND INTO 225 RESIDENTIAL NUMBERED LOTS AND 26 LETTERED LOTS FOR PROPERTIES BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE EAST AND THE CUCAMONGA FLOOD CONTROL CHANNEL TO THE WEST, AND LOCATED WITHIN THE CONVENTIONAL SMALL LOT RESIDENTIAL DISTRICT OF PLANNING AREA 1 AND WITHIN THE NEIGHBORHOOD COMMERCIAL CENTER DISTRICT OF PLANNING AREA 2 OF THE SUBAREA 29 SPECIFIC PLAN (APNS: 0218-271-11 AND 0218-271-19)

That the City Council consider and adopt an ordinance approving a Development Agreement (File No. PDA18-001, on file with the Records Management Department) between the City of Ontario and Richland Developers, Inc., to establish the terms and conditions for the development of Tentative Tract Maps 18929 (File No. PMTT13-016) and 18930 (File No. PMTT13-017).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT, FILE NO. PDA18-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND RICHLAND DEVELOPERS, INC., TO ESTABLISH THE TERMS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 18929 (FILE NO. PMTT13-016) TO SUBDIVIDE 54.81 ACRES OF LAND INTO 207 RESIDENTIAL NUMBERED LOTS AND 24 LETTERED LOTS AND TENTATIVE TRACT MAP 18930 (FILE NO. PMTT13-017) TO SUBDIVIDE 49.45 ACRES OF LAND INTO 225 RESIDENTIAL NUMBERED LOTS AND 26 LETTERED LOTS. THE PROPERTIES ARE BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE EAST AND THE CUCAMONGA FLOOD CONTROL CHANNEL TO THE WEST, AND LOCATED WITHIN THE CONVENTIONAL SMALL LOT RESIDENTIAL DISTRICT OF PLANNING AREA 1 AND WITHIN THE NEIGHBORHOOD COMMERCIAL CENTER DISTRICT OF PLANNING AREA 2 OF THE SUBAREA 29 SPECIFIC PLAN., AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-271-11 AND 0218-271-19.

5. AUTHORIZE THE PURCHASE OF FLEET VEHICLES/NATIONAL AUTO FLEET GROUP

That the City Council authorize the cooperative purchase and delivery of twenty Ford Police Interceptor SUVs in the amount of \$647,796 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

6. RESOLUTIONS TO APPROVE THE TRANSFER OF 200 NORTH EUCLID AVENUE FROM THE ONTARIO HOUSING AUTHORITY TO THE CITY OF ONTARIO

- (A) That the Ontario Housing Authority adopt a resolution approving the transfer of 200 North Euclid Avenue from the Ontario Housing Authority to the City of Ontario; and
- (B) That the City Council adopt a resolution approving and accepting the transfer of 200 North Euclid Avenue from the Ontario Housing Authority to the City of Ontario.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. OHA-_____

A RESOLUTION OF THE GOVERNING BOARD OF THE ONTARIO HOUSING AUTHORITY, OF THE CITY OF ONTARIO, APPROVING THE CONVEYANCE OF 200 NORTH EUCLID AVENUE (APN: 1048-552-19) FROM THE ONTARIO HOUSING AUTHORITY TO THE CITY OF ONTARIO.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE CONVEYANCE OF 200 NORTH EUCLID AVENUE (APN: 1048-552-19) FROM THE ONTARIO HOUSING AUTHORITY TO THE CITY OF ONTARIO.

7. A RESOLUTION FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY

That the City Council adopt a resolution finding the public interest and convenience require the sale of certain real property and declaring its intent to sell such property located at 200 North Euclid Avenue.

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

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

8. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES); ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS; AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

That City Council consider and:

- (A) Adopt a resolution establishing Community Facilities District No. 33 (Archibald/Schaefer - Facilities), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 33 (Archibald/Schaefer - Facilities);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities); and
- (F) Adopt a resolution authorizing the execution and delivery of an acquisition and funding agreement with Western Pacific Housing, Inc., a Delaware corporation.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES).

RESOLUTION NO. _____

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH WESTERN PACIFIC HOUSING, INC.

9. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN (FILE NO. PSPA18-004), ESTABLISHING SIGN STANDARDS AND GUIDELINES FOR A FREEWAY IDENTIFICATION SIGN AND FOR SINGLE USES OCCUPYING MORE THAN 200,000 SQUARE FEET OF BUILDING AREA, WITHIN THE URBAN COMMERCIAL LAND USE DISTRICT; AND AN ADDENDUM TO THE MEREDITH INTERNATIONAL CENTRE ENVIRONMENTAL IMPACT REPORT (SCH# 2014051020), REVIEWED IN CONJUNCTION WITH FILE NO. PGPA13-005 AND FILE NO. PSPA14-003 PREPARED TO DETERMINE POSSIBLE ENVIRONMENTAL IMPACTS OF THE PROJECT (APNs: 0110-311-52, 0110-311-53, 0110-311-54, 0110-311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78, 0110-321-79)

That the City Council consider and:

- (A) Adopt a resolution approving an Addendum to the Meredith International Centre Specific Plan Environmental Impact Report; and
- (B) Adopt a resolution approving File No. PSPA18-004 establishing sign standards and guidelines for a Freeway Identification Sign and for single uses occupying more than 200,000 square feet of building area within the Urban Commercial land use district of the Meredith International Centre Specific Plan.

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

Written communication.
Oral presentation.
Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE MEREDITH INTERNATIONAL CENTRE ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PSPA18-004 - APNS: 0110-311-52, 0110-311-53, 0110-311-54, 0110 311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78 AND 0110-321-79.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA18-004, AN AMENDMENT TO THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN ESTABLISHING SIGN STANDARDS AND GUIDELINES FOR A FREEWAY IDENTIFICATION SIGN AND FOR SINGLE USES OCCUPYING MORE THAN 200,000 SQUARE FEET OF BUILDING AREA, WITHIN THE URBAN COMMERCIAL LAND USE DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0110-311-52, 0110-311-53, 0110-311-54, 0110-311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78 AND 0110-321-79.

10. A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT (FILE NO. PCUP18-008) TO ESTABLISH A 208-ROOM FULL-SERVICE HOTEL ON 4.95 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND INLAND EMPIRE BOULEVARD, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT (APNS: 0210-191-29, 0210-191-30, 0210-191-31 AND 0210-191-32)

That the City Council consider and adopt a resolution approving File No. PCUP18-008, a Conditional Use Permit establishing a 208-room full service hotel at the southeasterly corner of Archibald Avenue and Inland Empire Boulevard.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP18-008, A CONDITIONAL USE PERMIT TO ESTABLISH A 208-ROOM FULL-SERVICE HOTEL ON 4.95 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND INLAND EMPIRE BOULEVARD, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0210-191-29, 0210-191-30, 0210-191-31 AND 0210-191-32.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
October 2, 2018

ROLL CALL: Wapner __, Bowman __, Dorst-Porada__, Valencia __, Mayor / Chairman Leon __.

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

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: Chino Basin Municipal Water District v. City of Chino et al., Court of Appeal of the State of California, Fourth Appellate District, Division Two, Case Number E068640.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1048-552-17 and 1048-551-11; 240 North Euclid Avenue and 308 North Euclid Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Wells Fargo, N.A., a national banking association; Under negotiation: Price and terms of payment.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
October 2, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: ACCEPT WRITTEN PETITIONS TO ANNEX TERRITORY TO THE EXISTING CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) AND ADOPT A RESOLUTION OF INTENTION TO ANNEX TERRITORY AND TO LEVY SPECIAL TAXES THEREIN


RECOMMENDATION: That the City Council consider and:

- (A) Accept written petitions (on file with the Records Management Department) from BrookCal Ontario LLC, located in Costa Mesa, California, and STG Communities II, LLC, located in Irvine, California, to annex territory to City of Ontario Community Facilities District No. 27 (New Haven Services) (the "CFD"), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to annex territory to the CFD, authorize the levy of special taxes therein, and set a public hearing for the annexation to the CFD as part of the regularly scheduled City Council meeting scheduled on Tuesday, November 6, 2018.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The use of Mello-Roos financing for City services is critical in achieving the City Council's goal to "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch." The use of Mello-Roos financing for the proposed annexation of the tracts in the New Haven and West Haven developments will not generate funds for facilities, and bonds will not be issued as part of this formation. As a result of the proposed annexation, the projected annual revenue is expected to generate approximately \$2.1 million at build out to fund City services.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 10/02/2018
Approved: _____
Continued to: _____
Denied: _____

3

BACKGROUND: On June 17, 2014, the City Council formed City of Ontario Community Facilities District No. 27 (New Haven Services) pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”) for the purpose of financing certain services.

The Act provides that territory may be annexed to an existing community facilities district and special taxes levied therein as provided in Article 3.5 of the Act. If the landowner of a territory requests the legislative body of a local agency that created a community facilities district to include territory within such community facilities district, the legislative body may adopt a resolution of intention to annex such territory to such community facilities district.

BrookCal Ontario LLC, a Delaware limited liability company and STG Communities II, LLC, a California limited liability company (the “Developer”), have submitted petitions to the City Council requesting that the City Council institute proceedings pursuant to the Act to annex certain territory (the “Additional Territory”) to the CFD and to levy special taxes in the Additional Territory. The Developers have represented that they are the landowners of such Additional Territory. The boundaries of the Additional Territory proposed to be annexed are described in the map on file with the City Clerk. Annexation of the territory to the CFD is in conformance with the provisions of the New Haven and West Haven projects’ Development Agreements, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

The Resolution of Intention, identifies the City Council’s intention to annex the Additional Territory to the CFD and to levy special taxes therein to pay for public services, all as further provided and detailed therein. As proposed, annexation of the Additional Territory will not alter the special tax rate to be levied within the CFD. The Resolution of Intention fixes Tuesday, November 6, 2018, as the date for a public hearing on the proposed annexation of the Additional Territory to the CFD.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ANNEX TERRITORY TO CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN.

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City Council (the "City Council") of the City of Ontario (the "City") previously established City of Ontario Community Facilities District No. 27 (New Haven Services) (the "Community Facilities District") for the purpose of financing certain services; and

WHEREAS, the City Council has received written petitions from each of BrookCal Ontario LLC, a Delaware limited liability company ("BrookCal") and STG Communities II, LLC, a California limited liability company ("STG" and, collectively, the "Landowners") requesting that proceedings be instituted to annex certain property owned by the Landowners to the Community Facilities District; and

WHEREAS, the Landowners have represented and warranted to the City Council that the Landowners are the owners of 100% of the area of land proposed to be annexed to the Community Facilities District and not proposed to be exempt from the special tax (the "Additional Territory"); and

WHEREAS, Section 53339.2 of the Act provides that if the landowners request the legislative body to include territory within a district, the legislative body may adopt a resolution of intention to annex the territory; and

WHEREAS, the Landowners have previously submitted to the City the fee required by the City to be used to compensate the City Council and the City for all costs incurred in conducting proceedings to annex that Additional Territory to the Community Facilities District, which the City Council has determined to be sufficient for such purpose; and

WHEREAS, pursuant to the Act, the City Council is the legislative body of the Community Facilities District.

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

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

SECTION 2. The name of the existing community facilities district is City of Ontario Community Facilities District No. 27 (New Haven Services).

SECTION 3. The City Council proposes to annex the Additional Territory to the Community Facilities District pursuant to the Act. The existing boundaries of the territory of the Community Facilities District are described in the boundary map of the Community Facilities District recorded in the office of the San Bernardino County Recorder in Book 86 at Page 17 of Maps of Assessment and Community Facilities District as Instrument No. 2014-0170922. The boundaries of the territory proposed to be annexed to the Community Facilities District are described in the map showing the proposed Additional Territory (“Annexation Map No. 1”) 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 Annexation Map No. 1 and record, or cause to be recorded, Annexation Map No. 1 with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 4. The services (the “Services”) provided in the Community Facilities District pursuant to the Act and proposed to be provided in the Additional Territory are described under the caption “Services” on Exhibit A to Resolution No. 2014-061, entitled “A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 27 (New Haven Services), Authorizing the Levy of a Special Tax Within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District,” adopted by the City Council on June 17, 2014 (the “Resolution of Formation”), which is by this reference incorporated herein. The Services will be available to and will benefit landowners within the Community Facilities District and the proposed Additional Territory without preference or priority and, as such is the case, no specific plan for providing services as contemplated by Section 53339.3(c) of the Act is necessary.

SECTION 5. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the Additional Territory, will be annually levied within the Additional Territory. The rate and method of apportionment of the special tax, in sufficient detail to allow each landowner within the proposed Additional Territory to estimate the maximum amount that he or she will have to pay, is described in Exhibit B to the Resolution of Formation, which is by this reference incorporated herein.

SECTION 6. There will be no alteration in the special tax rate to be levied within the Community Facilities District as a result of the proposed annexation of the Additional Territory to the Community Facilities District.

SECTION 7. The City Council hereby fixes Tuesday, November 6, 2018, 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 annexation of the Additional Territory to the Community Facilities District.

SECTION 8. 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 Community Facilities District and the Additional Territory. 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 53339.4 of the Act.

SECTION 9. 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 10. 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 2nd day of October 2018.

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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
October 2, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA18-001) BETWEEN THE CITY OF ONTARIO AND RICHLAND DEVELOPERS, INC., TO ESTABLISH THE TERMS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 18929 (FILE NO. PMTT13-016) TO SUBDIVIDE 54.81 ACRES OF LAND INTO 207 RESIDENTIAL NUMBERED LOTS AND 24 LETTERED LOTS AND TENTATIVE TRACT MAP 18930 (FILE NO. PMTT13-017) TO SUBDIVIDE 49.45 ACRES OF LAND INTO 225 RESIDENTIAL NUMBERED LOTS AND 26 LETTERED LOTS FOR PROPERTIES BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE EAST AND THE CUCAMONGA FLOOD CONTROL CHANNEL TO THE WEST, AND LOCATED WITHIN THE CONVENTIONAL SMALL LOT RESIDENTIAL DISTRICT OF PLANNING AREA 1 AND WITHIN THE NEIGHBORHOOD COMMERCIAL CENTER DISTRICT OF PLANNING AREA 2 OF THE SUBAREA 29 SPECIFIC PLAN (APNS: 0218-271-11 AND 0218-271-19)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving a Development Agreement (File No. PDA18-001, on file with the Records Management Department) between the City of Ontario and Richland Developers, Inc., to establish the terms and conditions for the development of Tentative Tract Maps 18929 (File No. PMTT13-016) and 18930 (File No. PMTT13-017).

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

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: The proposed Development Agreement will provide funding from a community facilities district for additional City services required to support the Subarea 29 Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive public

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

Prepared by: Rudy Zeledon
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 10/02/2018

Approved: _____

Continued to: _____

Denied: _____

4

service funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the Ontario Ranch development.

BACKGROUND: On September 18, 2018, the City Council introduced and waived further reading of an ordinance approving the Development Agreement. In October 2006, the City Council approved the Subarea 29 Specific Plan (File No. PSP03-003) and the Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines for approximately 540 gross acres of land, which included the potential development of 2,293 single-family units and approximately 87,000 square feet of commercial. The applicant, Richland Developers, Inc., has submitted Tentative Tract Map 18929 (File No. PMTT13-016) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots and Tentative Tract Map 18930 (File No. PMTT13-017) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots. The properties are bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Archibald Avenue to the east and the Cucamonga Flood Control channel to the west, and located within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan.

The financial commitments required for construction of properties within the specific plan are substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Richland Developers, Inc., has requested that staff enter into negotiations to create a Development Agreement (“Agreement”) with the City.

The Development Agreement proposes to include 104.26 acres of land within Planning Areas 1 and 2 of Subarea 29 Specific Plan as shown in Exhibit “A” (Subarea 29 Specific Plan – Land Use Map). The Agreement grants Richland Developers, Inc., a vested right to develop Tentative Tract Maps 18929 and 18930 as long as the Richland Developers, Inc., complies with the terms and conditions of Subarea 29 Specific Plan and Environmental Impact Report.

The term of the Development Agreement is for ten years with a five year option. The main points of the agreement address funding for all new City expenses created by the project which includes;

- Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, police, fire, open space/parks etc.);
- Public Service Funding to ensure adequate provisions of public services (police, fire and other public services);
- The creation of a Community Facilities District (CFD) for reimbursement of public improvements and maintenance of public facilities;
- The Park/Open Space Policy Plan requirement of five acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees; and
- Public infrastructure improvements required to support the development of TT 18929 and TT 18930.

Other points addressed by the Agreement include provisions for affordable housing, as required by the Policy Plan, through construction, rehabilitation, or by paying an in-lieu fee, and satisfaction of the Mountain View Elementary School District and Chaffey High School District school facilities requirements.

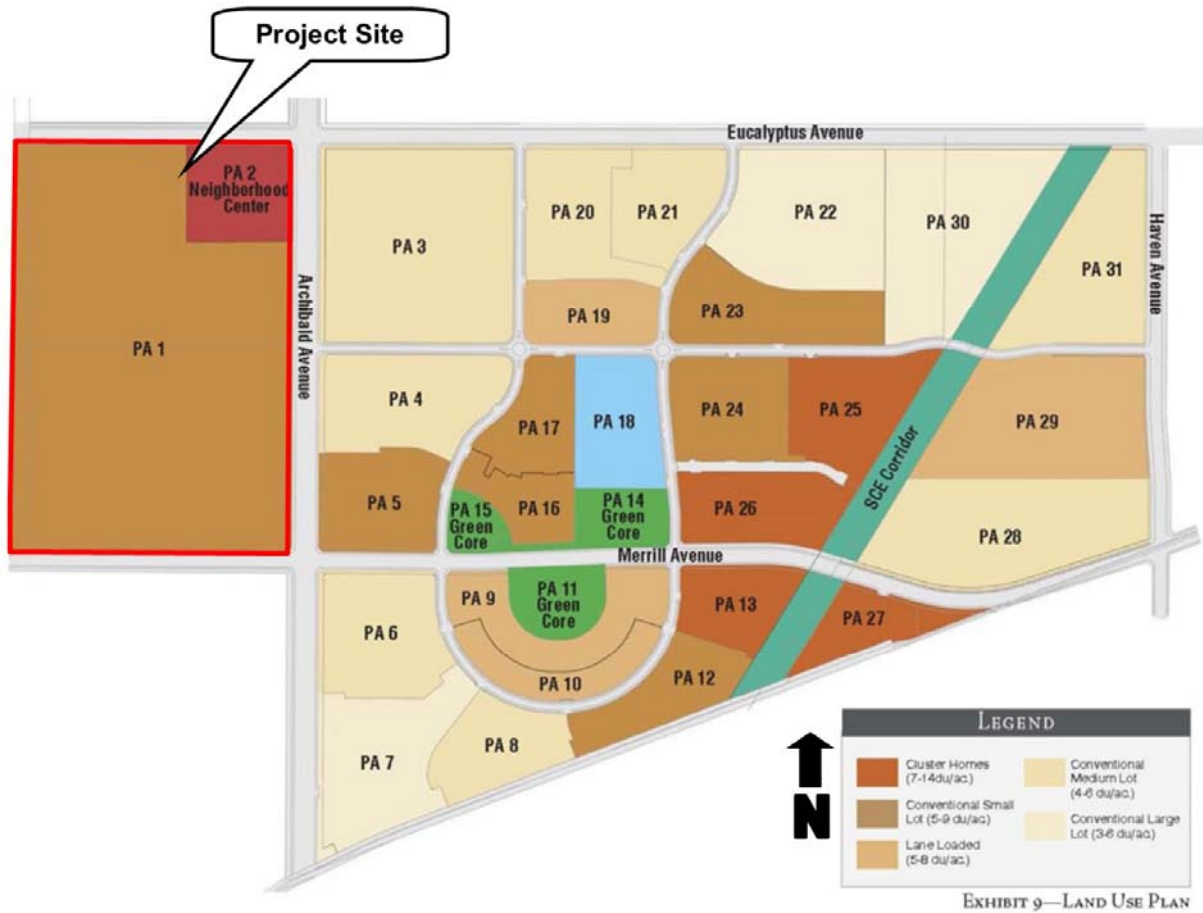
In considering the application at their meeting of August 28, 2018, the Planning Commission found that the Agreement was consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for Ontario Ranch developments and, with a 6 to 0 vote (Resolution No. PC18-083), recommended approval of the Agreement to the City Council.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (482) and density (4.8 DU/AC) specified within Planning Area 1 of the Subarea 29 Specific Plan. Per the Available Land Inventory, the entire Subarea 29 Specific Plan is required to provide 2,552 dwelling units with a density range of 2-12 DU/AC.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: 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 also located within the Airport Influence area of Chino Airport and is 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.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A" SUBAREA 29 SPECIFIC PLAN



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT, FILE NO. PDA18-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND RICHLAND DEVELOPERS, INC., TO ESTABLISH THE TERMS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 18929 (FILE NO. PMTT13-016) TO SUBDIVIDE 54.81 ACRES OF LAND INTO 207 RESIDENTIAL NUMBERED LOTS AND 24 LETTERED LOTS AND TENTATIVE TRACT MAP 18930 (FILE NO. PMTT13-017) TO SUBDIVIDE 49.45 ACRES OF LAND INTO 225 RESIDENTIAL NUMBERED LOTS AND 26 LETTERED LOTS. THE PROPERTIES ARE BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE EAST AND THE CUCAMONGA FLOOD CONTROL CHANNEL TO THE WEST, AND LOCATED WITHIN THE CONVENTIONAL SMALL LOT RESIDENTIAL DISTRICT OF PLANNING AREA 1 AND WITHIN THE NEIGHBORHOOD COMMERCIAL CENTER DISTRICT OF PLANNING AREA 2 OF THE SUBAREA 29 SPECIFIC PLAN., AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-271-11 AND 0218-271-19.

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, attached to this Ordinance marked Attachment “A” and incorporated herein by this reference, is the proposed Development Agreement between the City of Ontario and Richland Developers, Inc., to establish the terms for the development of Tentative Tract Map 18929 (File No. PMTT13-016) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots and Tentative Tract Map 18930 (File No. PMTT13-017) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots. The properties are bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Archibald Avenue to the east and the Cucamonga Flood Control channel to the west, and located within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Ordinance, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on September 26, 2006, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC06-095 recommending City Council certification of Subarea 29 Specific Plan EIR and Issued Resolution PC06-097 recommending approval of Subarea 29 Specific Plan (File No. PSP03-003); and

WHEREAS, on October 17, 2006, the City Council of the City of Ontario issued Resolution No. 2006-089 certifying the Subarea 29 Specific Plan EIR (SCH#. 2004011009) and

WHEREAS, on November 7, 2006, the City Council of the City of Ontario adopted Ordinance No. 2845 approving the Subarea 29 Specific Plan; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, 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 also located within the Airport Influence area of Chino Airport and is 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; 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 August 28, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Agreement and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted 6 to 0 to recommend approval (Resolution No. PC18-083) of the Development Agreement to the City Council; and

WHEREAS, on September 18, 2018, the City Council of the City of Ontario conducted a public hearing to consider the Agreement and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and ordained by the City Council of the City of Ontario as follows:

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Subarea 29 Specific Plan EIR (SCH#2004011009) and supporting documentation. Based upon the facts and information contained in the previous Subarea 29 Specific Plan EIR (SCH#2004011009) and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH#2004011009), certified by the City of Ontario City Council on October 17, 2006, in conjunction with File No. PSP03-003.

(2) The previous the Subarea 29 Specific Plan EIR (SCH#2004011009) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous the Subarea 29 Specific Plan EIR (SCH#2004011009), was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous the Subarea 29 Specific Plan EIR (SCH#2004011009) reflects the independent judgment of the City Council; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Subarea 29 Specific Plan EIR (SCH#2004011009), and all mitigation measures previously adopted with the Subarea 29 Specific Plan EIR (SCH#2004011009), are incorporated herein by this reference.

SECTION 2. Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental to the Subarea 29 Specific Plan EIR (SCH#2004011009) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Subarea 29 Specific Plan EIR (SCH#2004011009) that will require major revisions to the Subarea 29 Specific Plan EIR (SCH#2004011009) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Subarea 29 Specific Plan EIR (SCH#2004011009) was prepared, that will require major revisions to the Subarea 29 Specific Plan EIR (SCH#2004011009) due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Subarea 29 Specific Plan EIR (SCH#2004011009) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Subarea 29 Specific Plan EIR (SCH#2004011009); or

(b) Significant effects previously examined will be substantially more severe than shown in the Subarea 29 Specific Plan EIR (SCH#2004011009); or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Subarea 29 Specific Plan EIR (SCH#2004011009) would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (482) and density (4.8 DU/AC) specified within Planning Area 1 of the Subarea 29 Specific Plan. Per the Available Land Inventory, the entire Subarea 29 Specific Plan is required to provide 2,552 dwelling units with a density range of 2-12 DU/AC.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the approving body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP. The project site is also located within the Airport Influence area of Chino Airport and is 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.

SECTION 5. *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 through 4, above, the City Council hereby concludes as follows:

a. The Development Agreement applies to 104.26 acres of land, for property bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Archibald Avenue to the east and the Cucamonga Flood Control channel to the west, and located within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan., and is presently used for agriculture and dairy uses; and

b. The properties to the north of the Project site are within Planning Areas 4 (Multi-Family Attached) and 5 (Single-Family Detached) of the Parkside Specific Plan, and is presently improved with agriculture uses. The property to the south is within Planning Areas 1 and 2 (Business Park\Industrial) of the Colony Commerce Center East Specific Plan and developed with agriculture uses. The properties to the east is located within Planning Areas 3, 4 and 5 (Single Family Conventional) of the Subarea 29 Specific Plan and are under development with residential homes. The property to the west is zoned Non Recreational Open Space and developed with the Cucamonga Creek Channel; and

c. The Development Agreement establishes parameters for the development of Tentative Tract Map 18929 for the potential development of 207 residential units and Tentative Tract Map 18930 for the potential development of 225 residential units within Planning Area 1 (Conventional Small Lot) of the Subarea 29 Specific Plan. The Development Agreement also grants Richland Developers, Inc., the right to develop, the ability to quantify the fees, and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the Subarea 29 Specific Plan; and

d. The Development Agreement focuses on Tentative Tract Map 18929 (File No. PMTT13-016) that will subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots (public streets, neighborhood edges, paseos, parks and parkways) and Tentative Tract Map 18930 (File No. PMTT13-017) that will subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots (public streets, neighborhood edges, paseos, parks and parkways); and

e. The Development Agreement will provide for the development of up to 432 single family units as established for Planning Area 1 and approximately 87,000 square feet of commercial uses for Planning 2 of Subarea 29 Specific Plan; and

f. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

g. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

h. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

i. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts; and

j. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3, 4 and 5 above, the City Council hereby APPROVES the Development Agreement subject to each and every condition set forth in Subarea 29 Specific Plan and EIR, incorporated by this reference.

SECTION 7. 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.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 11. Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California, within 15 days following 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 2nd day of October 2018.

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. 3117 was duly introduced at a regular meeting of the City Council of the City of Ontario held September 18, 2018 and adopted at the regular meeting held October 2, 2018 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. 3117 duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018 and that Summaries of the Ordinance were published on September 25, 2018 and October 9, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PDA18-001
Development Agreement
Between
The City of Ontario and Richland Developers, Inc.**

(Development Agreement to follow this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

and

Richland Developers, Inc.

a Delaware corporation

_____, **2018**

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA18-001

This Development Agreement (hereinafter "Agreement") is entered into effective as of the ____ day of _____, 2018 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Richland Developers, Inc., a Delaware corporation (hereinafter "OWNER"):

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Subarea 29 Specific Plan (State Clearinghouse No. 2004011009 (the "FEIR")). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Subarea 29 Specific Plan; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary

improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the "New Model Colony" area and the New Model Colony area has now been renamed as "Ontario Ranch."

WHEREAS, the property developer/owners are made aware of the South Archibald Trichloroethylene (TCE) Plume Disclosure Letter (Exhibit "G"). Property owner may wish to provide the attached Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "CITY" means the City of Ontario, California, a California municipal corporation.

1.1.3 "Construction Agreement" means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all amendments thereto and "Construction Agreement Amendment" means that First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21st day of August 2012.

1.1.4 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. “Development” does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) development plan review;
- (d) conditional use permits (including model home use permits), public use permits and plot plans;
- (e) zoning;
- (f) grading and building permits.

1.1.6 “Development Exaction” means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.7 “Development Impact Fee” means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4, For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the

processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

1.1.8 “Development Plan” means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.9 “Effective Date” means the date that the ordinance approving this Agreement goes into effect.

1.1.10 “Existing Development Approvals” means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit “C” and all other Approvals which are a matter of public record on the Effective Date.

1.1.11 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations that are in effect and a matter of public record on the Effective Date.

1.1.12 “General Plan” means the General Plan adopted on January 27, 2010.

1.1.13 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the Tract Map conditions for Tract Nos.18929 and 18930 as further described in Exhibits “F-1” through F-4 (the “Infrastructure Improvements Exhibits”).

1.1.14 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. “Land Use Regulations” does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;

(d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;

(e) the exercise of the power of eminent domain.

1.1.15 “Mortgagee” means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.16 “Model Units” means a maximum of thirty-two (32) model units, with a maximum of sixteen (16) in each Phase, private common recreation facilities and sales facilities constructed by OWNER prior to the construction of any Production units and not offered for sale and occupancy for a period of time after the issuance of permits for Production Units for the respective Phase.

1.1.17 “OWNER” means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.18 “Phase 1 Improvements” means the public infrastructure and improvements that shall be designed, or designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for Production Units and as shown in Exhibit F- Phase 1 Improvements.”

1.1.19 “Phase 1 Units” means approximately two-hundred twenty-five (225) units located within the portion of the Project designated in the Conceptual Phasing Plan (Exhibit E) as the Phase 1 Area for which the CITY issues building permits to OWNER and shall include up to Thirty-two (32) Model Units and such units are served by the Phase 1 Improvements.

1.1.20 “Phase 2 Improvements” means the public infrastructure and improvements that shall be designed, or designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for Phase 2 Units and as shown in Exhibit F – Phase 2 Improvements.”

1.1.22 “Phase 2 Units” means approximately two-hundred seven (207) units located within the portion of the Project designated in the Conceptual Phasing Plan (Exhibit E) as the Phase 2 Area for which the CITY issues building permits to OWNER and such units are served by the Phase 2 Improvements.

1.1.23 “Production Unit(s)” means all units constructed for sale and occupancy by OWNER and excludes the specified number of Model Units constructed by OWNER for promotion of sales.

1.1.24 “Project” means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.25 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.26 “Reservations of Authority” means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.6 of this Agreement.

1.1.27 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “Subarea 29 Specific Plan.”

1.1.28 “Storm Water Treatment Capacity Availability” means a designated portion of the total Storm Water Treatment Capacity Availability made available through the completion of construction of a Phase of regional storm water treatment facilities by the NMC Builders LLC as described in the Construction Agreement Amendment. The amount, in acres, of Storm Water Treatment Capacity Availability required for the issuance of a grading permit shall be based upon the factors and assumptions listed in the Construction Agreement Amendment.

