

**CITY OF ONTARIO  
CITY COUNCIL AND HOUSING AUTHORITY  
AGENDA  
NOVEMBER 5, 2019**

**Paul S. Leon**  
Mayor

**Ruben Valencia**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Jim W. Bowman**  
Council Member

**Debra Dorst-Porada**  
Council Member



**Scott Ochoa**  
City Manager

**Scott E. Huber**  
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**

Valencia, Wapner, Bowman, Dorst-Porada, 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: *Maria G. Santos v. City of Ontario, et al., Superior Court of California, County of San Bernardino, Case No. CIVDS1804327*
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1048-363-02, 1048-363-03, 1048-363-04, and 1048-363-05; 404-426 North Euclid Avenue; City/Authority Negotiator: City Manager or his designee; Under negotiation: Price and terms of payment.

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

**PLEDGE OF ALLEGIANCE**

Mayor pro Tem Valencia

**INVOCATION**

Pastor Mike Schrieb, 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.

**CONSENT CALENDAR**

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

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

**1. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of October 1, 2019, approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** September 27, 2019 through October 10, 2019 and **Payroll** September 15, 2019 through September 28, 2019, when audited by the Finance Committee.

**3. A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT (FILE NO. PDIF19-003) BETWEEN THE CITY OF ONTARIO AND DH AIRPORT DRIVE, LLC, FOR THE CONSTRUCTION OF INFRASTRUCTURE ASSOCIATED WITH THE DEVELOPMENT PLAN (FILE NO. PDEV18-023), LOCATED AT 1261 EAST AIRPORT DRIVE, WITHIN THE IG, GENERAL INDUSTRIAL ZONING DISTRICT (APNS: 0113-211-05, 0113-211-06, AND 0113-211-07)**

That the City Council approve the Development Impact Fee Credit and Reimbursement Agreement (File No. PDIF19-003) between the City of Ontario and DH Airport Drive, LLC for the construction of infrastructure associated with Development Plan (File No. PDEV18-023), located at 1261 East Airport Drive, and authorize the City Manager to execute the agreement.

**4. AN AGREEMENT FOR THE PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS WITH THE RONALD AND KRISTINE PIETERSMA FAMILY TRUST AND LOYOLA PROPERTIES I, L.P. FOR THE PURCHASE OF LAND FOR THE ONTARIO RANCH GREAT PARK**

That the City Council authorize the City Manager to enter into an Agreement for the Purchase and Sale and Joint Escrow Instructions with The Ronald and Kristine Pietersma Family Trust, and Loyola Properties I, L.P. (“Seller”), for the purchase of an approximately 44.55 acre parcel of land in Ontario Ranch for the future Great Park.

**5. AUTHORIZE THE PURCHASE OF FLEET VEHICLES AND EQUIPMENT**

That the City Council take the following actions:

- (A) Authorize the sole-source purchase and delivery of one KME Fire Aerial Tractor in the amount of \$1,594,548 from KME of Jurupa Valley, California,
- (B) Authorize the purchase and delivery of two CNG Roll Off Refuse Trucks in the amount of \$527,590 from Los Angeles Freightliner of Whittier, California, for the Integrated Waste Department, under the terms and conditions of Bid No. 970,
- (C) Authorize the purchase and delivery of three CNG Automated Side Loading Refuse Trucks in the amount of \$955,761 from Los Angeles Freightliner of Whittier, California, for the Integrated Waste Department, under the terms and conditions of Bid No. 971,
- (D) Authorize the purchase and delivery of two CNG Front Loading Refuse Trucks in the amount of \$655,548 from Los Angeles Freightliner of Whittier, California, for the Integrated Waste Department, under the terms and conditions of Bid No. 972,
- (E) Authorize the cooperative purchase and delivery of two CNG Automated Side Loading Refuse Trucks in the amount of \$614,818, one CNG Front Loading Refuse Truck in the amount of \$315,991, and one CNG Roll Off Refuse Truck in the amount of \$253,065 from Rush Truck Center of Pico Rivera, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 081-716-PMC,

- (F) Authorize the cooperative purchase and delivery of eight Chevrolet Colorado pick-up trucks in the amount of \$212,440 (four for the Utilities Department, two for the Integrated Waste Department, one for the Police Department, and one for the Parks and Maintenance Department), three Ford F150 XL pick-up trucks in the amount of \$106,065 (two for the Police Department and one for the Fire Department), one Ford Explorer XLT in the amount of \$39,431 for the Fire Department, one Ford Transit Connect Van in the amount of \$29,098 for the Utilities Department, and one F350 Utility Body Truck in the amount of \$57,110 for the Facilities 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,
- (G) Authorize the cooperative purchase and delivery of one Volvo Asphalt Paver, and one Trailer in the amount of \$406,662 for the Parks and Maintenance Department from Volvo Construction Equipment and Services of Corona, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 032119-VCE,
- (H) Authorize the cooperative purchase and delivery of one Bobcat in the amount of \$75,994 for the Parks and Maintenance Department from Clark Equipment Co. of West Fargo, North Dakota, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 040319-CEC, and
- (I) Authorize the cooperative purchase and delivery of one CNG Dump Truck in the amount of \$179,834 for the Utilities Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

**6. PURCHASE OF SELF-CONTAINED BREATHING APPARATUS EQUIPMENT/BAUER COMPRESSOR, INC.**

That the City Council authorize the purchase of self-contained breathing apparatus (SCBA) equipment from Bauer Compressor, Inc. of Livermore, California, in the amount of \$188,865.

**7. A RESOLUTION APPROVING THE FILING OF A LOAN APPLICATION FOR PARTICIPATION IN THE ENERGY CONSERVATION ASSISTANCE ACT PROGRAM**

That the City Council take the following actions:

- (A) Adopt a resolution approving the filing of a loan application for funds through the California Energy Commission for the Energy Conservation Assistance Act Program for future implementation of potential energy efficiency projects; and
- (B) Authorize the City Manager to execute all documents necessary or required to implement and carry out the purpose of the resolution, and to undertake all actions necessary to complete the energy efficiency projects.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR AN ENERGY CONSERVATION ASSISTANCE ACT PROGRAM LOAN FROM THE CALIFORNIA ENERGY COMMISSION.

**8. A PLANNED UNIT DEVELOPMENT (FILE NO. PUD18-001) TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE FUTURE DEVELOPMENT OF A HIGH DENSITY RESIDENTIAL APARTMENT PROJECT ON 0.102-ACRE OF LAND LOCATED AT 418 EAST TRANSIT STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT (APN: 1049-067-04)**

That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD18-001, establishing development standards and guidelines to facilitate the development of a high density residential apartment project at 418 East Transit Street.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD18-001, A PLANNED UNIT DEVELOPMENT TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF A HIGH DENSITY RESIDENTIAL APARTMENT PROJECT ON 0.102 ACRE OF LAND LOCATED AT 418 EAST TRANSIT STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1049-067-04.

**9. AUTHORIZE THE PURCHASE AND INSTALLATION OF FURNITURE FOR THE FINANCE WORK ROOM PROJECT/KIRKSEY & CO., INC.**

That the City Council take the following actions:

- (A) Authorize a cooperative purchase agreement D&C19-002 - Finance Work Room in the amount of \$225,651 for the relocation, acquisition and installation services of furniture and workstations from Kirksey & Co., Inc. of Irvine, California, consistent with the terms and conditions of the National IPA 2017 Contract R142208;
- (B) Authorize the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, reduction of retention accounts, and filing of a notice of completion at the conclusion of all construction related activities; and
- (C) Authorize the City Manager to execute the agreement (on file in the Records Management Department) and the addition of future acquisitions or services for the project consistent with the City Council approved budgets.

**10. UTILITY RELOCATION AGREEMENTS WITH THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FOR THE I-10 CORRIDOR PROJECT**

That the City Council approve utility relocation agreements (on file in the Records Management Department) with the San Bernardino County Transportation Authority (SBCTA) for the I-10 Corridor Project at the San Antonio Avenue, Campus Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Street and Vineyard Avenue crossings; and authorize the City Manager to execute the agreements, subject to non-substantive changes, and all related amendments necessary for utility relocations.

**11. DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT MANAGEMENT AND DISBURSEMENT AGREEMENT**

That the City Council authorize the City Manager to execute a Management and Disbursement Agreement (on file in Records Management) with the Downtown Ontario Improvement Association for the administration of the Downtown Ontario Community Benefit District.

**PUBLIC HEARINGS**

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

**12. A PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 31 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE RELATING TO SIDEWALK VENDING**

That the City Council conduct a public hearing to consider an amendment to Chapter 31 of Title 5 of the Ontario Municipal Code; and introduce and waive further reading of an ordinance providing for an application process for sidewalk vendors to obtain required permits in order to conduct business.

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

Written communication.  
Oral presentation.  
Public hearing closed.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 31 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE RELATING TO SIDEWALK VENDING.

**13. INTRODUCTION OF ORDINANCES TO ADOPT THE 2018 INTERNATIONAL FIRE CODE AND 2019 CALIFORNIA STATE FIRE AND BUILDING CODES**

That the City Council:

- (A) Introduce and waive further reading of an ordinance amending Chapter 4, Title 4 of the Ontario Municipal Code entitled "Fire Code" adopting by reference, with certain amendments, additions, deletions, and exceptions, the 2018 International Fire Code and the 2019 California Fire Code (California Code of Regulations, Title 24, Part 9); and
- (B) Introduce and waive further reading of an ordinance amending Chapters 1, 2, 3, 4, 5, 6, 7, 11, and 12 of Title 8 of the Ontario Municipal Code to adopt the California Building Standards Code.

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

Written communication.

Oral presentation.

Public hearing closed.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE; ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2019 CALIFORNIA FIRE CODE AND THE 2018 INTERNATIONAL FIRE CODE, PROVIDING FOR THE RECOVERY OF COSTS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 3062 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 11, AND 12 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 1997 EDITION OF THE UNIFORM HOUSING CODE, AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; TOGETHER WITH CERTAIN AMENDMENTS THERETO.

**ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**

**14. DISCUSSION ON RAIL ACCESS TO ONTARIO INTERNATIONAL AIRPORT**

That the City Council evaluate City Council Resolutions No. 2009-017 and No. 2017-024, concerning rail access to Ontario International Airport, and discuss further actions that the City might take to support rail access to Ontario International Airport.



**STAFF MATTERS**

City Manager Ochoa

**COUNCIL MATTERS**

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

**ADJOURNMENT**



# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
CONSENT CALENDAR


**SUBJECT:** A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT (FILE NO. PDIF19-003) BETWEEN THE CITY OF ONTARIO AND DH AIRPORT DRIVE, LLC, FOR THE CONSTRUCTION OF INFRASTRUCTURE ASSOCIATED WITH THE DEVELOPMENT PLAN (FILE NO. PDEV18-023), LOCATED AT 1261 EAST AIRPORT DRIVE, WITHIN THE IG, GENERAL INDUSTRIAL ZONING DISTRICT (APNS: 0113-211-05, 0113-211-06, AND 0113-211-07)

**RECOMMENDATION:** That the City Council approve the Development Impact Fee Credit and Reimbursement Agreement (File No. PDIF19-003) between the City of Ontario and DH Airport Drive, LLC for the construction of infrastructure associated with Development Plan (File No. PDEV18-023), located at 1261 East Airport Drive, and authorize the City Manager to execute the agreement.

**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)

**FISCAL IMPACT:** The Development Plan (File No. PDEV18-023) and related conditions require DH Airport Drive, LLC ("Developer") to construct Local Adjacent Sewer Development Impact Fee (DIF) Program infrastructure with an estimated total cost of \$2,968,578. The proposed DIF Credit and Reimbursement Agreement (File No. PDIF19-003) defines the amount of DIF Credit and DIF Reimbursement that the Developer may be eligible to receive. The DIF Credit that the Developer will receive upon completion of the sewer improvements may be exchanged for a refund of DIF that was paid by the Developer (up to the Developer's maximum DIF obligation) in the Local Adjacent Sewer DIF Category. Additionally, the Developer will be constructing a significant portion of sewer improvements along Grove Avenue which will support the future completion of the North Vineyard Sanitary Sewer System. The Fiscal Year 2019-20 Adopted Budget includes appropriations of \$841,312 in the Sewer Capital fund and, if approved, \$1,007,495 from the OMC Local Adjacent Sewer fund will be included in the First Quarter Budget Update Report to the City Council to reimburse the developer for sewer improvements along Grove Avenue that are outside the Development Plan area.

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

Prepared by: Derrick Womble  
Department: Development  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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This reimbursement will be determined by the Ontario Municipal Utilities Company (OMUC) and the City's Engineering Department, upon review and approval of the actual eligible costs for the sewer improvements. Furthermore, the Developer may also become eligible to receive additional reimbursements for the sewer improvements along Airport Drive from the Local Adjacent Sewer DIF fund, estimated at \$1,119,771, as other developers that directly benefit from the sewer improvements along Airport Drive pay their respective DIF. The Developer's total reimbursement shall not exceed the City's DIF Program cost for the sewer improvements and has no immediate impact or obligation on the City's General Fund.

**BACKGROUND:** On April 23, 2019, the Planning Commission adopted Resolution No. PC19-018, with a 4-0 vote, approving the Development Plan (File No. PDEV18-023) and related conditions, addressing the development of a 62,000 square foot industrial building located at 1261 East Airport Drive, within the IG, General Industrial, Zoning District (the "Project"). The Project conditions include requirements for the construction of sewer infrastructure to serve the Project and the surrounding area. The proposed infrastructure is located within the General City and is necessary for the Project to be developed.

Per the City's adopted DIF Credit and DIF Reimbursement policies, construction of DIF Program Facilities requires that the Developer and the City enter into a DIF Credit and Reimbursement Agreement, File No. PDIF19-003 ("Agreement"). The terms of the proposed Agreement specify the defined portion of the Project to be constructed by the Developer in the Local Adjacent Sewer Category and includes an estimate of the maximum DIF Credit and/or DIF Reimbursement that may be applied to the Local Adjacent Sewer DIF Category. Since the maximum eligible costs in the Agreement for the required infrastructure exceeds the Developer's DIF obligation, the Developer is also eligible to receive future reimbursements from DIF collected when future development projects in the area pay their DIF in the Local Adjacent Sewer Category.

The proposed Agreement complies with the City's DIF Policies and is in conformance with the approved Development Plan (File No. PDEV18-023) and related conditions. Under the provisions of the City's DIF Program, the City Manager is authorized to execute such agreements upon approval by the City Council.

# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN AGREEMENT FOR THE PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS WITH THE RONALD AND KRISTINE PIETERSMA FAMILY TRUST AND LOYOLA PROPERTIES I, L.P. FOR THE PURCHASE OF LAND FOR THE ONTARIO RANCH GREAT PARK**

**RECOMMENDATION:** That the City Council authorize the City Manager to enter into an Agreement for the Purchase and Sale and Joint Escrow Instructions with The Ronald and Kristine Pietersma Family Trust, and Loyola Properties I, L.P. ("Seller"), for the purchase of an approximately 44.55 acre parcel of land in Ontario Ranch for the future Great Park.


**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Invest in the City's Infrastructure (Water, Streets, Sewer, Parks, Storm Drains, and Public Facilities)

**FISCAL IMPACT:** The negotiated purchase price for the subject site of approximately 44.55 acres is \$33,100,000. If approved, \$8,100,000 for the initial payment will be included in the Fiscal Year 2019-20 First Quarter Budget Update Report to the City Council. The City will pay to Seller a total of five equal annual payments of \$5,000,000 to complete the acquisition, with appropriations to be included in future fiscal years' budgets. The total purchase price of \$33,100,000 will be funded from Ontario Ranch Park Development Impact Fees (DIF).

**BACKGROUND:** The subject site to be purchased from the Seller is approximately 44.55 acres and has a negotiated purchase price of \$33,100,000. The Purchase and Sale Agreement includes the following provisions:

- Initial Payment Amount of \$8,100,000 to be paid at close of the escrow period,
- Escrow (Due Diligence period) to be 45 days, and
- City to pay Seller a total of five (5) equal annual payments of \$5,000,000 each to complete the acquisition.

**STAFF MEMBER PRESENTING:** John Andrews, Executive Director Economic Development

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

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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The subject acquisition will continue the City Council's ongoing and strategic investment in future public facilities in the Ontario Ranch area of the City. The future Great Park will be a central gathering place for residents and families of Ontario for many years to come.

# CITY OF ONTARIO

Agenda Report  
November 5, 2019


SECTION:  
CONSENT CALENDAR

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

**RECOMMENDATION:** That the City Council take the following actions:

- (A) Authorize the sole-source purchase and delivery of one KME Fire Aerial Tractor in the amount of \$1,594,548 from KME of Jurupa Valley, California,
- (B) Authorize the purchase and delivery of two CNG Roll Off Refuse Trucks in the amount of \$527,590 from Los Angeles Freightliner of Whittier, California, for the Integrated Waste Department, under the terms and conditions of Bid No. 970,
- (C) Authorize the purchase and delivery of three CNG Automated Side Loading Refuse Trucks in the amount of \$955,761 from Los Angeles Freightliner of Whittier, California, for the Integrated Waste Department, under the terms and conditions of Bid No. 971,
- (D) Authorize the purchase and delivery of two CNG Front Loading Refuse Trucks in the amount of \$655,548 from Los Angeles Freightliner of Whittier, California, for the Integrated Waste Department, under the terms and conditions of Bid No. 972,
- (E) Authorize the cooperative purchase and delivery of two CNG Automated Side Loading Refuse Trucks in the amount of \$614,818, one CNG Front Loading Refuse Truck in the amount of \$315,991, and one CNG Roll Off Refuse Truck in the amount of \$253,065 from Rush Truck Center of Pico Rivera, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 081-716-PMC,
- (F) Authorize the cooperative purchase and delivery of eight Chevrolet Colorado pick-up trucks in the amount of \$212,440 (four for the Utilities Department, two for the Integrated Waste Department, one for the Police Department, and one for the Parks and Maintenance Department), three Ford F150 XL pick-up trucks in the amount of \$106,065 (two for the Police Department and one for the Fire Department), one Ford Explorer XLT in the amount of \$39,431 for the Fire Department,

**STAFF MEMBER PRESENTING:** Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson  
Department: Municipal Services  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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one Ford Transit Connect Van in the amount of \$29,098 for the Utilities Department, and one F350 Utility Body Truck in the amount of \$57,110 for the Facilities 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,

- (G) Authorize the cooperative purchase and delivery of one Volvo Asphalt Paver, and one Trailer in the amount of \$406,662 for the Parks and Maintenance Department from Volvo Construction Equipment and Services of Corona, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 032119-VCE.
- (H) Authorize the cooperative purchase and delivery of one Bobcat in the amount of \$75,994 for the Parks and Maintenance Department from Clark Equipment Co. of West Fargo, North Dakota, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 040319-CEC, and
- (I) Authorize the cooperative purchase and delivery of one CNG Dump Truck in the amount of \$179,834 for the Utilities Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

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

**FISCAL IMPACT:** The Fiscal Year 2018-19 Operating Budget included appropriations from the Water Operating Fund in the amount of \$26,555 for the purchase of a replacement vehicle for the Utilities Department. These appropriations will be carried forward and included in the Fiscal Year 2019-20 First Quarter Budget Update Report to the City Council. Additionally, the Fiscal Year 2019-20 Adopted Operating Budget includes appropriations in the amount of \$876,465 from the Integrated Waste Fund for three additional refuse vehicles and \$5,120,935 from the Equipment Services Fund for the purchase of twenty-six replacement vehicles listed above. The total cost of the vehicles recommended for purchase is \$6,023,955.

**BACKGROUND:** The vehicles recommended for replacement in this action have outlived their useful lives, and it is no longer cost effective to maintain them. They are 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 operations. This procurement action will result in the replaced vehicles being available to surplus, with any auction sale proceeds returning to the Equipment Services Fund. A total of three vehicles will be added in the Integrated Waste Department to expand the City's current fleet.

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.

- (A) On September 17, 2019 the City Council approved Kovatch Mobile Equipment (KME) as the sole source provider of fire apparatus, therefore, staff recommends the sole source purchase of one Fire Aerial Tractor from KME of Jurupa Valley, California, in the amount of \$1,594,548.



- (B) Staff recommends the purchase and delivery of two CNG Roll Off Refuse Trucks in the amount of \$527,590 for the Integrated Waste Department, from Los Angeles Freightliner of Whittier, California, under the terms and conditions of Bid No. 970, which includes a base price increase that does not exceed the change in the annual Consumer Price Index (CPI).
- (C) Staff recommends the purchase and delivery of three CNG Automated Side Loading Refuse Trucks in the amount of \$955,761 for the Integrated Waste Department, from Los Angeles Freightliner of Whittier, California, under the terms and conditions of Bid No. 971, which includes a base price increase that does not exceed the change in the annual Consumer Price Index (CPI).
- (D) Staff recommends the purchase and delivery of two CNG Front Loading Refuse Trucks in the amount of \$655,548 for the Integrated Waste Department, from Los Angeles Freightliner of Whittier, California, under the terms and conditions of Bid No. 972, which includes a base price increase that does not exceed the change in the annual Consumer Price Index (CPI).
- (E) Staff recommends the cooperative purchase and delivery of two CNG Automated Side Loading Refuse Trucks in the amount of \$614,818, one CNG Front Loading Refuse Truck in the amount of \$315,991, and one CNG Roll Off Refuse Truck in the amount of \$253,065 from Rush Truck Center of Pico Rivera, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 081-716-PMC.
- (F) Staff recommends the cooperative purchase and delivery of eight Chevrolet Colorado pick-up trucks in the amount of \$212,440 (four for the Utilities Department two for the Integrated Waste Department, one for Police Department, and one for the Parks and Maintenance Department), three Ford F150 XL pick-up trucks in the amount of \$106,065 (two for the Police Department and one for the Fire Department), one Ford Explorer XLT in the amount of \$39,431 for the Fire Department, one Ford Transit Connect Van in the amount of \$29,098 for the Utilities Department and one F350 Utility Body Truck in the amount of \$57,110 for the Facilities 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,
- (G) Staff recommends the cooperative purchase and delivery of one Volvo Asphalt Paver, and one Trailer in the amount of \$406,662 for the Parks and Maintenance Department from Volvo Construction Equipment and Services of Corona, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 032119-VCE.
- (H) Staff recommends the cooperative purchase and delivery of one Bobcat in the amount of \$75,994 for the Parks and Maintenance Department from Clark Equipment Co. of West Fargo, North Dakota, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 040319-CEC, and
- (I) Staff recommends the cooperative purchase and delivery of one CNG Dump Truck in the amount of \$179,834 for the Utilities Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: PURCHASE OF SELF-CONTAINED BREATHING APPARATUS EQUIPMENT**

**RECOMMENDATION:** That the City Council authorize the purchase of self-contained breathing apparatus (SCBA) equipment from Bauer Compressor, Inc. of Livermore, California, in the amount of \$188,865.

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


**FISCAL IMPACT:** The Fiscal Year 2018-19 Adopted Operating Budget included appropriations in the Equipment Services Fund in the amount of \$188,865 for the purchase of SCBA equipment for three (3) new Fire Pumpers, one (1) new Fire Truck, and one (1) new Water Tender. If approved, these funds will be carried forward in the Fiscal Year 2019-20 First Quarter Budget Update Report for City Council approval.

**BACKGROUND:** On May 15, 2018 and August 21, 2018, the City Council approved the purchase of three (3) new Fire Pumpers, one (1) new Fire Truck, and one (1) new Water Tender. In preparation and in advance of taking delivery, Fire Department staff is diligently working to purchase and receive the necessary ancillary equipment needed for placing these units into service soon after delivery.

In a January 2015 bid process, the Ontario Fire Department selected MSA as meeting their standard for SCBA equipment and in accordance with the City's standardization program only specified makes and models of technical equipment and parts will satisfy the City's needs for additional units or replacement items.

Bauer Compressor, Inc. has contracted with the State of California; Department of General Services Procurement Division to provide MSA brand only SCBA parts and services to the State of California and local governmental agencies in accordance with the requirements of Contract 1-16-42-04A. Bauer has offered this discounted pricing to the City of Ontario Fire Department.

**STAFF MEMBER PRESENTING:** Ray Gayk, Fire Chief

Prepared by: Mike Pelletier  
Department: Fire  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION APPROVING THE FILING OF A LOAN APPLICATION FOR PARTICIPATION IN THE ENERGY CONSERVATION ASSISTANCE ACT PROGRAM**

**RECOMMENDATION:** That the City Council take the following actions:

- (A) Adopt a resolution approving the filing of a loan application for funds through the California Energy Commission for the Energy Conservation Assistance Act Program for future implementation of potential energy efficiency projects; and
- (B) Authorize the City Manager to execute all documents necessary or required to implement and carry out the purpose of the resolution, and to undertake all actions necessary to complete the energy efficiency projects.


**COUNCIL GOALS:** Pursue City's Goals and Objectives by Working with Other Governmental Agencies

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The California Energy Commission (CEC) authorized the Energy Conservation Assistance Act Program which provides for loans in amounts up to, but not more than, \$3,000,000 at 1% financing for future implementation of potential energy efficiency projects. The project recommended in the subject loan application calls for minor alterations of existing facilities through the installation of LED lighting upgrades and retrofits with the requested loan amount not to exceed \$3,000,000. The recommended resolution of the City Council is a mandatory requirement of the CEC loan application process but does not obligate the City to accept any funds or implement any projects at this time.

**BACKGROUND:** In January 2019, the City issued a Request for Proposals from qualified energy service company providers for a comprehensive energy efficiency improvement project. City staff and consultants from Sage Renewable evaluated the proposals and selected Climatec, LLC as its energy

**STAFF MEMBER PRESENTING:** Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson  
Department: Municipal Services  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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partner in May 2019. Since that time, Climatec completed a Preliminary Assessment of City facilities and produced a list of potential energy efficiency projects including LED streetlight conversions and installation of “smart” streetlight nodes, HVAC upgrades in several buildings, LED interior/exterior building lighting, building automation systems, solar photovoltaic systems, and solar thermal systems. Staff intends to bring detailed information on the proposed projects to the City Council separately when Climatec completes the Investment Grade Audit which will include detailed scope of work recommendations, equipment cutsheets, finalized (“turnkey”) cost, lifecycle savings, and a co-authored funding plan.

The intent of the Energy Conservation Assistance Act Program is to finance the development or upgrade of energy efficiency and energy generation projects. The LED Interior/Exterior Building Lighting Replacement and Upgrade project is consistent with the loan program criteria including, but not limited to, lighting systems, heating, ventilation and air conditioning equipment, streetlights and LED traffic signals, energy management systems and equipment controls, pumps and motors, building envelope and insulation and energy generation, including renewable energy and combined heat and power projects. The upgrades and replacements of facility lighting to LED will enhance the safety and energy efficiency of our City facilities and reduce operating costs.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR AN ENERGY CONSERVATION ASSISTANCE ACT PROGRAM LOAN FROM THE CALIFORNIA ENERGY COMMISSION.

WHEREAS, California Energy Commission provides loans to schools, hospitals, local governments, special districts, and public care institutions to finance energy efficiency improvements; and

WHEREAS, the procedures established by the California Energy Commission require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants are authorized to enter into a loan agreement with the State of California to complete minor alterations of existing facilities for the installation of LED lighting upgrades and retrofits.

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Ontario hereby approves the filing of an application for an energy efficiency loan from the California Energy Commission to implement energy efficiency measures, and

SECTION 1. Certifies that the project related to minor alteration of existing facilities for the installation of LED lighting upgrades and retrofits is exempt under Section 15301 of the CEQA Guidelines (a Class 1 exemption). Additionally, the installation of lighting equipment is categorically exempt from the provisions of CEQA under the Class 3 categorical exemption for the "installation of small new equipment and facilities in small structures" under Section 15303 of the CEQA Guidelines. Furthermore, no exceptions to the Class 3 Exemption apply since the project is not located in sensitive sites, does not cause cumulative or scenic resource impacts, is not located in hazardous waste sites, and will not cause substantially adverse changes to historic resources.

SECTION 2. Certifies that if recommended for funding by the California Energy Commission, the City Council authorizes the City Manager to accept a loan of up to \$3,000,000 to implement energy efficiency measures.

SECTION 3. Certifies that the amount of the loan will be paid in full, plus interest, under the terms and conditions of the Loan Agreement, Promissory Note and Tax Certificate of the California Energy Commission.

SECTION 4. Delegates the authority to the City Manager to conduct all negotiations and to execute all necessary documents required to implement and carry out the purpose of this resolution, and to undertake all actions necessary to complete the energy efficiency projects.

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 5<sup>th</sup> day of November 2019.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER, 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. 2019-\_\_\_\_\_ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 5, 2019 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. 2019-\_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held November 5, 2019.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT:** A PLANNED UNIT DEVELOPMENT (FILE NO. PUD18-001) TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE FUTURE DEVELOPMENT OF A HIGH DENSITY RESIDENTIAL APARTMENT PROJECT ON 0.102-ACRE OF LAND LOCATED AT 418 EAST TRANSIT STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT (APN: 1049-067-04)

**RECOMMENDATION:** That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD18-001, establishing development standards and guidelines to facilitate the development of a high density residential apartment project at 418 East Transit Street.


**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:** None.

**BACKGROUND:** On October 15, 2019, the City Council introduced and waived further reading of an ordinance approving the Planned Unit Development. The project site is comprised of 0.102 acres of undeveloped land located at 418 East Transit Street, within the MU-1 (Downtown Mixed Use) zoning district. Properties surrounding the project site are characterized by a mix of land uses, including commercial to the north; single-family residential to the east; undeveloped land to the south; and, a mix of residential, commercial and industrial land uses to the west.

While redevelopment agencies were eliminated by the State, the Center City Redevelopment Project Area Plan is still in effect and envisions revitalization of the City's Downtown Mixed Use District, in part, by infusing medium and high density residential and mixed-use developments into the area. The Policy Plan component of The Ontario Plan ("TOP") furthers this vision by providing for the creation of low-rise developments (up to 5 stories in height) consisting of a mixture of retail, office and residential uses, for the purpose of creating identity and place in the Downtown Mixed Use District.

**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. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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The Policy Plan specifies that a development project in the Downtown Mixed Use District is to be implemented through the approval of an Area Plan or Planned Unit Development (“PUD”) prior to any development occurring. In compliance with this requirement, the Applicant has submitted the “418 E. Transit St. PUD” document, which is consistent with the Center City Project Area vision and the goals and policies of TOP’s Policy Plan.

The PUD establishes standards and guidelines to facilitate the development of apartment units (three units in total) in a side-by-side townhouse configuration. A Development Plan (File No. PDEV18-035) was submitted for concurrent processing with the PUD, having an overall residential density of 30.3 DUs/acre, which is consistent with the density range of 25 to 75 DUs/acre required to be achieved on the project site by TOP’s Policy Plan.

The PUD proposes building setbacks that are limited to 10 feet from the Transit Street right-of-way, and 5 feet from interior property lines (side and rear). These requirements are consistent with the requirements of the City’s HDR-45 (High Density Residential – 25.1 to 45.0 DUs/acre) zoning district. Additionally, building heights are limited to 35 feet, so as to be consistent with the height of neighboring single-family residences to the east.

The PUD proposes parking ratios that are slightly below the standards specified in the Development Code (reductions for one-bedroom units and visitor parking are proposed) due to the project site’s close proximity to Holt Boulevard, which is a major transportation corridor with access to multiple bus lines and the future West Valley Connector Bus Rapid Transit (BRT) line. A comparison of the proposed reduced off-street parking standards and current Development Code standards are shown in the table below.

<i>Development Code Requirement</i>		<i>Proposed 418 E. Transit St. PUD</i>	
<u>One-Bedroom:</u>	1.75 spaces per dwelling, including one space in a garage or carport.	<u>One-Bedroom:</u>	1.0 spaces per dwelling, including one space in a garage or carport.
<u>2-Bedrooms:</u>	2.0 spaces per dwelling, including one space in a garage or carport.	<u>2-Bedrooms:</u>	2.0 spaces per dwelling, including one space in a garage or carport.
<u>3 or more Bedrooms:</u>	2.5 spaces per dwelling, including one space in a garage or carport.	<u>3 or more Bedrooms:</u>	2.5 spaces per dwelling, including one space in a garage or carport.
<u>Visitor Parking:</u>		<u>Visitor Parking:</u>	One space per 4 dwellings, which may be provided on-street.
Portion < 50 dwellings:	One space per 4 dwellings		
50 to 100 dwellings:	One space per 5 dwellings		
Portion > 100 dwellings:	One space per 6 dwellings		
A minimum of 3 guest spaces shall be provided regardless of the number of dwellings proposed.			

On September 24, 2019, the Planning Commission conducted a public hearing to consider the above-described PUD and concluded the hearing on that date. After considering all public testimony on the application, the Planning Commission voted unanimously (6-0-1) to approve a resolution recommending that the City Council approve the 418 E. Transit St. PUD.