1.1.29 “Subsequent Development Approvals” means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.30 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.31 “Water Availability Equivalent (WAE)” means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the issuance of each building permit shall be based upon water demand factors and assumptions listed in the Construction Agreement and Construction Agreement Amendment as “Water Availability Equivalents by Land Use” for each land use category.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” — Legal Description of the Property.

Exhibit “B” — Map showing Property and its location.

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — Phasing Plan

Exhibit “F” — Infrastructure Improvements Exhibits

F- 1 and F-2 Phase 1 Tract 18930

Exhibit "G" - Form of Plume Disclosure Letter

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof, or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

(a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and

(b) In non-mixed use and residential use only projects, the OWNER shall have obtained, as applicable, building permits for at least seventy percent (70%) of the actual number of residential units permitted under this Agreement; and

(c) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume. OWNER may wish to provide the attached Disclosure Letter (Exhibit G) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.(b)

Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned; and (2) the payment of the applicable processing charge to cover the CITY's review and consideration of such sale, transfer or assignment.

(c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property, but shall have no further obligations with respect to the transferred property.

(c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

2.4.5 Termination of Agreement with Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any lot which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and,

(b) A certificate of occupancy has been issued for a building on the lot, and the fees set forth under Section 4 of this Agreement have been paid.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either Party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this section, the term "successor in interest" shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.5.1 Amendment to Reflect Consistency With Future Amendments to the Construction Agreement. To the extent any future amendment to the Construction Agreement provides for modifications to rights or obligations that differ from or alter the

same or similar rights or obligations contained in this Development Agreement, OWNER reserves the right to request an amendment to the Development Agreement to reflect any or all of such modifications.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY for residential units on which construction has not yet begun shall be refunded to OWNER by CITY.

2.7 Notices.

(a) As used in this Agreement, “notice” includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East “B” Street

Ontario California, California 91764

with a copy to:

John Brown, City Attorney
Best Best & Krieger
2855 East Guasti Road, Suite 400
Ontario CA 91761

If to OWNER:

Roseville Investments, LLC
3161 Michelson Drive, Suite 425
Irvine, CA 92612
Attn: Craig Cristina
Email: ccristina@richlandcommunities.com
Phone: (949) 383-4124
Fax: (949) 261-7016

with a copy to:

Richland Legal Department

3161 Michelson Drive, Suite 425
Irvine, CA 92612
Attn: Courtney Nelson
Email: cnelson@richlandinvestments.com
Phone: (949) 261-7010 x210
Fax: (949) 261-7013

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement,

the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Ca1. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.4 Requirement for Public Infrastructure Improvements. Development of the Property is contingent in part on the phasing of area-wide infrastructure improvements over which the OWNER has control. The issuance of building permits by CITY for Model Units and Production Units is, in general, contingent on OWNER's completion of needed infrastructure improvements and the availability of improvements and services to serve the Property.

3.4.1 Attached hereto as Exhibit "F" is a description of the infrastructure improvements needed for the development of the Property ("the Infrastructure Improvement Exhibit").

3.4.2 Subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction of a maximum number of (sixteen (16) Model Units per Phase, private common recreation facilities and sales facilities. CITY may issue a maximum of sixteen (16) building permits per Phase for Model Units in addition to private common recreation facilities and sales facilities. The plan to be submitted by OWNER for CITY approval shall describe the utilities and other infrastructure necessary to provide sufficient fire protection

and other public health and safety requirements for the Model Units and other facilities.

3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and CITY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in CITY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,
 - (b) Increase the density or intensity of use of the Property as a whole;
- or,
- (c) Increase the maximum height and size of permitted buildings; or,
 - (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
 - (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.6 Reservations of Authority.

3.6.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

- (a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;
- (b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;

- (c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan;
- (d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the residents of the project and/or of the immediate community from a condition perilous to their health or safety;
- (e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan;
- (f) Regulations that may conflict but to which the OWNER consents.

3.6.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained in this Section 3.6.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.6.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its

stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.7 Public Works; Utilities. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.7.1 OWNER agrees that development of the Project shall require the construction of Storm Drain facilities from the Property to the connection with the Cucamonga Creek Channel as described in Exhibits F-1 through F-4. OWNER shall be responsible for the construction of the necessary extension of master planned Storm Drain facilities as shown in Exhibits F-1 through F-4.

3.7.1.1 OWNER also acknowledges that Lots D and E of Tract Map No. 18929 and Lots A, B and C of Tract Map No. 18930 shall be developed as a storm water retention and/or water quality area that provides for storm water retention and/or water quality for both Tract Map Nos. 18929 and 18930. OWNER agrees that OWNER shall accept storm water flows from Tract Map No.18929 and OWNER agrees to allow access for the construction of the combined storm water retention basin as required for the development of Tract Map No. 18930. Such combined storm water retention areas shall be transferred to a single homeowner's association and such homeowner's association shall be responsible for all maintenance of the combined storm water retention areas.

3.7.2 OWNER agrees that development of the Project shall require the construction of Master Planned street improvements on Archibald Avenue, Eucalyptus Avenue and Merrill Avenue, including signalization and bridge improvements as described in Exhibits F-1 through Exhibit F-4.

3.7.2.1 Street Improvements Phasing. OWNER shall design, construct and complete Street Improvements as described in Exhibits "F-1 through F-4. The Street Improvements as shown on Exhibits F-1 and F-2 shall be completed prior to, and as a condition precedent to OWNER requesting the issuance of the first Production Permit for the Phase 1 Units. The Street Improvements as shown on Exhibits F-3 and F-4, shall be completed prior to, and as a condition precedent to OWNER requesting the issuance of the first Production Permit for the Phase 2 Units.

3.7.2.2 Merrill and Eucalyptus Bridge Improvements and Phasing.

OWNER shall be required to complete the designs and commence construction of the widening of the existing Merrill Avenue Bridge Improvements (Merrill Bridge) as shown in Exhibit F-2, prior to and as a condition precedent to OWNER requesting a Production Unit building permit for a Phase 1 Unit. The Merrill Bridge Improvements shall consist of widening the north side of the existing bridge to its ultimate width with all striping transitions to existing conditions occurring east of the west end of the bridge and utilities as described in Exhibit F-2. OWNER shall also be required to complete the designs and commence construction of the Eucalyptus Avenue Bridge (Eucalyptus Bridge) as shown in Exhibit F-4, prior to and as a condition precedent to OWNER requesting a Production Unit building permit for a Phase 2 Unit. The Eucalyptus Bridge improvements shall consist of the ultimate south half, plus one westbound lane and utilities as described in Exhibit "F-4". If OWNER has not commenced construction on the Merrill Bridge Improvements prior to OWNER requesting a building permit for a Phase 1 Production Unit, OWNER shall provide proof to the satisfaction of the CITY, that OWNER has exercised one of the following two options:

- a. OWNER has entered into a cost sharing agreement for the construction and completion of the Merrill Avenue Bridge Improvements by other developer(s) and OWNER has fully funded OWNERS obligations under the subject cost sharing agreement; or
- b. OWNER has deposited an amount acceptable to CITY for future construction of the Merrill Avenue Bridge Improvements into an Escrow Account ("Escrow Account") in which CITY has sufficient authority necessary to use such funds deposited by OWNER to commence and complete the construction of the Merrill Avenue Bridge Improvements. OWNER to provide Escrow Instructions acceptable to the City Attorney for CITY.

Additionally, If OWNER has not commenced construction on the Eucalyptus Avenue Bridge Improvements, as shown on the attached Exhibit F- 4, prior to OWNER requesting a building permit for a Phase 2 Production Unit, OWNER shall provide proof, to the satisfaction of CITY that OWNER has exercised one of the following two options:

- a. OWNER has entered into a cost sharing agreement with other developer(s) for the construction and completion of the Eucalyptus Bridge Improvements and OWNER has fully funded OWNER'S obligations under the cost sharing agreement; or

b. OWNER has deposited an amount acceptable to CITY for future construction of the Eucalyptus Avenue Bridge Improvements into an Escrow Account (“Escrow Account”) in which CITY has sufficient authority necessary to use such funds deposited by OWNER to commence and complete the construction of the Eucalyptus Avenue Bridge Improvements. OWNER to provide Escrow Instructions acceptable to the City Attorney of CITY.

3.7.3 OWNER agrees that development of the Property shall require the extension of permanent master planned water and recycled water utility infrastructure for each Phase as described in Exhibits F-1 through Exhibit F-4, consisting generally of the construction of the extension of permanent master planned water and recycled water utility improvements to serve the respective Phase of the Property. OWNER agrees that no building permits shall be issued by CITY for Phase 1 Units prior to, and as a condition precedent to the completion of the water and recycled water Improvements as described in Exhibits F-1 and F-2. OWNER also agrees that no building permits shall be issued by the CITY for the Phase 2 Units prior to, and as a condition precedent to the completion of the water and recycled water Improvements as described in Exhibit F-3 and F- 4.

OWNER also agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during any grading of the Property.

3.7.4 OWNER agrees that NMC Builders shall be responsible for funding a portion of the design and construction of an additional extension of master planned recycled water infrastructure in Haven Avenues to be constructed by CITY. These master planned recycled water Improvements shall also serve the Project. OWNER shall deposit, with NMC Builders an amount equal to the OWNER’s capital contribution for the design and construction of the remaining NMC Builders portion of the recycled water improvements in Haven Avenues known as the “remainder of the Phase 2 Recycled Water Improvements” within thirty (30) days after CITY requests funds from NMC Builders for the remainder of the project. If OWNER has not deposited such amount, with NMC Builders within thirty (30) days after CITY requests such funds from NMC Builders, then CITY shall be entitled to withhold issuance of any further permits (whether discretionary or ministerial) for the Project unless and until OWNER deposits the amount of OWNER’s capital contribution with NMC Builders for the remainder of the funding requested by CITY from NMC Builder for the construction of the remaining NMC Builders portion of the Phase 2 Recycled Water System Improvements.

3.7.5 OWNER agrees that development of the Property shall require the extension of permanent master planned sewer improvements, at OWNER’s sole cost and expense, as described in the attached Exhibits F-1 through Exhibit F-4, consisting generally of the construction of the extension of sewer infrastructure within Merrill Avenue to serve the respective Phase of the Property.

3.7.6 OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure, at OWNER's sole cost and expense, as described in the attached Exhibits F- 1 through Exhibit F- 4 consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the respective Phase of the Property.

3.8 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This section 3.8 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.8.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement, Sections 3.8.1 and 3.8.2 shall control the acquisition of the necessary property interest(s) ("Non-Construction Agreement Offsite Property"). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.8. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.8.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.8.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY

to cease all acquisition proceedings with respect to that Non-Construction Agreement Offsite Property, whereupon CITY shall cease such proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY'S intent to consider the adoption of a resolution of necessity as to any Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Non-Construction Agreement Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Non-Construction Agreement Offsite Property.

3.9 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.10 Tentative Tract Maps; Extension. With respect to applications by OWNER for tentative subdivision maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the date that is five (5) years following the Effective Date of this Agreement.; The CITY's City Council may, in its discretion, extend any such map for an additional period of up to five (5) years beyond its original term, so long as the subdivider files a written request for an extension with the City prior to the expiration of the initial five (5) year term.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit. Deferral of the payment of Development Impact Fees may be granted pursuant to a separate agreement approved by City pursuant to City policy.

4.2.3 Parkland and Quimby Act Fees. Pursuant to the General Plan (Ontario Plan) Goal PR1, Policy PR1-5 (achievement of a park standard of 5 acres of parkland per 1,000 residents) OWNER shall provide improved parks, developed in accordance with the City's park standards in an amount equal to two (2) acres per 1,000 of projected population without credit, reimbursement, offset or consideration from City. CITY and OWNER agree that Lots C and E of Tract 18929 of 4.00 net acres combined and Lot C and G of Tract 18930 of 2.55 net acres combined shall satisfy OWNER's additional park development requirement. OWNER shall also pay the full Development Impact Fee for the Parkland Acquisition and Development Fee category (Quimby Act fees) for the Project.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the infrastructure construction within the Property shall be as approved by the CITY. OWNER shall be responsible for the timely design, construction and completion of all public infrastructure required for each Phase of the Project as described in this Agreement and as shown on the attached Exhibits for each Phase of the Project. OWNER shall also be responsible for compliance with any and all other tract map conditions. Unless otherwise specified in a Subdivision Agreement and Tract Map conditions, all other required improvements and all other conditions or requirements of Tract Map 18930 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for Phase 1 Units. Additionally, unless otherwise specified in a Subdivision Agreement/Tract Map conditions, all other required improvements and all other conditions for Tract Map 18929 in the Phase 1 area shall be completed and operational prior to, and as a

condition precedent to, OWNER requesting and CITY's granting of a building permit for Production Units within the Phase 1 area of the Property.

4.3.1.1 Subject to the provisions of Section 3.7 above, OWNER shall design, or design construct and complete all public infrastructure required for Phase 1 of the Project as shown on Exhibits F-1 and F-2 prior to, and as a condition precedent to, CITY's issuance of the first building permit for Production Units for the Property.

4.3.1.2 OWNER shall design, or design, construct and complete all public infrastructure for Phase 2 as shown in Exhibits F- 3 and F-4, prior to, and as a condition precedent to, CITY's issuance of any building permits for any Production Units in the portion of the Project designated as the Phase 2 area on the Conceptual Phasing Plan (Exhibit E). Unless otherwise specified in a Subdivision Agreement and Tract Map conditions, all other required improvements and all other conditions or requirements Tract Map 18929 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for any Phase 2 Units.

4.3.2 Construction of DIF Program Infrastructure (Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of the Construction Agreement and any amendments thereto. Use of DIF Credit issued to OWNER as a member of NMC Builders LLC or as a merchant builder to offset OWNER's DIF payment obligations shall also be subject to the provisions of the Construction Agreement and any amendments thereto.

4.3.3 Construction of DIF Program Infrastructure (Non-Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program and such public improvements are not included the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitation on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. OWNER may also be eligible to receive reimbursement from DIF collected by CITY and paid by other development that benefits from OWNER's construction of DIF Program Infrastructure. Any such DIF Reimbursement shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Affordable Housing Requirement.

4.4.1 Affordable Housing- Number of Units. OWNER shall provide a minimum number of affordable housing units, equivalent to 10% of the OWNER's total approved residential units within the Project, that are affordable to very low, low and moderate income households. Such requirement for affordable housing shall be met through one, or a combination of one or more, of the options provided in the following Sections 4.4.2.1 through 4.4.2.3. For the purposes of this Section, any term not defined in this Agreement shall be as defined by California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

4.4.2 Affordability Spread. Of the total number of residential dwelling units specified in Section 4.4.1, to be constructed or rehabilitated pursuant to Sections 4.4.2.1 or 4.4.2.2 respectively, thirty percent (30%) shall be available to very low income, thirty percent (30%) shall be available to low income and forty percent (40%) shall be available to moderate income households. "**Households**" shall be as defined by California Health and Safety Code Section 50053.

4.4.2.1 New Construction. If OWNER elects to fully or partially satisfy the affordable housing requirement by the construction of new residential units, it shall construct and restrict the affordability of residential dwelling units within its Project or, at OWNER's option and with the approval of the City, within another project elsewhere within the City. The affordable units constructed shall be intermingled with other units as part of the Project, and shall be built to the same construction, design and aesthetic standards, as well as number of rooms, as other units constructed as part of that OWNER's Project. In addition, the percentage ratio of affordable units offered for sale versus those offered for rent shall equal the percentage ratio of other units offered for sale versus for rent within OWNER's Project. Such construction shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not constructed the required percentage of units, based on the number of building permits for non-restricted units, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to City in order to ensure the faithful completion of such required percentage of construction of affordable units. If OWNER elects the option of constructing new affordable units, a detailed Affordable Housing Agreement specifying terms for the allowable monthly housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. The Affordable Housing Agreement shall hold a recorded priority position senior to any other non-statutory lien or encumbrance affecting the unit.

4.4.2.2 Rehabilitation. If OWNER elects to fully or partially satisfy the affordable housing requirement by the substantial rehabilitation of existing residential units in the City, it shall substantially rehabilitate and restrict the

affordability of, the number of residential units specified in Section 4.4.1, provided that such units shall be provided elsewhere within the City. The rehabilitation work shall be substantial and of high quality and shall also address any deferred property maintenance issues on the property. “**Substantial rehabilitation**” shall mean rehabilitated multi-family rented dwelling units with three or more units and the value of the rehabilitation constitutes 25 percent of the after rehabilitation value of the dwelling, inclusive of land value pursuant to Health and Safety Code Section 33413(b)(2)(A)(iii-iv) as such section exists as of the Effective Date of this Agreement. If OWNER chooses the option of rehabilitation of existing housing units within the City, a detailed Affordable Housing Agreement specifying the terms for the allowable month housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. Such rehabilitation shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER’s Project; provided however that to the extent OWNER has not rehabilitated the required percentage of units, based on the number of building permits, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to the City in order to ensure the faithful completion of such required percentage of rehabilitation.

4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.4.2 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, shall pay an “**Affordability In-Lieu Fee**”. If OWNER has not provided any affordable residential units by construction or rehabilitation, the Affordability In-Lieu fee shall be equal to Two Dollars, Fifty-Three Cents (\$2.53) per square foot of residential development within OWNER’s Project or, if pre-paid as set forth below, Two Dollars Twenty-One Cents (\$2.21) per square foot of residential development within OWNER’s Project. If OWNER has partially complied with the requirements of Section 4.4.1 by construction or rehabilitation of less than the minimum number of units, then the Affordability In-lieu Fee shall be recalculated and reduced in consideration of the number and type of affordable units provided. The Affordability In-Lieu Fee shall be paid by OWNER to City no later than prior to the issuance of each building permit within OWNER’s Project based on the square footage of the residential unit for which such building permit is sought; provided however that OWNER may, at OWNER’s election, pre-pay such Affordability In-Lieu Fee by paying such Affordability In-Lieu Fee within thirty (30) days following the earliest discretionary approval by the City for OWNER’s Project, including, but not limited to, any general plan amendment, specific plan adoption, development agreement, tentative map approval, variance, conditional use permit, or resolution of intention to form any public financing mechanism. The Two Dollars, Fifty-Three Cents (\$2.53) and the Two Dollars Twenty-One Cents

(\$2.21) per square foot amounts shall automatically be increased annually, commencing on July 1, 2018, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the applicable specific plan, whichever is greater, and the Maximum Development Density. For purposes of this Agreement, “**Maximum Development Density**” shall be determined by multiplying the OWNER’s Project’s density for residential development potential as set forth in the General Plan or the applicable Specific Plan, whichever is less, by the net acreage of land within OWNER’s Project. All “Affordability In-Lieu Fees” collected by the City shall be used to promote the construction of affordable housing within the City.

4.4.2.4 Affordability Covenants. Prior to the issuance of the first building permit for any affordable unit, the City and OWNER shall enter into an Affordable Housing Agreement. Affordability shall be assured for a period of forty-five (45) years for for-sale units and fifty-five (55) years for rentals. For rental units, base rents shall be established by the City and rental adjustments required by the City shall be performed on an annual basis. In addition, the Affordable Housing Agreement shall impose maximum occupancy limits of 2 occupants per bedroom plus 1 additional occupant per dwelling unit, and a requirement for the owner or tenant to properly maintain each dwelling unit.

4.4.2.5 Transfer of Affordable Project. No transfer of title to any affordable housing project shall occur without the prior written consent of the City. In the event OWNER transfers title to any affordable housing project required to be constructed pursuant to this Agreement to a non-profit entity, or other entity, that receives an exemption from ad valorem real property taxes, the City shall be required to assure payment of an annual in lieu fee to the City on July 1 of each year equal to one-tenth of one percent (0.1%) of the assessed value of such project. The City may permit OWNER to satisfy this obligation by recorded covenants against the property and enforceable against said entity by the City. Any such covenants shall be approved by the Planning Director and the City Attorney.

4.5 Schools Obligations.

4.5.1 Written Evidence of Compliance with Schools Obligations.

OWNER shall, either through joint or individual agreements between OWNER and the applicable school district(s), shall satisfy its new school obligations. The new school obligations for the Mountain View School District in the Ontario Ranch area have been projected to include the acquisition or dedication of school sites for, and construction of, up to eight (8) schools. Of these eight (8) schools, six (6) are to

be elementary (K-5) grade schools and two (2) are to be middle grade schools. The new school obligations for the Chaffey Joint Union High School District in the Ontario Ranch area have been projected to include the dedication of a school site for, and construction of, an additional high school. The new school obligations for the applicable school district shall be met by any of the following or any combination thereof: (1) designating and dedicating school site(s) within the Property as set forth in the General Plan, and/or (2) paying school impact fees, (3) entering into a joint mitigation agreement or individual mitigation agreements, or (4) any combination of the foregoing. Written evidence of approval by the applicable school district that OWNER has met their school obligations may be required by the City as the condition to the issuance by the City of any entitlements for OWNER's Project. In the event OWNER is unable to provide such written evidence from the applicable school district(s), the City shall have the right to decline to honor any DIF Credit, Certificates of MDD Availability, Certificates of Storm Water Treatment Capacity Availability, or any combination thereof, presented by such OWNER, without liability to the City. To the extent that a joint mitigation agreement is approved by the applicable school district(s), and OWNER is a participant in good standing in such mitigation agreement, OWNER shall be deemed to have mitigated its new school obligations under this Section 4.4.1.

4.6 Public Services Funding Fee.

4.6.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to the residents of each Project in a timely manner, OWNER shall pay to CITY a "**Public Services Funding Fee.**" The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.6.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in the total amount of One Thousand Nine Hundred Seventy-Five dollars (\$1,975.00) per residential dwelling unit. The Public Services Funding Fee shall be paid in one (1) installment within one hundred eighty (180) calendar days after the effective date of the Development Agreement or in two (2) installments, at OWNER's option, as follows:

4.6.2.1 First Installment (Residential uses). The First Installment of the Public Services Funding Fee shall be Nine Hundred Eighty-Seven dollars and fifty cents (\$987.50) per residential dwelling unit. The First Installment shall be based upon the "**Maximum Development Density**" of the OWNER Project, as defined in Section 3.7.2.3 of the First Amended and Restated Construction Agreement. The First Installment shall be due and payable 30 days following the effective date of this Development Agreement.

If the First installment amount is not paid for all residential dwelling units within the Project (based on the Maximum Development Density, or the number of units described on "B Maps" if approved) by January 1, 2019, the

amount of the First Installment shall be increased. Such increase shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. Additionally, the amount shall be further increased automatically by the percentage increase in the Consumer Price Index (Los Angeles-Anaheim-Riverside) on each January 1 thereafter.

4.6.2.2 Second Installment (Residential Uses). The Second Installment of the Public Services Funding Fee shall be Nine Hundred Eighty-Seven dollars and fifty cents (\$987.50) per residential unit. The Second Installment shall be paid at the time of the issuance of each building permit for the Project. The amount of the Second Installment shall increase automatically by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2019. OWNER may exercise the option to pay the Second Installment amount for all residential units, a portion of the residential units, or for the remainder of the residential units within OWNER's Project on or before each December 31st, before the Second Installment amount is automatically increased.

4.6.2.3 Single Installment (Non-residential Uses). A single installment payment of the Public Services Funding Fee shall be required in the amount of Fifty-Seven Cents (\$.57) per square foot of non-residential buildings. The single installment for non-residential uses shall be due and payable prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2019. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.7 Net MDD/Water Availability Equivalents.

4.7.1 Assigned Net MDD/Water Availability Equivalents. The City has agreed with NMC Builders LLC to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders LLC. NMC Builders has assigned to OWNER its allocable share of the Net MDD issued by City. The provisions of the Construction Agreement Amendment require that the City shall not approve a final tract map or issue building permits or certificates of occupancy for the area of development within Ontario Ranch served by the water system improvements funded by NMC Builders LLC, except to the bearer of an Assignment of Net MDD Water Availability.

4.7.2 Use of Assigned Net MDD Water Availability. OWNER shall provide evidence of sufficient Net MDD Water Availability Equivalents (or portions thereof) prior to and as a condition precedent to, the City's approval of any and all tract maps for the Property. The amount of Net MDD Water Availability Equivalents required for City's approval of a tract map shall be based upon water demand factors and assumptions listed in Exhibit C-2R of the Construction Agreement Amendment as "Water Demand Equivalents by Land Use" for each land use category.

4.7.3 Requirement for other Water System Improvements. A Certificate of Net MDD Availability is evidence only of available water capacity and does not satisfy any other conditions applicable to an OWNER's Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.

4.8 Storm Water Capacity Availability. OWNER and CITY agree that the Project may utilize onsite treatment or offsite treatment or a combination thereof. If OWNER does not or is unable to, provide 100% of the required treatment capacity within the Project OWNER shall be required to provide to CITY evidence of sufficient regional Storm Water Treatment Capacity shall be provided by OWNER.

4.8.1 Requirement for Storm Water Treatment Capacity Availability. In the event OWNER does not or is unable to provide all the required storm water treatment capacity onsite as described in section 4.8 above, OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability as reserved in a Certificate of Storm Water Treatment Capacity Availability the same manner and subject to the same limitations as provided for the assignment of Certificates of Net MDD Availability in Section 4.6 of this Agreement.

4.8.2 Use of Storm Water Treatment Capacity Availability. The amount of Storm Water Treatment Capacity Availability required for the issuance of a grading permit to OWNER shall be based upon the Net Residential Acreage of the area to be graded regardless of the corresponding use, less the calculated acreage capacity of Storm Water treatment facilities provided within the Project site.

4.8.3 Requirement for other Storm Water Improvements. The Certificate of Storm Water Treatment Capacity Availability is evidence only of available storm water treatment capacity and does not satisfy any other conditions applicable to a particular development project, including those relating to on-site water treatment, water quality, connection to the storm water collection system, or other public infrastructure requirements.

4.9 Maintenance of Open Space. OWNER shall provide for the ongoing maintenance of all park, common areas and open space areas within the Project as more particularly set forth in the Specific Plan, through a homeowners' association as approved

by the CITY. Covenants, conditions and restrictions establishing any homeowners' association shall be approved by the Planning Director and City Attorney.

4.10 Compliance with Public Benefits Requirements.

4.11.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.10, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8.4 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). In accordance with the Memorandum of Agreement between the CITY and NMC Builders, CITY will cooperate with OWNER in the formation of a CFD, or CFDs, to include all of the Project, to provide a financing mechanism to reimburse the OWNER for funds paid to NMC Builders LLC for OWNER's share of the costs of public infrastructure pursuant to the Construction Agreement and to acquire other public facilities constructed by OWNER subject to the provisions of the Memorandum of Agreement between CITY and NMC Builders LLC. Notwithstanding such reimbursements and acquisitions, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any Tract Map for the Property, the Property shall be included in a CFD to finance City services through annual special taxes that shall initially be \$1,622.00 per Single Family Detached Dwelling Unit, \$1,406.00 per Multiple-Family Dwelling Unit, \$1,179.00 per Gated Apartment Community Dwelling Unit, and \$.30 per square foot for Non-Residential buildings for the CITY's fiscal year 2018-19. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.2 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the

formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. OWNER shall be entitled to initiate up to one additional Periodic Review each calendar year in order to demonstrate good faith compliance by the OWNER to any third party. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

- (1) Recommendation of the Planning staff;
- (2) Affirmative vote of at least four (4) members of the Planning Commission; or
- (3) Affirmative vote of at least three (3) members of the City Council.

6.1.3 Notice of Special Review. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

6.1.4 Public Hearing. The Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and

(c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance (“Certificate”) to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Planning Director or City Council.

7. [RESERVED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

(a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or

(b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against CITY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for nondamage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of

this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its Comprehensive General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted,

upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default

to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of

California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation,

then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT**

"OWNER"

Richland Developers, Inc.,
a Delaware corporation

By: _____
Name: _____
Its: _____
Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:

BEST, BEST & KREIGER LLP

City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF STATE)
)
COUNTY OF SAN BERNARDINO) ss.

On _____, 2018 _____,
before me, _____,
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")

personally appeared _____,
Name of Signer(s)

personally known to me – **OR** – proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- Individual
- Corporate Officer

Title(s)

- Partner(s) Limited
- General

- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

Signer is representing:
Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number Of Pages

Date Of Document

Signer(s) Other Than Named Above

EXHIBIT "A"

TO DEVELOPMENT AGREEMENT

Legal Description of Property

TRACT MAP NO. 18929

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

PARCEL NO. 1:

THE EASTERLY 1830 FEET OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF.

EXCEPTING THEREFROM THE SOUTH 1312 FEET THEREOF.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, A BODY CORPORATE AND POLITIC BY GRANT DEED RECORDED NOVEMBER 18, 1977 AS INSTRUMENT NO. 390, IN BOOK 9308, PAGE 683 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL OIL, GAS, MINERALS AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND FOR THE PURPOSE OF EXPLORING FOR, BORING, EXTRACTING, DRILLING, MINING, PROSPECTING FOR, REMOVING OR MARKETING SAID SUBSTANCES AS CONVEYED IN THE DEED FROM RINKER DEVELOPMENT CORP., TO HARKER DEVELOPMENT CORP., BY DOCUMENT RECORDED IN BOOK 6910, PAGE 174 OF OFFICIAL RECORDS.

TRACT MAP NO. 18930

BEING A PORTION OF THE SOUTHERLY 1312.00 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, ALSO SHOWN ON A RECORD OF SURVEY FILED IN BOOK 30, PAGE 27 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 22, ALSO BEING THE CENTERLINE INTERSECTION OF MERRILL AVENUE, 50.00 FEET WIDE, AND ARCHIBALD AVENUE, 60.00 FEET WIDE, AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG SAID CENTERLINE OF MERRILL AVENUE NORTH 89° 43' 20" WEST, 1629.70 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DOCUMENT RECORDED IN BOOK 9259, PAGE 335, OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL NORTH 39° 22' 40" WEST, 154.96 FEET TO A POINT ON A 12,110.00 FOOT RADIUS, NON-TANGENT CURVE, CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 87°05' 52" EAST,

THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02° 44'12" AN ARC DISTANCE OF 578.42 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 00° 09' 56" EAST, 272.35 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 89° 50' 04" WEST, 15.00 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 00° 09' 56" EAST, 342.15 FEET TO THE NORTHERLY LINE OF SAID SOUTHERLY 1312.00 FEET OF THE NORTHEAST QUARTER OF SECTION 22;

THENCE ALONG SAID NORTHERLY LINE SOUTH 89° 43' 20" EAST, 1729.95 FEET TO SAID CENTERLINE OF ARCHIBALD AVENUE;

THENCE ALONG SAID CENTERLINE SOUTH 00° 11' 00" WEST, 1312.00 FEET TO THE POINT OF BEGINNING,

CONTAINING 51.73 ACRES, MORE OR LESS.