**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 proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, and meets all of the following conditions: [1] 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; [2] The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] The project site has no value as habitat for endangered, rare, or threatened species; [4] Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD18-001, A PLANNED UNIT DEVELOPMENT TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF A HIGH DENSITY RESIDENTIAL APARTMENT PROJECT ON 0.102 ACRE OF LAND LOCATED AT 418 EAST TRANSIT STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1049-067-04.

WHEREAS, RICHARD SOUTHERLAND ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD18-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.102 acre of land generally located on the south side of Transit Street, approximately 110 feet west of Sultana Avenue, at 418 East Transit Street within the MU-1 (Mixed Use Downtown) zoning district, and is presently undeveloped; and

WHEREAS, the property to the north of the Project site is located within the MU-1 (Mixed Use Downtown) zoning district and is developed with commercial land uses. The property to the east is located within the MU-1 (Mixed Use Downtown) zoning district and is developed with single-family residential land uses. The property to the south is located within the MU-1 (Mixed Use Downtown) zoning district and is undeveloped. The property to the west is located within the MU-1 (Mixed Use Downtown) zoning district and is developed with a mix of residential, commercial and industrial land uses; and

WHEREAS, the project site is located within the Center City Redevelopment Project Area, established in 1983. While redevelopment agencies were eliminated by the State, the Center City Redevelopment Project Area Plan is still in effect and encourages the development of a high intensity, multi-use central business district. In addition, The Ontario Plan ("TOP") Policy Plan (General Plan) contains goals and policies for the City's Downtown and East Holt Mixed Use Areas, which further support the goals of the Center City Redevelopment Project Area Plan; and

WHEREAS, the Center City Redevelopment Project Area Plan envisions revitalization of the City's Downtown Mixed Use Area, in part, by infusing medium and high density residential developments, and mixed-use developments, into the area. The Policy Plan was established to further this vision and provides for the creation of low-rise developments (up to 5 stories in height) consisting of a mixture of retail, office and residential uses, for the purpose of creating identity and place in the Downtown Mixed Use Area. Furthermore, within the Downtown Mixed Use Area, the Policy Plan specifies a residential density range of 25 to 75 dwelling units per acre; and

WHEREAS, the Policy Plan specifies that the Downtown Mixed Use Area is to be implemented through the approval of an Area Plan or Planned Unit Development ("PUD") prior to the development of properties within the Area. In compliance with this requirement, the Applicant has submitted the 418 E. Transit St. PUD (included as Attachment 1 to the attached Resolution), which is consistent with this vision, and the goals and policies of the Policy Plan; and

WHEREAS, the purpose of the PUD is to secure a fuller realization of the Policy Plan than would result from the strict application of present zoning district regulations and to: [a] promote high standards in urban design; [b] encourage the development of exceptionally high quality, mixed-use, medium to high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs; and [c] ensure harmonious relationships with surrounding land uses; and

WHEREAS, a PUD is comparable to a Specific Plan in that it sets development regulations that are unique to a specific area; however, it is also unlike a Specific Plan in that a PUD is typically intended to apply to a single development project or several interrelated development projects that function together as a single, comprehensive project; and

WHEREAS, in conjunction with the proposed 418 E. Transit St. PUD, the Applicant is requesting Development Plan approval to construct a three-unit apartment building on the project site, at a density of 30.3 dwellings per acre; 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 is located within the Airport Influence Area of Ontario International Airport ("ONT"), 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 September 24, 2019, 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 to issue Resolution No. PC19-078 recommending the City Council approve the Application; and

WHEREAS, on October 15, 2019, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

**SECTION 1. *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 the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, and meets all of the following conditions: [1] 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; [2] The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] The project site has no value as habitat for endangered, rare, or threatened species; [4] Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services; and

(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 recommending authority 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 ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 recommending authority 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 Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed PUD, or amendment thereto, 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 project is located within the Downtown Mixed Use land use district of the Policy Plan Land Use Map, and the MU-1 (Downtown Mixed Use) zoning district. The development standards and conditions under which the proposed project will be constructed 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.

(2) ***The proposed PUD, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The City has required certain safeguards, and has required certain changes, which have been established to ensure that: [i] the purposes of the Planned Unit Development 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; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan.

(3) ***In the case of an application affecting specific property(ies), the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** A thorough review and analysis

of the proposed project and its potential to adversely impact properties surrounding the subject site was completed by City staff. As a result of this review, certain design considerations were incorporated into the project to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of certain architectural design elements on building exteriors, intensified landscape elements, and decorative hardscape elements.

(4) ***In the case of an application affecting specific property(ies), 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.*** In preparing the proposed PUD, a thorough review and analysis of the proposed project and the project site's physical suitability for the proposed project was completed, including analysis of the project size, shape, intensity of development, building height, building setbacks, site access, site landscaping and drainage, fences and walls, vehicle circulation, pedestrian connections, availability of mass transit, necessary street dedication and easements, public right-of-way improvements, availability of utilities and other infrastructure needs, off-street parking and circulation, building orientation and streetscapes, architectural character, building materials and color, and site signage.

(5) ***The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan.*** The proposed PUD addresses aspects of the project that are specifically related to the Development Plan proposed in conjunction with the PUD application, including necessary building setbacks, site access points, off-street parking and site circulation, and architectural character.

**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 PUD, 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.** ***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 9. *Effective Date.*** This Ordinance shall become effective 30 days following its adoption.

**SECTION 10. *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 5<sup>th</sup> day of November 2019.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER, 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. 3145 was duly introduced at a regular meeting of the City Council of the City of Ontario held October 15, 2019 and adopted at the regular meeting held November 5, 2019, 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. 3145 duly passed and adopted by the Ontario City Council at their regular meeting held November 5, 2019 and that Summaries of the Ordinance were published on October 22, 2019 and November 12, 2019, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

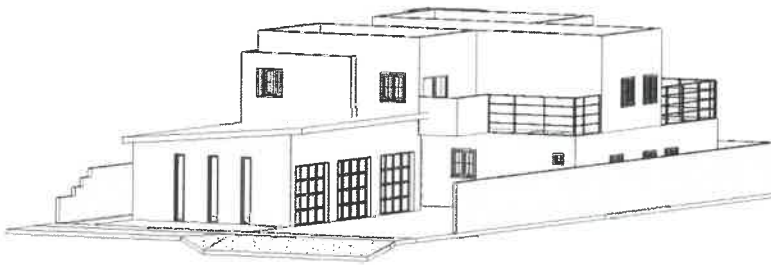
**ATTACHMENT A:**

**File No. PUD18-001;  
418 E. Transit St. Planned Unit Development**

*(Document follows this page)*

# 418 E. Transit St.

## Planned Unit Development



File No. PUD18-001  
Ordinance No. \*\*\*\*  
Approved: \*\*/\*\*/\*\*\*\*

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# 1. Introduction

This document is intended to function as a set of planning and design principles, development regulations, and performance standards to guide and govern the development of a 4,350-square foot parcel of land fronting Transit Street and within the block bounded by Sultana Avenue to the East, Plum Avenue to the West, and Emporia Street to the South (see Exhibit 1-1: Project Location Map and Exhibit 1-2: Aerial Map of Project Site, below). The project site is located within the Downtown Mixed Use District as established by Exhibit LU-01, Land Use Plan, of the Policy Plan component of The Ontario Plan, which requires establishment of a Planned Unit Development (hereinafter referred to as "PUD") prior to the approval of a precise plans for development (hereinafter referred to as "Development Plans"). The requirements for establishing a PUD is outlined in Ontario Development Code Section 4.01.030 (Planned Unit Development (PUD) and Amendments). Approval of this PUD will establish the land use and development standards, and design guidelines, for this particular parcel. The 418 East Transit Street PUD will replace the existing zone district designations and zoning standards that apply to the affected property. Unless defined herein, definitions and interpretations contained in the Development Code shall apply. Where the provisions of this PUD are silent, the provisions of the City of Ontario Development Code shall be used.

City staff and private developers will rely on this PUD to determine whether Development Plans will adequately meet the City's land use and design objectives.

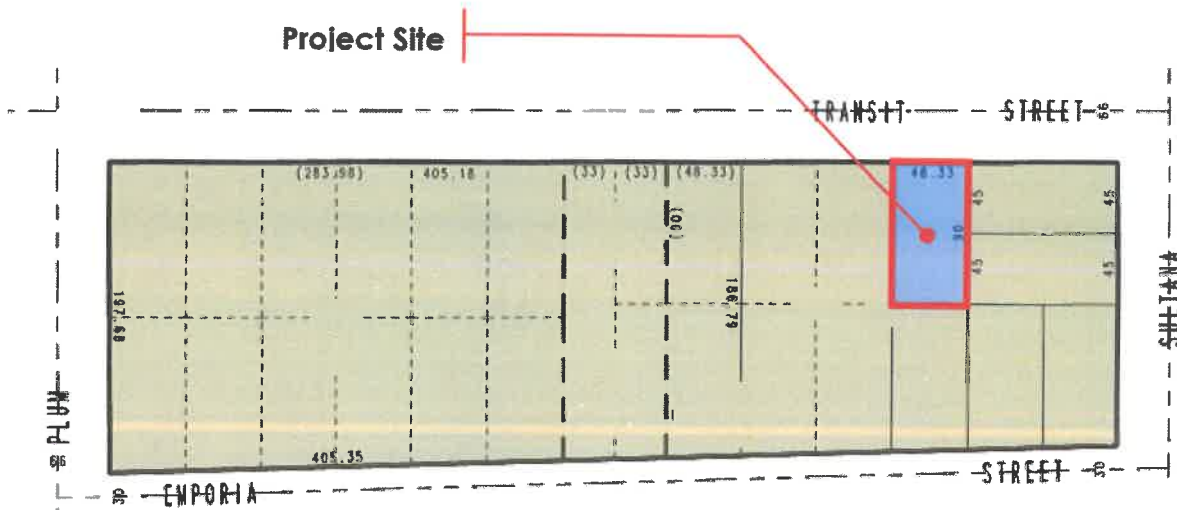
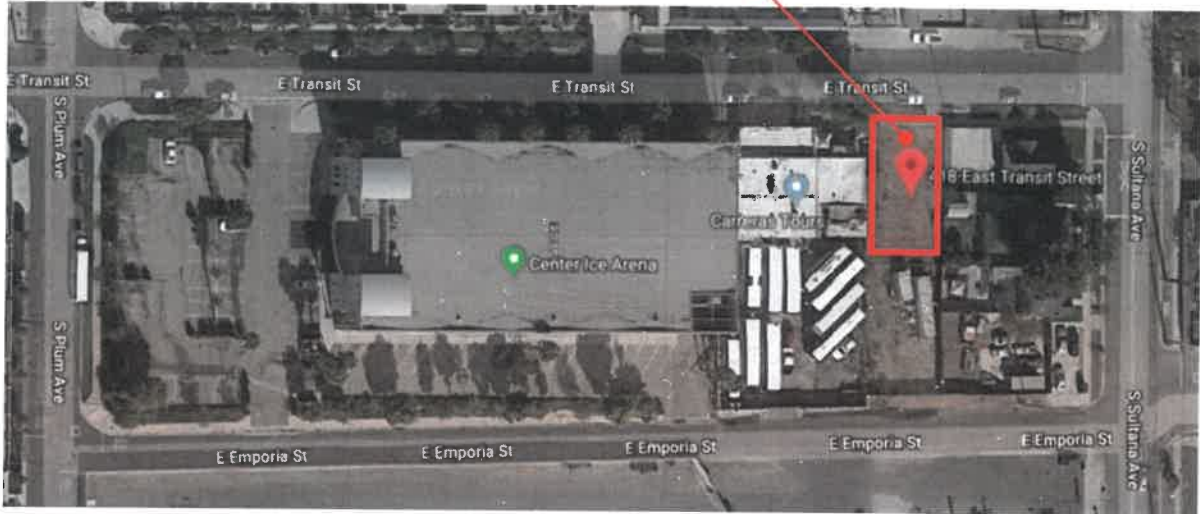


Exhibit 1-1: Project Location Map

**Project Site**



**Exhibit 1-2: Aerial Map of Project Site**

## 2. Objectives

### 2.1 The Ontario Plan Objectives

The Ontario Plan Policy Plan designates the project area as Downtown Mixed Use (MU-1). The 418 East Transit Street Planned Unit Development is consistent with the principles, goals, and policies contained within the components that make up The Ontario Plan (hereinafter referred to as "TOP"), including: (1) Vision, (2) Policy Plan, and (3) City Council Priorities. Policies that are supplemented by this PUD are as follows:

(1) Vision

**Distinctive Development**

Commercial and Residential Development

- Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.
- A demonstrated ability to attract housing in pursuit of our acknowledged responsibility to balance housing with the job growth that drives our quality of life.
- One of the most comprehensive and diverse housing stocks in the region that offers broad choices for its diverse workforce and their families, ranging from entry level housing to executive level development; from semi-rural to highly urban.
- Distinctive and well-maintained neighborhoods that offer exceptional variety in lifestyles, with convenient access to schools, recreation and cultural facilities, places of worship, places of employment and shopping.
- Diverse and highly successful villages that benefit from preservation, enhancement, and selective intensification (Original Model Colony).

Development Quality

- Superior quality and design of the built environment and open spaces through careful attention to detail at every scale, including public and private spaces and structures.

(2) Policy Plan

**Land Use Element**

- LU 1-4 Mobility** - We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities
- LU 1-6 Complete Community** – We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario.
- LU 2-1 Land Use Decisions** – We minimize adverse impacts on the adjacent properties when considering land use and zoning requests.



**LU 3-1 Development Standards** - We maintain clear development standards which allow flexibility to achieve our Vision.

**LU 3-3 Land Use Flexibility** - We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity.

#### **Housing Element**

**H 2-1 Corridor Housing** - We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally and aesthetically suited to corridors.

**H 2-6 Infill Development** - We support the revitalization of neighborhoods through the construction of higher density residential developments on underutilized residential and commercial sites.

**H 3-2 Flexible Standards** - We allow flexibility in the application of residential and mixed-use development standards to gain benefits such as exceptional design quality, economic advantages, sustainability, or other benefits that would otherwise be unrealized.

**H 3-3 Development Review** - We maintain a residential development review process that provides certainty and transparency for project stakeholders and the public, yet allows for the appropriate review to facilitate quality housing development.

#### **Environmental Resource Element**

**ER 1-6 Urban Runoff Quantity** - We encourage the use of low impact development strategies to intercept runoff, slow the discharge rate, increase infiltration, and ultimately reduce discharge volumes to traditional storm drain systems.

#### **Complete Community**

**CE 1-6 Diversity of Housing** - We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

#### **Community Development**

**CD 1-1 City Identity** - We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

**CD 2-1 Quality Architecture** - We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion.
- True architectural style which is carried out in plan, section, and elevation through all aspects of the building and site design and appropriate for its setting.

- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

**CD 2-2 Neighborhood Design** – We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- Variable setbacks to accommodate a diversity of housing types
- Landscaped parkways, with sidewalks separated from the curb.

**CD 3-6 Landscaping** - We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

**CD 5-1 Maintenance of Buildings and Property** - We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

(3) City Council Priorities

- Invest in the growth and evolution of the City's economy.
- Focus resources in Ontario's commercial and residential neighborhoods.

## 2.2 PUD Purpose and Objective

The purpose of the 418 East Transit Street PUD is to secure a greater realization of the general plan than that which would result from the application of present zone district regulations; to promote high standards in urban design; to encourage the development of an exceptionally high quality, high intensity residential project while establishing regulations and standards for uses with unique regulatory and design needs. The intent of the PUD is to:

- (1) Promote the development of a residential project, a three-unit multiple-family building, which is consistent with the land use/downtown objectives of The Ontario Plan.
- (2) Achieve a high-density residential development while maintaining high quality in design and construction.
- (3) Contribute to the revitalization of downtown and enhancement of the unique character of the downtown street streetscape.
- (4) Promote flexibility and innovative design of more intense urban development to provide efficient use of space and preserve significant natural, scenic and cultural features of a site.
- (5) Develop high quality, rental housing
- (6) Establish appropriate relationships among new residential neighborhoods as well as with adjacent land uses

### **3. Land Use Plan**

Land uses will be allowed on the parcel as described below. The land uses have been established to meet the zoning standard of the Downtown Mixed-Use Zone (MU-1). The MU-1 zoning district was established to accommodate an intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 dwelling units per acre. Development projects within the MU-1 zoning district are intended to maintain a pedestrian friendly atmosphere, while enhancing the historic character of the surrounding area. Consistent with the intent of the MU-1 (Downtown Mixed Use) zoning district, the project site is hereby designated as the MFR (Multiple-Family Residential) land use district.

#### **3.1 Residential Uses**

The property will be developed as a high-density residential development in a mid-rise formation. One building comprised of three attached units in a townhome configuration. Each unit will be 2 stories with a one-car garage at grade level, habitable areas on the first, and second floors, with a roof deck on part of the second level. The garages will be detached from the living areas and placed in the front of the building complex. All units will be designed for an urban style of living in close proximity to existing shopping centers, entertainment, and dining venues.

##### **3.1.1 Permitted Uses**

The permitted land uses within the 418 East Transit Street PUD are as follows:

- (1) Single family residential dwellings;
- (2) Multiple family residential dwellings;
- (3) Live-work units;
- (4) Motor vehicle parking ancillary to multiple family housing developments;
- (5) Temporary uses as permitted within the residential districts of the City of Ontario Development Code Subject to an Administrative Permit; and
- (6) Other land uses compatible with multiple family residential development projects, as determined by the Zoning Administrator.
- (7) Uses may be prohibited through rental contracts and agreements, as provided by the owner and property management, unless prohibited by Federal, State, or Local laws.

## 4. Regulations for Development

### 4.1 Allowed Residential Density Range

The project site shall be developed within the density range of 25 to 75 dwelling units per acre.

### 4.2 Project Density

This project site consists of 0.102 acre of land. The density range stipulated in Section 4.1 (Residential Density), above, allows for the development of a minimum of two dwellings and a maximum of seven dwellings on the project site.

### 4.3 Building Height

No structure shall exceed 35 feet in height, except that the maximum height may be exceeded by roof mounted equipment, architectural projections, chimneys, elevator towers, parapet walls, and any other roof top structures by up to 10% of the allowed building height. No rooftop equipment shall be visible from anywhere on the project site, public streets, or adjacent properties, and shall be fully screened with as needed architectural treatments. Roof mounted equipment shall not exceed the height of the appurtenances used to screen them.

### 4.4 Building Setbacks

**Table 4.1: Building Setbacks**

<i>Location</i>	<i>Distance</i>
(1) Front yard:	10 FT
(2) Rear yard:	5 FT
(3) Side yard:	5 FT
(4) Building setback from drive aisles:	0 FT
(5) Building separation:	5 FT

### 4.5 Access

Along Transit Street one driveway access is allowed, providing primary access to the site. The driveway may be as small in width as 10 feet and as large as 22 feet.

### 4.6 Open Space

It is the intent of this section to ensure sufficient open space areas for the enjoyment of recreational activities by residents and their guests.

#### 4.6.1 Private Open Space

- (1) Private Open Space shall be provided for each residential unit in order to provide private outdoor areas that can be enjoyed exclusively by the occupant of the residential

unit and their guests. Types of areas considered Private Open Space include balconies, decks, patios, and enclosed yard areas.

- (2) Private Open Space shall be provided for all residential units, and shall have direct access from each residential unit. Residential units shall have a minimum private open space area of 130 square feet, and a minimum average Private Open Space area of 190 square feet shall be achieved for the overall project. The Space may be provided in multiple areas (i.e. balconies, covered porches, a yard, and patio, etc.), as-long-as the total area of the space meets the minimum private open space requirement for the unit. The minimum dimension for private open space shall be no less than 6 feet in any direction.

#### **4.6.2 Common Open Space**

Common Open Space is typically provided to allow for both passive and active types of recreation, along with the site landscape amenities; however, given the reduced size of the project site, common open space areas shall be restricted to passive areas within the project's side and rear setback areas.

### **4.7 Landscaping**

#### **4.7.1 Site Landscaping**

A conceptual landscape plan shall be submitted with each Development Plan within the 418 East Transit Street PUD area. The plan shall specify all landscape and hardscape elements for the development plan site. Detailed Landscape and Irrigation plans shall be required prior to the issuance of building permits. The detailed plans shall show location of ground mounted utility boxes and equipment, along with the methods of screening for these items from the public right of way and adjacent residences where possible (see Figure 4-1: Conceptual Landscape Planting Legend).

The Landscape and irrigation plan shall be designed with water conservation in mind, utilizing "California friendly" species and drought tolerant planting materials. The landscaping and irrigation shall comply with AB 1881, and all other laws and regulations related to planting materials.

#### **4.9.2 Compliance with State and Federal Laws**

Provide landscaping and an irrigation system, which promotes the conservation of water as required by the Water Conservation in Landscaping Act of 2006 (AB 1881), commencing with the California Government Code Section 65591.

### **4.8 Screening**

#### **4.8.1 General Requirement**

- (1) All roof and ground mounted mechanical equipment shall be screened pursuant to the requirements of the Ontario Development Code.
- (2) Screening shall include plant and building materials compatible with the project design so it is well integrated and hidden within the project area.

- (3) Building and plant materials used for screening shall be compatible with the architectural style and planting palette used on the project area.
- (4) All ground level screening shall comply with the requirements of the Ontario Development Code Section 6.02.030 (Protection of Intersection Visibility).

#### **4.8.2 Fences, Wall, and Hedges**

- (1) Fences, walls and hedges shall comply with Section 6.02.030 (Protection of Intersection visibility) of the Ontario Development Code, Engineering Department corner sight distance standards, and all other applicable city standards. Fences and wall shall be made of decorative materials that are compatible with, or enhance the overall architectural character of the project. All fences, walls and hedges shall be in scale with the development, and shall be used for screening, site enhancement, and creating a safer living environment for residents and their guests. All decorative walls, monuments, and/or other similar features, shall not encroach in to the public street right of way.
- (2) A 6-foot high decorative masonry block wall, with a decorative cap, shall be constructed along the perimeter of the project, including the interior side and rear project boundaries. The wall height shall be measured on the exterior side of the wall, at the highest point of natural ground or finished grade at the base of the wall, to the top of the wall above the same base point.

## **5. Parking and Circulation**

### **5.2 Site Accessibility**

The site shall be designed to promote safety for residents. This will be achieved by have separate entrances provided at opposite ends for pedestrians and vehicles.

### **5.3 Vehicle Circulation**

The project area shall be designed to provide all guest parking off site to ensure accessibility. Location of drive aisles and entries shall be approved by the City Engineer. Vehicle circulation shall be designed in a way that promotes pedestrian safety and proper access to the parking garage areas.

### **5.4 Pedestrian Circulation**

The development must provide for safe pedestrian circulation across the project site by separating the pedestrian areas from the vehicular access. This includes, but is not limited to, accessibility from garage areas to unit entries, site amenities, and perimeter sidewalks. Fencing and gates may be used to limit public access to resident-only areas.

### **5.5 Access to Mass Transit**

The PUD development should encourage the use of existing bus stops.

### **5.6 Public Right-of-Way Improvements**

The project site public right-of-way improvements shall be limited to the site frontage and shall only include sidewalk and driveway improvements.

### **5.7 Infrastructure**

Water service will be provided by utilizing the existing 6-inch water line under Transit Street. The existing water line has been determined adequate for the proposed development. An upsizing of the line will not be required. Sanitary sewer connections for the project will be made to an existing 8-inch line under Transit Street. An upsizing of the sewer line will not be required. Two power poles are available at the subject property, in the North-East and South-East corners. Overhead power service drops shall be allowed to service the site.

### **5.8 Parking Requirements**

#### **5.8.1 On-Site Parking Requirements**

The number of parking spaces provided is based on the number of bedrooms within each of the dwelling units proposed, and is subject to the following requirements:

- (1) All required resident parking spaces shall be provided on-site
- (2) All required resident parking spaces shall be covered spaces, in a garage or carport
- (3) Each dwelling is intended for occupancy by one family, regardless of bedroom sizes provided in a particular unit. Parking for dwellings shall be provided pursuant to the

requirements of Table 5.1: Minimum Parking Requirements, below. Each unit shall be provided a minimum of one covered parking space in a garage or carport

**Table 5.1: Minimum Parking Requirements**

<i>No. of Bedrooms</i>	<i>No. of Resident Parking Spaces Required per Unit</i>
(a) Studio and One-Bedroom Units:	1.0
(b) Two-Bedroom Units:	2.0
(c) Three-Bedroom Units:	2.5

In addition to the resident parking required above, a minimum of one guest parking spaces shall be provided for every four dwelling units and shall comply with Section 5.8.2 of this PUD.

### **5.8.2 On-Street Parking Requirements**

On-street parking may be utilized to satisfy guest parking requirements, subject to the following conditions:

- (1) On-street parking may be used to satisfy guest parking requirements and shall not be used satisfy resident parking requirements.
- (2) On-street parking shall only be counted along the public street adjacent to the project site (Transit Street).

### **5.8.3 Parking Standards**

All parking space size and location requirements shall conform to the standards set forth in City of Ontario Development Code Section 6.03.045 (Off-Street Parking Standards).



## **6. Design Guidelines**

### **6.1 Building Orientation and Streetscapes**

To preserve the existing neighborhood character, the development will act as a transition from the industrial/commercial use to a completely residential use. One pedestrian walkway will be placed from the public way to the site, running along the east side of the building, as shown in Figure 6.1 The existing parkway area will be remodeled to conform with the development on the property while adding to the overall streetscape.

### **6.2 Architectural Character**

The building will be largely visible to public view and neighboring properties. The building will utilize large openings on all sides to encourage a modern building appearance, while increasing the amount of natural daylight into the structures. Whereas the buildings will be designed with modern architecture style, it will also blend with neighboring industrial buildings, by the representation of blocks on the exterior. The Development Plan will take this into account in its approval of architectural treatments. These treatments should be carried around all portions of the building.

### **6.3 Materials and Color**

Durable high-quality materials shall be used at the pedestrian level. Foam features, trim, or similar materials are not allowed at pedestrian level due to the lack of durability and failure to maintain a quality appearance over time.

The color scheme for the project shall be taken from an earth tone palette to blend and coordinate the various architectural features of the building, with the surrounding area, to create a cohesive appearance.

### **6.4 On-Site Lighting**

Decorative light fixtures attached to the buildings shall be compatible with the architectural style of the building

All other on-site lighting shall meet development standard of the Ontario Development Code

### **6.5 Off Site Improvements**

All off-site improvements shall be installed in accordance with City standards, and to the satisfaction of the City Engineering department.

## **7. Administration**

### **7.1 Items not addressed in the PUD**

Any terms, requirements, or regulations not addressed within the PUD document shall be governed by the City of Ontario Development Code, the regulations of the High-Density Residential zones and City Standards.

### **7.2 Development Applications**

A Development Plan for the development of the lot shall be submitted for review and approval per the requirements contained in Article 8 of the City of Ontario Development Code with the General Application.

### **7.3 Administrative Exceptions**

Deviation from the development standards set forth in this document may be granted up to a maximum of 10 percent by the Zoning Administrator. Any deviation in excess of 10 percent shall require Variance approval.

# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: AUTHORIZE THE PURCHASE AND INSTALLATION OF FURNITURE FOR THE FINANCE WORK ROOM PROJECT**

**RECOMMENDATION:** That the City Council take the following actions:

- (A) Authorize a cooperative purchase agreement D&C19-002 - Finance Work Room in the amount of \$225,651 for the relocation, acquisition and installation services of furniture and workstations from Kirksey & Co., Inc. of Irvine, California, consistent with the terms and conditions of the National IPA 2017 Contract R142208;
- (B) Authorize the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, reduction of retention accounts, and filing of a notice of completion at the conclusion of all construction related activities; and
- (C) Authorize the City Manager to execute the agreement (on file in the Records Management Department) and the addition of future acquisitions or services for the project consistent with the City Council approved budgets.

**COUNCIL GOALS:** Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The total cost of the acquisition and installation of furniture recommended for purchase is \$225,651. If approved, appropriations of \$225,651 from the Capital Projects Fund will be included in the FY 2019-20 First Quarter Budget Update Report to the City Council.

**BACKGROUND:** In conjunction with the previous and current fiscal year Adopted Operating Budget implementations, the City Council approved the reorganization of certain agencies and addition of staff which now require the need for additional office space the and relocation of existing workstations at various City facilities. To accomplish the reorganization and increase workspace privacy for the Finance and Human Resources staff, modification and addition of office space is required in City Hall

**STAFF MEMBER PRESENTING:** Tito Haes, Executive Director Pubic Works

Prepared by: David Simpson  
Department: Design and Construction

City Manager  
Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Annex Building. This reorganization and modification of office space for staff is an additional component of the larger acquisition of furniture and installation services for Ontario Municipal Utilities Company (OMUC) and Public Works Administration. To ensure construction with these furniture acquisitions, the purchase of HON products is recommended.

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 other governmental agencies. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain pricing lower than otherwise might be possible.

Staff recommends the cooperative purchase of HON products and installation services for the furniture, workstations and accessories in the amount of \$225,651 from Kirksey & Co. of Irvine, California, consistent with the terms and conditions of the National IPA 2017 Cooperative Contract R142208.

# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: UTILITY RELOCATION AGREEMENTS WITH THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FOR THE I-10 CORRIDOR PROJECT**

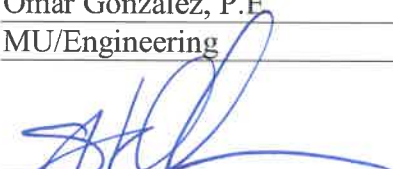
**RECOMMENDATION:** That the City Council approve utility relocation agreements (on file in the Records Management Department) with the San Bernardino County Transportation Authority (SBCTA) for the I-10 Corridor Project at the San Antonio Avenue, Campus Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Street and Vineyard Avenue crossings; and authorize the City Manager to execute the agreements, subject to non-substantive changes, and all related amendments necessary for utility relocations.

**COUNCIL GOALS:** Pursue City's Goals and Objectives by Working with Other Governmental Agencies  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The proposed utility agreements (UAs) establish the anticipated costs for the subject utility relocations and the cost sharing responsibilities between the City and SBCTA. SBCTA will initially fund the relocation of all City utilities as part of the Project and the City will reimburse SBCTA for its share of the actual costs. The City's anticipated share of the Project cost is currently estimated at \$4,089,900, or 84% of the estimated relocation costs. Appropriations from the Water Capital Fund for the City's reimbursement responsibility will be included in future years' proposed budgets, currently anticipated for FY 2021-22, as timing is tied to SBCTA moving forward with the Project. There is no impact to the General Fund.

**BACKGROUND:** SBCTA is the lead agency for the I-10 Corridor Project. The first phase of the Project will add two Express Lanes in each direction between the Los Angeles/San Bernardino County Line and the I-10/I-15 Interchange. To accommodate construction of the Project, SBCTA will relocate City utilities crossing or adjacent to the I-10 Freeway at San Antonio Avenue, Euclid Avenue, Campus Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Street, Fresno Street, Vineyard Avenue, and Haven Avenue, as shown on Exhibit A.

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Omar Gonzalez, P.E.  
Department: MU/Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Per the State’s requirements, utilities constructed prior to the I-10 Freeway being designated as a State Highway, results in the City having prior rights; and SBCTA is therefore responsible to fund the relocation of the utility. For utilities constructed after the freeways designation, the State’s requirements are that the City is responsible for funding the relocation of the portion of the utility that lies within the State right of way; and SBCTA must fund the relocation of the portion of the utility that is within the City’s right of way. During the preliminary engineering phase of the Project it was determined that relocation of the utilities at Euclid Avenue, two water mains at Campus Avenue, one water main at 4<sup>th</sup> Street, and a water main in Fresno Street are the responsibility of SBCTA to fund and will not require UAs. Sewer mains will be funded by SBCTA and will not require UAs.