EXHIBIT "B" TO DEVELOPMENT AGREEMENT

Map showing Property and its location

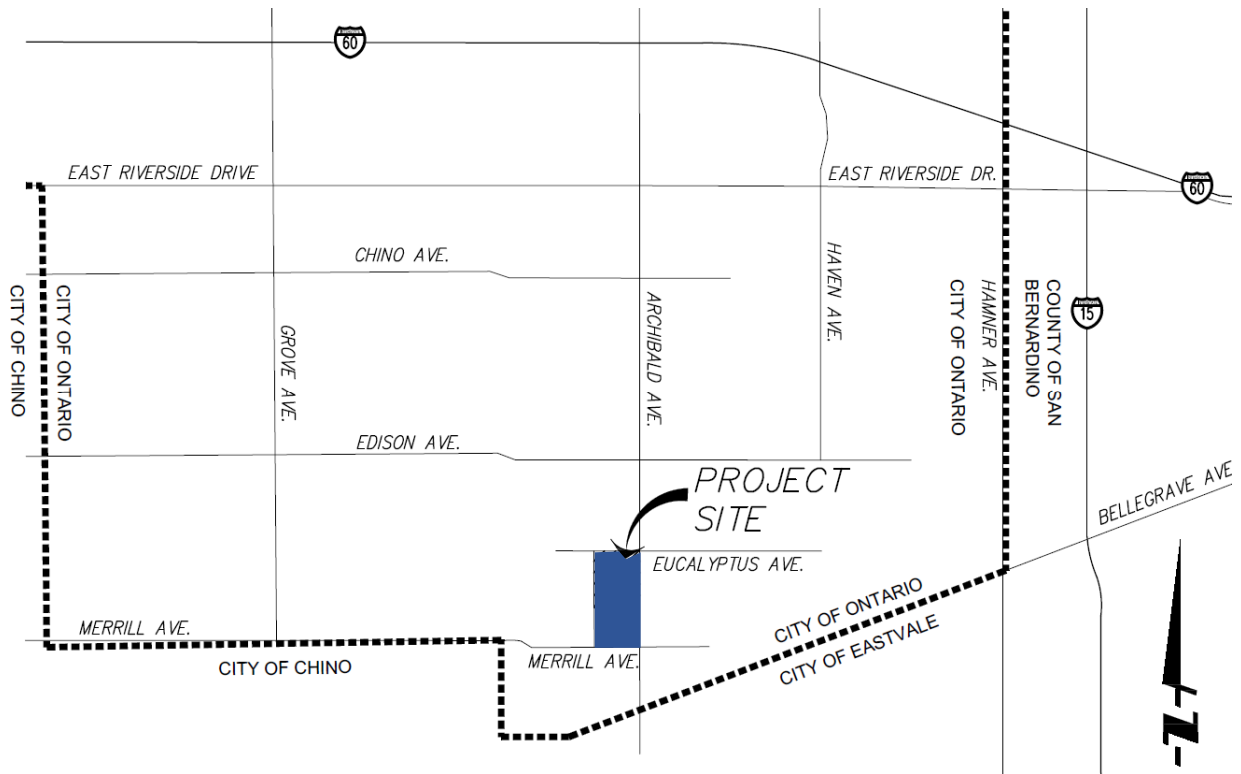


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT
Existing Development Approvals

On September 26, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-095 recommending City Council adopt and certify the Subarea 29 Specific Plan (File No. PSP03-003) Environmental Impact Report;
- b) Issued Resolution No. PC06-096 recommending City Council approval of the General Plan Amendment (File No. PGPA06-003); and
- c) Issued Resolution No. PC06-097 recommending City Council approval of the Subarea 29 Specific Plan (File No. PSP03-003).

On October 17, 2006, the City Council:

- a) Issued Resolution No. 2006-089 certifying the Subarea 29 Specific Plan (File No. PSP03-003) Environmental Impact Report;
- b) Issued Resolution No. 2006-090 approving the General Plan Amendment (File No. PGPA06-003);

On November 7, 2006, the City Council:

- a) Issued Ordinance No. 2845 approving of the Subarea 29 Specific Plan (File No. PSP03-003);

On March 27, 2007, the Planning Commission:

- b) Issued Resolution No. PC07-036 recommending City Council approval an Amendment to the Subarea 29 Specific Plan (File No. PSPA07-003).

On May 1, 2007, the City Council:

- a) Issued Resolution No. 2007-053 approving an amendment to the Subarea 29 Specific Plan (File No. PSPA07-003)

On February 26, 2008, the Planning Commission:

- a) Issued Resolution No. PC08-007 recommending City Council approval an Amendment to the Subarea 29 Specific Plan (File No. PSPA07-007).

**EXHIBIT "C" CONTINUED
TO DEVELOPMENT AGREEMENT
Existing Development Approvals**

On March 18, 2008 the City Council:

- a) Issued Resolution No. 2008-017 approving an amendment to the Subarea 29 Specific Plan (File No. PSPA07-007).

On August 28, 2013, the Zoning Administrator:

- a) Issued Decision No. 2013-025 approving a minor amendment to the Subarea 29 Specific Plan (File No. PSPA13-002).

On March 24, 2015, the Planning Commission:

- a) Issued Resolution No. PC15-034 recommending City Council approval an Addendum to the Subarea 29 Specific Plan EIR (File No. PSPA14-002).
- b) Issued Resolution No. PC15-035 recommending City Council approval an Amendment to the Subarea 29 Specific Plan (File No. PSPA14-002).

On April 21, 2015 the City Council:

- a) Issued Resolution No. 2015-030 approving an Addendum to the Subarea 29 Specific Plan EIR (File No. PSPA14-002).
- b) Issued Resolution No. 2015-031 approving an amendment to the Subarea 29 Specific Plan (File No. PSPA14-002).

On August 28, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-081 recommending City Council Tentative Cancellation of Williamson Act Contract 77-515 (File No. PWIL18-002).
- b) Issued Resolution No. PC18-086 approving Tentative Tract Map 18929 (File No. PMTT13-016) and Resolution No. PC18-082 approving Tentative Tract Map 18930 (File No. PMTT13-017).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. Subarea 29 Specific Plan Environmental Impact Report, Resolution No. 2006-089.
2. Subarea 29 Specific Plan (File No. PSP03-003), Ordinance No. 2845.
3. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

Exhibit "E"
TO DEVELOPMENT AGREEMENT
Phasing Plan

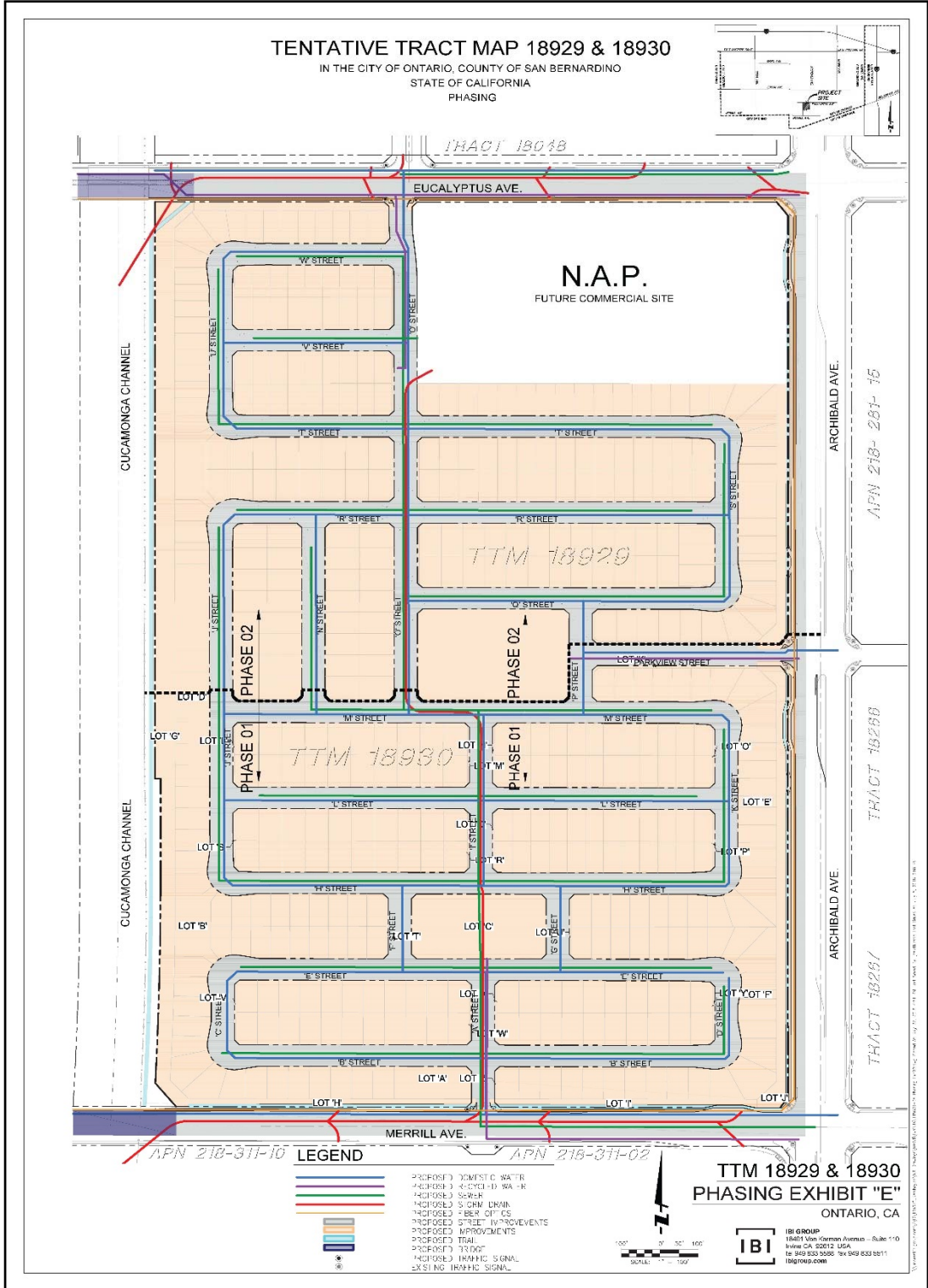
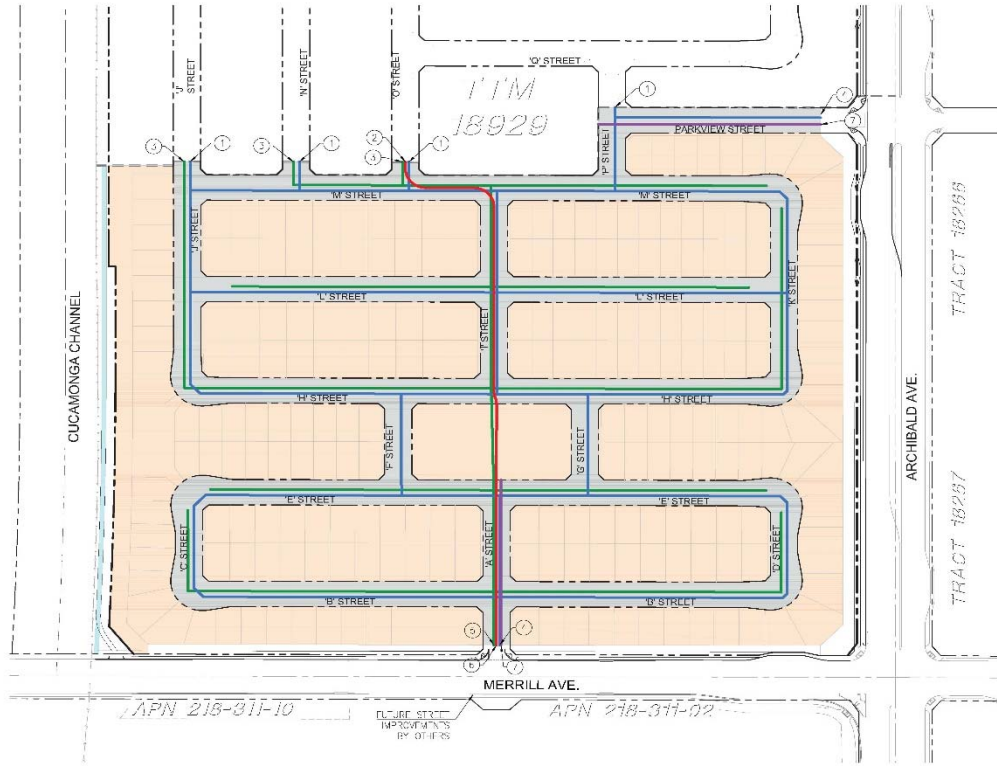


Exhibit "F-1"

TO DEVELOPMENT AGREEMENT Required Infrastructure Improvements

TENTATIVE TRACT MAP 18930
IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA
ONSITE INFRASTRUCTURE IMPROVEMENTS

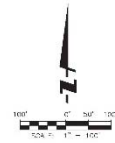


INFRASTRUCTURE IMPROVEMENTS

- ① FUTURE CONNECTION TO DOMESTIC WATER PER TTM 18929
- ② FUTURE CONNECTION TO STORM DRAIN PER TTM 18929
- ③ BUILD-OUT CONNECTION TO SANITARY SEWER PER TTM 18929
- ④ CONNECT TO EXISTING DOMESTIC WATER LINE
- ⑤ CONNECT TO EXISTING SEWER LINE
- ⑥ CONNECT TO EXISTING STORM DRAIN LINE
- ⑦ CONNECT TO EXISTING RECYCLED WATER LINE

LEGEND

- PROPOSED DOMESTIC WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED RECYCLED WATER LINE
- PROPOSED STREET IMPROVEMENTS
- PROPOSED IMPROVEMENTS PER TTM 18930
- PROPOSED INHAL



TTM 18930
EXHIBIT "F-1"
ONTARIO, CA
IBI GROUP
18451 Van Corman Avenue - Suite 110
Irvine, CA 92612 USA
Tel: 949 853 3388 Fax: 949 853 3511
ibi@group.com

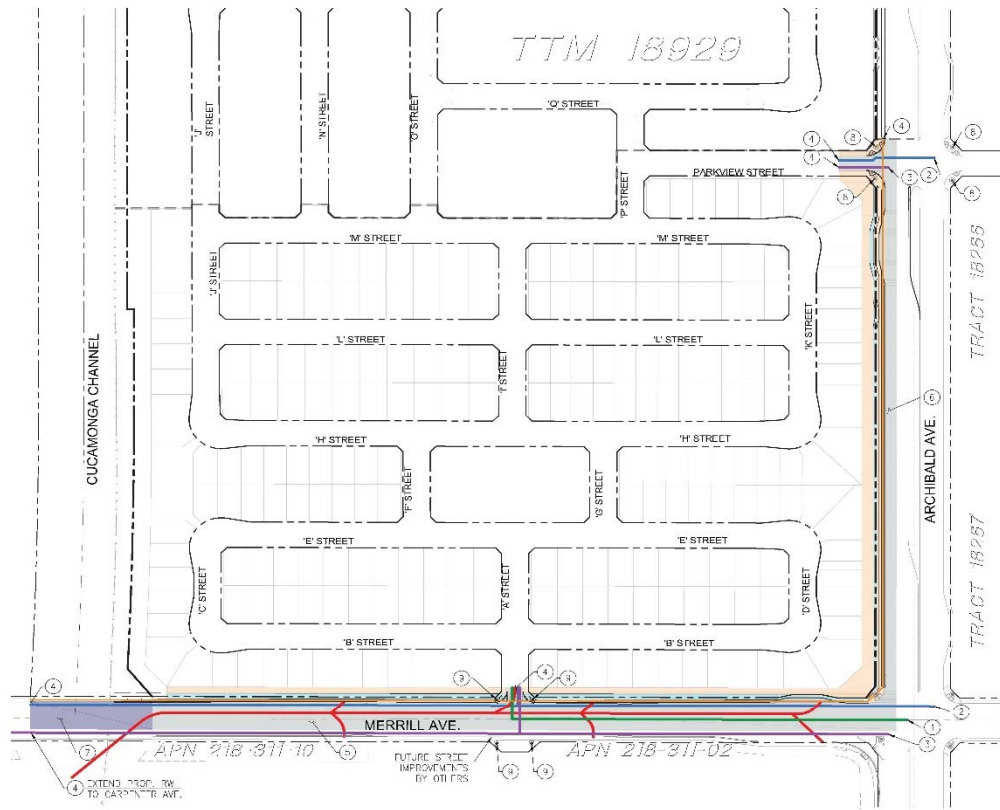


Prepared by IBI GROUP, Inc. for the City of Ontario, California. This map is a preliminary map and should not be used for any other purpose. All rights reserved.

Exhibit "F-2"

TO DEVELOPMENT AGREEMENT Required Infrastructure Improvements

TENTATIVE TRACT MAP 18930
IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA
OFFSITE INFRASTRUCTURE IMPROVEMENTS

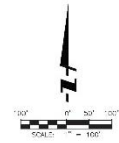


CONSTRUCTION NOTE TABLE

- ① CONNECT TO EXISTING SEWER LINE
- ② CONNECT TO EXISTING DOMESTIC WATER LINE
- ③ CONNECT TO EXISTING RECYCLED WATER LINE
- ④ CONNECTION FOR FUTURE IMPROVEMENTS
- ⑤ DEVE. O&R SHAL. BE RESPONSIBLE TO CONSIDER 48" STREET IMPROVEMENTS ON THE NORTH SIDE, INCLUDING CURB & GUTTER, PARKWAY, MULTI-PURPOSE TRAIL, SIDEWALK, SIDE JOBS, SIGNING & MARKING, PARKWAY LANDSCAPING, PLUS A STRIPPED WIDTH, FAST-DRAIN (A/N) (SOUTH SIDE), 4" SHOULDER (SOUTH SIDE), ULTIMATE UTILITIES UNDER PAVEMENT, AND APPROPRIATE PAVEMENT TRANSITIONS TO ACCOMMODATE LINE SHIFTS
- ⑥ DEVE. O&R SHAL. BE RESPONSIBLE TO WIDEN TO 10' MAX. WIDTH ON THE WEST SIDE OF THE STREET, CURB & GUTTER, PARKWAY LANDSCAPING, SIDEWALK AND A MULTI-PURPOSE TRAIL
- ⑦ DEVELOPER SHALL WIDEN THE NORTHERN HALF OF THE EXISTING MERRILL AVENUE BRIDGE TO ITS ULTIMATE WIDTH
- ⑧ EXISTING SIGNAL. SIGNAL MOD. MAY BE REQUIRED
- ⑨ DEVE. O&R SHAL. BE RESPONSIBLE TO INSTALL NEW TRAFFIC SIGNAL

LEGEND

- PROPOSED DOMESTIC WATER
- PROPOSED RECYCLED WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED FIBER OPTIC
- PROPOSED STREET IMPROVEMENTS
- PROPOSED IMPROVEMENTS PER TTM 18930
- PROPOSED TRAIL
- PROPOSED BRIDGE
- PROPOSED TRAFFIC SIGNAL
- EXISTING TRAFFIC SIGNAL



TTM 18930 DA
EXHIBIT "F-2"

ONTARIO, CA
IBI GROUP
18811 Van Gorman Avenue - Suite 110
Irvine CA 92612 USA
Tel: 949.853.3030 Fax: 949.853.3211
ibi@ibigroup.com

TTM 18930 DA EXHIBIT "F-2" (SHEET 1 OF 2) DATE: 08/14/2018
 PROJECT: TTM 18930 DA EXHIBIT "F-2" (SHEET 1 OF 2) DATE: 08/14/2018
 DRAWN BY: J. B. [unreadable] CHECKED BY: J. B. [unreadable]
 SCALE: AS SHOWN
 PROJECT NO.: 18080-0001-0001-0001
 SHEET NO.: 1 OF 2

Exhibit "F-3"

TO DEVELOPMENT AGREEMENT Required Infrastructure Improvements

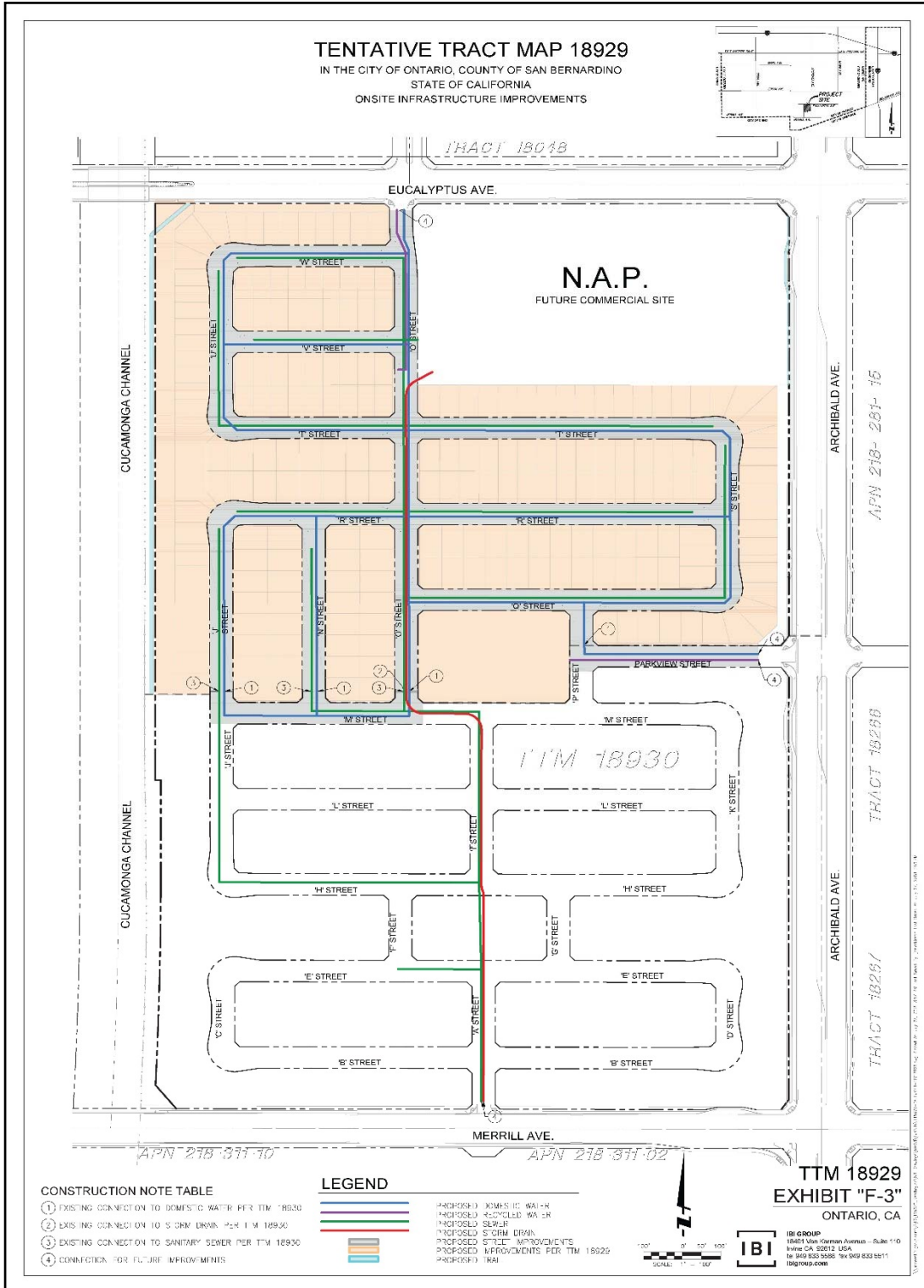
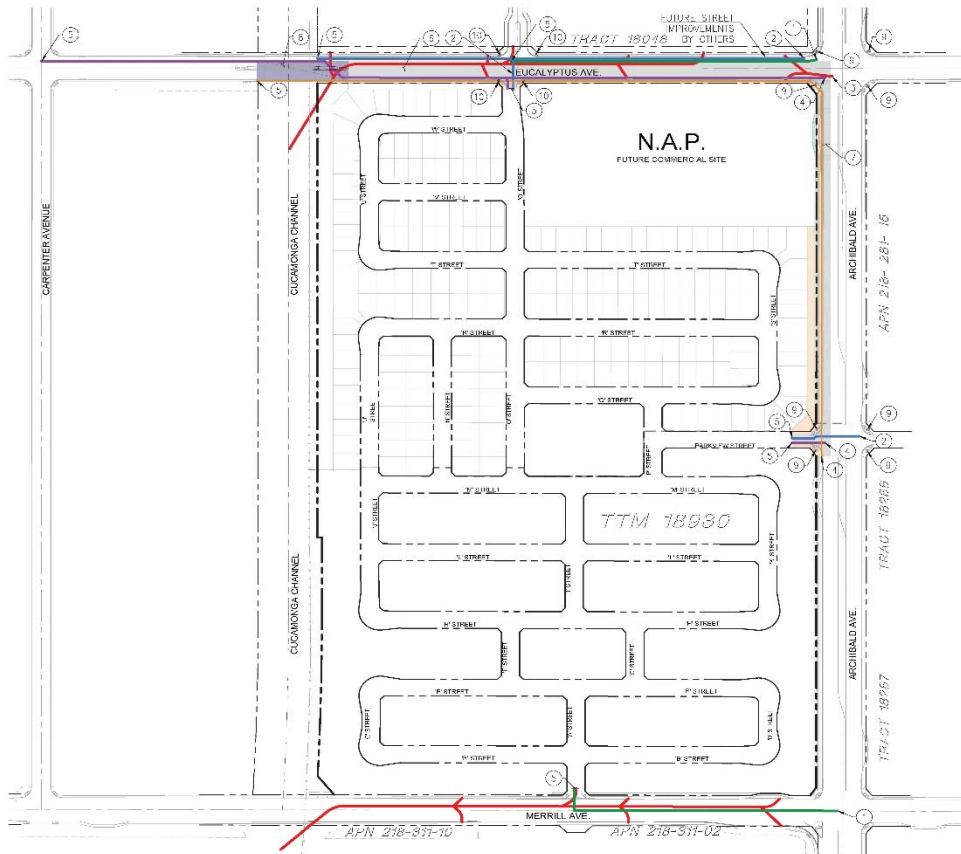


Exhibit "F-4"

TO DEVELOPMENT AGREEMENT Required Infrastructure Improvements

TENTATIVE TRACT MAP 18929
IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA
OFFSITE INFRASTRUCTURE IMPROVEMENTS

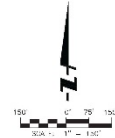


CONSTRUCTION NOTE TABLE

- 1) CONNECT TO EXISTING SEWER LINE.
- 2) CONNECT TO EXISTING DOMESTIC WATER INT.
- 3) CONNECT TO EXISTING STORM MAIN LINE.
- 4) CONNECT TO EXISTING RECYCLED WATER LINE.
- 5) CONNECTION TO FUTURE IMPROVEMENTS.
- 6) DEVELOPER SHALL BE RESPONSIBLE TO CONSTRUCT HALF STREET IMPROVEMENTS ON THE SOUTH SIDE, INCLUDING CURB & GUTTER, PAVEMENT, MULTI-PURPOSE TRAIL, SIDEWALK, STREET LIGHTS, SIGNING & STOPPING, PARKWAY LANDSCAPING, PLUS A 5' SHOULDER WITHIN WESTBOUND LANE (NORTH SIDE), 5' SHOULDER (NORTH SIDE), ULTIMATE UTILITIES UNDER PAVEMENT, AND APPROPRIATE PAVEMENT TRANSITIONS TO ACCOMMODATE JANE SHIFTS.
- 7) DEVELOPER SHALL BE RESPONSIBLE TO DESIGN & CONSTRUCT BRIDGE ON THE WEST SIDE OF THE S-CREEK, CURB & GUTTER, PARKWAY LANDSCAPING, SIDEWALK AND A MULTI-PURPOSE TRAIL.
- 8) DEVELOPER SHALL DESIGN AND CONSTRUCT THE EUCALYPTUS AVENUE BRIDGE AT THE CUCKOO CREEK CHANNEL CROSSING. THE BRIDGE SHALL BE CONSTRUCTED TO ITS ULTIMATE WIDTH ON THE SOUTHERN HALF AND ONE WESTBOUND LANE.
- 9) EXISTING SIGNAL SIGNAL MOD MAY BE REQUIRED.
- 10) DEVELOPER SHALL BE RESPONSIBLE TO INSTALL NEW TRAFFIC SIGNAL.

LEGEND

- PROPOSED DOMESTIC WATER
- PROPOSED RECYCLED WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED FIBER OPTICS
- PROPOSED STREET IMPROVEMENTS
- PROPOSED IMPROVEMENTS
- PROPOSED TRAIL
- PROPOSED TRUCK
- PROPOSED TRAFFIC SIGNAL
- EXISTING TRAFFIC SIGNAL



TTM 18929
EXHIBIT "F-4"

ONTARIO, CA
IBI GROUP
1801 Van Gorman Avenue - Suite 110
Irving CA 92612 USA
Tel: 949.855.5588 Fax: 949.855.5511
ibi@ibigroup.com

TTM 18929 EXHIBIT "F-4" (SHEET 1 OF 1) - 11/11/2019
 IBI GROUP, 1801 VAN GORMAN AVENUE, SUITE 110, IRVING, CA 92612, USA
 TEL: 949.855.5588 FAX: 949.855.5511 IBI@IBIGROUP.COM

Exhibit "G" TO DEVELOPMENT AGREEMENT

Form of Plume Disclosure Letter



ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

March 2017

AL C. BOLING
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

DISCLOSURE NOTICE SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME

Dear Property Owner/Developer/Applicant:

The City of Ontario ("City") has approved or will be approving development in the Ontario Ranch area in the next few years, subject to the appropriate and required statutory process. This letter is intended to serve as notice to all potential property owners of the existence of a groundwater plume, known as the South Archibald Trichloroethylene (TCE) Plume which may exist in, under or near owner's property.

The groundwater plume is in an area in the central Chino Basin south of the Pomona Freeway, west of Turner Avenue, east of Grove Avenue, and north of Kimball Avenue. The plume primarily consists of TCE, a discontinued industrial solvent, and is subject to a clean-up under the oversight and direction of the Santa Ana Regional Water Quality Control Board ("Regional Board").

The Regional Board's approved clean-up procedure involves the removal and treatment of groundwater containing TCE via groundwater wells to reduce the plume concentrations and control its migration. In addition, the City is providing potable water supplies for domestic purposes to residences with private domestic wells affected by the plume. Finally, the Regional Board will continue to monitor all impacted areas and private domestic wells to ensure that residents' health and the environment are properly safeguarded. These remedial actions are documented in a Remedial Action Plan approved by the Regional Board in September 2016.

Further and current information may be found on the Regional Board's Geotracker website at https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

Property owners may wish to include this letter as a part of a Real Estate Transfer Disclosure under California Civil Code Section 1102 *et seq.*

CITY OF ONTARIO

Agenda Report
October 2, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF FLEET VEHICLES

RECOMMENDATION: That the City Council authorize the cooperative purchase and delivery of twenty Ford Police Interceptor SUVs in the amount of \$647,796 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

**COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner**

FISCAL IMPACT: The Fiscal Year 2018-19 Adopted Budget includes appropriations from the Equipment Services Fund in the amount of \$520,000 for sixteen replacement vehicles described above; furthermore, \$130,000 from the General Fund will be used for the purchase of four additional fleet vehicles. The total cost of the vehicles recommended for purchase is \$647,796.

BACKGROUND: In coordination with the development of Ontario International Airport, four Police Patrol SUVs for the Airport Operation Bureau are being purchased, along with the replacement of sixteen vehicles for the Police Department that have reached their maximum useful life cycle. The vehicles recommended for replacement in this action have outlived their useful life, and it is no longer cost effective to maintain them. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet equipment, while ensuring safe and reliable operation. This procurement action will result in the replaced vehicles being available to surplus, with any auction sale proceeds returning to the Equipment Services Fund.