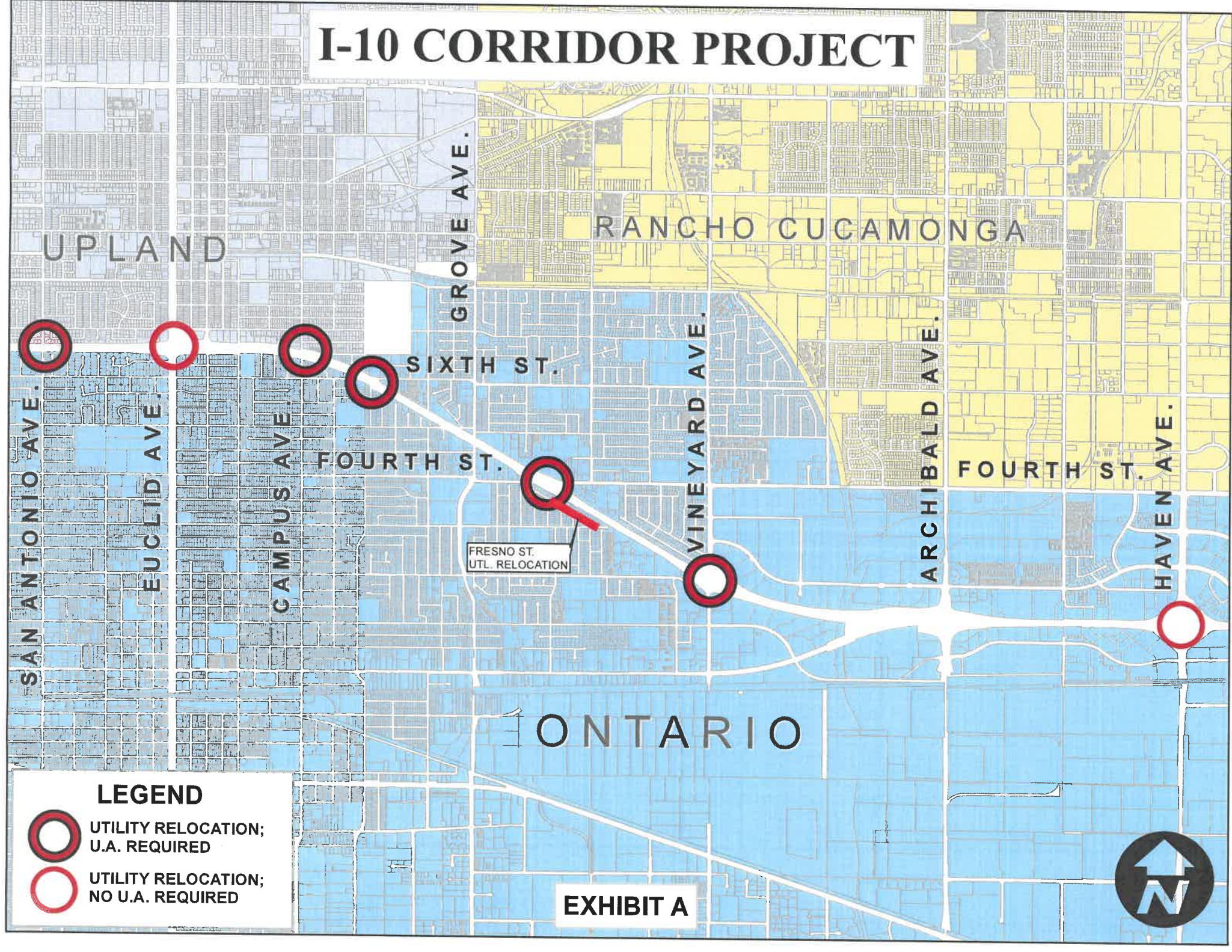
The City and SBCTA are still working to determine prior rights at San Antonio Avenue, Campus Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Street, and Vineyard Avenue; and the proposed UAs are intended to help avoid possible project delays while the City and SBCTA further investigate the prior rights at these locations. As a result, the proposed UAs are subject to amendment depending on the outcome of this effort and future negotiations which could reduce the City’s share of the estimated costs.

The following table is a summary of the locations and the estimated cost of utility relocations, subject to further negotiation, included in the proposed UAs:

Location	Utility	Total Estimated Relocation Cost	Estimated City Costs	Estimated SBCTA Costs
San Antonio Avenue	2 water mains	\$1,190,000	\$963,900	\$226,100
Campus Avenue	2 water mains	\$900,000	\$720,000	\$180,000
6 <sup>th</sup> Street	1 water main	\$1,060,000	\$1,017,600	\$42,400
4 <sup>th</sup> Street	2 water mains	\$990,000	\$653,900	\$336,100
Vineyard Avenue*	1 water main	\$734,500	\$734,500	\$0
	TOTAL	\$4,874,500	\$4,089,900	\$784,600

\*The City has requested that SBCTA upsize 1,260 linear feet of water main from the current 12” to 18” at Vineyard Avenue as part of the Project. The estimated cost to upsize this water main is \$580,500 and is included in the amount to be funded by the City above.

# I-10 CORRIDOR PROJECT



## LEGEND



-  UTILITY RELOCATION;  
U.A. REQUIRED
-  UTILITY RELOCATION;  
NO U.A. REQUIRED

EXHIBIT A



# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT MANAGEMENT AND DISBURSEMENT AGREEMENT**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute a Management and Disbursement Agreement (on file in Records Management) with the Downtown Ontario Improvement Association for the administration of the Downtown Ontario Community Benefit District.

**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:** As part of the establishment of the Downtown Ontario Community Benefit District (DOCBD), approved by the City Council on August 20, 2019, approximately \$461,405 will be paid annually by Property Owners within the District. The assessments will be collected by the County of San Bernardino Tax-Collector and remitted to the City biannually. The proposed agreement would allow the City to transfer these assessments to the Downtown Ontario Improvement Association to provide services within the district.

**BACKGROUND:** The DOCBD was created by the City Council on August 20, 2019 following approval by and direction of property owners within the district. The purpose of the district is to provide services and improvements specially benefiting downtown property owners that enhance public safety, cleanliness and economic development in downtown.

On October 17, 2019, property owners within the district held their first public meeting to create the Downtown Ontario Community Improvement Association (DOIA), in addition to establishing an interim Board of Directors which is responsible for administering and managing the day-to-day operations of the district. This Management and Disbursement Agreement allows the City to transfer collected assessments to the Management Corporation in order to provide all necessary services to the benefit of the property owners within the district. Subject to the State's acceptance and certification of the DOIA's Articles of

**STAFF MEMBER PRESENTING:** John P. Andrews, Executive Director Economic Development

Prepared by: Karla Tavera  
Department: Economic Development  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Incorporation, the City will execute the subject agreement and begin its scope of work in providing administrative services to the DOCBD.

# CITY OF ONTARIO

*Agenda Report*  
November 5, 2019

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 31 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE RELATING TO SIDEWALK VENDING**

**RECOMMENDATION:** That the City Council conduct a public hearing to consider an amendment to Chapter 31 of Title 5 of the Ontario Municipal Code; and introduce and waive further reading of an ordinance providing for an application process for sidewalk vendors to obtain required permits in order to conduct business.


**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** None.

**BACKGROUND:** On December 18, 2018, the City Council adopted an urgency ordinance which imposed regulations upon sidewalk vending by adding Chapter 31 of Title 5 to the Ontario Municipal Code. This ordinance implemented time, place and manner restrictions specific to sidewalk vending as allowed by Senate Bill 946.

Sidewalk vending has become widespread throughout the City since the passing on Senate Bill 946. The City's urgency ordinance established specific restrictions related to sidewalk vending and provided the opportunity for staff to develop a formal process to allow sidewalk vendors to apply for and obtain appropriate City permits and licenses. The recommended ordinance will establish a process to allow sidewalk vendors to conduct business in compliance with all provisions of the Ontario Municipal Code.

**STAFF MEMBER PRESENTING:** Julie Bjork, Executive Director Housing & Neighborhood Preservation

Prepared by: Erin Bonett  
Department: Community Improvement  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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A summary of the proposed Municipal Code amendments is listed below:

1. Section 5-31.01 Findings. The proposed ordinance includes additional findings related to the objective health, safety, and welfare reasons for the implementation.
2. Section 5-31.02 Definitions. The proposed ordinance amends and adds definitions to clarify its implementation:
  - a. Revisions to definition of “Sidewalk vendor” to include persons: (i) who take orders for future delivery and (ii) who are directing their business towards pedestrians on the sidewalk.
  - b. Added a definition for stationary sidewalk vendor (to compliment already existing definition for roaming sidewalk vendor).
3. Added 5-31.03. The proposed ordinance establishes a Sidewalk Vending Permit to allow for simplified licensing by Sidewalk Vendors and effective enforcement by Community Improvement Officers.

The major new provisions under Section 5-31.03 include:

- a. All persons engaging in Sidewalk Vending are required to have a permit.
- b. Exceptions for government agencies, newspapers, real estate agents, and persons engaged in protected first amendment activities. The exceptions are limited to the Sidewalk Vending Permit and do not apply to any other requirements for licenses/permits that may be required elsewhere in the Municipal Code.
- c. The form and information required closely follows the existing Solicitor Permit application process for ease of implementation.
- d. The Sidewalk Vendor Permit must be issued or denied within 30 days following the completed investigation/report on the application by City agencies, including any background check completed by the Police Department.
- e. Permits are issued in the form of an identification card, which must be carried at all times and provided upon request to City enforcement officers.
- f. The Ordinance provides for a fee to be set by the City Council for the application process and renewal.
- g. The Sidewalk Vending Permit is valid for same length of time as a business license and can be renewed as same time.
- h. Any person who has their permit denied or suspended may appeal the decision.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, AMENDING CHAPTER 31 OF TITLE 5 OF THE ONTARIO  
MUNICIPAL CODE RELATING TO SIDEWALK VENDING.

WHEREAS, in 2018 the State Legislature enacted the Safe Sidewalk Vending Act, commonly known as SB 946, which added Sections 51036 *et. seq.* to the Government Code and sets forth limitations on the ability of local authorities to prohibit or regulate Sidewalk Vending, as defined in the Act; and

WHEREAS, SB 946 permits local authorities to establish reasonable regulations on Sidewalk Vending to protect valid health, safety and welfare concerns; and

WHEREAS, in December of 2018 the City Council adopted Urgency Ordinance Ord. No. 3123, which added Chapter 31 to Title 5 of the Ontario Municipal Code regulating Sidewalk Vending; and

WHEREAS, the City Council desires to amend its existing Sidewalk Vending regulations contained in Chapter 31 of Title 5, consistent with SB 946, to regulate sidewalk vendors.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ONTARIO, AS FOLLOWS:

**SECTION 1.**     ***Incorporation of Recitals.*** The above recitals and findings are true and correct and are incorporated herein by this reference.

**SECTION 2.**     ***Amendment.*** Chapter 32 of Title 5 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

**“Chapter 31 - SIDEWALK VENDING.**

**Sec. 5-31.01.     Purpose; Findings.**

The City Council finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community. The activities of sidewalk vendors, who set up stands on sidewalks or move from place to place as a roaming vendor, have the potential for vendors to engage in illegal activities, including but not limited to the sale of illegal substances or merchandise and the sale of counterfeit products, and many sidewalk vendors sell products which are targeted

towards and purchased by children, which necessitates background checks for vendors to assure that any past improprieties are disclosed to the permitting authority and in order to ensure the safety of residents and the merchantability of products sold by vendors without fixed places of business. The activities of sidewalk vendors also have the potential to cause injury to persons or property by the manner in which they are sited, or by their movement on sidewalks that are otherwise used by the traditional activities of pedestrians and vehicles on adjacent streets for access, transport, delivery of merchandise to local businesses, exercise and related activities. As sidewalk vending activities have significant potential to be physically incompatible with the general public's traditional use of sidewalks, reasonable regulations, including siting restrictions, are necessary to protect the public health, safety and welfare to ensure sidewalks are safe and passable, especially for pedestrians and the physically disabled.

**Sec. 5-31.02. Definitions.**

For purposes of this Chapter, the following definitions apply:

A. "Certified Farmers' Market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

B. "City" means the City of Ontario.

C. "Park" means a public park owned by a governmental entity.

D. "Roaming sidewalk vendor or vending" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

E. "Sidewalk vendor or vending" means a person who sells, offers to sell, or takes orders for food or merchandise, or operates, engages in, or carries on a food or merchandise vending business, from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon, or directed towards pedestrians upon, a public sidewalk or other pedestrian path.

F. "Stationary sidewalk vendor or vending" means a sidewalk vendor who vends from a fixed location.

G. "Swap Meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

H. "Temporary Event Permit" means a permit issued by the City of Ontario for temporary uses (i.e. special event permits, temporary use permits, film permits, or park reservations).

I. "Downtown" means non-residential areas bounded to the west by N. Palm Avenue, to the north by G Street, to the east by N. Lemon Avenue, and to the south by Emporia Street.

J. "Event Day" means the calendar day of any concert, trade show, conference, sporting event, or any other event potentially attracting large numbers of persons and vehicles to the venue.

**Sec. 5-31.03. Permit Required.**

A. Except as provided in Subsection B below, it is unlawful for any person to engage in the business of sidewalk vendor or vending, or to go from door to door or home to house or street to street for the purpose, direct or indirect, and whether or not the same is the sole purpose, of vending, without first obtaining a permit and paying the applicable fees as provided in this chapter.

B. The persons and entities listed below shall not be required to obtain the sidewalk vendor permit required by Subsection A above, however, nothing in this Subsection B shall relieve those persons and entities listed below from any other provision of this Chapter or Code, including, but not limited to, the provisions of Chapter 1 of Title 3 related to Business Licensing Regulations.

1. Persons soliciting orders from, or selling to, retail dealers for use, or for resale or to manufacturers for processing;

2. Public agencies, such as Federal, State or local agencies supported by tax funds;

3. Any person operating a regular delivery route from a non-fixed location with deliveries not less than once a week for newspapers, dairy products, or for laundry or dry-cleaning services;

4. Persons delivering or soliciting for a newspaper of general circulation;

5. Licensed real estate persons;

6. Persons solely distributing literature, writings or merchandise which seek to inform or persuade the listener to support particular causes or particular views on economic, political or social issues;

7. Persons solely soliciting signatures for referenda, recall, initiative, candidates for public office or similar electoral processes; and

8. Persons soliciting funds for any religious, patriotic, philanthropic, social service, environmental, fraternal, or charitable purposes.

C. The "Executive Director of Finance or their designee" shall prescribe the forms and procedures for applications for a permit under this chapter. The forms shall indicate the fee for the application, the fee for the permit and the insurance requirements of this chapter, if any. The application shall be verified and shall set forth:

1. The full name, permanent home address, and full local address of the applicant;
2. A brief description of the nature of the business and the goods to be sold;
3. If employed, the name and address of the employer and the name and address of any local or State office or manager, together with credentials establishing the exact relationship;
4. The proposed operating hours of the applicant;
5. A general description of the location or area the sidewalk vendor intends to operate;
6. Evidence that the applicant has their photograph and fingerprints on file with the Police Department; and
7. A statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any municipal law, the nature of the offense, and the punishment or penalty assessed therefor.
8. Other information the "Executive Director of Finance or their designee" deems necessary to process the application.

D. The "Executive Director of Finance or their designee" shall refer the completed application for the permit required by this chapter to the appropriate City officials for investigation and report as necessary. The "Executive Director of Finance or their designee" shall issue or deny the permit within thirty (30) days following such investigation and reports. Each permit so issued shall state on the face thereof the date of expiration.

E. A permit may be denied by the "Executive Director of Finance or their designee" on the following grounds:

1. The applicant, employee or agent has been convicted of a felony or misdemeanor involving bodily injury to persons, theft, fraud or misrepresentation;
2. The applicant has violated the provisions of this chapter or any other provision of this Code;
3. The applicant's permit has been previously revoked as provided in this chapter; or
4. The applicant has provided false information on the permit application.

F. The “Executive Director of Finance or their designee” shall notify the applicant of the denial by depositing written notice of such decision in the first-class U.S. mail, postage prepaid, addressed to the applicant, not later than ten (10) days following the date of such decision. A notice of denial of an application must contain a statement of the facts upon which the denial is based and must contain a statement of the appeal procedure contained in Subsection K below.

G. All permits issued under this chapter shall be in the form of an identification card, which shall include a photo of the permittee, in a format prescribed by the “Executive Director of Finance or their designee”.

H. Every Sidewalk Vendor issued a permit shall display the same on their person and provide the same on request to any person or persons they deal with, to any police officer or to any designated City official. It shall be unlawful for any person other than the permittee to use or wear any permit issued under the provisions of this chapter.

I. All applications for permits under the provisions of this chapter shall be accompanied by an application fee as may be set from time to time by the City Council. No application fee paid under this chapter shall be refunded. All original permits and renewals granted under this chapter shall also require a fee as may be set from time to time by the City Council. All permits issued under the provisions of this chapter shall be valid for up to one year. A permit may be renewed by the timely payment of a renewal fee prior to the expiration of the permit as may be set from time to time by the City Council. All permits shall cease and terminate thirty (30) days after the default of payment. Any permit that has terminated pursuant to this chapter shall require the filing of a new application for a permit under this chapter. Such fees shall be established by resolution of the City Council.

J. Whenever it is shown that any person to whom a permit has been issued has caused, permitted, aided, abetted, suffered or concealed a violation any of the provisions of this chapter four or more times within one year, the “Executive Director of Finance or their designee” shall immediately suspend the permit and give the permit holder a written notice in person or by mail of the suspension. The notice must contain a statement of the facts upon which the “Executive Director of Finance or their designee” has acted in suspending the permit. The notice must contain a statement of the appeal procedure contained in Subsection K below.

K. Any person aggrieved by the determination of the “Executive Director of Finance or their designee” to deny the issuance of a permit or to suspend a permit may appeal such decision to the City Manager or their designee. Such appeal shall be taken by filing a written notice of appeal with the City Clerk within ten (10) days of the date of the decision to deny or revoke and shall set forth the grounds for the appeal. A failure to file a timely appeal shall render the decision to deny or suspend a permit final. The City Manager or their designee shall set a time and place for a hearing on the appeal within ten (10) days of the filing of the appeal. The determination of the City Manager or their designee following the hearing shall be in writing and shall be sent to the permit holder. The decision of the City Manager or their designee shall be final and conclusive.



**Sec. 5-31.04. Stationary Sidewalk Vending Locations and Standards.**

A. Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the City.

B. Stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones, provided they meet the following:

1. The sidewalk vendor can set up vending operations while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and

2. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and

3. The sidewalk vendor location does not block entrances to buildings, driveways, parking spaces or building windows; and

4. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway; and

5. No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendors' vending activities; and

6. The vendor shall not attach or use any water lines, electrical lines, or gas lines during vending operations; and

7. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited; and

8. No vending shall occur within five hundred (500) feet of a Certified Farmers' Market, a Swap Meet, construction-related street or lane closure, filming location, the Ontario International Airport, or an event held pursuant to a Temporary Event Permit; and

9. No vending shall occur within five hundred (500) feet of the City-owned arena located at 4000 East Ontario Center Parkway, Ontario, CA 91764, the Ontario Convention Center, or Ontario Town Square on event days; and

10. No vending shall occur in Downtown commercial areas where there is a likelihood of overcrowding on the sidewalk or overcrowding of parking, such as, but not limited to with the potential of causing pedestrian and traffic safety issues; and

11. No vending shall occur within a comer cutoff area. A comer cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear

property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of thirty (30) feet from the intersection of such lines at the corner of a street or highway; and

12. No vending shall occur within five hundred (500) feet of any school; any postsecondary educational facility attended by secondary pupils; or any private kindergarten, elementary, or secondary school facility; and

13. No vending shall occur within three (3) feet of any street lights, edges of tree wells, parking meters, or above-ground utility structures; and

14. No vending shall occur within two (2) feet of any existing subsurface utility box, valve, or vault; and

15. No vending shall occur within twenty (20) feet of another vendor; and

16. No vending shall occur within three (3) feet of bus stop locations, red curbs, or at locations where there are existing above-ground amenities such as newsstands or street furniture, including but not limited to benches and bike racks; and

17. No vending shall occur in public streets, roadways, medians, pedestrian islands, parking lots, alleys, or bikeways; and

18. No vending shall occur within twenty (20) feet of the entrance way to any building, store, theater, movie house, house of worship, or place of public assembly.

**Sec. 5-31.05. Sidewalk Vending in Parks.**

A. Sidewalk vending of food or merchandise by roaming or stationary vendors shall be prohibited in any City Park with a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise.

B. Sidewalk vendors may operate in Parks provided they meet the following:

1. For stationary sidewalk vending, the sidewalk vendor can set up vending operations while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and

2. The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and

3. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and

4. The sidewalk vendor location does not block entrances to buildings, driveways, parking spaces, or building windows; and

5. No vending shall occur within the immediate vicinity of an event held pursuant to a Temporary Event Permit; and

6. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of thirty (30) feet from the intersection of such lines at the corner of a street or highway; and

7. The sidewalk vendor does not cause an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park or necessary to endure the public's use and enjoyment of natural resources and recreational opportunities or regulations directly related to objective health, safety or wellness concerns; and

8. No vending shall occur in public streets, roadways, medians, pedestrian islands, parking lots, alleys, or bikeways.

**Sec. 5-31.06. Roaming Sidewalk Vending.**

A. Roaming sidewalk vendors shall meet the following:

1. Sidewalk vending hours for residential zones shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. weekdays and 9:00 a.m. and 5:00 p.m. on the weekends; and

2. The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition; and

3. The sidewalk vendor does not block entrances to buildings, driveways, parking spaces, or building windows; and

4. The sidewalk vendor does not conduct sales from a public street; and

5. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of thirty (30) feet from the intersection of such lines at the corner of a street or highway; and

6. No vending shall occur within five hundred (500) feet of a Certified Farmers' Market, a Swap Meet, construction-related street or lane closure, filming location, the Ontario International Airport, or an event held pursuant to a Temporary Event Permit; and

7. No vending shall occur within five hundred (500) feet of the City-owned arena located at 4000 East Ontario Center Parkway, Ontario, CA 91764, the Ontario Convention Center, or Ontario Town Square on event days; and

8. No vending shall occur in Downtown commercial areas where there is a likelihood of overcrowding on the sidewalk or overcrowding of parking areas, with the potential of causing pedestrian and traffic safety issues; and

9. No vending shall occur within five hundred (500) feet of any school; any postsecondary educational facility attended by secondary pupils; or any private kindergarten, elementary, or secondary school facility; and

10. No vending shall occur within three (3) feet of any street lights, edges of tree wells, parking meters, or above-ground utility structures; and

11. No vending shall occur within two (2) feet of any existing subsurface utility box, valve, or vault; and

12. No vending shall occur within twenty (20) feet of another vendor; and

13. No vending shall occur within three (3) feet of bus stop locations, red curbs, or at locations where there are existing above-ground amenities such as newsstands or street furniture, including but not limited to benches and bike racks; and

14. No vending shall occur in public streets, roadways, medians, pedestrian islands, parking lots, alleys, or bikeways; and

15. No vending shall occur within twenty (20) feet of the entrance way to any building, store, theater, movie house, house of worship, or place of public assembly.

**Sec. 5-31.07. Penalties.**

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this Chapter. A violation of this Chapter shall be punished by:

1. An administrative fine not exceeding \$100 for a first violation.

2. An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.

3. An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.

B. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.

C. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.

D. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.

E. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.

2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

F. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

G. Nothing contained herein shall be construed to impede the City's or County's ability to enforce County Health Department codes and regulations.

**SECTION 3. CEQA.** The City Council hereby finds and determines that there is no possibility the adoption of this Ordinance will have a significant effect on the environment. Accordingly, under the provisions of § 15061(b)(3) and § 15378(b)(5) of Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this Ordinance is not subject to the requirements of the California Environmental Quality Act.

**SECTION 4. 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 City Council 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 sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

SECTION 6. **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 \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
COLE HUBER, 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 November 5, 2019 and adopted at the regular meeting held \_\_\_\_\_, 2019, 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)

# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
PUBLIC HEARINGS

**SUBJECT: INTRODUCTION OF ORDINANCES TO ADOPT THE 2018 INTERNATIONAL FIRE CODE AND 2019 CALIFORNIA STATE FIRE AND BUILDING CODES**

**RECOMMENDATION:** That the City Council:


- (A) Introduce and waive further reading of an ordinance amending Chapter 4, Title 4 of the Ontario Municipal Code entitled "Fire Code" adopting by reference, with certain amendments, additions, deletions, and exceptions, the 2018 International Fire Code and the 2019 California Fire Code (California Code of Regulations, Title 24, Part 9); and
- (B) Introduce and waive further reading of an ordinance amending Chapters 1, 2, 3, 4, 5, 6, 7, 11, and 12 of Title 8 of the Ontario Municipal Code to adopt the California Building Standards Code.

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

**FISCAL IMPACT:** None. Adoption of the proposed ordinances will not impact the current permit or plan check fees. The proposed ordinances provide that future fee revisions may be enacted by City Council resolution.

**BACKGROUND:** Every three years, the California Building Standards Commission adopts the California Building Standards Code, which consists of the codes that regulate building construction. The California Health and Safety Code mandates that all public agencies responsible for administering Building and Safety and Fire Codes comply with the State adopted Building and Safety and Fire Codes; and local agencies are required to adopt and enforce the State codes. Local agencies may also adopt amendments to the State Codes based on findings relative to local geological or topographic conditions. Staff recommends amendments to the Codes based upon certain local conditions to ensure compliance with State mandates, to assure that Ontario's Codes continue to address the latest technological advances, and to provide for the use of companion Fire and Building Codes.

**STAFF MEMBER PRESENTING:** Ray Gayk, Fire Chief  
Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Paul Ehrman / Kevin Shear  
Department: Fire / Building  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Fire Codes: The proposed ordinance adopts the 2018 International Fire Code and the 2019 California Fire Code and provides for certain local amendments. These amendments are consistent with other provisions that are in the current version of the City's Fire Code. The State Codes incorporate, by reference, the Model Codes published by the International Code Council (ICC).

Building Codes: The California Building Standards Commission has adopted the 2018 edition of the International Building Code as the State Building Code. The proposed ordinance adopts the 2019 edition of the State Building, Electrical, Plumbing, Mechanical, Residential, and Green Building Standards Codes. The Dangerous Building Code - Chapter 11 and the Uniform Housing Code - Chapter 2 are being readopted without amendments. The summary below outlines key points involving the new State Building Codes:

- All the subject State Codes must be enforced by local agencies effective January 1, 2020.

The State Building Standards Commission has held numerous hearings related to adoptions of the codes, hearing public testimony from all stakeholders. All public testimony endorsed the use of International Codes.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE; ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2019 CALIFORNIA FIRE CODE AND THE 2018 INTERNATIONAL FIRE CODE, PROVIDING FOR THE RECOVERY OF COSTS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 3062 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA.

WHEREAS, pursuant to Government Code Section 50022.1, *et seq.*, the City of Ontario, California ("City") may adopt by reference the 2019 edition of the California Building Standards Code as provided in Title 24 of the California Code of Regulations; and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications that are determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, prior to making modifications permitted under California Health and Safety Code Sections 17958.7 and 18941.5, the City Council is required to make express findings that such modifications are needed in accordance with California Health and Safety Code Sections 17958.7; and

WHEREAS, the City held a public hearing on November 5, 2019, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on October 25, 2019; and

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

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

SECTION 1. The City Council hereby finds that the following proposed amendments to the 2019 California Fire Code and the 2018 International Fire Code are (1) necessary because of local climatic, geological, or topographical conditions, or (2) are of an administrative or procedural nature, and/or do not modify building standards and are reasonably necessary to safeguard life and property within the City.

<b>Amendment</b>	<b>Applicable Findings from Listing Below</b>
Sections 102.7, 103.1, 103.2, 103.3, 103.4, 103.4.1, 104.10, 105.6.52, 108.1, 109.4, 111.4	D-1
Section 503.2.1	D-2
Section 503.4	D-2
Section 507.5.1.2	A-1, B-1, B-2, C-1, C-2, C-3
Section 903.3.7	A-1, A-2, B-2, B-3, B-4, B-5, B-6, C-1, C-2, C-3 & C-4
Section 903.7	A-1, A-2, B-2, B-3, B-4, B-5, B-6, C-1, C-2, C-3 & C-4
Sections 2808.1, 2808.3, 2808.4, 2808.5, 2808.10,	C-1, C-2, C-3 & C-4
Sections 2810, 2810.1, 2810.6, 2810.8, 2810.10, 2810.12	C-1, C-2, C-3 & C-4
Appendix B Section B105.2	A-1, B-2, B-3, B-4 & B-5

**A. Local Geological Conditions.**

A-1. The City of Ontario is subject to moderately strong to severe shaking and surface ruptures resulting from five earthquake faults located within or near the City. These local earthquake faults have the potential to cause severe personal and property damage and fire hazards. Moreover, there is also a potential for damage to roadways, water supplies, and the impairment of access allowing fire equipment to respond to emergencies in the event of a severe earthquake.

A-2. Adverse geological conditions exist in portions of the City that may cause excessive flooding. Flood control facilities are not adequate to handle the water flow that occurs during major storms or prolonged rains. Some of the streets in the City are actually designed and used for flood control purposes, thus making the fire and emergency access difficult during flood conditions. As a consequence, many of the streets within the City are impaired during such flood conditions and such flooding causes physical damage to the streets and the accumulation of debris, all of which hinder access to fire equipment for the purposes of responding to fire and other emergencies.

**B. Local Topographical Conditions.**

B-1. The topography of the City of Ontario is generally that of a gently sloping inclined plane that slopes in a southerly direction from an elevation of 1,190 feet to an elevation of 730 feet at the southern boundary of the City resulting in several water pressure zones to serve the City. The elevation changes caused by the mountains and hills creates the geological foundation upon which the City is built and will continue to build.

B-2. Located within the City are three major interstate freeways and a major state highway that provide for limited under crossing access points to traverse the City. These highways also restrict the ability of the water supply grid to provide water from multiple points to all areas of the City and necessitates the use of dead-end water mains to many areas adjacent to highways.

B-3. The City is bisected from east to west by two very active railroad main route tracks used by the Southern Pacific and Union Pacific Railroads. These lines are used for both commuter and large freight transport trains, including the transporting of large quantities of hazardous materials. Limited under-crossings and overcrossings exist within the City for uninterrupted emergency vehicle passage. Moreover, emergency vehicles are routinely delayed at grade crossings until passenger trains or passing freight trains clear the grade crossings.

B-4. Two large petroleum product pipelines bisect the City along the Southern Pacific Railroad right-of-way. The pipelines are used to transport large quantities of gasoline, diesel fuel, and jet fuels under high pressures. Another petroleum pipeline intersects the City along the east side en-route to the Etiwanda electrical generating station north and east of the City. While generally underground, these pipelines pass overhead at several overpasses located over main thoroughfares in the City. Damage to these pipelines during seismic events poses the dual potential of creating a time emergency and at the same time restricting emergency vehicle access within the City.

B-5. Two large, high pressure, natural gas transmission pipelines traverse the easterly part of the City, along the I-15 Freeway and on the west side along Benson Avenue. These 36" transmission mains transport natural gas at pressures exceeding 500 psi and pass through developed residential and industrial areas. These transmission pipelines also intersect the previously mentioned petroleum pipelines. Interruption of these pipelines due to flooding or seismic events is possible and would result in reduced resources to protect the balance of the City.

B-6. A large commercial airport is located within the central portion of the City providing limited emergency vehicle access from the north to the south central portions of the City. A majority of the City is located within the approach and/or departure paths of large commercial aircraft exposing a large part of the City to potential aircraft related emergencies. Moreover, Santa Ana Winds frequently require the flight paths of arriving and departing aircraft to be reversed.

#### C. Local Climatic Conditions.

C-1. The City is subject to extremely strong winds, commonly referred to as "Santa Ana Winds," which can reach speeds in excess of 80 miles per hour and approach the basin from the desert via the Devore Pass. Extensive damage often occurs during such winds, including downed electric wires, downed utility and light poles, fallen trees, blowing debris, sand, and dust. Blowing dust experienced during these winds has reduced visibility near zero and impacted the response times of emergency vehicles.

C-2. During the summer months, the Santa Ana Winds produce a period of extremely low humidity causing an increase in the threat of fire from dry vegetation and other common fuels. These conditions have, in the past, resulted in vegetation and structure fires.

C-3. The City experiences summer temperatures in excess of 100 degrees Fahrenheit. When coupled with severe Santa Ana Winds these conditions can cause a fire to spread quickly throughout portions of the City.

C-4. Weather conditions, coupled with flammable vegetation in bordering cities results in numerous wildland rims, which draw existing fire fighting forces from their structure protection duties for extended periods of time. This results in increased response times to structure fires when fire department personnel and equipment are committed to nonstructural fire protection activities.

D. Administrative/Procedural/Public Safety Amendments.

D-1. This amendment is necessary for administrative or procedural clarification and to establish administrative standards for the effective enforcement of the building standards of the City of Ontario and does not modify a building standard pursuant to California Health & Safety Code sections 17958, 17958.7, and/or 18941.5.

D-2. This amendment does not modify a building standard pursuant to California Health and Safety Code sections 17958, 17958.7, and/or 18941.5 and is reasonably necessary to safeguard life and property within the City of Ontario.