In general conformance with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code, Section 2-6.11(b)(3), allows for the purchase of supplies and equipment through cooperative purchasing with another governmental agency. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain pricing lower than otherwise might be possible.

STAFF MEMBER PRESENTING: Mark Chase, Executive Director, Public Works

Prepared by: Manuel Rebolledo
Department: Fleet Services
City Manager Approval: 

Submitted to Council/O.H.A. 10/02/2018
Approved: _____
Continued to: _____
Denied: _____

5

Staff recommends the cooperative purchase and delivery of twenty Ford Police Interceptor SUVs in the amount of \$647,796 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

CITY OF ONTARIO

Agenda Report
October 2, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: RESOLUTIONS TO APPROVE THE TRANSFER OF 200 NORTH EUCLID AVENUE FROM THE ONTARIO HOUSING AUTHORITY TO THE CITY OF ONTARIO

RECOMMENDATION:

- (A) That the Ontario Housing Authority adopt a resolution approving the transfer of 200 North Euclid Avenue from the Ontario Housing Authority to the City of Ontario; and
- (B) That the City Council adopt a resolution approving and accepting the transfer of 200 North Euclid Avenue from the Ontario Housing Authority to the City of Ontario.

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

FISCAL IMPACT: If approved, the First Quarter Budget Report to the City Council will include budgetary adjustments to reflect land sale proceeds in the amount of \$270,000 transferred into the Ontario Housing Authority Low and Moderate Income Housing Asset Fund and an offsetting \$270,000 from the City of Ontario General Fund.

BACKGROUND: Prior to the Great Recession, the Ontario Housing Authority ("Authority") acquired 200 North Euclid Avenue ("Property") as part of a larger 6-block redevelopment project. The vision was to incorporate the historic buildings (former Bank of Italy and Bumstead Bicycles buildings) into a mixture of high density housing, retail and commercial services, and a public commons area by rehabilitating the Property to enable occupancy of a restaurant and/or other businesses targeting local workers, shoppers and residents, thus helping achieve the City's goals to economically revitalize and aesthetically enhance downtown. Due to the economic downturn, the proposed adaptive reuse and preservation of the Property did not move forward.

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development

City Manager Approval: 

Submitted to Council/O.H.A. 10/02/2018

Approved: _____

Continued to: _____

Denied: _____

6

Over the last several months City staff has noticed a steady increase in the level of interest investors are showing in Downtown Ontario, in particular the Euclid Avenue Corridor and Civic Center Area.

Due to the fact that the Property will not be redeveloped into affordable housing and is owned by the Authority, it is recommended that the City of Ontario (“City”) acquire the Property from the Authority at fair market value. Health and Safety Code Section 34312.2(b) provides that the Authority can sell the Property to the City at fair market value so long as the land sale proceeds are placed into the low and moderate income housing fund and used for affordable housing at some time in the future.

The Authority has met all public hearing noticing requirements as set forth in Section 33430 of the Health and Safety Code.

Staff recommends approval of the attached resolutions transferring the Property from the Authority to the City.

RESOLUTION NO. OHA-_____

A RESOLUTION OF THE GOVERNING BOARD OF THE ONTARIO HOUSING AUTHORITY, OF THE CITY OF ONTARIO, APPROVING THE CONVEYANCE OF 200 NORTH EUCLID AVENUE (APN 1048-552-19) FROM THE ONTARIO HOUSING AUTHORITY TO THE CITY OF ONTARIO.

WHEREAS, the Ontario Housing Authority ("Authority") is owner of certain real property in the County of San Bernardino, State of California, generally located at 200 North Euclid Avenue in the City of Ontario, California (APN 1048-552-19) (the "Property"). The Property is currently not being utilized to provide affordable housing in the City to qualified low and moderate income persons; and

WHEREAS, the Authority wishes to convey the Property to the City of Ontario ("City") for Two Hundred Seventy Thousand Dollars (\$270,000.00), the current fair market value of the Property. The Authority will use the proceeds of the sale of the Property for future development of low income housing in accordance with Health and Safety Code section 34312.3(b); and

WHEREAS, the City desires purchase the Property from the Authority for the fair market value of the Property for future development to benefit the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Ontario Housing Authority as follows:

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. Approval of Conveyance of Property by Grant Deed. The Governing Board hereby directs and approves the transfer of the Property from the Authority to the City pursuant to the Grant Deed attached as Exhibit "A" to this Resolution. The Executive Director is hereby authorized to execute the Grant Deed for the Property.

SECTION 3. Further Acts. The Executive Director, or his designee, is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution and comply with applicable law.

SECTION 4. Effective Date. This Resolution will take effect immediately upon its adoption.

SECTION 5. Certification. The Authority Secretary shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 2nd day of October 2018.

PAUL S. LEON, CHAIRMAN

ATTEST:

SHEILA MAUTZ, AUTHORITY SECRETARY

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
AUTHORITY COUNSEL

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

I, SHEILA MAUTZ, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that foregoing Resolution No. OHA- was duly passed and adopted by the Board Members of the Ontario Housing Authority at their regular meeting held October 2, 2018 by the following roll call vote, to wit:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

SHEILA MAUTZ, AUTHORITY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. OHA- duly passed and adopted by the Ontario Housing Authority at their regular meeting held October 2, 2018.

SHEILA MAUTZ, AUTHORITY SECRETARY

(SEAL)

EXHIBIT "A"

RECORDING REQUESTED BY
City of Ontario
AND WHEN RECORDED MAIL TO:

City of Ontario
City Clerk/Records Management Dept.
303 East "B" Street
Ontario, CA 91764

Parcel No. **1048-552-19**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FORM OF GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

- unincorporated area
- the City of Ontario

Documentary Transfer Tax is \$0.00

- computed on full value of interest or property conveyed, or
- full value less value of liens or encumbrances remaining at the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **THE ONTARIO HOUSING AUTHORITY, a public body, corporate and politic** hereby GRANT(s) to **THE CITY OF ONTARIO, a municipal corporation**, the following real property in the County of San Bernardino, State of California:

LOT 3 OF TRACT MAP NO. 18029-4 IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 332, PAGES 98-99, INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**ONTARIO HOUSING AUTHORITY,
a public body, corporate and politic**

Date: _____

By: _____
Scott Ochoa
Executive Director

ATTEST:

Vicki Kasad
Assistant Authority Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE CONVEYANCE OF 200 NORTH EUCLID AVENUE (APN 1048-552-19) FROM THE ONTARIO HOUSING AUTHORITY TO THE CITY OF ONTARIO.

WHEREAS, the Ontario Housing Authority ("Authority") is owner of certain real property in the County of San Bernardino, State of California, generally located at 200 North Euclid Avenue in the City of Ontario, California (APN 1048-552-19) (the "Property"). The Property is currently not being utilized to provide affordable housing in the City to qualified low and moderate income persons; and

WHEREAS, the Authority wishes to convey the Property to the City of Ontario ("City") for Two Hundred Seventy Thousand Dollars (\$270,000.00), the current fair market value of the Property. The Authority will use the proceeds of the sale of the Property for future development of low income housing in accordance with Health and Safety Code section 34312.3(b); and

WHEREAS, the City desires to purchase the Property from the Authority for the fair market value of the Property for future development to benefit the City and its residents.

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

SECTION 1. The recitals above are true and correct and are incorporated into this Resolution by reference, and are expressly made a part hereof.

SECTION 2. The City Council hereby directs and approves the transfer of the Property from the Housing Authority to the City pursuant to the Grant Deed attached as Exhibit "A" to this Resolution. The City Manager is hereby authorized to execute the Grant Deed for the Property.

SECTION 3. The City Manager, or his designee, is hereby authorized, subject to City Attorney review, to execute any and all documents to implement the sale of the Property.

SECTION 4. This Resolution shall become effective immediately upon its passage.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of October 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL 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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

RECORDING REQUESTED BY
City of Ontario

AND WHEN RECORDED MAIL TO:

City of Ontario
City Clerk/Records Management Dept.
303 East "B" Street
Ontario, CA 91764

Parcel No. **1048-552-19**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FORM OF GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

- unincorporated area
- the City of Ontario

Documentary Transfer Tax is \$0.00

- computed on full value of interest or property conveyed, or
- full value less value of liens or encumbrances remaining at the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **THE ONTARIO HOUSING AUTHORITY, a public body, corporate and politic** hereby GRANT(s) to **THE CITY OF ONTARIO, a municipal corporation**, the following real property in the County of San Bernardino, State of California:

LOT 3 OF TRACT MAP NO. 18029-4 IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 332, PAGES 98-99, INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**ONTARIO HOUSING AUTHORITY,
a public body, corporate and
politic**

Date: _____

By: _____
Scott Ochoa
Executive Director

ATTEST:

Vicki Kasad
Assistant Authority Secretary

CITY OF ONTARIO

Agenda Report
October 2, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A RESOLUTION FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY

RECOMMENDATION: That the City Council adopt a resolution finding the public interest and convenience require the sale of certain real property and declaring its intent to sell such property located at 200 North Euclid Avenue.


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

FISCAL IMPACT: None.

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

The City is in the process of purchasing the property located at 200 North Euclid Avenue ("Property") from the Ontario Housing Authority, which it will then propose to sell by entering into a Purchase and Sale Agreement ("PSA") with Brand Pacific Construction, Incorporated. The purpose of the sale is to preserve a significant cultural resource in Downtown by adaptively reusing the historic structures, known as the former Bank of Italy and Bumstead Bicycles Building. Redevelopment of the Property would consist of an upscale restaurant/distillery which will be incorporated into the existing Town Square public space and serve as a catalyst for additional development opportunities in Downtown.

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 10/02/2018
Approved: _____
Continued to: _____
Denied: _____

7

The adaptive reuse of the Property will create jobs within the City, alleviate conditions of economic and physical blight Downtown and create an increase in property taxes, all of which benefit the health, safety and welfare of the City.

Staff recommends adoption of the resolution declaring the City's intent to dispose of and convey the Property pursuant to the terms of the PSA to be considered on October 16, 2018, for final action on the disposition of the Property, the hearing of any protests to the disposition, and provide for publication of the notice of the said hearing in a newspaper of general circulation no less than ten days prior to October 16, 2018.

RESOLUTION NO. _____

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

WHEREAS, the City of Ontario ("City") currently owns in fee that certain real property generally located at 200 North Euclid Avenue in the City of Ontario (APN: 1048-552-19) and legally described in Exhibit "A" attached to this resolution and incorporated by reference herein (the "Property"); and

WHEREAS, the City desires to sell the Property by entering into a Purchase and Sale Agreement ("PSA") with Brand Pacific Construction Inc., a California corporation for purposes of economic development; and

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

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

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

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

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

WHEREAS, City staff have determined that there is no possibility that the proposed sale of the Property will have a significant adverse effect on the environment and that the adoption of this Resolution is therefore exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 of the CEQA guidelines.

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

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

SECTION 2. Findings. The City Council of the City hereby finds and determines that public convenience and necessity require the sale of the Property. The factors demonstrating that the public convenience and necessity require the sale of the Property include, but are not limited to the following: the Property will consist of an upscale restaurant/distillery which will be incorporated into the existing Town Square public space for economic development purposes, which will create jobs within the City, alleviate conditions of economic and physical blight in the City, and create an increase in property taxes, all of which benefit the health, safety and welfare of the City.

SECTION 3. Declaration of Intent to Sell; Fixing of Hearing and Time of Final Action. The City Council of the City hereby declares its intent to sell the Property pursuant to the PSA and fixes October 16, 2018, at 6:00 P.M. or as soon thereafter that the matter can be heard at the City of Ontario, City Council Chambers, located at 303 East "B" Street, Ontario, California 91764 as the date, time and location for hearing any protests to the proposed sale of the Property, approval of the PSA, and as the final action date.

SECTION 4. Publication and Posting. In compliance with California Government Code Section 37423, the City Council of the City hereby directs City staff to publish this resolution at least once in a daily newspaper prior to October 16, 2018 and to post this Resolution for not less than ten (10) days in at least three (3) conspicuous places upon the Property prior to October 16, 2018.

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 2nd day of October 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHELIA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHELIA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHELIA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHELIA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"
TO
RESOLUTION NO. 2018-

LEGAL DESCRIPTION OF PROPERTY

APN NO. 1048-552-19

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

LOT 3 OF TRACT MAP NO. 18029-4 IN THE CITY OF ONTARIO, COUNTY OF SAN
BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 332,
PAGES 98-99, INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDED
OF SAID COUNTY.

CITY OF ONTARIO

Agenda Report
October 2, 2018


SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES); ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS; AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

RECOMMENDATION: That City Council consider and:

- (A) Adopt a resolution establishing Community Facilities District No. 33 (Archibald/Schaefer - Facilities), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 33 (Archibald/Schaefer - Facilities);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities); and
- (F) Adopt a resolution authorizing the execution and delivery of an acquisition and funding agreement with Western Pacific Housing, Inc., a Delaware corporation.

STAFF MEMBER PRESENTING: Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 10/02/2018

Approved: _____

Continued to: _____

Denied: _____

8

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: The use of Mello-Roos financing for facilities in the residential development of the Archibald/Schaefer project is estimated to generate approximately \$6.3 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 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. With the adoption of Resolution 2015-018 on March 17, 2015, the City Council authorized the levy of special taxes to fund various city services for the district. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the intention to establish a community facilities district, authorize the levy of special taxes, and to issue bonds. Accordingly, on August 21, 2018, the City Council approved Resolution No. 2018-114, a Resolution of Intention to establish City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) and authorize the levy of special taxes, and Resolution No. 2018-115, declaring the City Council’s intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting on October 2, 2018, to consider formation matters.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony (“First Amended and Restated Construction Agreement”) between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts to assist in the financing of the public improvements included in the agreement. Western Pacific Housing, Inc. an assignee of Distinguished Homes – a member of NMC Builders, LLC - has provided a written petition to the City requesting formation of a community facilities district for the Archibald/Schaefer project in Ontario Ranch. The Archibald/Schaefer project addresses the development of approximately 51 gross acres located east of Archibald Avenue, generally west of Turner Avenue, south of Schaefer Avenue and north of La Avenida Drive. At build out, the development is projected to include 229 detached single-family units.

Included, as part of the resolution of formation is the proposed Rate and Method of Apportionment of Special Tax for the District. The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council’s adopted Mello-Roos Local Goals and Policies in all aspects. 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.** As proposed, the amount of bonds authorized for the district (\$22 million) is set intentionally higher than the current estimated bond amount (approximately \$6.3 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The term and structure of the Rate and Method of Apportionment of Special Tax for the Archibald/Schaefer project is consistent with those of the previously adopted Rates and Methods of

Apportionment for Ontario Ranch community facilities districts. This ensures 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 the Ontario Ranch districts will be required to disclose the maximum annual special tax amount to each homeowner before entering into a sales contract.

Attached are five resolutions and an ordinance. The first resolution establishes the community facilities district, with the rate and method of apportionment of special taxes, and authorizes the levy of special taxes within the district. The second resolution deems the necessity of incurring bonded indebtedness for the district. The third calls for a special landowner election to be held on October 2, 2018. The fourth resolution declares the results of the election, including a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes, and the final resolution authorizes the execution and delivery of an acquisition and funding agreement with Western Pacific Housing, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on August 21, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

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

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

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

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

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

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

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 6, 2018, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing; and

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

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

WHEREAS, the City and Western Pacific Housing, Inc. (the "Developer") entered into a Deposit and Reimbursement Agreement, dated as of August 1, 2018 (the "Deposit Agreement"), that provides for the advancement of funds by the Developer 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 Developer of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

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

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

SECTION 1. The foregoing recitals are true and correct.

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

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities)."

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

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

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

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

SECTION 8. The tax year after which no further special tax to pay for Facilities will be levied against any parcel used for private residential purposes is

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

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

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

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

SECTION 12. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 87 at Pages 100 and 101 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2018-0314836).

SECTION 13. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$22,000,000.

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

were registered to vote within the territory of the proposed Community Facilities District as of September 6, 2018, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

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

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

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

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

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

PASSED, APPROVED and ADOPTED this 2nd day of October 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL 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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES, SERVICES AND INCIDENTAL EXPENSES

Facilities

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

Facilities to be Purchased

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

Services

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

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

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

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER – FACILITIES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer – Facilities) ("CFD No. 33") and collected each Fiscal Year, commencing in Fiscal Year 2019-20, 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. 33, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 33: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 33 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. 33 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 33 of complying with City, CFD No. 33, 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. 33 related to the analysis and reduction, if any, of the Special Tax on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 33 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. 33; and amounts estimated or advanced by the City or CFD No. 33 for any other

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

“**Assessor’s Parcel**” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

“**Assessor’s Parcel Map**” means an official map of the Assessor of the County designating parcels by Assessor’s Parcel Number.

“**Assessor’s Parcel Number**” means, with respect to an Assessor’s Parcel, that number assigned to such Assessor’s Parcel by the County for purposes of identification.

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

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

“**Bonds**” means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 33 under the Act and payable from Special Taxes.

“**Buildable Lot**” means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 33 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

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

“**CFD No. 33**” means City of Ontario Community Facilities District No. 33 (Archibald/Schaefer – Facilities).

“**City**” means the City of Ontario, California.

“**City Council**” means the City Council of the City, acting as the legislative body of CFD No. 33.

“**County**” means the County of San Bernardino.

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

“**Developed Property**” means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2018, and before May 1 of the prior Fiscal Year.

“Expected Residential Lot Count” means 229 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. 33.

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

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

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

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

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

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

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

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

“Other Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for purposes of constructing Units, excluding Single Family Attached Property and Single Family Detached Property.

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

“PACE Charges” means a contractual assessment or special tax as established by a public agency pursuant to AB 811 or SB 555, respectively, levied on an Assessor’s Parcel to fund eligible improvements to private property and entered into voluntarily by the property owner.

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 33 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. 33 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 33, (ii) the City, (iii) any owner of real property in CFD No. 33, or (iv) any real property in CFD No. 33, and (e) is not connected with CFD No. 33 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 33 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. 33 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

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

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 33 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. 33. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor’s Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 33.

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

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

“Single Family Property” means all Assessor’s Parcels of Single Family Attached Property and Single Family Detached Property.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 33 to be levied within the boundaries of CFD No. 33.

“Special Tax Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 33 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or

construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax levy on Final Mapped Property or Undeveloped Property; (vi) provide an amount equal to Special Tax delinquencies based on the historical delinquency rate for the Special Tax as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 33, issued for construction of Single Family Property, Other Residential Property, or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 33 that are not exempt from the Special Tax pursuant to law or Section E below.

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

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

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

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

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

“TTM 18419” means Tentative Tract Map No. 18419, the area of which is located within CFD No. 33.

“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 2019-20, all Taxable Property within CFD No. 33 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Single Family Property shall be assigned to Land Use Classes 1 through 11, as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor’s Parcels. Other Residential Property shall be assigned to Land Use Class 12, and Non-Residential Property shall be assigned to Land Use Class 13.

C. MAXIMUM SPECIAL TAX

1. Special Tax

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 33 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. 33 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units.

Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. Upon determining the reductions, if any, in the Assigned Special Tax and Backup Special Tax 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. 33. Upon receipt thereof, if in satisfactory form, CFD No. 33 shall execute such Certificate

of Modification. The reduced Assigned Special Tax and Backup Special Tax specified in such Certificate of Modification shall become effective upon the execution of such Certificate of Modification by CFD No. 33.

The Special Tax reductions required pursuant to this section shall be reflected in an amended notice of Special Tax lien, which CFD No. 33 shall cause to be recorded with the County Recorder as soon as practicable after execution of the Certificate of Modification by CFD No. 33. The reductions in this section apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. *Developed Property*

1) *Maximum Special Tax*

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

2) *Assigned Special Tax*

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

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

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Property	< 1,101	\$1,020 per Unit
2	Single Family Property	1,101 – 1,300	\$1,339 per Unit
3	Single Family Property	1,301 – 1,500	\$1,587 per Unit
4	Single Family Property	1,501 – 1,700	\$1,757 per Unit
5	Single Family Property	1,701 – 1,900	\$2,095 per Unit
6	Single Family Property	1,901 – 2,100	\$2,385 per Unit
7	Single Family Property	2,101 – 2,300	\$2,507 per Unit
8	Single Family Property	2,301 – 2,500	\$2,553 per Unit
9	Single Family Property	2,501 – 2,700	\$2,907 per Unit
10	Single Family Property	2,701 – 2,900	\$3,080 per Unit

11	Single Family Property	> 2,900	\$3,160 per Unit
12	Other Residential Property		\$25,577 per Acre
13	Non-Residential Property		\$25,577 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$2,195 per Unit for Single Family Property. However, if the Expected Residential Lot Count does not equal 229 for Single Family Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated according to the following formula:

$$\text{Backup Special Tax} = \$502,748 \div \text{Expected Residential Lot Count for Single Family Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 33 to become Final Mapped Property, such as the area within TTM 18419, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax for all Designated Buildable Lots of Single Family Property subject to the change shall be calculated according to the following steps:

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

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

Step 3: Apply the amount determined in Step 2 as the Backup Special Tax per Unit for Single Family Property.

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

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

The Maximum Special Tax for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$25,577 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

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

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

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2019-20, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year. The Special Tax shall then be levied as follows:

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

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

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

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

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

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

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 33 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

E. EXEMPTIONS

No Special Tax shall be levied on up to 24.31 Acres of Public Property and up to 3.16 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

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

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 33 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

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

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent

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

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

G. MANNER OF COLLECTION

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

H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

“CFD Public Facilities” means \$6,303,000 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. 33.

“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, 2019, through June 30, 2053.

“Prepayment Period 2” means July 1, 2053, through June 30, 2086.

“Prepayment Period 3” means July 1, 2086, through June 30, 2120.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2018, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

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

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

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

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 33 based on the Developed Property Special Tax which could be charged in the current Fiscal Year on all

expected development through buildout of CFD No. 33, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax computed pursuant to Paragraph 2 by the estimated total Backup Special Tax at buildout of CFD No. 33, excluding any Assessor's Parcels which have been prepaid.

4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".
11. Verify the administrative fees and expenses of CFD No. 33, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses").
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the "Prepayment Amount").

14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 33.

The Special Tax Prepayment Amount may be sufficient to redeem other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000, or integral multiple thereof, will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of Bonds or to make debt service payments.

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

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

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Maximum Special Tax that may be levied on Taxable Property within CFD No. 33 (after excluding 24.31 Acres of Public Property and 3.16 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2018, 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 the Special Tax 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 the Special Tax

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

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 33 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

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

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax shall be levied or collected is Fiscal Year 2119-2120, except that the Special Tax that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years.

EXHIBIT A

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

CFD No. 33 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. 33 (Archibald/Schaefer – Facilities) (“CFD No. 33”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 33 has been modified.
 - a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 33, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

TABLE 1
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Property	< 1,101	\$[] per Unit
2	Single Family Property	1,101 – 1,300	\$[] per Unit
3	Single Family Property	1,301 – 1,500	\$[] per Unit
4	Single Family Property	1,501 – 1,700	\$[] per Unit
5	Single Family Property	1,701 – 1,900	\$[] per Unit
6	Single Family Property	1,901 – 2,100	\$[] per Unit
7	Single Family Property	2,101 – 2,300	\$[] per Unit
8	Single Family Property	2,301 – 2,500	\$[] per Unit
9	Single Family Property	2,501 – 2,700	\$[] per Unit
10	Single Family Property	2,701 – 2,900	\$[] per Unit
11	Single Family Property	> 2,900	\$[] per Unit
12	Other Residential Property		\$[] per Acre
13	Non-Residential Property		\$[] per Acre

EXHIBIT A

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

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

The Backup Special Tax shall be \$[_____] per Unit for Single Family Property. However, if the Expected Residential Lot Count does not equal 241 for Single Family Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated according to the following formula:

$$\text{Backup Special Tax} = \$[\text{_____}] \div \text{Expected Residential Lot Count for Single Family Property}$$

- 2. The Special Tax for Developed Property may only be modified prior to the first issuance of CFD No. 33 Bonds.
- 3. Upon execution of this Certificate by CFD No. 33, CFD No. 33 shall cause an amended notice of Special Tax lien for CFD No. 33 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 and the Backup Special Tax for Developed Property as set forth in this Certificate.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 33
(ARCHIBALD/SCHAEFER – FACILITIES)

By: _____ Date: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES)

WHEREAS, on August 21, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "Community Facilities District") and to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services; and

WHEREAS, on August 21, 2018, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, to Incur Bonded Indebtedness of the Proposed City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities)" (the "Resolution to Incur Bonded Indebtedness") declaring the necessity for incurring bonded indebtedness and setting the date for a public hearing to be held on the proposed debt issue; and

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

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

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

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

WHEREAS, on this date, the City Council adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City

of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District” (the “Resolution of Formation”); and

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 6, 2018, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on October 2, 2018, and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on October 2, 2018.

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

SECTION 1. The foregoing recitals are true and correct.

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

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

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

SECTION 5. The maximum aggregate amount of debt to be incurred is \$22,000,000.

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

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

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

SECTION 9. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 6, 2018, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings held by the City Council on the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 10. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), and (b) to the holding of said election on October 2, 2018. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on October 2, 2018.

SECTION 11. The date of the special community facilities district election (which shall be consolidated with the special district election to levy a special tax within the Community Facilities District) at which time the proposition shall be submitted to the voters is October 2, 2018.

SECTION 12. The election is to be conducted by mail ballot. The mailed ballots are required to be received in the office of the City Clerk no later than 7:30 p.m. on October 2, 2018; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

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

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

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

PASSED, APPROVED and ADOPTED this 2nd day of October 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL 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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, on this date, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities)" (the "Resolution Deeming it Necessary to Incur"), deeming it necessary to incur bonded indebtedness in the maximum amount of \$22,000,000; and

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

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 6, 2018, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election

pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on October 2, 2018 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on October 2, 2018.

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

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

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

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

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of September 6, 2018, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), (b) to the holding of said election on October 2, 2018, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on October 2, 2018.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on October 2, 2018. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, the Resolution of Deeming it Necessary to Incur, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on October 2, 2018; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

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

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

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

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

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on October 2, 2018, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

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

SECTION 11. The specific purposes of the bonded indebtedness proposed to be incurred is the financing of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose, and the proceeds of such bonded indebtedness shall be applied only to such specific purposes.

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

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

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

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

PASSED, APPROVED and ADOPTED this 2nd day of October 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL 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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO
October 2, 2018
SPECIAL ELECTION

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

INSTRUCTIONS TO VOTERS:

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

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 33
(ARCHIBALD/SCHAEFER - FACILITIES)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$22,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$22,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities)," each adopted by the City Council of the City of Ontario on October 2, 2018?

Yes:

No:

RESOLUTION NO. _____

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

WHEREAS, on October 2, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on October 2, 2018; and

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

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

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

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

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

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

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

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

PASSED, APPROVED and ADOPTED this 2nd day of October 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL 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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 33
(ARCHIBALD/SCHAEFER - FACILITIES)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on October 2, 2018, I canvassed the returns of the special election held on October 2, 2018, for the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner <u>Votes</u>	Votes <u>Cast</u>	<u>YES</u>	<u>NO</u>
City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) Special Election, October 2, 2018	27	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$22,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$22,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities)," each adopted by the City Council of the City of Ontario on October 2, 2018?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 2nd day of October, 2018.

BY: _____
SHEILA MAUTZ, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES).

WHEREAS, on August 21, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on October 2, 2018, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on October 2, 2018, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act;

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in

Exhibit B to the Resolution of Formation (the “Rate and Method of Apportionment”). The special taxes are hereby levied commencing in fiscal year 2019-20 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2018.

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. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2018 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. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH WESTERN PACIFIC HOUSING, INC.

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

WHEREAS, the City has approved a General Plan Amendment for the New Model Colony, which has been supplemented by certain water, recycled water and sewer master plans (as so supplemented, the "General Plan Amendment") and has certified an Environmental Impact Report and adopted a Mitigated Negative Declaration in connection with the General Plan Amendment (together, the "Environmental Impact Report"); and

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

WHEREAS, the New Model Colony is now commonly referred to as the Ontario Ranch; and

WHEREAS, Western Pacific Housing, Inc., a Delaware corporation (the "Developer"), is developing certain of the property within the Ontario Ranch (the "Property"); and

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

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

WHEREAS, in order to provide such a mechanism, the City has, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), established City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "Community Facilities District"), the boundaries of which include the Property; and

WHEREAS, the Community Facilities District is authorized to levy special taxes within the Community Facilities District (the "Special Taxes") and issue special tax bonds (the "Bonds") secured by the Special Taxes in order to finance certain of the Facilities; and

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

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

WHEREAS, the City Council is the legislative body of the Community Facilities District.

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 2nd day of October 2018.

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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Ontario
303 East B Street
Ontario, California 91764

NOTICE OF SPECIAL TAX LIEN

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 33
(ARCHIBALD/SCHAEFER - FACILITIES)**

Pursuant to the requirements of Section 3114.5 of the California Streets and Highways Code and Section 53328.3 of the Mello-Roos Community Facilities Act of 1982 (the "Act"), the undersigned City Clerk of the City of Ontario (the "City"), State of California, hereby gives notice that a lien to secure payment of a special tax is hereby imposed by the City Council of the City, State of California. The special tax secured by this lien is authorized to be levied for the purpose of (a) paying the principal of and interest on bonds, the proceeds of which are being used to finance the facilities described on Exhibit A attached hereto and hereby made a part hereof, (b) providing such facilities, and (c) providing the services described on Exhibit A.

The special tax is authorized to be levied within the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "Community Facilities District") that has now been officially formed and the lien of the special tax is a continuing lien that shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Act.

The rate, method of apportionment, and manner of collection of the authorized special tax is as set forth in Exhibit B attached hereto and hereby made a part hereof. Conditions under which the obligation to pay the special tax for facilities may be prepaid and permanently satisfied and the lien of such special tax canceled are as set forth in Exhibit B hereto. No provision has been made for the prepayment of the special tax for services.

Notice is further given that upon the recording of this notice in the office of the County Recorder of the County of San Bernardino, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property within the Community Facilities District in accordance with Section 3115.5 of the California Streets and Highways Code.

The names of the owners and the assessor's tax parcel numbers of the real property included within the Community Facilities District and not exempt from the special tax are as set forth in Exhibit C attached hereto and hereby made a part hereof.

Reference is made to the boundary map of the Community Facilities District recorded at Book 87 of Maps of Assessment and Community Facilities Districts at Pages 100 and 101, in the

office of the County Recorder for the County of San Bernardino, State of California (Document No. 2018-0314836), which map is now the final boundary map of the District.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Management Analyst, Management Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

Dated: _____, 2018

By: _____
Sheila Mautz, City Clerk

EXHIBIT A

FACILITIES AND SERVICES TO BE FINANCED

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.

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.