SECTION 2. Chapter 4 of Title 4 of the Ontario Municipal Code is hereby rewritten in its entirety to read as follows:

Chapter 4: Fire Code

Sections:

- 4-4.01 Adoption of California Fire Code and the International Fire Code
- 4-4.02 Cost Recovery
- 4-4.03 Establishment of the Limits of Districts in Which Stationary Containers of Flammable Cryogenic Fluids Are Prohibited
- 4-4.04 Establishment of the Limits of Districts in Which Storage of Class I and Class II Liquids in Unprotected Aboveground Tanks and in Below Grade Vaulted Tanks is Prohibited
- 4-4.05 Establishment of the Limits in Which Storage of Liquefied Petroleum Gases Is Restricted for the Protection of Heavily Populated or Congested Areas
- 4-4.06 Amendments to the 2019 California Fire Code and 2018 International Fire Code
- 4-4.07 Amendment: Referenced codes and standards
- 4-4.08 Amendment: General

4-4.09	Amendment: Appointment
4-4.10	Amendment: Deputies
4-4.11	Amendment: Liability and Legal Defense
4-4.12	Amendment: Investigations
4-4.13	Amendment: Pallets
4-4.14	Amendment: Board of Appeals Established
4-4.15	Amendment: Violation Penalties
4-4.16	Amendment: Failure to Comply
4-4.17	Amendment: Dimensions
4-4.18	Amendment: Obstruction of Fire Apparatus Access Roads
4-4.19	Amendment: Two Points of Connection
4-4.20	Amendment: General
4-4.21	Amendment: Size of Piles
4-4.22	Amendment: Pile Separation
4-4.23	Amendment: Combustible Waste
4-4.24	Amendment: Emergency Plan
4-4.25	Amendment: Pallet Yards & Recycling Facilities
4-4.26	Amendment: Buildings Other than One- and Two-Family Dwellings

Section 4-4.01. Adoption of the California Fire Code and the International Fire Code.

The City Council of the City of Ontario hereby adopts by reference with certain amendments, additions, deletions and exceptions, the 2019 California Fire Code with errata, incorporating therein the 2018 International Fire Code, also referred to as Part 9 of Title 24 of the California Code of Regulations, with included appendices, as published by the International Code Council and adopted by the California State Building Standards Commission, (hereinafter also “this Code” or the “Ontario Fire Code”,) for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion.

Section 4-4.02. Cost Recovery.

(A) Expense for Responding to and Securing an Emergency.

1. Fire suppression, investigation and rescue or emergency medical costs shall be recoverable in accordance with Health & Safety Code Sections 13009 and 13009.1.

2. Any person or entity who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to, a traffic accident or spill of toxic or flammable fluids or chemicals, is liable for the costs of responding, securing and investigating such emergency, including those costs set out in Health & Safety Code Section 13009, *et seq.* and Government Code Section 53150, *et seq.* Any expense incurred by the Fire Department for responding to, securing, or investigating such an emergency situation shall constitute a debt of the person or entity responsible and shall be subject to collection by the City in the same manner as an obligation under contract, expressed or implied.

3. The expense of responding to, securing and investigating any emergency or hazard which is the result of a violation of this Code or any other code, ordinance or state law, or any damages caused by malicious mischief requiring any corrective or preventive actions by the Fire Department shall be a charge against the person(s) or entity whose violation caused the emergency and/or damage. Damages caused by such emergency or action may constitute a debt of such person(s) or entity responsible and shall be collectible as provided below:

i. Liability for Hazardous Activities and Conditions. The Chief may also impose the reasonable cost of fire prevention, fire suppression, incident investigation and protection of the public from other safety hazards when a fire or hazardous condition results from any of the following activities or conditions:

- (1) The manufacture, transportation, storage, handling, or spilling, of hazardous chemicals, flammable or combustible liquids, explosives, or blasting agents as defined in this Code; and
- (2) The failure to correct a hazardous condition for which a "Notice of Violation," or equivalent notice, has been previously given by the Chief; and
- (3) The use of welding equipment, cutting torches, tar pot, or other open flame devices; and
- (4) Permitting or causing the accumulation of hazardous or flammable materials on property; and
- (5) Setting of a fire or allowing a fire to be set in violation of any code, ordinance, law or regulation; and
- (6) The possession of, or causing illegal fireworks, explosive devices or destructive devices to ignite, explode or detonate; and
- (7) Creating, allowing, or maintaining a hazard as stated in Ontario Fire Code Section 110.1.

ii. Determination of Costs. Whenever the Chief determines that the fire department or other public agency has incurred costs for fire suppression, fire prevention, or protection of the public from a fire or other hazardous condition that results from the activities or conditions described in subsection (a), the Chief shall:

- (1) Calculate the costs incurred;
- (2) Identify the person(s) or entity to be charged for those costs; and
- (3) Send a report with this information to the City Clerk.

iii. Method of Calculation. In determining costs to be charged a responsible person or entity, the Chief shall include all necessary expenditures to correct the hazardous condition or extinguish the fire, including, but not limited to the following:

- (1) The cost of personnel;
- (2) The cost of extinguishing agents;
- (3) The reasonable value of the use of City equipment;
- (4) The cost incurred for the use of any private contractors to mitigate or remove the hazard or condition; and
- (5) Any and all administrative costs incurred pursuant to the fee schedule as set by resolution duly adopted by the City Council.

iv. Reimbursement Hearing. The City Clerk shall, thereupon, set the report and account received by the Chief for hearing before the City Council at a regular or adjourned regular meeting to be held at least fourteen (14) calendar days after the date the Clerk mails the notice to the responsible person(s) or entity. The City Clerk shall send by regular mail a Notice of said hearing to the person or entity to be charged at the person's or entity's address as shown on the latest equalized tax assessor's roll, or as otherwise known to the City.

v. Notice to Person Charged. The Notice sent by the City Clerk to the responsible person(s) or entity shall contain:

- (1) The name of the person(s) or entity sought to be charged;
- (2) The location, date and time of the incident upon which the claim for reimbursement is based;
- (3) The amount of, and the basis upon which the claim for reimbursement is made;
- (4) The date, time and place of the hearing to be held on the claim for reimbursement with a statement describing the rights of the person or entity charged and the procedures for presenting evidence at said hearing; and
- (5) The Chief's account of the sum claimed to be due.

vi. Procedure for Hearing Before the City Council. At the hearing on the Chief's accounting of the costs and other evidence upon which reimbursement is sought, the City Council shall hear and consider evidence by the person or entity against which reimbursement is sought. The City Council shall thereafter confirm or disallow the account, all or in part, and set forth in a resolution the amount of the account confirmed, if any. Thereafter, any amount confirmed by resolution of the City Council shall become a debt owing to the City of Ontario and shall be collectible by the City in the same manner as in the case of an obligation under contract expressed or implied.

(B) Service Fees.

1. Permit Fees. Any person, establishment, business, occupancy, or process requiring any permit or utilizing any special service or activity performed by or under the direction of the Fire Department shall compensate the City for the cost of such service or activity, in accordance with the adopted fee and charge schedule and any departmental policy.



2. Service Fee Refunds. The Fire Chief is authorized to refund any fee paid hereunder which is determined to be erroneously paid or collected.

i. The Fire Chief is authorized to refund eighty percent (80%) of the service fee paid when the permittee has performed no work nor commenced an operation for which a permit was issued in accordance with this Ordinance.

ii. The Fire Chief is authorized to refund eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is completed.

iii. The Fire Chief shall not authorize the refund of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date the fee was paid. Such written application shall state the reasons for the refund request and be accompanied with a receipt of payment.

Section 4-4.03. Establishment of the Limits of Districts in Which Stationary Containers of Flammable Cryogenic Fluids Are Prohibited.

The limits referred to in Section 5806.2 of the 2019 California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows:

1. All areas and zoning districts of the City except the General Industrial District of the City Development Code, and with the specific approval of the Fire Chief.

Section 4-4.04. Establishment of the Limits of Districts in Which Storage of Flammable or Combustible Class I and Class II Liquids in Outside Unprotected Aboveground Tanks is Prohibited.

The limits referred to in Sections 5704.2.9.6.1 and 5706.2.4.4 of the 2019 California Fire Code in which the storage of flammable or combustible liquids in outside aboveground unprotected tanks are prohibited are hereby established as follows:

1. In all areas of the City unless upon specific written findings, the Chief determines that the installation of flammable and combustible unprotected aboveground storage tanks or below grade vaulted tanks will not create a hazard to occupants and property owners in the surrounding area.

Section 4-4.05. Establishment of the Limits in Which Storage of Liquefied Petroleum Gases is Restricted for the Protection of Heavily Populated or Congested Areas.

The limits referred to in Section 6104.2 of 2019 California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

1. All areas and zoning districts of the City except the General Industrial District of the City zoning ordinance, and with the specific approval of the Fire Chief.

Section 4-4.06. Amendments to the 2019 California Fire Code (CFC) and 2018 International Fire Code (IFC).

Designated portions of the 2019 California Fire Code (CFC) and 2018 International Fire Code (IFC) are amended and changed as set forth in Sections 4-4.07 through 4-4.28.

Section 4-4.07. Amendment: Referenced codes and standards.

Section 102.7 of the 2018 IFC is amended to read as follows:

“102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated by Sections 102.7.1 and 102.7.2. The Fire Chief also hereby authorizes the use of the Ontario Fire Department Fire Protection Standards for the purposes of interpreting and clarifying requirements of this Code and its referenced codes and standards.”

Section 4-4.08. Amendment: General.

Section 103.1 of the 2018 IFC is amended to read as follows:

“103.1 General. The Fire Code as adopted and amended herein shall be enforced by the Bureau of Fire Prevention of the Fire Department of the City of Ontario which is hereby established and shall operate under the supervision of the Chief of the Fire Department.”

Section 4-4.09. Amendment: Appointment.

Section 103.2 of the IFC is amended to read as follows:

“103.2 Appointment. The Fire Marshal shall be responsible for operating the Bureau of Fire Prevention and shall be appointed by the Fire Chief on the basis of examination to determine his or her qualifications.”

Section 4-4.10. Amendment: Deputies.

Section 103.3 of the IFC is amended to read as follows:

“103.3 Deputies. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position.”

Section 4-4.11.      Amendment: Liability and Legal Defense.

Section 103.4.1 of the IFC is hereby deleted and Section 103.4 of the IFC is amended to read as follows:

"103.4 Liability and legal defense. The Chief and other individuals charged by the Chief with the enforcement of this Code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Chief or such individuals because of such act or omission performed in the enforcement of any provision of such Code or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction subject to the provisions of Government Code Section 825."

Section 4-4.12.      Amendment: Investigations.

Section 104.10 of the CFC is amended to read as follows:

"104.10 Investigations. The Fire Department is authorized to investigate promptly the cause, origin and circumstances of each and every fire or explosion occurring in the jurisdiction involving loss of life or injury to any person or destruction or damage to property and, if it appears to the Fire Prevention Bureau that such fire or explosion is of suspicious origin, is authorized to take immediate charge of all physical evidence relating to the cause of the fire or explosion and is authorized to pursue the investigation to its conclusion. Fire investigators shall have the powers of a police officer in performing their duties under this code. The Chief is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials."

Section 4-4.13.      Amendment: Pallets.

Section 105.6.52 is added to the IFC to read as follows:

"105.6.52 Pallets. An operational permit is required for idle storage, handling, repair or manufacturing of combustible pallets in excess of one thousand (1,000) units at any one site."

Section 4-4.14.      Amendment: Board of Appeals.

Section 109.2 and 109.3 of the IFC is hereby deleted and Section 109.1 of the IFC is amended to read as follows:

"109.1 Board of Appeals Established. The City Council of the City of Ontario may hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, pursuant to Chapter 4 of Title 1 of the City of Ontario Municipal Code. An application for appeal shall be submitted in writing, in a timely manner, and shall be based on a claim that the

intent of this code or the rules, standards and interpretations adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Council shall have no authority to waive requirements of this Code. The City Council shall set the matter for hearing and shall give written notice to the appellant. The fire code official shall act as staff in advising the City Council during such hearing. A written copy of the decision shall be mailed to the concerned parties after the conclusion of such proceedings.”

Section 4-4.15. Amendment: Violation penalties.

Section 110.4 of the IFC is amended to read as follows:

“110.4 Violation penalties. Any person who violates any provision of the Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of an infraction or a misdemeanor, punishable as set forth in Chapter 2 of Title 1 of the Ontario Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.”

Section 4-4.16. Amendment: Failure to Comply.

Section 112.4 of the CFC is amended to read as follows:

“112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except that work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable as set forth in Chapter 2 of Title 1 of the Ontario Municipal Code. Each day that any work is done under a stop work order shall constitute a separate offense.”

Section 4-4.17. Amendment: Dimensions.

Section 503.2.1 of the IFC is amended to read as follows:

“503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders or curbs, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Section 4-4.18.      Amendment: Obstruction of Fire Apparatus Access Roads.

Section 503.4 of the IFC is amended to read as follows:

"503.4 Obstruction of fire apparatus access roads. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Access roads, private roadways and public roadways shall be provided and maintained in a passable condition at all times. Any obstruction or impediment to reasonable access may be removed by any public safety agency with the expense of such removal to be borne by the owner of the roadway, or in the case of an obstructing vehicle or object, by the owner of said vehicle or object."

Section 4-4.19.      Amendment: Two points of connection.

Section 507.5.1.2 of the CFC is added to read as follows:

"507.5.1.2 Redundant water supplies. New on-site fire protection water systems that serve buildings greater than 100,000 square feet in floor area shall have two separate remote connections to the public water system designed and constructed in accordance with recognized standards. The locations of such water connections shall be approved by the fire code official."

Section 4-4.20.      Amendment: General.

Section 2808.1 of the CFC is amended to read as follows:

"2808.1 General. The storage and processing of wood chips, hogged materials, fines, compost and raw product produced from yard waste, debris, recycling, and green waste processing facilities shall comply with Sections 2808.2 through 2808.10."

Section 4-4.21.      Amendment: Size of piles.

Section 2808.3 of the CFC is amended to read as follows:

"2808.3 Size of piles. Piles shall not exceed 15 feet in height, 50 feet in width and 250 feet in length.

Exception: The fire code official is authorized to allow the pile size to be increased when additional fire protection is provided in accordance with Chapter 9. The increase shall be based up on the capabilities of the system installed."

Section 4-4.22.      Amendment: Pile separation.

Section 2808.4 of the CFC is amended to read as follows:

"2808.4 Pile separation. Piles shall be separated from adjacent piles by approved fire apparatus access roads. Apparatus roads shall be a minimum of 20 feet."

Section 4-4.23.      Amendment: Combustible waste.

Section 2808.5 of the CFC is amended to read as follows:

“2808.5 Combustible waste. The storage, accumulation and handling of combustible materials and control of vegetation shall comply with Chapter 3. All incoming materials shall be ground or incorporated within 10 days. All incoming materials shall be incorporated into windrows within 15 days. Internal temperatures of stockpiles shall be continuously monitored.

Section 4-4.24.      Amendment: Emergency plan.

Section 2808.10 of the CFC is amended to read as follows:

“2808.10 Emergency plan. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the Ontario Fire Department Fire Prevention Bureau for review and approval. The plan shall include, but not be limited to methods and policies for:

1. Monitoring, controlling and extinguishing spot fires.
2. Emergency contact information for personnel who are able to respond to location 24 hours a day, 7 days a week.
3. Onsite equipment to assist with firefighting operations, such as dozers, water tenders, and large tractors.
4. Special considerations for fire safety during extreme weather conditions.
5. Method of providing adequate onsite water supply for firefighting operation. Water system shall have a minimum delivery/replenish capability of 500 gallons per minute for 2 hours.”

Section 4-4.25.      Amendment: Pallet Yards & Recycling Waste Facilities.

Sections 2810 and 2810.1, 2810.6, 2810.8, 2810.10, 2810.12 are added to the CFC to read as follows:

**2810 OUTDOOR STORAGE OF PALLETS AND RECYCLED WASTE FACILITIES.**

**2810.1 General.** The outside storage of wood pallets and wood composite pallets on the same site as pallet manufacturing and recycling facilities and recycled waste facilities shall be subject to the following requirements.

**2810.6 Clearance to property line.** Piles shall be located not less than 50 feet from lot lines and buildings. Where approved by the fire code official, piles located closer to the property line or structure shall be provided with additional fire protection including, but not limited to, the following:

1. The storage yard areas and materials-handling equipment selection, design, and arrangement are based on an approved risk assessment.

2. Automatic fire detection that transmits an alarm to a supervising station in accordance with NFPA 72.
3. Fire apparatus access roads around all storage areas.

**2810.8 Height and pile dimensions.** Piles shall be restricted to the following:

1. Individual piles shall not exceed 5000 square feet of continuous area;
2. Pile width shall not exceed 50 feet;
3. Piles shall not exceed 50,000 cubic feet in volume or 10 feet in height; and
4. Individual piles shall be separated from other piles by a clear space of not less than 40 feet.

**2810.10 Portable fire extinguishers.** Buildings or structures shall be provided with portable fire extinguishers in accordance with Section 906. Portable fire extinguishers shall be provided within 75 feet of any pile. Fuel-fired vehicles operating in the storage yard shall be equipped with a minimum 4-A:40-B:C-rated portable fire extinguisher.

**2810.12 Other Requirements.**

1. Storage yards shall be maintained free from combustible vegetation for a distance of 40 feet from the stored material to grass and weeds and for a distance of 100 feet from the stored product to brush and forested areas.
2. A firmly anchored fence or other approved method of security that controls unauthorized access to the storage yard shall surround the storage yard.
3. Gates to the storage yard shall be locked when the yard is not staffed.
4. Gateways shall be kept clear of obstructions and be openable at all times.

Section 4-4.26. Amendment: Buildings Other than One- and Two-family Dwellings, Group R-3 and R-4 buildings and townhomes.

Table B105.2 of Appendix B is hereby deleted and Appendix B Section B105.2 of the CFC is amended to read as follows:

“B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Table B105.1(2).

Exceptions:

1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1(2).

2. [SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:
  - 2.1. California State Parks buildings of an accessory nature (restrooms).
  - 2.2. Safety roadside rest areas, (SRRRA), public restrooms.
  - 2.3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.
  - 2.4. Sand/salt storage buildings, storage of sand and salt.”

SECTION 3. Filing of Ordinance. The Fire Chief shall transmit a copy of this Ordinance for filing to the State of California Building Standards Commission, pursuant to Health and Safety Code Section 17958.7. One copy of the Ontario Fire Code shall be placed on file in the Office of the City Clerk and is hereby adopted and made a part of this Chapter as if fully set forth at length herein.

SECTION 4. Repeal of Conflicting Ordinances. Ordinance No. 3062, and all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Fire Code, as adopted and amended herein, are hereby repealed.

SECTION 5. Severability. Any section, paragraph, sentence or word of this ordinance or of the Fire Code as adopted and amended herein that for any reason has been determined to be invalid, it is the intent of the City Council that it will be considered severable from all other portions of this ordinance independent of the elimination therefrom of any such portion as may be declared invalid.

SECTION 6. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its final passage. From the date on which this Ordinance shall take effect, the provisions of the Ontario Fire Code shall be controlling within the City limits of the City of Ontario.

SECTION 7. CEQA. The City Council finds that the changes made to the California Fire Code and the International Fire Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Moreover, the amendments are substantially similar to those provisions previously enacted and contained in the current version of the City's Fire Code. Therefore, it can be seen with certainty that the adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption within five (5) days of the adopting of this Ordinance.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within



fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of November 2019.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER, 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 on November 5, 2019 and adopted at the regular meeting held \_\_\_\_\_ 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)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 11, AND 12 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 1997 EDITION OF THE UNIFORM HOUSING CODE, AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; TOGETHER WITH CERTAIN AMENDMENTS THERETO.

WHEREAS, pursuant to Government Code Section 50022.1 *et seq.*, the City of Ontario, California ("City") may adopt by reference the 2019 Edition of the California Building Standards Code as provided in Titles 24 and 25 of the California Code of Regulations and other codes, including, without limitation, the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings; and

WHEREAS, the California Building Standards Commission recently adopted the 2019 Edition of the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications that are determined to be a reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, prior to making modifications permitted under California Health and Safety Code Sections 17958.7 and 18941.5, the City Council is required to make express findings that such modifications are needed in accordance with California Health and Safety Code Sections 17958.7; and

WHEREAS, the City desires to adopt the California Building Standards Code with the necessary amendments to assure it is tailored to the safety needs of the City as required by its unique climatic, geological, and topographical conditions; and

WHEREAS, the City held a public hearing on November 5, 2019, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

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

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

SECTION 1. Findings. The City Council hereby finds that the proposed amendments to California Building Code Section 113.4 are necessary for administrative or procedural clarification and to establish administrative standards for the effective enforcement of the building standards of the City of Ontario and does not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5.

SECTION 2. Chapter 1 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 1 - Building Code

Section 8-1.01. Adoption of the Building Code

The 2019 Edition of the California Building Code, which incorporates and amends the 2018 Edition of the International Building Code, as published by the International Code Council, subject to the amendments set forth in this chapter, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

Section 8-1.02. Amendment: Section 113.4

Section 113.4 is added to the California Building Code to read as follows:

113.4 Ontario Building Appeals Board. The City Manager shall recommend to the City Council five (5) individuals desirous to serve on the Building Appeals Board who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the City. Each Board Member's term on the Building Appeals Board shall remain indefinite unless the Board Member resigns, or the City Council wishes to designate a new Board Member in its discretion. Should any Board Member be unable to continue serving on the Building Appeals Board, he or she shall submit a written resignation to the City Manager as soon as possible. The City Manager shall, in turn, present a recommended replacement to the City Council for appointment.

SECTION 3. Chapter 2 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 2 - Mechanical Code

Section 8-2.01. Adoption of the Mechanical Code

The 2019 Edition of the California Mechanical Code, which incorporates and amends the 2018 Edition of the Uniform Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 4. Chapter 3 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 3 - Housing Code

Section 8-3.01. Adoption of Housing Code

The 1997 Edition of the Uniform Housing Code, as published by the International Conference of Building Officials, one (1) copy of which is on file for public review in the office of the City Clerk, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein.

SECTION 5. Chapter 4 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 4 - Electrical Code

Section 8-4.01. Adoption of the Electrical Code

The 2019 Edition of the California Electrical Code, which incorporates and amends the 2017 Edition of the National Electrical Code, as published by the National Fire Protection Association, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 6. Chapter 5 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 5 - Residential Code

Section 8-5.01. Adoption of the Residential Code

The 2019 Edition of the California Residential Code, which incorporates and amends the 2018 Edition of the International Residential Code, including Appendix V Swimming Pool Safety Act as published by the International Code Council, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

Section 8-5.02. Appendix V is amended as follows

- 1) AV100.2(a) is revised to read as follows:

AV100.2 Construction permit; safety features required.

- a) Except as provided in Section AV100.5, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with item #1 and at least one additional of the following

seven drowning prevention features.

- 2) AV100.2(a)#1 is revised to read as follows:

An enclosure that meets the requirements of AV100.3 and isolates the swimming pool and spa from the private single-family home. Any walls of the residential structural or accessory structures used to complete the isolation enclosure must have door openings equipped with protection as required in AV100.2 (a) #4 or #5. Any such door protection device provided for this purpose may not be used to comply with second drowning prevention feature requirement.

- 3) AV100.2(a) #2 is revised by adding the following sentence:

The mesh fencing setback shall be not less than 20 inches from the water's edge.

- 4) AV100.3 #5 is revised by adding the following text:

In order to be considered non-climbable the following minimum standards apply:

- a. Horizontal members which would allow gasping and/or footholds must be separated a minimum of 45 inches.
- b. The maximum opening formed by a chain link fence shall be not more than 1 ¼".
- c. There shall be a clear zone of not less than 36" between the exterior of the enclosure and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the enclosure.

All other text in Appendix V remains unchanged.

SECTION 7. Chapter 6 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

#### Chapter 6 - General Provisions

##### Section 8-6.01. Fees

Fees for any permit, license or other approval issued pursuant to any of the codes adopted by this title shall be as set forth by resolution of the City Council.

##### Section 8-6.02. Violations

Violations of any provision of any of the codes adopted by this title shall subject the violator to any or all of the penalties provided in this code or applicable law.

SECTION 8. Chapter 7 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 7 - Plumbing Code

Section 8-7.01. Adoption of the Plumbing Code

The 2019 Edition of the California Plumbing Code, which incorporates and amends the 2018 Uniform Plumbing Code, as published by the International Association of Plumbing & Mechanical Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 9. Chapter 11 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 11 - Dangerous Building Code

Section 8-11.01. Adoption of Uniform Code for the Abatement of Dangerous Buildings

The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 10. Chapter 12 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 12 - California Green Building Standards Code

Section 8-12.01. Adoption of California Green Building Standards Code

The 2019 Edition of the California Green Buildings Standards Code is hereby adopted by reference and made a part of this chapter as if fully set forth as length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 11. Repeal of Conflicting Ordinances. Ordinance No. 3063, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance, as adopted and amended herein, are hereby repealed.

SECTION 12. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent

jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 13. CEQA. The City Council finds that the changes made to the California Building Code and the International Building Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Moreover, the amendments are substantially similar to those provisions previously enacted and contained in the current version of the City's Building Code. Therefore, it can be seen with certainty that the adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption within five (5) days of the adopting of this Ordinance.

SECTION 14. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of November 2019.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER, 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 November 5, 2019 and adopted at the regular meeting held \_\_\_\_\_ by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCILMEMBERS:

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)

# CITY OF ONTARIO

Agenda Report  
November 5, 2019

SECTION:  
ADMINISTRATIVE REPORTS/  
DISCUSSION/ACTION

**SUBJECT: DISCUSSION ON RAIL ACCESS TO ONTARIO INTERNATIONAL AIRPORT**

**RECOMMENDATION:** That the City Council evaluate City Council Resolutions No. 2009-017 and No. 2017-024, concerning rail access to Ontario International Airport, and discuss further actions that the City might take to support rail access to Ontario International Airport.

**COUNCIL GOALS:** Operate in a Businesslike Manner  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies


**FISCAL IMPACT:** None.

**BACKGROUND:** During the October 15, 2019 meeting of the City Council, Mayor Leon requested, with a concurrence of the Council Members in attendance, that staff place an item on the November 5, 2019 City Council meeting agenda allowing for a discussion on the City's current and potential future support for rail access to Ontario International Airport (ONT).

The City Council has previously adopted two resolutions concerning rail to ONT: City Council Resolution No. 2009-017 and City Council Resolution No. 2017-024. City Council Resolution No. 2009-017 expressed the City's general support for the Metro Gold Line Foothill Extension Project and requested that the Los Angeles Metro Board approve funding to expedite the project schedule. Resolution No. 2009-017 is attached to this report as "Exhibit A." Eight years later, the City Council adopted Resolution No. 2017-024 which declared support for Foothill Gold Line route alignments that preserve Ontario's historical assets and neighborhoods, including the "2A Metrolink/Cucamonga Creek Channel" route. Resolution No. 2017-024 is attached to this report as "Exhibit B."

Outside of these two specific resolutions, the City Council has not taken any other formal positions on rail to ONT, particularly on whether Gold Line should be the preferred mode of rail service to ONT. Staff is prepared to answer high-level questions on what modes of rail and what routes are being considered within the region and to receive any direction the City Council is inclined to provide.

**STAFF MEMBER PRESENTING:** David Sheasby, Deputy City Manager  
Scott Murphy, Executive Director Development Agency

Prepared by: David Sheasby  
Department: Management Services  
City Manager Approval: 

Submitted to Council/O.H.A. 11/05/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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**EXHIBIT A**  
**(ATTACHED UNDER SEPARATE COVER)**

**RESOLUTION NO. 2009-017**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SUPPORTING THE METRO GOLD LINE FOOTHILL EXTENSION PROJECT**

**WHEREAS**, the Metro Gold Line Foothill Extension project is of critical importance to our city and its residents; and

**WHEREAS**, the voters in Los Angeles County passed Measure R in November 2008 by over 66.6% with a clear directive to Metro to use the tax revenue to build projects that could reduce congestion, improve air quality, and expand public transit options for all areas of the county, including a minimum of \$758 million to construct the Foothill Extension project to Claremont; and

**WHEREAS**, the nation and the county are currently experiencing an unprecedented recession, with job losses growing and economic development slowing; and

**WHEREAS**, the Foothill Extension project is ready to be built – having its environmental documents approved, right of way purchased, engineering and design at the stage necessary for design/build procurement, and all cities along the corridor with signed agreements to move forward – and no other rail transit project close to this stage in the process; and

**WHEREAS**, the draft Long Range Transportation Plan (LRTP) currently includes funding for the Foothill Extension project at the latest point necessary to meet the commitments made to the voters, resulting in an unnecessary four year delay in the project; while expediting funding for other projects years ahead of what voters understood when they voted to approve the new tax; and

**WHEREAS**, the Foothill Extension project could begin construction within 10 months, creating over 37,000 jobs during construction, 3,500 permanent jobs during the first 20 years of operation, and more than 500,000 construction-related jobs to build transit-oriented developments – generating an estimated \$40 billion in economic benefits for our region; and

**WHEREAS**, the Foothill Extension project can be operational in 2013, adding more than 3.3 million passengers every year to the Metro system by extending the line just to Azusa (a four-year delay results in a loss of more than 13 million rides on the system); and

**WHEREAS**, the Foothill Extension project is included in Southern California Association of Government's (SCAG) air quality conformity model as completed in 2008, an important component for our region's air quality attainment.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO, AS FOLLOWS:**

**SECTION 1.** The City of Ontario requests that the Metro Board amend the draft 2009 LRTP to expedite funding for the Foothill Extension project at the level necessary to begin construction in 2010, and that the Board approve the Fund Transfer Agreement to allow funds to begin being transferred to the Metro Gold Line Foothill Extension Construction Authority as soon as deemed necessary to meet this expedited schedule.

**I HEREBY CERTIFY** that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Ontario, California, at a regular meeting thereof held on the 3<sup>rd</sup> day of March, 2009.

  
\_\_\_\_\_  
City Clerk of the City of Ontario, California

**EXHIBIT B**

**(ATTACHED UNDER SEPARATE COVER)**

**RESOLUTION NO. 2017-024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING SUPPORT FOR PROPOSED ALIGNMENTS OF THE FOOTHILL GOLD LINE THAT PRESERVE ONTARIO'S HISTORICAL ASSETS AND NEIGHBORHOODS.**

**WHEREAS, the City Council of the City of Ontario held a public workshop regarding regional transportation issues on July 22, 2016; and**

**WHEREAS, at that workshop the City Council heard presentations on regional transportation projects including the West Valley Connector Bus Rapid Transit Project, the proposed Interstate 10 Express Lanes Project and the proposed Foothill Gold Line Extension to Ontario International Airport; and**

**WHEREAS, at the workshop the City Council expressed unanimous support for the Gold Line Project, and, specifically, the extension of Foothill Gold Line to Ontario International Airport; and**

**WHEREAS, the City Council expressed opposition to any Gold Line route that threatens historic assets or neighborhoods, specifically Euclid Avenue, which is on the National Register of Historic Places; and**

**WHEREAS, Foothill Gold Line staff presented information on potential routes for Foothill Gold Line to Ontario International Airport; and**

**WHEREAS, Foothill Gold Line staff indicated that the results of a "Metro Gold Line Foothill Extension to LA/Ontario International Airport Strategic Planning Study" performed by KOA Corporation in 2008 included a "preferred route" referred to as "2A Metrolink/Cucamonga Channel" route; and**

**WHEREAS, the "2A Metrolink/Cucamonga Channel" route would minimize land use impacts on the City of Ontario and preserve historic assets and neighborhoods by travelling through the City along the Cucamonga Channel; and**

**WHEREAS, the City Council now desires to declare its support for the "2A Metrolink/Cucamonga Channel" route for the Foothill Gold Line Extension to Ontario International Airport to ensure that Ontario's historic assets and neighborhoods, including Euclid Avenue, are preserved; and**

**WHEREAS, the City Council recognizes that alternative future routes may be considered; and**

**WHEREAS, the City Council now desires to declare that City support should only be offered for alternative future routes that preserve Ontario's historical assets and neighborhoods as an overriding consideration; and**

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

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

**SECTION 2.** The City Council hereby declares its support for proposed alignments of the Foothill Gold Line Extension to the Ontario International Airport, that preserve Ontario's historical assets and neighborhoods. Such alignments include, but are not limited to, the "2A Metrolink/Cucamonga Channel" route from the "Metro Gold Line Foothill Extension to LA/Ontario International Airport Strategic Planning Study."

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

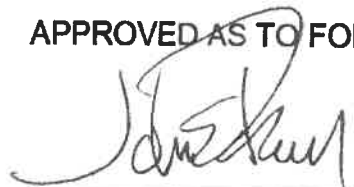
PASSED, APPROVED, AND ADOPTED this 18<sup>th</sup> day of April 2017.

  
\_\_\_\_\_  
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. 2017-024 was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 18, 2017 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS: LEON, DORST-PORADA, WAPNER,  
AND VALENCIA  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: BOWMAN

  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2017-024 duly passed and adopted by the Ontario City Council at their regular meeting held April 18, 2017.

  
SHEILA MAUTZ, CITY CLERK

(SEAL)