EXHIBIT B

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT C

PROPERTY OWNER AND ASSESSOR'S PARCEL NUMBERS

Name of Property Owner	San Bernardino County Assessor's Parcel Nos.
Western Pacific Housing, Inc.	0218-633-01-0000
	0218-633-02-0000
	0218-633-03-0000
	0218-633-04-0000
	0218-633-05-0000
	0218-633-06-0000
	0218-633-07-0000
	0218-633-08-0000
	0218-633-09-0000
	0218-633-10-0000
	0218-633-11-0000
	0218-633-12-0000
	0218-633-13-0000
	0218-633-14-0000
	0218-633-15-0000
	0218-633-16-0000
	0218-633-17-0000
	0218-633-18-0000
	0218-633-19-0000
	0218-633-20-0000
	0218-633-21-0000
	0218-633-22-0000
	0218-633-23-0000
	0218-633-24-0000
	0218-633-25-0000
	0218-633-26-0000
	0218-633-27-0000
	0218-633-28-0000
	0218-633-29-0000
	0218-633-30-0000
	0218-633-31-0000
	0218-633-32-0000
	0218-633-33-0000
	0218-633-34-0000
	0218-633-35-0000
	0218-633-36-0000
	0218-633-37-0000
	0218-633-38-0000

**San Bernardino County
Assessor's Parcel Nos.**

Name of Property Owner

Name of Property Owner	San Bernardino County Assessor's Parcel Nos.
Western Pacific Housing, Inc.	0218-633-39-0000 0218-633-40-0000 0218-633-41-0000 0218-633-42-0000 0218-633-43-0000 0218-633-44-0000 0218-633-45-0000 0218-633-46-0000 0218-633-47-0000 0218-633-50-0000 0218-633-51-0000 0218-633-52-0000 0218-633-53-0000 0218-634-01-0000 0218-634-02-0000 0218-634-03-0000 0218-634-04-0000 0218-634-05-0000 0218-634-06-0000 0218-634-07-0000 0218-634-08-0000 0218-634-09-0000 0218-634-10-0000 0218-634-11-0000 0218-634-12-0000 0218-634-13-0000 0218-634-14-0000 0218-634-15-0000 0218-634-16-0000 0218-634-17-0000 0218-634-18-0000 0218-634-19-0000 0218-634-20-0000 0218-634-21-0000 0218-634-22-0000 0218-634-23-0000 0218-634-24-0000 0218-634-25-0000 0218-634-26-0000 0218-634-27-0000 0218-634-28-0000 0218-634-29-0000

**San Bernardino County
Assessor's Parcel Nos.**

Name of Property Owner

Name of Property Owner	San Bernardino County Assessor's Parcel Nos.
Western Pacific Housing, Inc.	0218-634-30-0000
	0218-634-31-0000
	0218-634-32-0000
	0218-634-33-0000
	0218-634-34-0000
	0218-634-35-0000
	0218-634-36-0000
	0218-634-37-0000
	0218-634-38-0000
	0218-634-39-0000
	0218-634-40-0000
	0218-634-41-0000
	0218-634-42-0000
	0218-634-43-0000
	0218-634-44-0000
	0218-634-45-0000
	0218-634-46-0000
	0218-634-47-0000
	0218-634-48-0000
	0218-634-49-0000
	0218-634-50-0000
	0218-634-51-0000
	0218-634-52-0000
	0218-634-53-0000
	0218-634-54-0000
	0218-634-55-0000
	0218-634-56-0000
	0218-634-57-0000
	0218-634-58-0000
	0218-634-59-0000
	0218-634-60-0000
	0218-634-61-0000
	0218-634-62-0000
	0218-634-63-0000
	0218-634-64-0000
	0218-634-65-0000
	0218-634-66-0000
	0218-642-01-0000
	0218-642-02-0000
	0218-642-03-0000
	0218-642-04-0000
	0218-642-05-0000

**San Bernardino County
Assessor's Parcel Nos.**

Name of Property Owner

Name of Property Owner	San Bernardino County Assessor's Parcel Nos.
Western Pacific Housing, Inc.	0218-642-06-0000
	0218-642-07-0000
	0218-642-08-0000
	0218-642-09-0000
	0218-642-10-0000
	0218-642-11-0000
	0218-642-12-0000
	0218-642-13-0000
	0218-642-14-0000
	0218-642-15-0000
	0218-642-16-0000
	0218-642-17-0000
	0218-642-18-0000
	0218-642-19-0000
	0218-642-20-0000
	0218-642-21-0000
	0218-642-22-0000
	0218-642-23-0000
	0218-642-24-0000
	0218-642-25-0000
	0218-642-26-0000
	0218-642-27-0000
	0218-642-28-0000
	0218-642-29-0000
	0218-642-30-0000
	0218-642-31-0000
	0218-642-32-0000
	0218-642-33-0000
	0218-642-34-0000
	0218-642-35-0000
	0218-642-36-0000
	0218-642-37-0000
0218-642-38-0000	
0218-642-39-0000	
0218-642-40-0000	
0218-642-41-0000	
0218-642-42-0000	
0218-643-01-0000	
0218-643-02-0000	
0218-643-03-0000	
0218-643-04-0000	
0218-643-05-0000	

**San Bernardino County
Assessor's Parcel Nos.**

Name of Property Owner

Name of Property Owner	San Bernardino County Assessor's Parcel Nos.
Western Pacific Housing, Inc.	0218-643-06-0000 0218-643-07-0000 0218-643-08-0000 0218-643-09-0000 0218-643-10-0000 0218-643-11-0000 0218-643-12-0000 0218-643-13-0000 0218-643-14-0000 0218-643-15-0000 0218-643-16-0000 0218-643-17-0000 0218-643-18-0000 0218-643-19-0000 0218-643-20-0000 0218-643-21-0000 0218-643-22-0000 0218-643-23-0000 0218-643-24-0000 0218-643-25-0000 0218-643-26-0000 0218-643-27-0000 0218-643-28-0000 0218-643-29-0000 0218-643-30-0000 0218-643-31-0000 0218-643-32-0000 0218-643-33-0000 0218-643-34-0000 0218-643-35-0000 0218-643-36-0000 0218-643-37-0000 0218-643-38-0000 0218-643-39-0000 0218-643-40-0000 0218-643-41-0000 0218-643-42-0000 0218-643-43-0000 0218-643-44-0000 0218-643-45-0000 0218-643-46-0000 0218-643-47-0000

**San Bernardino County
Assessor's Parcel Nos.**

Name of Property Owner

Name of Property Owner	Assessor's Parcel Nos.
Western Pacific Housing, Inc.	0218-643-48-0000
	0218-643-49-0000
	0218-643-50-0000
	0218-643-51-0000
	0218-643-52-0000
	0218-643-53-0000
	0218-643-54-0000
	0218-643-55-0000
	0218-643-56-0000
	0218-643-57-0000
	0218-643-58-0000
	0218-643-59-0000
	0218-643-60-0000
	0218-643-61-0000
	0218-643-63-0000
	0218-643-64-0000
	0218-643-65-0000
	0218-643-66-0000
	0218-643-67-0000
	0218-643-68-0000
	0218-643-69-0000
	0218-643-70-0000
	0218-643-71-0000
	0218-652-01-0000
	0218-652-02-0000
	0218-652-03-0000
	0218-652-04-0000
	0218-652-05-0000
	0218-652-06-0000
	0218-652-07-0000
	0218-652-08-0000
	0218-652-09-0000
	0218-652-10-0000
	0218-652-11-0000
	0218-652-12-0000
	0218-652-13-0000
	0218-652-14-0000
	0218-652-15-0000
	0218-652-16-0000
	0218-652-17-0000
	0218-652-18-0000
	0218-652-19-0000

Name of Property Owner

**San Bernardino County
Assessor's Parcel Nos.**

Western Pacific Housing, Inc.	0218-652-20-0000 0218-652-21-0000 0218-652-22-0000 0218-652-23-0000 0218-652-24-0000 0218-652-25-0000 0218-652-26-0000
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**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 33
(ARCHIBALD/SCHAEFER - FACILITIES)**

CONCURRENCE OF ELECTION OFFICIAL

I, Sheila Mautz, City Clerk of the City of Ontario (the “City”), hereby certify as follows:

(a) that I am the election official responsible for conducting special elections in the City; and

(b) that, pursuant to Section 53326(a) of the Mello-Roos Community Facilities Act of 1982 (the “Act”), I do hereby concur to (i) the holding of a special election on October 2, 2018, for the purpose of submitting to the qualified electors of City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the “Community Facilities District”) the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, as provided in the resolution proposed to be adopted by the City Council of the City on October 2, 2018, entitled “A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities),” and (ii) with respect to such special election, the waiving by the qualified electors of the Community Facilities District of any time limit specified by Section 53326 of the Act, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act).

Dated: October 2, 2018

Sheila Mautz, City Clerk

CITY OF ONTARIO

Agenda Report
October 2, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN (FILE NO. PSPA18-004), ESTABLISHING SIGN STANDARDS AND GUIDELINES FOR A FREEWAY IDENTIFICATION SIGN AND FOR SINGLE USES OCCUPYING MORE THAN 200,000 SQUARE FEET OF BUILDING AREA, WITHIN THE URBAN COMMERCIAL LAND USE DISTRICT; AND AN ADDENDUM TO THE MEREDITH INTERNATIONAL CENTRE ENVIRONMENTAL IMPACT REPORT (SCH# 2014051020), REVIEWED IN CONJUNCTION WITH FILE NO. PGPA13-005 AND FILE NO. PSPA14-003 PREPARED TO DETERMINE POSSIBLE ENVIRONMENTAL IMPACTS OF THE PROJECT (APNs: 0110-311-52, 0110-311-53, 0110-311-54, 0110-311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78, 0110-321-79)

RECOMMENDATION: That the City Council consider and:

- (A) Adopt a resolution approving an Addendum to the Meredith International Centre Specific Plan Environmental Impact Report; and
- (B) Adopt a resolution approving File No. PSPA18-004 establishing sign standards and guidelines for a Freeway Identification Sign and for single uses occupying more than 200,000 square feet of building area within the Urban Commercial land use district of the Meredith International Centre Specific Plan.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

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

Prepared by: Charles Mercier
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 10/02/2018

Approved: _____

Continued to: _____

Denied: _____

9

BACKGROUND: On September 18, 2018, the City Council opened the public hearing and continued the matter to a date and time certain: October 2, 2018 at 6:30 p.m. The proposed amendment to the Meredith International Centre Specific Plan would establish standards and guidelines for the installation of one Freeway Identification Sign to identify the Specific Plan and key destinations within the Specific Plan. The Freeway Identification Sign would not exceed 105 feet in height, 48 feet in overall width, 270 square feet of static signage to identify the Specific Plan and major tenants, and two 1,344-square foot (28 feet high by 48 feet wide) LED displays.

The Specific Plan Amendment also introduces standards for big-box retailers that occupy more than 200,000 square feet of building area, as follows:

- Wall signs, maximum one wall sign and two descriptor signs per building elevation;
- Monument signs, not to exceed four signs, maximum 11 feet in height and 100 square feet in area;
- Message flags, maximum 16 flag poles at 40 feet in height and 188 square feet in area;
- A “Welcome” sign at each vehicular entrance, maximum 14 feet high and 100 square feet in area;
- On-site directional signs, maximum 3 feet in height and 10 square feet in area; and
- One freeway-oriented navigation sign, maximum 108 feet in height, 50 feet in width, and 575 square feet in area.

On August 28, 2018, the Planning Commission conducted a duly noticed public hearing to consider the proposed Specific Plan Amendment and voted unanimously (6-0) to recommend that the City Council approve the requested changes to the Specific Plan subject to the inclusion of a provision to the “Urban Commercial Signage Standards,” which stipulates that the Freeway Identification Sign shall be subject to Planning Commission review and approval.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The Application affects properties located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”) and an Addendum to the Meredith International Centre Environmental Impact Report (SCH# 2014051020), reviewed in conjunction with File No. PGPA13-005 and File No. PSPA14-003, and certified by the City Council on April 7, 2015, has been prepared to determine possible environmental impacts. As supported by the analysis presented in the Addendum, the potential environmental effects of the proposed project, and all associated discretionary and nondiscretionary actions, have been adequately addressed in the Certified EIR. The Addendum to the Certified EIR describes minor changes to the Certified EIR analysis which reflect certain minor changes in the Meredith International Centre Specific Plan. As such, preparation of any further information and analysis (e.g., preparation of a Subsequent or Supplemental EIR) is not warranted. The subject Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated therein by this reference.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE MEREDITH INTERNATIONAL CENTRE ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PSPA18-004 - APNS: 0110-311-52, 0110-311-53, 0110-311-54, 0110-311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78 AND 0110-321-79.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study, and approved for attachment to the certified Environmental Impact Report, an addendum to the Meredith International Centre Environmental Impact Report for File No. PSPA18-004 (hereinafter referred to as "Initial Study/Environmental Impact Report Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, File No. PSPA18-004 analyzed under the Initial Study/Environmental Impact Report Addendum, consists of a Specific Plan Amendment to establish sign standards and guidelines for a Freeway Identification Sign and for single uses occupying more than 200,000 square feet of building area within the Urban Commercial land use district of the Meredith International Centre Specific Plan, in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the Initial Study/Environmental Impact Report Addendum concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, the Meredith International Centre Environmental Impact Report was certified by the Ontario City Council on April 7, 2015, in conjunction with File Nos. PGPA13-005 and PSPA14-003, in which development and use of the Project site was discussed; and

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

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

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the approving authority for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Initial Study/Environmental Impact Report Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Environmental Impact Report Addendum for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, on August 28, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and associated project, and concluded said hearing on that date, voting unanimously (6-0) to issue Resolution No. PC18-086 recommending the City Council approve the Initial Study/Addendum; and

WHEREAS, on October 2, 2018, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and associated Project, and concluded said hearing on that date; and

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

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

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to Meredith International Centre Environmental Impact Report — SCH# 2014051020, certified by the Ontario City Council on April 7, 2015, in conjunction with File Nos. PGPA13-005 and PSPA14-003 (hereinafter referred to as “Certified EIR”).

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2. Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

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

SECTION 3. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 2, above, the City Council hereby finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the Addendum to the Certified EIR, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 4. *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.

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

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

PASSED, APPROVED, AND ADOPTED this 2nd day of October 2018.

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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018, 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**Addendum to Meredith International Centre
Environmental Impact Report**

(Addendum to follow this page)



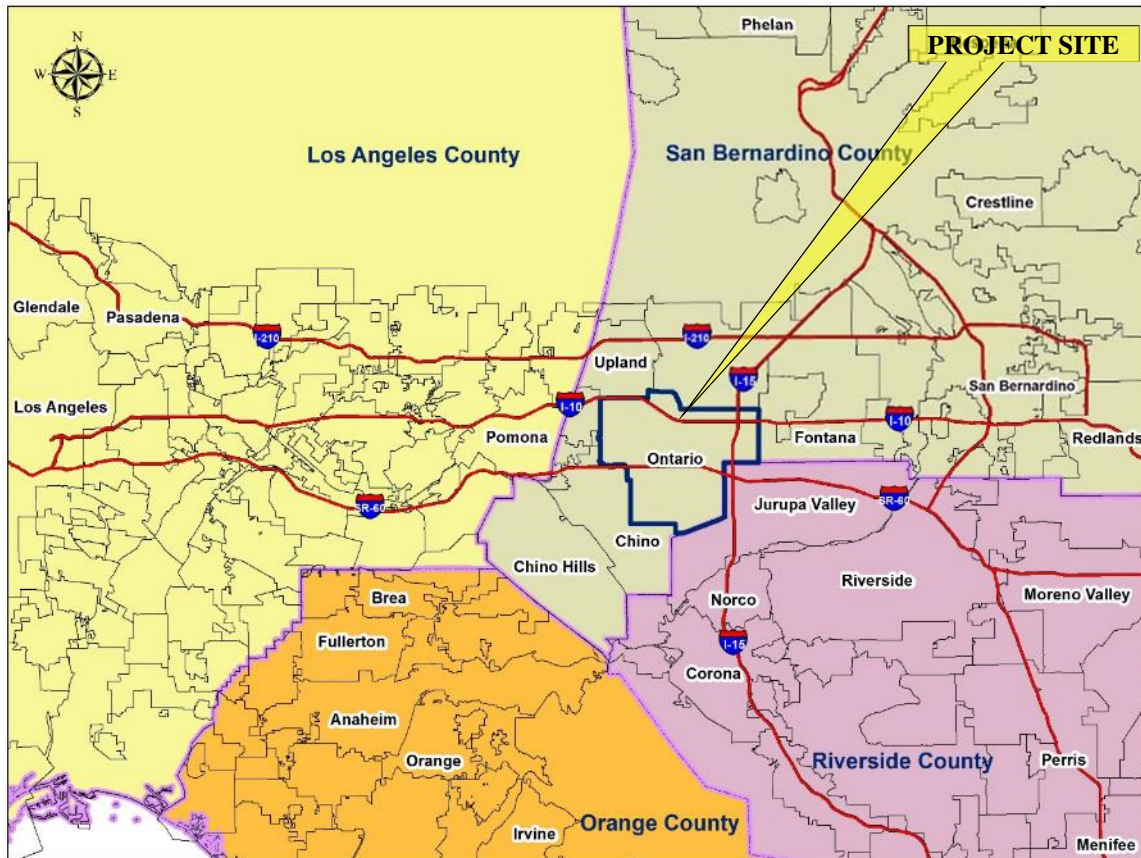
City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Addendum to the Meredith International Centre Specific Plan Amendment Environmental Impact Report

SECTION I—INTRODUCTION

- 1. Project Title/File No.:** PSPA18-004
- 2. Lead Agency:** City of Ontario, 303 East “B” Street, Ontario, California 91764, (909) 395-2036
- 3. Contact Person:** Charles Mercier, Principal Planner
(909) 395-2425
cmercier@ontarioca.gov
- 4. Project Sponsor:** Craig Development Corporation, PO Box 1969, Newport Beach, CA 92659; and Real Development Solutions, LLC, 211 Broad Street, Suite 204, Red Bank, NJ 07701
- 5. Project Location:** The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site is bordered by Inland Empire Boulevard on the north, Archibald Avenue on the east, Interstate 10 on the south, and Vineyard Avenue on the west.

Figure 1: REGIONAL LOCATION MAP



6. Policy Plan (General Plan): Meredith Mixed Use District

7. Zoning: SP (Specific Plan)

8. Background: On April 7, 2015, the City Council of the City of Ontario approved a General Plan Amendment, File No. PGPA13-005, which (1) revised the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) to change the land use on approximately 148 acres of land generally located at the southeast corner of Vineyard Avenue and Fourth Street, from Mixed Use to Industrial, (2) revised the Policy Plan Future Buildout (Exhibit LU-03) projections for the Meredith Mixed Use Area to be consistent with the proposed Policy Plan Land Use Plan changes, and (3) revise the Generalized and Growth Areas (Exhibit LU-04) map, to be consistent with the proposed Land Use Plan changes. These Policy Plan changes were requested in conjunction with a Specific Plan Amendment, File No. PSPA14-003, which modified the Meredith International Centre Specific Plan, originally adopted in 1981, to allow for the development of up to 3,007,000 square feet of industrial land uses, up to 600 hotel rooms and 1,143,000 square feet of commercial land uses, and up to 800 residential units, all on approximately 257.7 acres of land generally located on the north side of Interstate 10 Freeway, between Vineyard and Archibald Avenues. Furthermore, the proposed modifications to the Meredith International Centre Specific Plan revised the guidance on land uses, circulation plans, utility and infrastructure plans, development standards and design guidelines, and specific plan implementation.

Development of the 3,007,000 square feet of industrial land uses, referenced above, began in 2016 and is now completed. The portion of the Specific Plan designated for 800 residential units was approved by the City for development in August 2016, and is currently under construction, and the portion of the Specific Plan designated for commercial development remains largely undeveloped. The Project described within this Addendum will affect this largely undeveloped area of the Meredith International Centre Specific Plan.

9. Purpose: The purpose of this Addendum to the Meredith International Centre Specific Plan Amendment EIR ("Certified EIR") is to define, describe, compare and contrast potential environmental impacts of the proposed Specific Plan Amendment in the context of the environmental impacts associated with the Meredith International Centre Specific Plan Amendment, as assessed in the Certified EIR. In so doing, this Addendum will provide documentation for the proposed Specific Plan Amendment consistent with the requirements of the California Environmental Quality Act (CEQA).

Section 15164 of the CEQA Guidelines states that an Addendum to an EIR shall be prepared "if some changes or additions [to a Certified EIR] are necessary, but none of the conditions described in [CEQA Guidelines] Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 of the CEQA Guidelines identifies the conditions that require preparation of a subsequent EIR, stating that no subsequent EIR shall be prepared for a project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following conditions are met:

a. Substantial changes are proposed in the project that require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects;

b. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; or

c. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified, shows any of the following:

(1) The project will have one or more significant effects not discussed in the previous EIR;

(2) Significant effects previously examined will be substantially more severe than identified in the previous EIR;

(3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives;

(4) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

This Addendum to the Certified EIR describes the proposed Specific Plan Amendment, and substantiates how the potential environmental effects of the proposed Specific Plan Amendment are appropriately and adequately addressed in the Certified EIR. The focus of the analysis is the adequacy of the previously Certified EIR relative to the proposed Specific Plan Amendment in its current environmental context.

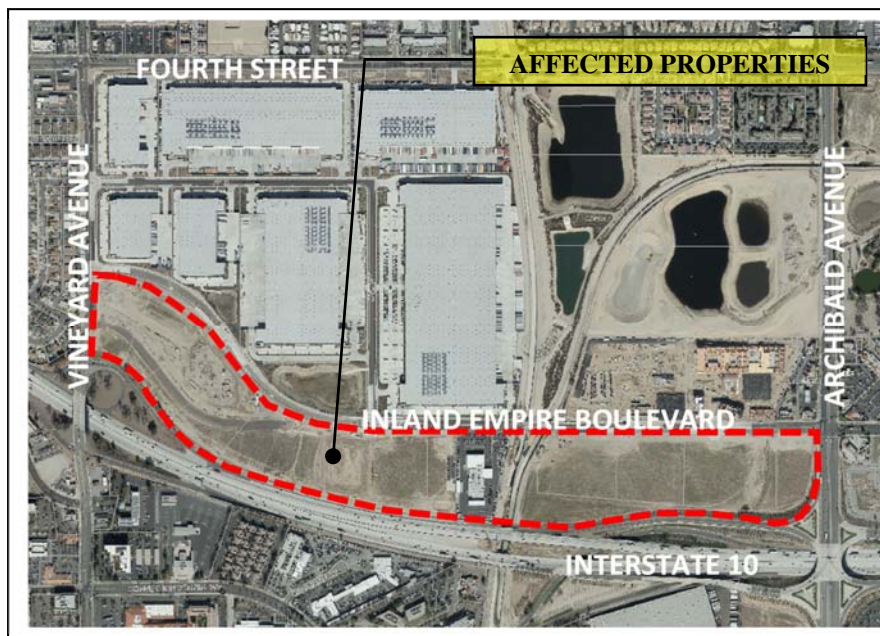
10. Conclusions: The analysis presented in this document substantiates that the Certified EIR is sufficient to satisfy CEQA requirements for the approval of the proposed Specific Plan Amendment (File No. PSPA18-004). That is, implementation and operation of the proposed Specific Plan Amendment described herein will not result in any new, different, additional or substantially increased environmental impacts than were previously considered and addressed in the Certified EIR. Further, the Project will implement all applicable mitigation measures presented in the Certified EIR. As such, potential environmental impacts of the proposed Specific Plan Amendment are considered to be adequately and appropriately addressed by analysis presented in the Certified EIR. The proposed Specific Plan Amendment does not require any major revision of the Certified EIR, nor will the proposed Specific Plan Amendment result in conditions that would require preparation of a Subsequent or Supplemental EIR, as described in Sections 15162 and 15163, respectively, of the CEQA Guidelines.

11. Mitigation Measures from the Meredith International Center Specific Plan Amendment Certified EIR: Attachment 1 (Summary of Impacts and Mitigation), which is excerpted from the Meredith International Centre Specific Plan Amendment Certified EIR (SCH #2014051020), includes a summary of impacts and mitigation measures associated with that project. It is the responsibility of the Project to implement all applicable mitigation measures. As substantiated by this Addendum, no new or modified or modified mitigation measures are required.

SECTION II—PROJECT DESCRIPTION

1. Project Setting: The project area, depicted in Figure 1: PROJECT LOCATION, below, is comprised of 14 lots totaling approximately 69 acres of land within the Urban Commercial land use district of the Meredith International Centre Specific Plan. The area is bordered by Inland Empire Boulevard on the north, Archibald Avenue on the east, Interstate 10 on the south, and Vineyard Avenue on the west.

Figure 1: PROJECT LOCATION



The project area is largely undeveloped, save for a 5-acre parcel located adjacent to the Cucamonga Creek Flood Control Channel, which is fully developed with an automobile sales lot (Audi of Ontario). A second automobile sales lot (Infiniti of Ontario) is located at the southwest corner of Inland Empire Boulevard and QVC Way and is currently under construction.

The area north of the project is characterized by industrial, multiple-family residential, and retail commercial land uses, and is within the Industrial, Urban Residential, and Urban Commercial land use districts of the Meredith International Centre Specific Plan, respectively. The area east of the project, across Archibald Avenue, is largely unimproved and is proposed for development with a 208-room, 6-story hotel. The area south of the project is bordered by the Interstate 10 Freeway. Beyond the freeway is within the CCS (Convention Center Support Commercial) and SP (Specific Plan) zoning districts and is developed with a mix of retail and office-commercial, and industrial land uses. The area west of the project, across Vineyard Avenue, is zoned MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/AC) and is developed with multiple-family residential land uses.

2. Project Description: Proposed, is the approval of an Amendment to the Meredith International Centre Specific Plan, which would revise the sign standards and guidelines for the Urban Commercial land use district, to allow for a freeway pylon sign with LED electronic message board for the purpose of identifying the Specific Plan area, as-well-as its key commercial destinations. The proposed sign standards are as follows:

Freeway Identification Sign Standards	
Type, Maximum Number & Location:	One sign for the Specific Plan area adjacent to Interstate 10 Freeway
Maximum Area:	<u>Static Signs</u> : 270 square feet per sign face. <u>LED Display</u> : 1,344 square feet per sign face.
Maximum Height:	105 feet. ¹
Maximum Length:	48 feet in any direction.
Special Regulations:	Comply with Development Code Paragraph 8.01.020.C.3 (Electronic Message Display). ²

Notes:

1. *Subject to Ontario International Airport Land Use Compatibility Plan requirements.*
2. *Electronic Message Display shall only advertise businesses within the Specific Plan area.*

In addition to allowing for a Freeway Identification Sign adjacent to Interstate 10, this Specific Plan Amendment would establish regulations for big box retail stores in the Urban Commercial land use district, which have a gross floor area of more than 200,000 square feet. The proposed sign standards are as follows:

Uses Occupying More Than 200,000 Square Feet	
Wall Signs	
Type, Maximum Number & Location:	One primary Wall Sign and 2 descriptor Wall Signs per building elevation.
Maximum Area:	15% of building elevation area.
Maximum Height:	<u>Primary Signs</u> : 12 feet for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 6 feet for alphanumeric characters and graphic logos/icons.
Maximum Length:	75% of elevation width upon which the sign is located.
Freestanding Signs	
<u>Commercial Message Signs</u>	
Type, Maximum Number & Location:	4 Freestanding Signs.
Maximum Area:	100 square feet per sign face.

Uses Occupying More Than 200,000 Square Feet	
Maximum Height:	11 feet.
Maximum Length:	N/A
<u>Commercial Message Flags</u>	
Type, Maximum Number & Location:	16 flagpoles.
Maximum Area:	118 square feet per flag.
Maximum Height:	40 feet to top of flagpole.
Maximum Length:	N/A
Directional Signs	
<u>Welcome Signs</u>	
Type, Maximum Number & Location:	One Welcome sign per vehicle entrance.
Maximum Area:	100 square feet per sign face.
Maximum Height:	14 feet.
Maximum Length:	N/A
<u>Other Directional Signs</u>	
Type, Maximum Number & Location:	On-site Directional Signs as determined appropriate by the Planning Director.
Maximum Area:	10 square feet per sign face.
Maximum Height:	3 feet.
Maximum Length:	N/A
<u>Freeway/Navigation Signs</u>	
Type, Maximum Number & Location:	One sign per site having a maximum of 600 lineal feet of freeway frontage and is developed as a single entity.
Maximum Area:	575 square feet per sign face.
Maximum Height:	108 feet. ¹
Maximum Length:	50 feet.
Special Regulations:	Advertising displays shall be static only.

Notes:

- Subject to Ontario International Airport Land Use Compatibility Plan requirements.

3. Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): None

4. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? Yes No

If "yes", has consultation begun? Yes No Completed

SECTION III—ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture/Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |

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

SECTION IV—DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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



Signature

8/21/2018

Date

Charles H. Mercier, Principal Planner

Printed Name and Title

City of Ontario

For

SECTION V—INITIAL STUDY CHECKLIST

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analyses Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
1. AESTHETICS. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
<p>2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:</p>				
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d. Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
<p>a. Conflict with or obstruct implementation of the applicable air quality plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. GEOLOGY AND SOILS. Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. GREENHOUSE GAS EMISSIONS. Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. LAND USE AND PLANNING. Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. MINERAL RESOURCES. Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. NOISE. Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. POPULATION AND HOUSING. Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. PUBLIC SERVICES. Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. RECREATION. Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. TRANSPORTATION/TRAFFIC. Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is				

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<p>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>18. UTILITIES AND SERVICE SYSTEMS. Would the project:</p>				
<p>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>g. Comply with federal, state, and local statutes and regulations related to solid waste?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
19. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note: Authority cited: Public Resources Code sections 21083, 21083.05. Reference: Gov. Code section 65088.4; Public Resources Code sections 21073, 21074, 21080(c), 21080.1, 21080.3, 21080.3.1, 21080.3.2, 21082.3, 21083, 21083.3, 21083.5, 21084.2, 21084.3, 21093, 21094, 21095 and 21151; <i>Sundstrom v. County of Mendocino</i> (1988) 202 Cal.App.3d 296; <i>Leonoff v. Monterey Board of Supervisors</i> (1990) 222 Cal.App.3d 1337; <i>Eureka Citizens for Responsible Govt. v. City of Eureka</i> (2007) 147 Cal.App.4th 357; <i>Protect the Historic Amador Waterways v. Amador Water Agency</i> (2004) 116 Cal.App.4th 1099, 1109; <i>San Franciscans Upholding the Downtown Plan v. City and County of San Francisco</i> (2002) 102 Cal.App.4th 656.				

SECTION IV—EXPLANATION OF ISSUES

1. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?

Discussion of Effects: The proposed project will not have a significant adverse effect aesthetically. As provided in the Certified EIR, the City of Ontario’s physical setting lends opportunities for many views of the community and surrounding natural features, including panoramic views of the San Bernardino and San Gabriel Mountains and stretches of open space and undeveloped land south of Riverside Drive. The Meredith International Centre Specific Plan Amendment EIR further provides that compliance with TOP Policy CD1-5 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect public views of the San Gabriel Mountains. The project under consideration proposes an Amendment to the Meredith International Centre Specific Plan, revising the sign standards/guidelines for freeway identification signs and for uses over 200,000 square feet in area, within the Urban Commercial land use district, which is not anticipated to result in any alteration of existing public views of the San Gabriel Mountains. Since no adverse aesthetic impacts are expected, no mitigation is necessary.

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified Meredith International Centre Specific Plan Amendment EIR. No changes or additions to Meredith International Centre Specific Plan Amendment EIR analyses are necessary.

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

Discussion of Effects: The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by industrial, commercial, and residential development and is surrounded by urban land uses. The project under consideration proposes an Amendment to the Meredith International Centre Specific Plan, revising the sign standards/guidelines for freeway identification signs and for uses over 200,000 square feet in area, within the Urban Commercial land use district, which is not anticipated to substantially degrade the existing visual character or quality of the site or surrounding area. Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified Meredith International Centre Specific Plan Amendment EIR. No changes or additions to Meredith International Centre Specific Plan Amendment EIR analyses are necessary.

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

Discussion of Effects: The proposed project would not introduce new lighting to the surrounding area beyond what was anticipated in the Certified Meredith International Centre Specific Plan Amendment EIR. Therefore, no new adverse impacts are anticipated.

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

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified Meredith International Centre Specific Plan Amendment EIR. No changes or additions to Meredith International Centre Specific Plan Amendment EIR analyses are necessary.

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

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

Discussion of Effects: The site is for the most part vacant and does not contain any agricultural uses. Further, the site is identified as “Other Land” on the map prepared by the California Resources Agency, pursuant to the Farmland Mapping and Monitoring Program. As a result, no adverse environmental impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project site is not designated as Farmland and there are no agricultural uses occurring onsite. As a result, to the extent that the project would result in changes to the existing environment, those changes would not result in loss of Farmland to non-agricultural use.

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

Mitigation Required: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Discussion of Effects: The City is located in a non-attainment region of South Coast Air Basin (SCAB); however, this impact has already been evaluated and mitigated to the extent feasible in the Certified EIR. The Certified EIR has addressed short-term construction impacts, however, and adequate mitigation has been adopted by the City that would help reduce emissions and air quality impacts. No new impacts beyond those identified in Certified EIR would result from Project implementation. Allowing additional signage as described in this Addendum will not

generate significant new or greater air quality impacts than identified in Certified EIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not generate significant new or greater air quality impacts than identified in Certified EIR. Adequate mitigation has already been adopted by the City that would reduce emissions and air quality impacts to a feasible level. No new impacts beyond those identified in Certified EIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed addition to the Specific Plan sign regulations correlates to signage provisions of specific plans within the surrounding area and will not generate significant new or greater air quality impacts than identified in Certified EIR. Adequate mitigation has already been adopted by the City that would reduce emissions and air quality impacts to a feasible level. No new impacts beyond those identified in the Certified EIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

d. Expose sensitive receptors to substantial pollutant concentrations?

Discussion of Effects: As discussed in the Certified EIR, the proposed project is within a non-attainment region of the SCAB. Essentially this means that any new contribution of emissions into the SCAB would be considered significant and adverse. The proposed addition to the Specific Plan sign regulations correlates to signage provisions of specific plans within the surrounding area and will not generate significant new or greater air quality impacts than identified in Certified EIR. Adequate mitigation has already been adopted by the City that would reduce emissions and air quality impacts to a feasible level. No new impacts beyond those identified in the Certified EIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

e. Create objectionable odors affecting a substantial number of people?

Discussion of Effects: Any new construction activity resulting from the proposed project will be required to comply with the standards in place at the time of development. The project will not create significant objectionable odors; therefore, the project will not introduce new odors beyond those previously analyzed in the Certified EIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

4. BIOLOGICAL RESOURCES. Would the project:

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

Discussion of Effects: As discussed in the Certified EIR, no special status plant species were found onsite during the biological surveys. Due to the disturbed nature of the site, and the absence of any current or historic site records indicating their presence, no special status plant species are likely present onsite. Thus, no significant impacts relative

to special status plant species are anticipated as a result of site development.

One special status wildlife species was observed onsite, the California horned lark (*Eremophila alpestris actia*). Suitable habitat also exists for the burrowing owl (*Athene cunicularia*). The Certified EIR found that impacts to these species are considered potentially significant; however, mitigation required by the Certified EIR would reduce impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: No wetland habitat is present on site; therefore, project implementation would have no impact on these resources.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: There are no wildlife corridors connecting this site to other areas; therefore, no adverse environmental impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project does not conflict with any City policies or ordinances protecting biological resources. Furthermore, the site does not contain any mature trees necessitating the need for preservation. As a result, no adverse environmental impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

5. CULTURAL RESOURCES. Would the project:

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

Discussion of Effects: As discussed in the Certified EIR, an intensive archaeological survey of the project area concluded that the Meredith International Centre Specific Plan area is clear of any significant historical or archaeological resources. The potential for identifying prehistoric or historic archaeological resources is very low and, therefore, no further studies are recommended with respect to these resources.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As discussed in the Certified EIR, an intensive archaeological survey of the project area concluded that the Meredith International Centre Specific Plan area is clear of any significant historical or archaeological resources. The potential for identifying prehistoric or historic archaeological resources is very low and, therefore, no further studies are recommended with respect to these resources.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As discussed in the Certified EIR, the project area is relatively flat and does not contain any unique geological features. No evidence of paleontological resources was identified during the survey and none was expected in the younger alluvial deposits. The potential for evidence of fossil-bearing soils is still possible, depending on the nature of the project related excavations and site preparation. If older alluvial deposits are encountered, there is a potential for the identification of fossil specimens and the area should be considered sensitive for such resources; however, mitigation required by the Certified EIR would reduce impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project is in an area that has been previously disturbed. No known religious or sacred sites exist within the project area. Thus, human remains are not expected to be encountered during any construction activities. However, in the unlikely event that human remains are discovered, existing regulations, including the California Public Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, standard conditions have been imposed on the project that in the event of unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

e. Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074?

Discussion of Effects: The proposed project is in an area that has been previously disturbed. No known Tribal Cultural Resource sites exist within the project area. Thus, tribal artifacts are not expected to be encountered during any excavation, grading, or construction activities; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes

or additions to the Certified EIR analyses are necessary.

6. GEOLOGY & SOILS. Would the project:

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

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

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

ii. Strong seismic ground shaking?

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

iii. Seismic-related ground failure, including liquefaction?

Discussion of Effects: Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

iv. Landslides?

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not necessary. There will be no impact to the sewage system.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

7. GREENHOUSE GAS EMISSIONS. Would the project:

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

Discussion of Effects: As substantiated in the Certified EIR, the project would be consistent with and would support AB 32, the CARB Scoping Plan, and City of Ontario Policy Plan Air Quality/GHG Emissions Goals and Policies. Complemented by project compliance with applicable mitigation measures incorporated in The Ontario Plan EIR acts to reduce the potential for the project to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, to levels that are less-than-significant.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: the Project is consistent with and supports AB 32 and the CARB Scoping Plan; is consistent with applicable City of Ontario Policy Plan Goals and Policies; and would comply with and implement applicable TOP EIR mitigation measures. At present, there are no other applicable plans, policies or regulations adopted for the purpose of reducing the Project's GHG emissions. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

8. HAZARDS & HAZARDOUS MATERIALS. Would the project:

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

Discussion of Effects: As substantiated in the Certified EIR, mitigated project construction-source criteria pollutant emissions concentrations, and unmitigated project operational-source criteria pollutant emissions concentrations would not create a significant hazard to the public or the environment.

Additionally, the Project would generate truck traffic, a portion of which may be diesel powered. Diesel emissions and diesel particulate matter (DPM) are known carcinogens and could increase area health risks. Accordingly, an analysis of potential long-term diesel exposure health risks is provided. To this end, the Project Health Risk Assessment⁴ (Project HRA included at EIR Appendix D) characterizes and quantifies potential diesel emissions generated by, and health risk exposure resulting from, Project operations. As concluded in the Project HRA, all potential DPM-source health risks exposures would be less-than-significant. On this basis, Project-source DPM emissions would not create a significant hazard to the public or the environment

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project is not anticipated to involve the use or disposal of hazardous materials during project implementation; therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less-than-significant impact.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As substantiated in the Certified EIR, mitigated project construction-source criteria pollutant emissions concentrations, and unmitigated project operational-source criteria pollutant emissions concentrations would not create a significant hazard to the public or the environment through emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter of a mile of an existing or proposed school.

Additionally, the Project would generate truck traffic, a portion of which may be diesel powered. Diesel emissions and diesel particulate matter (DPM) are known carcinogens and could increase area health risks. Accordingly, an analysis of potential long-term diesel exposure health risks is provided. To this end, the Project Health Risk Assessment⁴ (Project HRA included at EIR Appendix D) characterizes and quantifies potential diesel emissions

generated by, and health risk exposure resulting from, Project operations. As concluded in the Project HRA, all potential DPM-source health risks exposures would be less-than-significant. On this basis, Project-source DPM emissions would not create a significant hazard to the public or the environment through emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter of a mile of an existing or proposed school.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a hazard to the public or the environment and no impact is anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not result in a safety hazard for people working or residing in the project area because it will not obstruct aircraft maneuvering due to the project's low elevation. Additionally, the Land Use Compatibility Guidelines for Noise Impacts (Policy Plan Table LU-08) shows the proposed use as normally accepted in the 65 CNEL. The proposed use will comply with standards for mitigating noise. Therefore, any impacts would be reduced to a less-than-significant level.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As substantiated in the Certified EIR, the project area is located approximately 0.5 miles northerly of the Ontario International Airport, and is located within the identified Airport Influence Area. As such, the project is subject to the Ontario International Airport Land Use Compatibility Plan (ALUCP), which sets limits on future land uses and development near the airport in response to noise, safety, airspace protection, and overflight impacts of current and future airport activity. Furthermore, the project is located outside of all identified safety zones for the Airport, as designated within the ALUCP. The Project would be developed in accordance with all City regulations and the ALUCP, precluding significant impacts in this regard. As such, the Project's potential to result in aircraft-related safety hazards for future occupants of the site is considered less-than-significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Discussion of Effects: The project will not create impacts greater than were identified in the Certified EIR. The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because future development would be required to comply with all applicable State and City codes, any impacts would be reduced to a less-than-significant level.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions

to the Certified EIR analyses are necessary.

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

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

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

9. HYDROLOGY & WATER QUALITY. Would the project:

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

Discussion of Effects: The project site is served by City water and sewer service and will not affect water quality standards or waste discharge requirements. Discharge of storm water pollutants from areas of materials storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing, waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work) areas could result in a temporary increase in the amount of suspended solids, trash and debris, oil and grease, organic compounds, pesticides, nutrients, heavy metals and bacteria pathogens in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is required to comply with the statewide National Pollutant Discharge Elimination System (NPDES) General Industrial Activities Stormwater Permit, the San Bernardino County Area-Wide Urban Runoff Permit (MS4 permit) and the City of Ontario's Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)). This would reduce any impacts to below a level of significance.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. No increases in the current amount of water flow to the project site are anticipated, and the proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property will be negligible. The development of the site will require the grading of the site and excavation is expected to be less than three feet and would not affect the existing aquifer, estimated to be about 230 to 250 feet below the ground surface. No adverse impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. It is not anticipated that the project would alter the drainage pattern of the site or area, in a manner that would result in erosion, siltation or flooding on-or-off site nor will the proposed project increase the erosion of the subject site or surrounding areas. The existing drainage pattern of the project site will not be altered and it will have no significant impact on downstream hydrology. Stormwater generated by the project will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included

in the SWPPP, and a stormwater monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. No changes in erosion off-site are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The proposed project is not anticipated to increase the flow velocity or volume of storm water runoff to cause environmental harm from the site and will not create a burden on existing infrastructure. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall be reduced to below a level of significance.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. It is not anticipated that the project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create or contribute stormwater runoff pollutants during construction and/or post-construction activity. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" (WQMP), individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. Activities associated with the construction period, could result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is required to comply with the statewide NPDES General Construction Permit and the City of Ontario's Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)) to minimize water pollution. Thus it is anticipated that there is no potential for discharges of stormwater during construction that will affect the beneficial uses of the receiving waters. However, with the General Construction Permit requirement and implementation of the policies in The Ontario Plan, any impacts associated with the project would be less than significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project site is not located within a 100-year flood hazard area as mapped on a Federal Flood Hazard

Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project site is not located within a 100-year flood hazard area and no structures are proposed that would redirect or impede flood flows. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project lies outside of the 100-year flood hazard area. Furthermore, no levees or dams are located near the project site. Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

10. LAND USE & PLANNING. Would the project:

a. Physically divide an established community?

Discussion of Effects: As substantiated in the Certified EIR, configuration and orientation of land uses under the project combined with integral development standards and design guidelines, act to preclude division or disruption of land uses, whether those land uses be internal or external to the project. Physical arrangement of surrounding areas would not be modified or otherwise substantively affected by the project. Therefore, the project's potential to disrupt or divide the physical arrangement of an established community is considered less-than-significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As substantiated in the Certified EIR, the proposed project does not interfere with any applicable land use plan, policy or regulation of agencies with jurisdiction over the project adopted for the purpose of avoiding or mitigation of an environmental effect.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

11. MINERAL RESOURCES. Would the project:

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. There are no known mineral resources in the area; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

12. NOISE. Would the project result in:

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project will not expose people to or generate noise levels in excess of standards as established in the Certified EIR. No additional analysis will be required at the time of site development review.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

b. Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The uses associated with this proposed project are required to comply with the environmental standards contained in the City of Ontario Development Code; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project site is located within an urbanized area and proposed use of the site is consistent with existing and proposed land use in the surrounding area. Therefore, the project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing, and will not create greater impacts than were identified in the Certified EIR.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: As discussed in the Certified EIR, noise levels attributable to ongoing project activities and operations would not exceed City Noise Ordinance Standards. As such, temporary and periodic peak noise events generated by project operations and area/site sources would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Potential impacts would be less-than-significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

e. For a project located within the noise impact zones of the airport land use compatibility plan for Ontario International Airport and Chino Airport, would the project expose people residing or working in the project area to excessive noise levels?

Discussion of Effects: The project site may be impacted by aircraft noise from nearby Ontario International Airport, located approximately one-half mile southerly of the site. The project is located within the 60 to 65 dBA CNEL noise contour boundary, as established by the Ontario International Airport Land Use Compatibility Plan (ALUCP). The ALUCP establishes parameters for aircraft-source noise within the airport influence area and noise contour boundaries.

The ALUCP requires the interior areas of commercial land uses within the 60 to 65 dBA CNEL contour to meet an interior noise level standard of 50 dBA CNEL. In this regard, the project is required to comply with the State of California Green Building Standards Code, which requires new development which falls within an airport or freeway 65 dBA CNEL noise contour, to have a combined sound transmission class (STC) rating of the wall and roof-ceiling assemblies of at least 50. With aircraft noise levels ranging from 60 to 65 dBA CNEL, the STC rating of 50 would satisfy the ALUCP normally compatible standard of 50 dBA CNEL for interior noise levels. As such, potential impacts would be less-than-significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

13. POPULATION & HOUSING. Would the project:

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

Discussion of Effects: The proposed project will not significantly affect population growth in the area and will not create greater impacts than were identified in the Certified EIR.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Discussion of Effects: The project will not result in the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, and will not create greater impacts than were identified in the Certified EIR.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion of Effects: The project will not result in the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere, and will not create greater impacts than were identified in the Certified EIR.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

14. PUBLIC SERVICES. Would the project:

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

i. Fire protection?

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The site is in a mostly developed area that is currently served by the Ontario Fire Department. The project will not cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

ii. Police protection?

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

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

iii. Schools?

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

iv. Parks?

Discussion of Effects: The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

v. Other public facilities?

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not require the construction of any new facilities or alteration of any existing facilities or cause

a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

15. RECREATION. Would the project:

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project is not proposing any new housing or large employment generator that would require the construction of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

16. TRANSPORTATION/TRAFFIC. Would the project:

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel, and relevant components of the circulation system. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and will not conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport, as it is under the maximum height restrictions for the area. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially

different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. All street improvements are complete and no alterations are proposed for adjacent intersections or arterials. The project will, therefore, not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

e. Result in inadequate emergency access?

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. Development on the project site will be designed to provide access for all emergency vehicles in accordance with City standards, and will not create an inadequate emergency access. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

f. Result in inadequate parking capacity?

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project is required to meet parking standards established by the Ontario Development Code and will, therefore, not create an inadequate parking capacity. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project does not conflict with any transportation policies, plans or programs. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

17. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project is not a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

18. UTILITIES AND SERVICE SYSTEMS. Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not alter wastewater treatment needs of Ontario and will not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Santa Ana Region. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project is served by the City of Ontario water system. There is currently a sufficient water supply available to the City of Ontario to serve this project. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project does not allow for construction beyond levels previously considered by the Certified EIR; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The City of Ontario contracts with a waste disposal company that transports trash to a landfill with sufficient capacity to handle the City's solid waste disposal needs. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

g. Comply with federal, state, and local statutes and regulations related to solid waste?

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project complies with all federal, state, and local statutes and regulations regarding solid waste. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

19. MANDATORY FINDINGS OF SIGNIFICANCE.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and does not have the potential to reduce wildlife habitat and threaten a wildlife species; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and does not have impacts that are individually limited, but cumulatively considerable; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions

to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

SECTION VII—EARLIER ANALYZES

CEQA Guidelines Section 15150 permits and encourages that environmental documents incorporate by reference, other documents that provide relevant data. The documents outlined herein are hereby incorporated by reference and the pertinent material from each is summarized throughout this Addendum. All documents incorporated by reference are available for review at Ontario City Hall, 303 East “B” Street, Ontario, California 91764.

1. The Ontario Plan Final EIR
2. The Ontario Plan
3. City of Ontario Official Zoning Map
4. Meredith International Centre Specific Plan
5. Meredith International Centre Specific Plan Amendment Environmental Impact Report, Certified on April 7, 2015.

ATTACHMENT A:

**Meredith International Centre Specific Plan Amendment
Environmental Impact Report;
Summary of Impacts and Mitigation**

(Document follows this page)

**Table 1.11-1
Summary of Impacts and Mitigation**

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
4.1 Land Use and Planning			
Physically divide an established community or result in land use incompatibilities.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.2 Traffic and Circulation			
Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	Potentially Significant at Study Area Intersections.	<p>4.2.1</p> <ul style="list-style-type: none"> Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the improvements summarized at Table 4.2-21 at the intersection of: I-10 EB Ramp at 4th Street (Study Area Intersection 14); Prior to the issuance of the first Certificate of Occupancy for the Project, the Project Applicant shall construct the improvements summarized at Table 4.2-21 at the intersection of: Haven Avenue at Inland Empire Boulevard (Study Area Intersection 30); 	<p>Less-Than-Significant Impacts. The Project Applicant would timely construct required improvements at Haven Avenue at Inland Empire Boulevard (Study Area Intersection 30), reducing impacts to levels that are less-than-significant.</p> <p>Significant and Unavoidable Impacts. The Project would pay requisite fees toward mitigation of potentially significant</p>

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.2.2 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2017 improvements as summarized at Table 4.2-21 at the intersections of:</p> <ul style="list-style-type: none"> • Archibald Avenue at Arrow Route (Study Area Intersection 2); • I-10 EB Ramp at 4th Street (Study Area Intersection 14); and • Haven Avenue at 4th Street (Study Area Intersection 25). <p>4.2.3 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year required 2020 improvements as summarized at Table 4.2-21 at the intersections of:</p> <ul style="list-style-type: none"> • Archibald Avenue at Arrow Route (Study Area Intersection 2); • I-10 EB Ramp at 4th Street (Study Area Intersection 14); • Archibald Avenue at 4th Street (Study Area Intersection 23) • Haven Avenue at 4th Street (Study Area Intersection 25); • Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28); and • Vineyard Avenue at I-10 EB Ramps (Study Area Intersection 32) 	<p>cumulative traffic impacts, thereby fulfilling the Project's mitigation requirements. Notwithstanding, due to jurisdictional limitations and/or right(s)-of-way constraints, Project traffic impacts at the following Study Area intersections are considered cumulatively significant and unavoidable under at least one of the TIA analysis scenarios (Existing Conditions, Year 2017 Conditions, Year 2020 Conditions, and/or Year 2035 Conditions):</p> <ul style="list-style-type: none"> • Archibald Avenue at Arrow Route (Study Area Intersection 2); • Baker Avenue at 8th Street (Study Area Intersection 3); • Hellman Avenue at 6th Street (Study Area Intersection 9); • Haven Avenue at 6th Street (Study Area Intersection 12); • I-10 EB Ramp at 4th Street

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		<p>4.2.4 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2035 improvements as summarized at Table 4.2-24 at the intersections of:</p> <ul style="list-style-type: none"> • Archibald Avenue at Arrow Route (Study Area Intersection 2); • Baker Avenue at 8th Street (Study Area Intersection 3); • Hellman Avenue at 6th Street (Study Area Intersection 9); • Haven Avenue at 6th Street (Study Area Intersection 12); • Vineyard Avenue at 4th Street (Study Area Intersection 20); • Archibald Avenue at 4th Street (Study Area Intersection 23); • Haven Avenue at 4th Street (Study Area Intersection 25); and • Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28) 	<p>(Study Area Intersection 14);¹</p> <ul style="list-style-type: none"> • Vineyard Avenue at 4th Street (Study Area Intersection 20); • Archibald Avenue at 4th Street (Study Area Intersection 23); • Haven Avenue at 4th Street (Study Area Intersection 25); • Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28); and • Vineyard Avenue at I-10 EB Ramps (Study Area Intersection 32).

¹ Significant impacts at I-10 EB Ramp at 4th Street (Study Area Intersection 14) under the “Existing Plus Project” analytic scenario are considered Project-specific.

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		<p>4.2.5 <i>Prior to the issuance of building permits, the Project applicant shall participate in the City’s DIF program and in addition shall pay the Project’s fair share for the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 in the amount(s) agreed to by the City and Project Applicant. The City shall ensure that the improvements specified at Mitigation Measures 4.2.1 through 4.2.4 which are under the City of Ontario jurisdiction be constructed pursuant to the fee program at that point in time necessary to avoid identified potentially significant impacts.</i></p> <p>4.2.6 <i>Certain of the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 are proposed for intersections that either share a mutual border with the City of Rancho Cucamonga or are wholly located within the City of Rancho Cucamonga. Because the City of Ontario does not have plenary control over intersections that share a border with the City of Rancho Cucamonga or are wholly located within the City of Rancho Cucamonga, the City of Ontario cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is required: The City of Ontario shall participate in a multi-jurisdictional effort with the City of Rancho Cucamonga to develop a study to identify fair share contribution funding sources</i></p>	

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		<p><i>attributable to and paid from private and public development to supplement other regional and State funding sources necessary to implement the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 that are located in the City of Rancho Cucamonga. The study shall include fair-share contributions related to private and or public development based on nexus requirements contained in the Mitigation Fee Act (Govt. Code § 66000 et seq.) and 14 Cal. Code of Regs. §15126.4(a)(4) and, to this end, the study shall recognize that impacts attributable to City of Rancho Cucamonga facilities that are not attributable to development located within the City of Ontario are not paying in excess of such developments' fair share obligations. The fee study shall also be compliant with Government Code § 66001(g) and any other applicable provisions of law. The study shall set forth a timeline and other agreed-upon relevant criteria for implementation of the recommendations contained within the study to the extent the other agencies agree to participate in the fee study program. Because the City of Ontario and the City of Rancho Cucamonga are responsible to implement this mitigation measure, the Project Applicant shall have no compliance obligations with respect to this Mitigation Measure.</i></p>	

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		<p>4.2.7 Fair-share amount(s) agreed to by the City and Project Applicant for non-DIF improvements at intersections that share a mutual border with the City of Rancho Cucamonga, or are wholly located within the City of Rancho Cucamonga, shall be paid by the Applicant to the City of Ontario prior to the issuance of the Project's final certificate of occupancy. The City of Ontario shall hold the Project Applicant's Fair Share Contribution in trust and shall apply the Project Applicant's Fair Share Contribution to any fee program adopted or agreed upon by the City of Ontario and the City of Rancho Cucamonga as a result of implementation of Mitigation Measure 4.2.6. If, within five (5) years of the date of collection of the Project Applicant's Fair Share Contribution the City of Ontario and the City of Rancho Cucamonga do not comply with Mitigation Measure 4.2.6, then the Project Applicant's Fair Share Contribution shall be returned to the Project Applicant.</p> <p>4.2.8 Certain of the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 are proposed for intersections under shared City of Ontario/Caltrans jurisdiction. Because the City of Ontario does not have plenary control over intersections under shared City of Ontario/Caltrans jurisdiction, the City of</p>	

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		<p><i>Ontario cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is required: The City of Ontario shall participate in a multi-jurisdictional effort with Caltrans to develop a study to identify fair share contribution funding sources attributable to and paid from private and public development to supplement other regional and State funding sources necessary to implement the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 that are under shared City of Ontario/Caltrans jurisdiction. The study shall include fair-share contributions related to private and or public development based on nexus requirements contained in the Mitigation Fee Act (Govt. Code § 66000 et seq.) and 14 Cal. Code of Regs. §15126.4(a)(4) and, to this end, the study shall recognize that impacts attributable to Caltrans facilities that are not attributable to development located within the City of Ontario are not paying in excess of such developments' fair share obligations. The fee study shall also be compliant with Government Code § 66001(g) and any other applicable provisions of law. The study shall set forth a timeline and other agreed-upon relevant criteria for implementation of the recommendations contained within the study to the extent the other agencies agree to participate in the fee study program. Because</i></p>	

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		<p><i>the City of Ontario and Caltrans are responsible to implement this mitigation measure, the Project Applicant shall have no compliance obligations with respect to this Mitigation Measure.</i></p> <p><i>4.2.9 Fair-share amount(s) agreed to by the City and Project Applicant for non-DIF improvements at intersections that are under City of Ontario/Caltrans jurisdiction, shall be paid by the Applicant to the City of Ontario prior to the issuance of the Project's final certificate of occupancy. The City of Ontario shall hold the Project Applicant's Fair Share Contribution in trust and shall apply the Project Applicant's Fair Share Contribution to any fee program adopted or agreed upon by the City of Ontario and Caltrans as a result of implementation of Mitigation Measure 4.2.8. If, within five (5) years of the date of collection of the Project Applicant's Fair Share Contribution the City of Ontario and Caltrans do not comply with Mitigation Measure 4.2.8, then the Project Applicant's Fair Share Contribution shall be returned to the Project Applicant.</i></p>	

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	Potentially Significant at Study Area freeway facilities.	Mitigation of freeway facilities impacts is addressed through regional improvements plans and programs. Germane to the Project, 1-10 Corridor Project and I-15 Corridor Project and Comprehensive Corridor Study would, when implemented, act to improve regional freeway operations, including freeways serving the Project. However, all freeway facilities within the Study Area are under Caltrans jurisdiction, and there is no mechanism by which the Lead Agency (City of Ontario) or the Project Applicant can autonomously construct, or guarantee the construction of, any improvements to these freeways segments. Traditional funding mechanisms used to improve the freeway mainline include San Bernardino County’s Measure “I” retail sales tax revenue for transportation, state and federal gas tax, and formula distributions from vehicle registration fees. Future employees/patrons of the project contribute indirectly to freeway improvements through these sources. State Highway improvements are programmed pursuant to the State Transportation Improvement Program (STIP).	Significant and Unavoidable. Project traffic would contribute to cumulatively significant impacts affecting at analyzed freeway facilities within the Study Area. There are no feasible means for the Project Applicant or the City of Ontario to mitigate cumulatively significant freeway facilities impacts, and these impacts are accordingly recognized as cumulatively significant and unavoidable. ²

² Under Existing Plus Project Conditions (Project Buildout) Project-specific traffic contributions to eastbound 1-10 between Milliken Avenue and I-15 (Study Area freeway segment No. 21) would be considered significant.

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Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	Potentially Significant.	Please refer to Mitigation Measures 4.2.1 through 4.2.9.	Significant and Unavoidable. The Project would pay all requisite fees for improvements at Study Area CMP facilities. However, based on jurisdictional constraints and/or right(s) of way limitations, timely completion of improvements required for mitigation of cumulatively significant impacts at CMP facilities within the Study Area cannot be assured. Pending completion of required improvements, Project contributions to impacts affecting Study Area CMP facilities are therefore considered cumulatively considerable.
Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.3 Air Quality			
Conflict with or obstruct implementation of the applicable air quality plan.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	Potentially Significant.	<p>4.3.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:</p> <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour; • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; 	<p>Significant and Unavoidable. Even with the application of mitigation, the following impacts would remain significant:</p> <ul style="list-style-type: none"> • Project construction-source emissions would exceed applicable SCAQMD regional thresholds for VOC, NO_x, and CO. • Under 2017 conditions, Project operational-source VOC, NO_x, CO, PM₁₀, and PM_{2.5} emissions would

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		<ul style="list-style-type: none"> • The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less; and • Only “Zero-Volatile Organic Compounds” paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used. <p>4.3.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling.</p> <p>4.3.3 During grading activity, all rubber tired dozers and scrapers (≥ 150 horsepower) shall be CARB Tier 3 Certified or better. Additionally, during grading activity, total horsepower-hours per day for all equipment shall not exceed 149,840; and the</p>	<p>exceed applicable regional thresholds.⁴</p> <ul style="list-style-type: none"> • Under 2020 conditions, Project operational-source VOC, NO_x, CO, PM₁₀, and PM_{2.5} emissions would exceed applicable regional thresholds.

⁴ Under 2017 Interim Development Conditions, the Project AQIA indicates the operational-source PM_{2.5} emissions would not exceed SCAQMD regional thresholds. If employing the *Draft Warehouse Truck Trip Study* protocols and assumptions, there would be a PM_{2.5} emissions regional threshold exceedance under 2017 Interim Development Conditions. Conservatively, and as a matter of public disclosure, operational-source PM_{2.5} emissions are recognized as significant and unavoidable under 2017 Interim Development Conditions. Please refer also to the supplemental air quality analyses presented at EIR Appendix D.

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		<p><i>maximum (actively graded) disturbance area shall not exceed 26 acres per day.</i></p> <p><i>4.3.4 Prior to the issuance of building permits, the Project Applicant shall submit energy demand calculations to the City (Planning and Building Departments) demonstrating that the increment of the Project for which building permits are being requested would achieve a minimum 5% increase in energy efficiencies beyond incumbent California Building Code Title 24 performance standards. Representative energy efficiency/energy conservation measures to be incorporated in the Project would include, but would not be limited to, those listed below (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that would comparably reduce energy consumption and promote energy conservation would also be acceptable):</i></p> <ul style="list-style-type: none"> <i>• Increase in insulation such that heat transfer and thermal bridging is minimized;</i> <i>• Limit air leakage through the structure and/or within the heating and cooling distribution system;</i> <i>• Use of energy-efficient space heating and cooling equipment;</i> 	

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		<ul style="list-style-type: none"> • Installation of electrical hook-ups at loading dock areas; • Installation of dual-paned or other energy efficient windows; • Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards; • Installation of automatic devices to turn off lights where they are not needed; • Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings; • Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors; • Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems; and • Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products. 	

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		4.3.5 The developer of the industrial phase of the Project (Planning Area 1) will install on the roofs of the warehouse buildings a photo-voltaic electrical generation system (PV system) capable of generating 1,600,000 kilowatt hours per year. ³ The developer may install the required PV system in phases on a pro rata square foot basis as each building is completed; or if the PV system is to be installed on a single building, all of the PV system necessary to supply the PV estimated electrical generation shall be installed within two years (24 months) of the first building that does not include a PV system receives a certificate of occupancy.	
Expose sensitive receptors to substantial pollutant concentrations.	Potentially Significant. (Project exposure to freeway-source pollutants)	4.3.6 Residential units within the Project site shall include the installation and maintenance of air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 16 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2.	Less-Than-Significant. Application of Mitigation Measure 4.3.6 would ensure that Project sensitive receptors (Project residential uses) would not be exposed to substantial pollutant concentrations
Create objectionable odors affecting a substantial number of people.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-	Potentially Significant.	Please refer to Mitigation Measures 4.3.1 through 4.3.5.	Significant and Unavoidable. Mitigation Measures 4.3.1 through 4.3.5 would reduce

³ This electricity generation estimate is based on the amount of electricity to be consumed within Planning Area 1 at buildout and full occupancy.

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attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.			Project construction-source and operational-source emissions to the extent feasible. However, construction-source VOC and NO _x emission exceedances, and operational-source VOC, NO _x , PM ₁₀ , and PM _{2.5} emissions exceedances would persist, and would result in a cumulatively considerable net increase in ozone, PM ₁₀ , and PM _{2.5} for which the Project region is non-attainment under an applicable federal or state ambient air quality standard. These impacts would be cumulatively considerable even with the application of mitigation.
4.4 Global Climate Change and Greenhouse Gas Emissions			
Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	Less-Than-Significant.	No mitigation is necessary. GHG emissions would nonetheless be reduced coincident with criteria pollutant emissions reductions achieved by Mitigation Measures 4.3.1 through 4.3.6.	Not applicable.
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Less-Than-Significant.	No mitigation is necessary. GHG emissions would nonetheless be reduced coincident with criteria pollutant emissions reductions achieved by Mitigation Measures 4.3.1 through 4.3.6.	Not applicable.

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4.5 Noise			
<p>Project construction activities and associated noise would result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p>Potentially Significant.</p>	<p>4.5.1 <i>Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall occur between the permitted hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays. The Project construction supervisor shall ensure compliance with the note and the City shall conduct periodic inspection at its discretion.</i></p> <p>4.5.2 <i>Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.</i></p> <ul style="list-style-type: none"> • <i>The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.</i> 	<p>Significant and Unavoidable. Even with the incorporation of Mitigation Measures 4.5.1 through 4.5.5, construction-source noise levels would likely exceed applicable standards at certain receptors.</p>

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		<ul style="list-style-type: none"> • The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity. <p>4.5.3 During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receivers nearest the Project site.</p> <p>4.5.4 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receivers nearest the Project site (i.e., to the south) during all Project construction.</p> <p>4.5.5 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays). The Project Applicant shall prepare a haul route exhibit</p>	

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		<i>for review and approval by the City of Ontario Planning Division prior to commencement of construction activities. The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.</i>	
Project construction activities and associated noise would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Construction noise is not considered a source of permanent noise increases, and associated threshold questions are not germane.	Not Applicable.	Not Applicable.
Project construction activities and associated noise would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Potentially Significant.	Please refer to Mitigation Measures 4.5.1 through 4.5.5.	Significant and Unavoidable. While the preceding Mitigation Measures 4.5.1 through 4.5.5 will reduce construction noise to the extent feasible, it is anticipated that noise associated with the construction of the Project would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

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<p>Project vehicular source noise would result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan or Noise Ordinance, or other applicable standards of other agencies.</p>	<p>Potentially Significant.</p>	<p>4.5.6 <i>First floor residential patio areas adjacent to Inland Empire Boulevard shall include the construction of 6-foot high noise barriers.</i></p> <p>4.5.7 <i>All residential uses proposed within the Specific Plan shall be equipped with a means of mechanical ventilation (e.g., air conditioning).</i></p> <p>4.5.8 <i>All second floor residential façades facing Inland Empire Boulevard shall require upgraded windows with a minimum STC rating of 29.</i></p>	<p>Less-Than-Significant Impacts. Implementation of Mitigation Measures 4.5.6 through 4.5.8 would reduce on-site exterior and interior noise to less-than-significant levels consistent with applicable standards.</p> <p>Significant and Unavoidable Impacts. Project vehicular-source noise contributions to ambient noise conditions affecting certain Study Area roadways would exceed applicable standards, and would be individually significant and cumulatively considerable. No mitigation measures are available that would prevent noise levels along major transportation corridors from increasing as a result of substantial increases in traffic volumes.</p>

**Table 1.11-1
Summary of Impacts and Mitigation**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
Project vehicular source noise would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Vehicular-source noise is addressed as a permanent source of noise, rather than a temporary or periodic source of noise increases. As such, associated threshold questions are not germane.	Not Applicable.	Not Applicable.
Project vehicular source noise would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Potentially Significant.	Please refer to Mitigation Measures 4.5.6 through 4.5.8.	<p>Less-Than-Significant Impacts. Implementation of Mitigation Measures 4.5.6 through 4.5.8 would reduce on-site exterior and interior noise to levels not considered to be a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.</p> <p>Significant and Unavoidable Impacts. Project vehicular-source noise contributions to ambient noise conditions along affecting certain Study Area roadways</p>

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
			would represent a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. No mitigation measures are available that would prevent noise levels along major transportation corridors from increasing as a result of substantial increases in traffic volumes.
Project operational noise would result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan or Noise Ordinance.	Less-Than-Significant.	<p>4.5.9 <i>If the Project is developed under the Option A scenario:</i></p> <ul style="list-style-type: none"> • <i>Construct the recommended 8-foot high noise barriers at the western and eastern boundaries of Planning Area 4, as shown on Exhibit 10-A of the Noise Impact Analysis.</i> <p>4.5.10 <i>If the Project is developed under the Option B scenario:</i></p> <ul style="list-style-type: none"> • <i>Construct the recommended 8-foot high noise barriers at the western and eastern boundaries of Planning Area 4, as shown on Exhibit 10-B of the Noise Impact Analysis.</i> • <i>Construct the recommended 8-foot high noise barrier at the southern property boundary at the existing school, as shown on Exhibit 10-B of the Noise Impact Analysis.</i> 	To further reduce potential operational noise levels received at adjacent residential land uses, Project Noise Impact Analysis recommendations are incorporated here as mitigation.

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Summary of Impacts and Mitigation**

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		<p>4.5.11 All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.</p> <p>4.5.12 Maintain quality pavement conditions that are free of bumps to minimize truck noise.</p> <p>4.5.13 The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state:</p> <ul style="list-style-type: none"> • Truck drivers shall turn off engines when not in use; • Diesel trucks servicing the Project shall not idle for more than five (5) minutes; and • Post telephone numbers of the building facilities manager to report violations. 	
Project operational noise would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Project operational noise would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Summary of Impacts and Mitigation**

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For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would expose people residing or working in the project area to excessive noise levels.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise.	Potentially Significant.	4.5.14 <i>The operation of heavy equipment shall only occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays, and avoided at the Project site boundary nearest receiver location R4 whenever feasible.</i>	Significant and Unavoidable. Even with the incorporation of Mitigation Measures 4.5.14 construction-source vibration levels would likely exceed applicable standards at certain receptors.
4.6 Hazards/Hazardous Materials			
Create a significant hazard to the public or the environment through emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter of a mile of an existing or proposed school.	Potentially Significant.	4.6.1 <i>Prior to the issuance of grading permits, soil samples shall be taken from various areas of the Project site. Any soils found to contain pesticide levels in excess of the residential and/or industrial/commercial soil screening levels (presented in Table 4.6-1 of this EIR) shall be treated onsite or disposed of offsite, consistent with Section 4.6.4.5 of this EIR. Additional samples shall be collected from the perimeter and bottom of the excavation to confirm that pesticide concentrations in excess of the screening levels do</i>	Less-Than-Significant. Application of Mitigation Measures 4.6.1 and 4.6.2 would ensure that the potential for the Project to create a significant hazard to the public or the environment through emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter of a mile of

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		<p><i>not remain. Any additional impacted soil identified during this process shall be removed and additional confirmatory samples shall be obtained until non-actionable concentrations are obtained.</i></p> <p>4.6.2 <i>Prior to demolition or major renovations to the Italo M. Bernt School, a comprehensive asbestos and LBP survey shall be completed of suspect materials. If discovered, ACMs and peeling LBP shall be removed and disposed of by a State-licensed abatement contractor prior to demolition/renovation. Similarly, if during grading activities, buried asbestos-containing transite pipes are discovered, these materials shall also be removed and disposed of by a State-licensed abatement contractor.</i></p> <p><i>The Project developer shall submit documentation to the City Building Department that asbestos and lead-based paint issues are not applicable to their property, or that appropriate actions, as detailed in Section 4.6.4.5 of this EIR, will be taken to abate asbestos or lead-based paint issues prior to development of the site.</i></p>	<p>an existing or proposed school is reduced to a level that is less-than-significant.</p>

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Result in a safety hazard for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.7 Public Services and Utilities			
Result in or cause substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire or police protection services or schools.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; Comply with federal, state, and local statutes and regulations related to solid waste.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
<i>4.8 Hydrology and Water Quality</i>			
Violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding or substantial erosion or siltation on- or off-site; Create or contribute runoff water which would exceed the capacity of the existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.9 Biological Resources			
Substantially affect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife	Potentially Significant.	<i>4.9.1 Avoidance of Nesting Migratory Birds: If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all suitable</i>	Less-Than-Significant. Application of Mitigation Measures 4.9.1 through 4.9.7 would ensure that the potential for the Project to substantially affect, either directly or through habitat modifications, any

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(CDFW) or United States Fish and Wildlife Service (USFWS).		<p><i>habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the City and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.</i></p> <p>4.9.2 Burrowing Owl Avoidance: Breeding season avoidance measures for the burrowing owl including, but not limited to, those that follow shall be implemented. A pre-construction survey for resident burrowing owls shall be conducted by a qualified Project Biologist within 30 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site will</p>	<p>species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS) is reduced to a level that is less-than-significant.</p>

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		<p>be resurveyed for owls. Pre-construction survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report on Burrowing Owl Mitigation (CDFW) March 7, 2012 (CDFW Burrowing Owl Mitigation Staff Report). Results of the pre-construction survey shall be provided to CDFW and the City. If the pre-construction survey does not identify burrowing owls on the Project site, then no further mitigation shall be required. If burrowing owls are found to be utilizing the Project site during the pre-construction survey, measures shall be developed by the Project Biologist in coordination with CDFW to avoid impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and would minimally include establishment of buffer setbacks from occupied burrows and owl monitoring during Project construction activities.</p> <p>4.9.3 Burrowing Owl Passive Exclusion: During the non-breeding season (September 1 through January 31), if burrows occupied by migratory or non-migratory resident burrowing owls are detected during a pre-construction survey, then burrow exclusion and/or closure may be used to passively exclude owls from</p>	

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		<p><i>those burrows. Burrow exclusion and/or closure shall only be conducted by the Project Biologist in consultation and coordination with CDFW employing incumbent CDFW guidelines.</i></p> <p><i>4.9.4 Mitigation for Displaced Owls: In consultation with the City, Project Applicant, Project Biologist, and CDFW, and consistent with mitigation strategies outlined in the CDFW Burrowing Owl Mitigation Staff Report, a mitigation plan shall be developed for the “take” of any owls displaced through Project construction activities. Strategies may include, but are not limited to, participation in the permanent conservation of off-site habitat replacement area(s), and/or purchase of available burrowing owl conservation bank credits.</i></p> <p><i>4.9.5 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a Regional Board 401 Certification, or a written waiver of the requirement for such an agreement or permit, from the California Regional Water Quality Control Board. Written verification of such a permit or waiver shall be provided to the City of Ontario Planning Department.</i></p>	

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.9.6 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from the California Department of Fish and Wildlife. Information to be provided as part of the Streambed Alteration Agreement (if required) shall include but not be limited to the following:</p> <ul style="list-style-type: none"> • Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type); • Discussion of avoidance measures to reduce project impacts; and, • Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. <p>Written verification of such a streambed alteration agreement/permit, or waiver, shall be provided to the City of Ontario Planning Department.</p>	

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Summary of Impacts and Mitigation**

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		4.9.7 <i>Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a 404 permit, or a written waiver of the requirement for such an agreement or permit, from the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the City of Ontario Planning Department.</i>	
4.10 Geology and Soils			
Exposure of people or structures to potentially substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction; Location on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	Potentially Significant.	4.10.1 <i>Design and development of the Project shall comply with recommendations and performance standards identified within the Final Geotechnical Study. Where the Project Geotechnical Study is silent, requirements of the California Building Code as adopted and implemented by the City shall prevail.</i>	Less-Than-Significant. Application of Mitigation Measure 4.10.1 would ensure that the potential for the Project to result in exposure of people or structures to potentially substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction; Location on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse is reduced to a level that is less-than-significant.

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Summary of Impacts and Mitigation**

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Location on expansive soil, as defined in Table 18-1-B of the California Building Code (2010), thereby creating substantial risks to life or property.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.11 Cultural Resources			
Cause a substantial adverse change in the significance of historic and archaeological resources as defined in §15064.5.	Less-Than-Significant.	<p>4.11.1 Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:</p> <p><i>“If during grading or construction activities, cultural resources are discovered on the Project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist and any affected Tribes (Tribes). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and the Tribe determines the</i></p>	Although the likelihood for archaeological and historic resources to exist onsite is considered extremely low, Mitigation Measures 4.11.1 through 4.11.7 have been incorporated to fully ensure the protection of cultural resources that may be present in a buried context within the Project area.

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		<p><i>resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required under Mitigation Measure 4.9.2."</i></p> <p>4.11.2 <i>At least 30 days prior to seeking a grading permit, the Project applicant(s) shall contact potentially affected Tribes to notify the Tribes of grading, excavation, and the monitoring program and to coordinate with the City of Ontario and the Tribes to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; Project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.</i></p>	

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		<p>4.11.3 <i>Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:</i></p> <p><i>“If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Bernardino County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable time frame. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant” within 24 hours of receiving notification from the coroner. The most likely descendant shall then have 48 hours to make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98”</i></p>	

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		<p>4.11.4 All cultural materials, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.9.2, that are collected during the grading monitoring program and from any previous archeological studies or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the affected Tribe's/Tribes' curation facility(ies), which meets the standards set forth in 36 CRF Part 79 for federal repositories.</p> <p>4.11.5 All sacred sites, should they be encountered within the Project site, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the affected Tribe(s). To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.</p>	

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		<p>4.11.6 Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:</p> <p><i>“If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery. The developer, the Project archeologist, and the Tribe(s) shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Tribe cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City of Ontario Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe(s). Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Ontario. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to</i></p>	

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		<p><i>be historic or unique as defined by relevant state and local law, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.”</i></p> <p>4.11.7 <i>To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural and/or paleontological resources.</i></p>	
<p>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>	<p>Potentially Significant</p>	<p>4.11.8 <i>Any excavation exceeding eight feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initiated once these deposits are encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist.</i></p>	<p>Less-Than-Significant. Application of Mitigation Measure 4.11.8 would ensure that the potential for the Project to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature is reduced to a level that is less-than-significant.</p>

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		<p><i>The paleontological monitoring program should follow the local protocols of the Western Center (Hemet) and/or the San Bernardino County Museum and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved. The paleontological monitor shall have the authority to halt any Project-related activities that may be adversely impacting potentially significant resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered, analyzed in accordance with standard guidelines, and curated with the appropriate facility (e.g., the Western Center at the Diamond Valley Reservoir, Hemet).</i></p>	
4.12 Aesthetics			
Project would have a substantial adverse effect on a scenic vista.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Project would substantially degrade the existing visual character or quality of the site and its surroundings	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

**Table 1.11-1
Summary of Impacts and Mitigation**

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
4.13 Population and Housing			
Induce substantial population growth in the area, either directly or indirectly.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Substantively affect applicable City of Ontario Policy Plan Goals and Policies addressing employment/housing balance.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Conflict with or obstruct implementation of the Policy Plan Housing Element.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA18-004, AN AMENDMENT TO THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN ESTABLISHING SIGN STANDARDS AND GUIDELINES FOR A FREEWAY IDENTIFICATION SIGN AND FOR SINGLE USES OCCUPYING MORE THAN 200,000 SQUARE FEET OF BUILDING AREA, WITHIN THE URBAN COMMERCIAL LAND USE DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0110-311-52, 0110-311-53, 0110-311-54, 0110-311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78 AND 0110-321-79.

WHEREAS, CRAIG DEVELOPMENT CORPORATION AND REAL DEVELOPMENT SOLUTIONS, LLC ("Applicant") have filed an Application for the approval of a Specific Plan Amendment, File No. PSPA18-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 69 acres of land within the Urban Commercial land use district of the Meredith International Centre Specific Plan. The area is bordered by Inland Empire Boulevard on the north, Archibald Avenue on the east, Interstate 10 on the south, and Vineyard Avenue on the west, and is largely undeveloped, save for a 5-acre parcel located adjacent to the Cucamonga Creek Flood Control Channel, which is fully developed with an automobile sales lot (Audi of Ontario). A second automobile sales lot (Infiniti of Ontario), located at the southwest corner of Inland Empire Boulevard and QVC Way, is currently under construction; and

WHEREAS, the area north of the project is characterized by industrial, multiple-family residential, and retail commercial land uses, and is within the Industrial, Urban Residential, and Urban Commercial land use districts of the Meredith International Centre Specific Plan, respectively. The area east of the project, across Archibald Avenue, is largely unimproved and is proposed for development with a 208-room, 6-story hotel. The area south of the project is bordered by the Interstate 10 Freeway. Beyond the freeway is within the CCS (Convention Center Support Commercial) and SP (Specific Plan) zoning districts and is developed with a mix of retail and office-commercial, and industrial land uses. The area west of the project, across Vineyard Avenue, is zoned MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/AC) and is developed with multiple-family residential land uses; and

WHEREAS, the Applicant is requesting approval of an Amendment to the Meredith International Centre Specific Plan, which would revise the sign standards and guidelines for the Urban Commercial land use district, to allow for a freeway pylon sign (Freeway Identification Sign) with LED electronic message board for the purpose of identifying the Specific Plan area, as-well-as its key commercial destinations; and

WHEREAS, in addition to allowing for a Freeway Identification Sign adjacent to Interstate 10, the proposed Specific Plan Amendment would establish regulations for big-box retail stores in the Urban Commercial land use district, which have a gross floor area of more than 200,000 square feet; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, 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 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, 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;

WHEREAS, on August 28, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date, voting unanimously (6-0) to issue a resolution recommending the City Council approve the Application, subject to the inclusion of a provision to the "Urban Commercial Signage Standards," which stipulates that the Freeway Identification Sign shall be subject to Planning Commission review and approval; and

WHEREAS, on October 2, 2018, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on October 2, 2018, the City Council approved a resolution adopting an Initial Study/Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

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

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to Meredith International Centre Environmental Impact Report, certified by the City of Ontario City Council on April 7, 2015, in conjunction with File Nos. PGPA13-005 and PSPA14-003.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(6) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

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

SECTION 3. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4. *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 through 4, above, the City Council hereby concludes as follows:

(1) ***The proposed Specific Plan Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Specific Plan Amendment is consistent with the Vision, Policy Plan (General Plan), and City Council

Priorities components of The Ontario Plan, in that it contributes toward the legislative framework for the implementation of The Ontario Plan, guiding growth and development within the Urban Commercial land use district, and achieving optimum results from the City's physical, economic, environmental, and human resources.

(2) ***The proposed Specific Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed standards and guidelines for signage within the Urban Commercial land use district were established with the intent to safeguard and further the public interest, health, safety, convenience, and general welfare, and to ensure that the purposes of The Ontario Plan and Meredith International Centre Specific Plan are maintained.

(3) ***In the case of an application affecting specific properties, the proposed Specific Plan Amendment will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The proposed Specific Plan Amendment, and the conditions under which it will be implemented and maintained, is consistent with the Policy Plan component of The Ontario Plan and the design criteria of the Meredith International Centre Specific Plan, and, therefore, will not adversely affect the harmonious relationship with adjacent properties and land uses.

(4) ***In the case of an application affecting specific properties, the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** The proposed Specific Plan Amendment has been thoroughly vetted by City agencies and departments, which have established that the affected properties are physically suitable for the proposed signage in terms of parcel size, shape, access, and availability of utilities.

SECTION 5. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Specific Plan Amendment, as amended by the City Council, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6. 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.

SECTION 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 2nd day of October 2018.

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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018, 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PSPA18-004;
Proposed Changes to the Sign Standards and
Guidelines of the Meredith International Centre
Specific Plan**

(Attachment follows this page)

F. URBAN COMMERCIAL DEVELOPMENT STANDARDS

The following standards establish the development criteria that shall apply within the Urban Commercial land use district of this Specific Plan (Planning Areas 2, 3, and 5).

Legend: ft.: feet s.f.: square feet	
Site Requirements	
Minimum Lot Size	n/a ¹
Maximum Floor Area Ratio	1.0
Minimum Landscape Coverage ²	10% for interior lots 13% for corner lots
Minimum Setback Requirements	
North Vineyard Street Setback^{3, 6}	
Building	20 ft.
Drive Aisle and Parking ⁴	20 ft.
Inland Empire Boulevard Setback^{3, 6}	
Building	20 ft.
Drive Aisle and Parking ⁴	20 ft.
North Archibald Avenue Setback^{3, 6}	
Building	20 ft.
Drive Aisle and Parking ⁴	20 ft.
Cucamonga Creek Channel Setback³	
Building	20 ft.
Drive Aisle and Parking ⁴	20 ft.
Interior Side Yard Setback	
Building	0 ft.
Drive Aisle and Parking ^{3, 4}	5 ft.
Residential Property Setback	
Building ^{3a}	15 ft.
Drive Aisle and Parking ^{3, 4}	5 ft.

Legend: ft.: feet s.f.: square feet	
Freeway Right-of-Way Setback^{3, 6}	
Building	100 ft. (front of building facing freeway) 20 ft. (side or rear of building facing freeway)
Drive Aisle and Parking	20 ft.
Allowable Encroachment into Setback (cornices, eaves, canopies, and similar architectural features) ⁵	3 ft.
Minimum Building Separation Requirements	
Distance Between Structures	
Attached structures	0 ft.
Freestanding structures	
Front to Front	25 ft.
Front to Rear	25 ft.
Other	15 ft.
Drive Aisle and Parking Space Separation	
Parking Stall to Building	5 ft.
Drive Aisle to Building	10 ft. (front) 5 ft. (side and rear)
Maximum Building Height Requirements	
Building Height	70-150 ft. ⁷
Vertical Architectural Projections (towers, focal elements, cupolas, etc.)	10 ft.

Notes:

1. Lot size shall be large enough to accommodate the proposed land use and meet all minimum development standards specified within this Specific Plan.
2. Landscaping shall include plantings (trees, shrubs, groundcovers, vines) and may include walkways, benches, trellises, thematic fencing, walls, and related amenities.
3. The entire setback shall include landscaping.
- 3a. At least 5 feet of the setback shall include landscaping.
4. Minimum setback does not apply to driveways that are perpendicular to and connect to public streets.
5. Encroachments into required setbacks shall only be permitted where adequate emergency access can be maintained.
6. As measured from the public right-of-way.
7. Subject to the Ontario International Airport Land Use Compatibility Plan.

Urban Commercial Signage Standards

Signage shall conform to the design guidelines contained in Section 6 of this Specific Plan. Signage shall also conform to the City of Ontario Development Code, subject to the following additional standards which shall apply exclusively within the Urban Commercial land use district.

- (1) **Freeway Identification Sign.** Freeway signage will likely be the first introduction to the MEREDITH INTERNATIONAL CENTRE for most visitors. One (1) Freeway Identification Sign shall identify the Specific Plan area and key destinations for motorists moving along the I-10 Freeway. The design shall be attractive and complementary to the architectural character of the greater project area. The example illustrated in Figure 5-1 represents a 3-sided, internally illuminated, tenant pylon sign with two full color LED displays.

A location adjacent to the I-10 Freeway (north side) has been identified for the Freeway Identification Sign.

The sign shall be a maximum of 105 feet high and 48 feet wide, and shall contain the MEREDITH INTERNATIONAL CENTRE name as well as the names of major businesses in the Specific Plan area. The LED displays shall be limited to on-site messages and advertisements for businesses in Planning Areas 1-5. Business names would be incorporated on static panels. The City of Ontario shall also be identified on the sign. Businesses listed on the sign should have name recognition, which will attract visitors to the Specific Plan area. Such businesses will encourage motorists to exit at either North Vineyard Avenue or North Archibald Avenue. Once in the Specific Plan area, directional signage and signs on individual businesses will guide motorists to the various destinations.



Figure 5-1

Freeway Identification Sign	
Type, Number (max.), and Location	One sign for the Specific Plan area adjacent to I-10 Fwy
Area (max.)	Static Signs: 130 s.f. per sign face LED Displays: 1,344 s.f. per sign face
Height (max.)	105 ft. ¹
Length (max.)	No sign face shall exceed 48 ft. in any direction
Special Regulations	Comply with Development Code Paragraph 8.01.020.C.3 (Electronic Message Display) ²

Notes:

- 1. Subject to the Ontario International Airport Land Use Compatibility Plan.
- 2. Electronic Message Display shall only advertise businesses within the Specific Plan area.

(2) **Signage for Uses with Gross Floor Area Over 200,000 Square Feet.**

Uses Occupying > 200,000 s.f.	
Wall Signs	
Type, Number (max.), and Location	One primary and 2 descriptor wall signs per building elevation
Area (max.)	Not to exceed 15% of building elevation
Height (max.)	Primary Signs: 12 ft. for alphanumeric characters and graphic logos/icons Descriptor Signs: 6 ft. for alphanumeric characters and graphic logos/icons
Length (max.)	Not to exceed 75% of the elevation width upon which the sign is located
Freestanding Signs	
Commercial Message Signs	
Type, Number (max.), and Location	4 freestanding signs
Area (max.)	100 s.f. per sign face
Height (max.)	11 ft.
Length (max.)	n/a
Commercial Message Flags	
Type, Number (max.), and Location	16 flagpoles
Area (max.)	118 s.f. per flag
Height (max.)	40 ft. maximum to top of flagpole
Length (max.)	n/a
Directional Signs (On-Site)	
Welcome Signs	
Type, Number (max.), and Location	One welcome sign per vehicle entrance

Uses Occupying > 200,000 s.f.	
Area (max.)	100 s.f. per sign face
Height (max.)	14 ft.
Length (max.)	n/a
Other Directional Signs	
Type, Number (max.), and Location	Directional signs (on-site only) shall be permitted as determined appropriate by the Planning Director
Area (max.)	10 s.f. per sign face
Height (max.)	3 ft.
Length (max.)	n/a
Freeway / Navigation Signs	
Type, Number (max.), and Location	One sign per site having a minimum of 600 ft. of freeway frontage, and is developed as a single entity
Area (max.)	575 s.f. per sign face
Height (max.)	108 ft. ¹
Length (max.)	50 ft.
Special Regulations	Advertising displays shall be static only

Notes:

1. Subject to the Ontario International Airport Land Use Compatibility Plan.

Other Urban Commercial Development Standards

- (1) Loading docks shall be visually screened from Inland Empire Boulevard, North Vineyard Avenue, and North Archibald Avenue by walls, landscaping, and/or other screening features or barriers (such as berms).
- (2) Ground- and roof-mounted exterior mechanical equipment, heating and ventilating, air conditioning, tanks, and other mechanical devices shall be screened and treated with a neutral color when visible from North Vineyard Avenue, Inland Empire Boulevard, or residential property.
- (3) Exterior sound amplification devices (e.g., intercom systems, loudspeakers) shall be oriented away from residential properties.
- (4) Exterior lighting fixtures shall be shielded with the light source oriented away from public streets and freeways and residential properties.
- (5) Curb cuts for direct driveway access to/from retail drive-through lanes from public streets are prohibited. All circulation to/from retail drive-through lanes shall be contained within a larger Urban Commercial project, with points of access to public streets approved by the City.
- (6) Off-street parking shall be provided in accordance with the City of Ontario Development Code.
- (7) Primary buildings (not ancillary buildings) shall achieve a minimum “Certified” rating under the United States Green Building Council’s Leadership in Energy & Environmental Design (LEED) program.
- (8) All business activities shall be conducted within a wholly enclosed building, excepting sale or display of new or used motor vehicles, outdoor cafes and eating areas, and temporary uses and activities pursuant to an approved temporary use permit.
- (9) Properties located within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.
- (10) A Sign Plan for a Freeway Identification Sign shall be subject to Planning Commission review and approval. Any Sign Plan intended for signage for users with a gross floor area of more than 200,000 square feet shall be subject to review and approve by City staff pursuant to the requirements of Development Code Section 4.03.020 (Sign Plans).

C.4. Signage Guidelines

Within a large, mixed-use center like MEREDITH INTERNATIONAL CENTRE, signage serves a variety of purposes:

- To identify MEREDITH INTERNATIONAL CENTRE with elements that convey a distinct character;
- To ensure the efficient circulation of vehicle traffic within the site;
- To clearly identify vehicular entry points and to direct vehicles to designated parking areas; and
- To enhance the pedestrian experience through the design of way finding components: directories, directional signage and destination identifiers.

As such, clear, concise and easy-to-understand signage that is also visually appealing is vitally important for positive worker, resident, and visitor experiences at MEREDITH INTERNATIONAL CENTRE. General design requirements for signage within MEREDITH INTERNATIONAL CENTRE are as follows:

- (1) Signage shall be compatible with and complementary to the building's exterior materials, colors and finishes.
- (2) The dimensions and shape of free-standing signs and sign panels or elements mounted on building façades or marquees shall be scaled proportionately to the architecture.
- (3) All signs shall be contained within the parcel to which applicable, except for the *Freeway Identification Sign* which shall be contained within the Specific Plan area and not limited to a particular parcel. Signs shall also be so oriented as to preclude hazardous obstructions to person and/or vision of pedestrians and/or vehicle operators.
- (4) Tenant identification signage shall be in keeping with the character established for MEREDITH INTERNATIONAL CENTRE with variations allowed to accommodate individual tenant identities/corporate branding standards.
- (5) All signs are expected to be of the highest quality to pass eye-level examination and scrutiny, and shall comply with the following fabrication specifications:
 - (a) Signs shall be constructed to eliminate burrs, dents, cutting edges and sharp corners;
 - (b) Welds on exposed surfaces be imperceptible in the finished work;
 - (c) Surfaces which are intended to be flat shall be without dents, bulges, oil canning, gaps or other physical deformities;
 - (d) All fasteners shall be concealed;
 - (e) Access panels shall be tight-fitting, light-proof and flush with adjacent surfaces;
 - (f) Manufacturers' recommended fabrication procedures regarding expansion/contraction, fastening and restraining of acrylic plastic shall be followed; and
 - (g) Painted, polished and plated surfaces shall be unblemished in the finished work.
- (6) Prohibited sign components include the following:
 - (a) Letters with exposed fastening and unfinished edges (unless architecturally consistent);
 - (b) Paper, cardboard, Styrofoam or untreated cloth;

MEREDITH INTERNATIONAL CENTRE

Signage



Signage



Signage



- (c) Visible moving parts or simulated moving parts by means of fluttering, rotation, or reflecting devices; and
 - (d) Flashing, flickering, blinking, rotating, moving lights, or any other illuminating device that changes light intensity or color, except for parts designed to give public service information such as time, date, temperature, or similar information, and electronic message displays allowed pursuant to City of Ontario Development Code Paragraph 8.01.020.C.3 (Electronic Message Display).
- (7) Illuminated signs shall comply with the following standards:
- (a) All sign elements must be internally and/or externally illuminated;
 - (b) Primary sign, secondary sign (if applicable) and canopy signs shall remain illuminated during business hours after sundown and shall be controlled by a time clock; and
 - (c) All conductors, transformers, cabinets, housing and other equipment shall be concealed and/or incorporated into storefront and/or sign components.
- (8) Signs shall be constructed so as to not have exposed wiring, raceways, ballasts, conduit, transformers, or the like.
- (9) Direction signs shall be located at any vehicular or pedestrian decision point within MEREDITH INTERNATIONAL CENTRE.
- (10) Vehicular direction signs shall comply with the following standards:
- (a) Vehicular direction signs shall clearly direct to destination anchors within MEREDITH INTERNATIONAL CENTRE, on-site parking areas, and/or freeways;
 - (b) Vehicular direction signs shall be consistent in size, shape and design throughout MEREDITH INTERNATIONAL CENTRE;
 - (c) Vehicular signs should have no more than three messages per sign;
 - (d) Typography on vehicular direction signs should be legible and have enough contrast to be read from an appropriate windshield viewing distance; and
 - (e) Vehicular direction signs shall incorporate reflective vinyl copy for night-time illumination.
- (11) All direction signs and general information signs (e.g., restrooms, telephones, fire extinguishers, elevators, escalators, stairs) throughout MEREDITH INTERNATIONAL CENTRE shall incorporate the appropriate identity symbol as established by the Society of Environmental Graphic Design (SEGD) and comply with all state, local and federal regulations.
- (12) All traffic control signs, whether on public or private property, shall conform to the California Manual on Uniform Traffic Control Devices (MUTCD).

CITY OF ONTARIO

Agenda Report
October 2, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT (FILE NO. PCUP18-008) TO ESTABLISH A 208-ROOM FULL-SERVICE HOTEL ON 4.95 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND INLAND EMPIRE BOULEVARD, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT (APNS: 0210-191-29, 0210-191-30, 0210-191-31 AND 0210-191-32)


RECOMMENDATION: That the City Council consider and adopt a resolution approving File No. PCUP18-008, a Conditional Use Permit establishing a 208-room full service hotel at the southeasterly corner of Archibald Avenue and Inland Empire Boulevard.

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

FISCAL IMPACT: Transient Occupancy Tax generated by the project is expected to total approximately \$662,200, annually.

BACKGROUND: On September 18, 2018, the City Council opened the public hearing and continued the matter to a date and time certain: October 2, 2018 at 6:30 P.M. The applicant is requesting approval to establish and construct a 208-room full-service hotel on a 4.95-acre property, which wraps around an existing Mobil gasoline service station located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, and abuts Interstate 10 on the south. Guest amenities proposed for the hotel project include a large porte-cochere for arriving guests; swimming pool and spa with an accompanying poolside cabana; outdoor gathering and seating areas with fire pits; pre-function area, meeting rooms, and a large banquet room; business center; fitness room; guest lounge and dining room; guest laundry facilities; and rooftop terrace with seating.

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

Prepared by: Charles Mercier
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 10/02/2018
Approved: _____
Continued to: _____
Denied: _____

10

The City's Development Code requires that all new hotels must be reviewed under concurrently filed Conditional Use Permit and Development Plan applications. The purpose of the Conditional Use Permit application and review is to confirm compliance with the Development Code's required minimum amenity package for hotels, and ensure the project's market feasibility.

1. Minimum Amenity Package. The Development Code provides that no Conditional Use Permit shall be approved for a hotel, motel, residence inn, or other similar traveler accommodation, unless certain specific amenities are provided, as follows:
 - Each guestroom must include voicemail, wired or wireless internet access, desk with chair, hairdryer, retractable magnifying (10X) and lighted makeup mirror, iron and ironing board, high definition television, and alarm clock or wake-up service. Compliance with these requirements will be verified by the Planning Department during Building Department plan check.
 - For full service hotels, meeting space equal to 30 square feet per guestroom must be provided, requiring that a minimum of 6,240 square feet of meeting area must be provided for the project. The project exceeds the minimum requirement, incorporating a total of 6,255 square feet of available meeting area (includes pre-function area, meeting rooms, and banquet room).
 - Both active and passive leisure amenities are required including at a minimum, a swimming pool, whirlpool/spa or furnished cabana, and fitness room. The project exceeds the minimum requirement, providing: pool and spa with a 612-square foot poolside cabana, outdoor gathering and seating areas with fire pits, and a 1,420-square foot fitness room. Additionally, a rooftop terrace with seating is proposed, which will provide airport, city and mountain views.
 - A restaurant is required to be provided for full-service hotels. In addition to a banquet room, a dining room is planned for hotel guests and a separate 8,000 square foot freestanding restaurant pad has been proposed on-site. The restaurant layout and architectural design will be reviewed under a separate Development Plan application.

Planning Department staff have determined that the proposed project meets or exceeds the minimum amenity package requirements, as stipulated by Section 5.03.250.D (Minimum Amenity Package) of the City's Development Code.

2. Market Feasibility. The Greater Ontario Convention and Visitors Bureau and the City's Economic Development Agency have provided market information based on projected hotel demand within the Ontario market and the growing competition from a variety of hotels. The information provided estimates that the proposed hotel would be successful based upon factors such as future growth in the area, including new office and commercial space, and future airport growth. The report includes discussions of other hotels in the market area, long-term viability, and overall demand due in and around the City, based on the following data:
 - Ontario hotel Revenue Per Available Room (RevPAR) growth 2016 over 2015 was 10.5%;
 - Average Daily Rate (ADR) increased 8.8% in 2016 with solid gains in both transient +8.3% and Group +9.6% Market Segments;
 - Demand has also increased in adjoining Rancho Cucamonga; 2016 Occupancy +1.2%; ADR +8.8%; RevPAR +10%;
 - Mid-week hotel occupancy along the Fourth Street corridor bordering Ontario and Rancho Cucamonga exceeds 85 percent on an annual basis, indicating an under-supply of hotel rooms;

- Mid-week demand is expected to continue to grow as new businesses continue moving in along the I-10; I-15, and State Route 60 freeway corridors; and
- Weekend demand has dramatically grown due to the success of Silver Lakes Sports Complex in Norco (24 soccer/lacrosse fields) and Big League Dreams in Jurupa Valley (7 baseball/softball fields). Both facilities host weekend sports tournaments that regularly attract over 10,000 people each weekend, many requiring overnight hotel accommodations. Due to the concentration of hotels, restaurants, and entertainment in Ontario, both sports facilities work with the Greater Ontario Convention and Visitors Bureau to reserve room blocks. Demand has grown dramatically for these weekend event since 2015.

Based on the above listed data, the Greater Ontario Convention and Visitors Bureau and Economic Development Agency believe that new hotel development in the Ontario market will continue to be outpaced by hotel room demand. Additionally, based on the proposed location within close proximity to the region's demand-drivers, including the Citizens Business Bank Arena, Ontario International Airport, and major transportation channels, the proposed hotel would achieve positive results in the market.

On August 28, 2018, the Planning Commission conducted a duly noticed public hearing to consider the proposed Conditional Use Permit and voted unanimously (6-0) to recommend that the City Council approve the proposed hotel project.

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.

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

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); however, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the following conditions:

- The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;
- Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- The Project site can be adequately served by all required utilities and public services.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP18-008, A CONDITIONAL USE PERMIT TO ESTABLISH A 208-ROOM FULL-SERVICE HOTEL ON 4.95 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND INLAND EMPIRE BOULEVARD, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF— APNS: 0210-191-29, 0210-191-30, 0210-191-31 AND 0210-191-32.

WHEREAS, HEARTLAND ALLIANCE, LLC ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP18-008, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 4.95 acres of land which wraps around an existing Mobil gasoline service station located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, and abuts Interstate 10 on the south. The project site is within the OH (High Intensity Office) zoning district and is presently improved with partial off-street parking facilities; and

WHEREAS, the area surrounding the project site is characterized by a commercial shopping center to the north, across Inland Empire Boulevard, which is zoned SP (Specific Plan) and is within the Garden Commercial land use district of the Ontario Festival Specific Plan. Properties to the east of the project site are zoned SP, are within the Garden Commercial land use district of the Transpark Specific Plan, and are developed with offices and a business park. The area south of the project site is developed with Interstate 10 freeway. Properties west of the project site, across Archibald Avenue, are zoned SP, are within the Urban Commercial land use district of the Meredith International Specific Plan, and are undeveloped; and

WHEREAS, the proposed hotel will contain a total of 208 guestrooms. Guest amenities proposed for the hotel project include a large porte-cochere for arriving guests; swimming pool and spa with an accompanying poolside cabana; outdoor gathering and seating areas with fire pits; pre-function area, meeting rooms, and a large banquet room; business center; fitness room; guest lounge and dining room; guest laundry facilities; and rooftop terrace with seating.

WHEREAS, the City's Development Code requires that all new hotels must be reviewed under concurrently filed Conditional Use Permit and Development Plan applications. The purpose of the Conditional Use Permit application and review is to confirm compliance with the Development Code's required minimum amenity package for hotels, as-well-as ensure the project's market feasibility; and

WHEREAS, the Development Code provides that no Conditional Use Permit shall be approved for a hotel, motel, residence inn, or other similar traveler accommodation, unless certain specific amenities are provided, as follows:

- Each guestroom must include voicemail, wired or wireless internet access, desk with chair, hairdryer, retractable magnifying (10X) and lighted makeup mirror, iron and ironing board, high definition television, and alarm clock or wake-up service. Compliance with these requirements will be verified by the Planning Department during Building Department plan check.
- For full service hotels, meeting space equal to 30 square feet per guestroom must be provided, requiring that a minimum of 6,240 square feet of meeting area must be provided for the project. The project exceeds the minimum requirement, incorporating a total of 6,255 square feet of available meeting area (includes pre-function area, meeting rooms, and banquet room).
- Both active and passive leisure amenities are required including at a minimum, a swimming pool, whirlpool/spa or furnished cabana, and fitness room. The project exceeds the minimum requirement, providing: pool and spa with a 612-square foot poolside cabana, outdoor gathering and seating areas with fire pits, and a 1,420-square foot fitness room. Additionally, a rooftop terrace with seating is proposed, which will provide airport, city and mountain views.
- A restaurant is required to be provided for full-service hotels. In addition to a banquet room, a dining room is planned for hotel for guests, and a separate 8,000 square foot freestanding restaurant pad has been proposed on-site. The restaurant layout and architectural design will be reviewed under a separate Development Plan application; and

WHEREAS, the proposed project has met or exceeded the minimum amenity package requirements, as stipulated by Section 5.03.250.D (Minimum Amenity Package) of the City's Development Code; and

WHEREAS, the Greater Ontario Convention and Visitors Bureau, and the City's Economic Development Agency, have provided market information based on projected hotel demand within the Ontario market and the growing competition from a variety of hotels, and have concluded that new hotel development in the Ontario market will continue to be outpaced by hotel room demand. Additionally, based on the proposed location within close proximity to the region's demand-drivers, including the Citizens Business Bank Arena, Ontario International Airport, and major transportation channels, the proposed hotel would achieve positive results in the market; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; 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, 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 August 20, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, voting to issue Decision No. DAB18-051, recommending the Planning Commission recommend approval of the Application; and

WHEREAS, on August 28, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, unanimously (6-0) voting to issue Resolution No. PC18-084 recommending the City Council approve the Application; and

WHEREAS, on October 2, 2018, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, Infill Development Project) of the CEQA Guidelines, which consists of projects characterized as infill development meeting the following conditions:

(a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(c) The project site has no value as habitat for endangered, rare, or threatened species;

(d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(e) The Project site can be adequately served by all required utilities and public services.

(3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(4) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, 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.

SECTION 3. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts

of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4. 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 through 3, above, the City Council hereby concludes as follows:

(1) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the OH (High Intensity Office) zoning district, and the scale and intensity of land uses intended for the zoning district in which the land use is proposed to be located; and

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, 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 Hotel land use will be located within the Community Commercial land use district of the Policy Plan Land Use Map, and the OH (High Intensity Office) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.*** The proposed Hotel land use is located with the Community Commercial land use district, as shown on the Policy Plan Land Use Map, and the OH (High Intensity Office) zoning district, as shown on the City's Official Zoning Map, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

(4) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the

public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

SECTION 5. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6 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.

SECTION 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2018.

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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 2, 2018, 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held October 2, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PCUP18-008;
Departmental Conditions of Approval**

(Document follows this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: August 20, 2018
File No: PCUP18-008 & PDEV18-008
Related Files: N/A

Project Description: A Conditional Use Permit and Development Plan to establish and construct a 6-story, 208-room hotel and 8,000-square foot restaurant pad on 4.95 acres of land, generally located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the OH (High Intensity Office) zoning district. (APNs: 0210-191-29, 0210-191-30, 0210-191-31 and 0210-191-32); **submitted by Heartland Alliance.**

Prepared By: Charles Mercier, Principal Planner
Phone: 909.395.2425 (direct)
Email: cmercier@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 Time Limits.

(a) Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

(b) Conditional Use Permit approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading,

utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

(e) The Applicant shall work with the City and Caltrans to enter into an agreement with Caltrans to landscape and maintain the portion of Caltrans right-of-way adjacent to the project site.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(d) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2.6 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.7 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

2.8 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.9 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.10 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.11 Alcoholic Beverage Sales. The sale of alcoholic beverages shall not be permitted until such time that the Applicant has obtained approval of a Conditional Use Permit for the activity.

2.12 Architecture. The exterior stucco mix shall be formulated and applied to achieve a uniform fine sand float finish, having a blend of a maximum 20/30 aggregate mix.

2.13 Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

(i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and

(ii) The area in which the project is located is not environmentally sensitive.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

2.14 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 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.

2.15 Additional Fees. After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV18-008 & PCUP18-008

Address: Southeast Corner of Archibald Ave & Inland Empire Blvd

APN: 0210-1941-29, 30, 31& 32

Existing Land Use: Vacant

Proposed Land Use: A PUD to establish land use designations and development Standards within the MU-1 Zoning District for residential development

Site Acreage: 4.94 Proposed Structure Height: 66 FT

ONT-IAC Project Review: No

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Chuck Mercier

Date: 4/16/18

CD No.: 2018-019

PALU No.: _____

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>105 FT</u>	
<input type="radio"/> Zone 5			

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

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

See Attached

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2018-019
PALU No.: _____

PROJECT CONDITIONS

The maximum height limit for the project site is 105 feet and as such, any construction equipment such as cranes or any other equipment exceeding 105 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed with the FAA and approved prior to operating such equipment on the project site during construction.

CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
 303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
 Carolyn Bell, Sr. Landscape Planner

3/28/18
 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PDEV18-008	Case Planner: Chuck Mercier
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Project Name and Location:

Ontario Hotel
 2700 E Inland Empire Blvd

Applicant/Representative:

Heartland Alliance LLC
 4684 Ontario Mills Parkway
 Ontario Ca 91764

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | A Preliminary Landscape Plan (dated 2/16/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents. |
| <input type="checkbox"/> | A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval. |

CORRECTIONS REQUIRED

Civil/ Site Plans

1. Show storm water infiltration areas and show basins and swales to be no greater than 50% of the landscape area width to allow for ornamental landscape. Provide a level grade minimum 4' from paving for landscape.
2. Show transformers located in planter areas, set back 5' setback for large transformers.
3. Show backflow devices shall be located in planter areas, set back min 3' from paving.
4. Locate utilities including light standards, fire hydrants, and water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
5. Revise site plan to show 15% of the site with landscaping not including right of way or paving areas. Can reduce driveway widths to 24' per fire dept standards.
6. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1.
7. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs and 12" wide curbs, or 12" wide pavers or DG paving where parking spaces are adjacent to planters.
8. Show parking lot island tree planters 1 for every 10 parking spaces and at each row end.

Landscape Plans

9. Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
10. Show backflows, and transformers, with landscape screening.
11. Show all utilities on the landscape plans. Coordinate so utilities are clear of required tree

locations.

12. Show parkway landscape, sidewalks and street trees spaced 30' apart.
13. Show appropriate parking lot shade trees with min 30' canopy at maturity: Pistache, Ulmus. Etc. Show narrow trees such as Tristania along perimeter planters etc.
14. Call out type of proposed irrigation system (dripline) with preliminary MAWA calculation.
15. Show landscape hydrozones to separate low water from moderate water landscape.
16. Irrigation plans shall provide separate systems for tree stream spray bubblers with pc screens.
17. Replace short lived, high maintenance or poor performing plants: Rhus, Cercidium. Prosopis, Bambusa, Buddlea Juncus, Lantana, Lavendula, Leonotis, Liriope, Loropetalum.
18. Street trees for this project are: Koelreuteria panniculata. Parkway plants shall be: Dietes bicolor, Nandina nana, Rhapsiolepis 'Springtime', Juniper horizontalis Wiltonii, Pink Flower Carpet Rose, in large masses to match adjacent parkways to the north east.
19. Provide an appropriate hydroseed or container plant mix for water quality basins and swales.
20. Dimension basins and swales to be no greater than 50% of the on-site landscape area to allow for ornamental landscape. Provide a level grade minimum 4' from pedestrian paving for safety and min 5' along parking lots for hedge row and trees.
21. Provide agronomical soil tests at 12" depth and include independent lab report on landscape construction plans. Sewage sludge or biosolids are not allowed. Note "Contractor shall install amendments per plan and then take a new soil test and provide report to landscape architect and city inspector to verify amendments installed are satisfactory prior to planting. Landscape architect shall verify report with amendments receipts on certificate of compliance.
22. Call out all fences and walls, materials proposed and heights.
23. Show minimum on-site tree sizes per the Landscape Development standards, see the Landscape Planning website. 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon. Show larger trees with larger box sizes.
24. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations.
25. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
26. Add to Grading Plans: Landscape areas where compacted has occurred due to grading activities and where trees area located, a 12x12' area shall be loosened by soil fracturing. The back hoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. A layer of Compost is spread over the soil before fracturing is begun and the Compost falls into the spaces between the soil chunks created by the effort. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing will help create an A horizon soil and/or imported or reused Topsoil can be added on top of the fractured soil. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference see Urban Tree Foundation – Planting Soil Specifications.
27. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Fees are:

Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections per phase)	\$278.00
Inspection—Field – any additional.....	\$83.00

Landscape construction plans with building permit number for plan check may be emailed to: landscapeplancheck@ontarioca.gov



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company
Information Technology and Management Services Department conditions incorporated herein)

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. PDEV18-008 RELATED FILE NO(S). PCUP18-008	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: ___/___/___	

CITY PROJECT ENGINEER & PHONE NO:	Dean A. Williams, Associate Engineer (909) 395-2135
CITY PROJECT PLANNER & PHONE NO:	Charles Mercier Senior Planner (909) 395-2135
DAB MEETING DATE:	August 20, 2018
PROJECT NAME / DESCRIPTION:	6-Story, 208-room Hotel and 8,000 sf Restaurant Pad on 4.95 acres
LOCATION:	SEC of Inland Empire Boulevard and Archibald Avenue
APPLICANT:	Heartland Alliance, LLC Gene Fong (310) 209-7520
REVIEWED BY:	<div style="display: flex; align-items: center;"> <div style="text-align: center; margin-right: 20px;"> Bryan Lirley, P.E. Principal Engineer </div> <div style="text-align: center;"> <u>8/9/18</u> Date </div> </div>
APPROVED BY:	<div style="display: flex; align-items: center;"> <div style="text-align: center; margin-right: 20px;"> Khoi Do, P.E. Assistant City Engineer </div> <div style="text-align: center;"> <u>8/13/18</u> Date </div> </div>



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, APPLICANT SHALL: Check When Complete

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:
_____ feet on _____
Property line corner 'cut-back' required at the intersection of _____
and _____.
- 1.02 Dedicate to the City of Ontario, the following easement(s): _____

- 1.03 Restrict vehicular access to the site as follows: _____
- 1.04 Vacate the following street(s) and/or easement(s): _____
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.
- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.
- 1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.

(1) _____

(2) _____



- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: _____

2. PRIOR TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:

**A. GENERAL
 (Permits includes Grading, Building, Demolition and Encroachment)**

- 2.01 Record Parcel Map/Tract Map No. _____ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcels are recognized parcels in the City of Ontario per Parcel Map No. 17422 as recorded 2/14/2008 as Doc. # 2008-0068648 in Book 226 of Parcel Maps, pages 64-65 O.R., San Bernardino County.**
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____ .
- 2.05 **Apply for a:** Certificate of Compliance with a Record of Survey; **Lot Line Adjustment**
 - Make a Dedication of Easement.



2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.

2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

2.08 Submit a soils/geology report.

2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:

- State of California Department of Transportation (Caltrans)
- San Bernardino County Road Department (SBCRD)
- San Bernardino County Flood Control District (SBCFCD)
- Federal Emergency Management Agency (FEMA)
- Cucamonga Valley Water District (CVWD) for sewer/water service
- United States Army Corps of Engineers (USACE)
- California Department of Fish & Game
- Inland Empire Utilities Agency (IEUA)
- Other: _____

2.10 Dedicate to the City of Ontario the right-of-way described below:
_____ feet on _____

Property line corner 'cut-back' required at the intersection of _____
and _____.

2.11 Dedicate to the City of Ontario the following easement(s): 1) An easement for traffic signal poles, traffic signal equipment and maintenance purposes. Limits/dimensions of the easement(s) area shall be determined based on the approved traffic signal plan.

2) An easement(s) for sidewalk purposes crossing the existing and proposed drive approaches on the Inland Empire Boulevard frontage. Sidewalk will be required to cross the driveways at the top of the apron in each case, encroaching on private property.

2.12 New Model Colony (NMC) Developments:

1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.

2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust



control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.

3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).

- 2.13 **Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100 % of the approved engineering construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.**
- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. DIF fees shall be calculated by the Building Department.**
- 2.16 **Other conditions: Developer/applicant shall apply for a lot line adjustment to consolidate the four (4) existing parcels on the site into two (2).**

B. PUBLIC IMPROVEMENTS

(See attached Exhibit 'A' for plan check submittal requirements.)

- 2.17 **Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):**

Improvement	Archibald Avenue	Inland Empire Boulevard	Street 3	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace <input checked="" type="checkbox"/> Remove existing for drive approach construction	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace <input checked="" type="checkbox"/> Remove existing for drive approach construction	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace



Sidewalk	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral



Fiber Optics (see Sec. 2K)	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	_____ _____ _____	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____ _____ _____	_____ _____ _____	_____ _____ _____	_____ _____ _____
Other Improvements	_____ _____ _____	_____ _____ _____	_____ _____ _____	_____ _____ _____

Specific notes for improvements listed in item no. 2.17, above: _____

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 **An 8-inch sewer main is available for connection by this project on-site from the previous developer.** (Ref: Sewer plan bar code: N/A)
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 **Other conditions: 1) Developer/applicant shall provide a grease interceptor for the future restaurant north of the proposed hotel.**

2) The occupant/applicant shall apply for a wastewater Discharge Permit for their establishment, and shall comply with all requirements of the wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>). Requirements of the permit may include, but not be limited to; installation of wastewater pretreatment equipment, such as a clarifier. For wastewater permit application



questions, please contact:
Michael Birmelin, Environmental Programs Manager at (909) 395-2661
(omucenvironmental@ontarioca.gov).

3) The on-site sewer system shall be private and as such, privately maintained.

D. WATER

- 2.27 A 12-inch water main is available for connection by this project in Inland Empire Boulevard (Ref: Water plan bar code: W11057)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 Other conditions: 1) Developer/applicant shall remove and replace the existing faulty Double Check Detector Assembly (DCDA) on the Inland Empire Boulevard frontage.
2) The on-site water system is private and as such, shall be privately maintained.

E. RECYCLED WATER

- 2.30 A 12-inch recycled water main is available for connection by this project in Inland Empire Boulevard and a lateral has been constructed to the site with a meter box by the previous developer. (Ref: Recycled Water plan bar code: P10132)
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main exists in Inland Empire Boulevard along the property frontage.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.
- 2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.
Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.
- 2.34 Other conditions: Developer/applicant shall provide hard copies and digital files in .pdf and AutoCAD format of both on-site and off-site utilities layout.

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
 1. On-site and off-site circulation
 2. Traffic level of service (LOS) at 'build-out' and future years
 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions: 1) The Developer/applicant shall obtain the necessary right-of-way for the proposed right-turn ingress from Archibald Avenue from Caltrans. Failure to obtain said right-



of-way will eliminate any access to the site from Archibald Avenue.

2) Developer/applicant shall design and construct half-width street improvements along the property frontages of Archibald Avenue and Inland Empire Boulevard, including PCC sidewalk (IEB only), landscaped parkways and a raised median on Inland Empire Boulevard between Archibald Avenue and the project's easterly drive approach on Inland Empire Boulevard, in accordance with applicable standards.

3) Developer/applicant shall design and construct a new traffic signal system at the project's easterly access on Inland Empire Boulevard. The new traffic signal shall include emergency vehicle preemption system and interconnect cable and conduit and shall also include acquisition of all easements necessary for the construction, maintenance and ultimate location of the poles and equipment for the system.

4) Developer/applicant shall provide a traffic signal construction and maintenance easement for traffic signal poles and traffic signal equipment at the project's main access on Inland Empire Boulevard. The developer/applicant shall secure a like agreement/easement for the opposing drive approach on the north side of Inland Empire Boulevard. No landscaping, utilities or other appurtenances shall be constructed that may conflict with the proposed traffic signal pole locations.

5) Developer/applicant shall construct access ramps and provide any necessary sidewalk easements at proposed drive approaches on Archibald Avenue and Inland Empire Boulevard frontages in accordance with City of Ontario standards.
Developer/applicant shall also procure necessary easement(s) from adjacent property owner (service station) to provide for reconstruction of existing shared drive approach such that sidewalk path of travel is ADA compliant.

6) Developer/applicant shall design and install traffic striping, markings and signing along the property frontage of Inland Empire Boulevard to accommodate the proposed raised median.

7) Developer/applicant shall replace existing street lights with new LED cobra heads, if at the time of construction, they have not already been upgraded.

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____.
(Ref: Storm Drain plan bar code: _____)
- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.



- 2.43 Other conditions: See item no. 2.41, above. Developer/applicant shall provide adequate form of acceptance of drainage by Caltrans for overflow drainage into Caltrans right-of-way (drainage ditch) at the southeast corner of the site, prior to approval of the grading plan.

H. STORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES)

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.
If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.
Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.
- 2.46 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.
- 2.48 Other conditions: _____

K. FIBER OPTIC

- 2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located along the project frontage on Inland Empire Boulevard.
- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. Solid Waste

- 2.51 Onsite solid waste shall be designed in accordance with the City's "Solid Waste Department Refuse and Recycling Planning Manual" located at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>



- 2.52 **Other conditions: A minimum of (18 ea.) 4-cy trash bins are required for this project. Developer/applicant may opt for a combination of trash compactors and trash bins.**

3. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:

- 3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.
- 3.02 **Complete all requirements for recycled water usage.**
- 1) **Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.**
- 2) **Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.**
- 3) **Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.**
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 **Confirm payment of all Development Impact Fees (DIF) to the Building Department.**
- 3.06 **Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).**



EXHIBIT 'A'
ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist

Project Number: PDEV 18-008

The following items are required to be included with the first plan check submittal:

1. **A copy of this check list**
2. **Payment of fee for Plan Checking**
3. **One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.**
4. **One (1) copy of project Conditions of Approval**
5. **Two (2) sets of Potable and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size).**
6. **Three (3) sets of Public Street improvement plan with street cross-sections**
7. Three (3) sets of Private Street improvement plan with street cross-sections
8. Four (4) sets of Public Water improvement plan (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size)
9. Four (4) sets of Recycled Water improvement plan (include recycled water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size and an exhibit showing the limits of areas being irrigated by each recycled water meter)
10. Four (4) sets of Public Sewer improvement plan
11. Five (5) sets of Public Storm Drain improvement plan
12. **Three (3) sets of Public Street Light improvement plan**
13. **Three (3) sets of Signing and Striping improvement plan**
14. **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
15. **Three (3) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)**
16. **Three (3) sets of Traffic Signal improvement plan and One (1) copy of Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.**
17. **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
18. **One (1) copy of Hydrology/Drainage study**
19. **One (1) copy of Soils/Geology report**
20. Payment for Final Map/Parcel Map processing fee
21. Three (3) copies of Final Map/Parcel Map



- 22. One (1) copy of approved Tentative Map
- 23. One (1) copy of Preliminary Title Report (current within 30 days)
- 24. One (1) copy of Traverse Closure Calculations
- 25. One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.
- 26. **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 27. Other: _____

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Charles Mercier
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: February 26, 2018
SUBJECT: PDEV18-008

-
- The plan **does** adequately address the departmental concerns at this time.
- No comments
- Report below.

Conditions of Approval

1. The address for the site retail pad will be: 2810 E Inland Empire Blvd
2. The address for the site hotel will be: 2830 E Inland Empire Blvd
3. The hotel is a 6-story type I Construction.

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Charles Mercier, Senior Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: March 6, 2018

SUBJECT: PDEV18-008 - A Development Plan to construct a 5 story, 208 room hotel and 10,000 retail/restaurant pad on 4.94 acres of land, within the High Intensity Office (OH) zoning district, generally located on the southeast corner of Archibald Avenue and Inland Empire Boulevard (APN: 0210-191-30 & 0210-191-32). Related File: PCUP18-008

-
- The plan **does** adequately address Fire Department requirements at this time.
- Standard Conditions of Approval apply, as stated below.
-

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: Type I (Per Building Official)
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 28,630 Sq Ft
- D. Number of Stories: Six
- E. Total Square Footage: 135,405 Sq Ft
- F. 2016 CBC Occupancy Classification(s): A

CONDITIONS OF APPROVAL:

1.0 GENERAL

- ☒ 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov, click on “Fire Department” and then on “Standards and Forms.”
- ☒ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and location(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard Choose an item.. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finished) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.

- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.
- ☒ 4.8 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.9 Hose valves with one and one half inch (1 ½”) connections will be required on the roof, in locations acceptable to the Fire Department. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.



CITY OF ONTARIO

MEMORANDUM

TO: Charles Mercier, Planning Department

FROM: Douglas Sorel, Police Department

DATE: March 22, 2018

SUBJECT: PDEV18-008 AND PCUP18-008: A DEVELOPMENT PLAN AND
CONDITIONAL USE PERMIT TO DEVELOP A HOTEL AT
ARCHIBALD AVENUE AND INLAND EMPIRE BLVD.

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including, but not limited to, the requirements below:

- Required lighting for walkways, driveways, doorways and other areas used by the public shall be provided. Required lighting shall operate on photosensor. Photometrics shall be provided and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting fixtures.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

The approval of this Conditional Use Permit shall not be construed so as to permit the sale of alcohol on the premises. Should the Applicant desire to sell alcohol on-site, the Applicant shall apply for a modification to this Conditional Use Permit.

The Applicant is invited to call Douglas Sorel at (909) 395-2873 regarding any questions or concerns